



SOCIAL STATUS OF THE ROMA IN SERBIA – DEMOGRAPHIC ASPECTS IN PUBLIC MULTICULTURALISM POLICIES

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Multiculturalism policy in Serbia is an example of compromises made by monoculturalists between the issues surpassing the conservative paradigm of tolerance for ethnic and cultural differences and the normative protection of their identities. An unsystematised approach to shaping multiculturalism policy led to disregard or misinterpretation of demographic factors. Through the examples of how the rights to ethnic and cultural identities are obstructed for the Bosniak population in Priboj and Aromanians in Serbia, and the analysis of problems stemming from the centralist organisation of minority self-governments, the paper points to the weaknesses of the current multiculturalism policy and the need for introducing demographic criteria for it to be brought into line with the nature of multiethnicity in the country. The paper points to the issues and difficulties arising from this for the Roma national minority in the realisation of their rights. Despite of being a large national minority, its members are not able to enjoy full cultural autonomy because the realisation of rights is not in line with the demographic characteristics of the Roma. A reform of the multiculturalism policy would remove the existing obstacles and enable effective protection of ethnic, cultural and linguistic identities of minorities.

Key words: multiculturalism, national minorities, identity, Roma, public policies

Introduction

Multiculturalism policy in Serbia was not planned or based on appropriate data. The logic of “large numbers”, that is, setting up a system which allows more possibilities for the realisation of rights to protect cultural, ethnic and linguistic identity to members of larger and homogeneously distributed national minorities – is the result of a political compromise, rather than that of realistic demographic, social, economic and other facts. This approach led to disregard for the theoretical principles of multiculturalism policy and in consequence, decisions on the issues concerning multiculturalism are made strictly by monoculturalists. The purpose of this paper is, therefore, to point to the necessity of using valid data in cre-

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ating multiculturalism policies. Disregard for facts or their superficial analysis lead to unsustainable and unjustifiable solutions and do not contribute to social cohesion and societal security.

According to the 2011 population census, there are 147,604 Roma living in Serbia. They are outnumbered by the Hungarian national minority with 253,899 members, while the number of Bosniaks is approximately the same – 145,278. The number of national minority members is important because, as stated above, according to the legal system of the Republic of Serbia, the larger the national minority, the “more” rights they have. Namely, despite the fact that the constitutional and legal system upholds liberal democracy values with civil equality at their core, collective rights of national minorities depend upon certain factors that undermine this crucial liberal principle.

Exercising national minorities' collective rights and the amount of funds allocated from public sources for this purpose depend on the number of members of a national minority, but also on the distribution of their population, the social organization of a minority community and the system of minority self-government.¹ Larger national minorities have greater prospects for organising full cultural autonomy² and creating conditions for the preservation and promotion of their ethnic, cultural and linguistic identities. The needs of national minorities and the degree of their sociality achieved in reality is in contrast to the principle of “large” numbers. Members of the Roma people in Serbia should enjoy the same rights as those available to members of the Bosniak and Hungarian national minorities. However, this is not the case because unlike Bosniaks and Hungarians, who enjoy full cultural autonomy, this is not available to the Roma, since, in addition to the numerousness, it requires territorial distribution of a minority and solidarity among members of the group. National minorities living in ethnically homogenous territories enjoy a higher degree of protection of their collective rights. In everyday life, this creates an absurd situation because national minorities with a small number of members and more socially vulnerable have limited access to public resources of protection.

The situation of the Roma is more complicated because this is a national minority without a country of origin to provide help for their cultural sur-

¹ The term minority self-government refers to the National Council for National Minorities, elected by members of national minorities in order to “exercise their rights in self-government and culture, education, information and official use of their language and script” (Article 2 of the Law on National Councils for National Minorities, Official Gazette nos. 72/2009, 20/2014 – Decision of the Constitutional Court and 55/2014).

² The term cultural autonomy refers to the form of decision-making by members of national minorities regarding their rights to culture, information, education and official use of language and script (Article 75, para 2 of the Constitution of the Republic of Serbia, 2006).

vival, as is customary with most of the other national minorities. In addition, the Roma live in structural poverty, they are exposed to social and institutional discrimination, and ethnic distancing from them has been constantly high. Finally, internal solidarity within the community is poor and, as a result, the Roma lack the degree of cohesion needed for collective vertical mobility.

The link between identity recognition and exercise of collective rights by national minorities, on the one hand, and their number and other demographic characteristics, on the other, does not contribute to achieving fairness, which is at the theoretical core of the liberal approach to minority identities. The principle of ethnocultural neutrality featured in classical liberalism has been reformed and amended by the principle of ethnocultural justice, which is more compatible with the nature of the contemporary liberal state. Recognition of the identity of minority groups (Taylor, 1994) and guaranteeing the protection of their cultural rights was instituted under the pressure of ethnic movements with the aim of ensuring the equal status of all citizens, regardless of race, nationality or ethnicity, as well as enabling approximately equal conditions for ethnic groups in the process of building and preserving national identity, regardless of the majority or minority status, number, distribution or origin (Kymlicka, 1995). In practice, the tensions between the universal protection of the rights of ethnic and national minorities and their numerousness, often corresponding to the political power of the group, are most often resolved at the expense of general principles. In consequence, minorities that are small in numbers, territorially dispersed and socially unorganised lack institutional support for cultural survival.

Law and Demography

Before we point to the problems faced by the Roma population in the protection of their national identity, it would be useful to discuss other cases of obstruction of collective rights resulting from the concept that the numerousness criterion is more important for institutional recognition of rights than universality of rights and needs of a community. The examples of Bosniaks in Priboj municipality, whose identity protection rights have been permanently infringed, and that of Aromanians, who were denied the right to a minority self-government, bring up the interconnection of minorities' demographic characteristics with the right to protect their ethnic and cultural identities.

The Case of Bosniaks in Priboj

According to the 2002 population census, there were 5,567 or 18.32% Bosniaks in Priboj. According to Article 11, para 2 of the Law on the Of-

ficial Use of Languages and Scripts,³ a local self-governing unit is required to introduce into official and equal use, in its statute, “the language and script of a national minority if the percentage of members of this minority within the total number of inhabitants in its territory according to the most recent population census is 15%”. Had the municipal administration in Priboj amended its Statute in due time and acted in accordance with Article 18, para 33 of the Law on Local Self-Government,⁴ which stipulates that a local self-government unit “determines the languages and scripts of national minorities that are in official use in the territory of the municipality” and also the preceding paragraph of this Article, which assigns responsibility to the local self-government for the “implementation, protection and promotion of human rights and individual and collective rights of members of national minorities and ethnic groups”, the Bosniaks in Priboj would have had the same rights as their compatriots in the neighbouring municipalities of Prijepolje, Sjenica, Tutin and in the town of Novi Pazar.

National minority rights stemming from the fact that their language is in official use in a local self-government unit entail “the use of national minority languages in administrative and judicial proceedings and in conducting administrative and judicial proceedings; the use of a national minority language in communication between organs with public authorisations and citizens; issuing identity documents and keeping official records and archives of personal data in national minority languages and recognising these documents as official; the use of national minority languages in voting ballots and electoral materials; the use of national minority languages in the work of representative bodies” as well as displaying “the names of organs performing public authorisations, names of local self-government units, populated places, squares and streets and other toponyms in the language of a national minority, in accordance with its tradition and orthography”.⁵

In addition, the official use of a national minority language in a local self-government unit entails larger funds for the minority self-government, in this case, the National Council for Bosniak National Minorities from the Budget of the Republic of Serbia and the Budget of the Local Self-Government Unit. The Law on National Councils of National Minorities (Articles 114 and 115) stipulates that funds for the operation of a minority self-government of a national minority whose language is in official use

³ Law on the Official Use of Languages and Scripts, *Official Gazette of the Republic of Serbia*, nos. 45/91, 53/93, 48/94, 101/2005 – other law, and 30/2010.

⁴ Law on Local Self-Government, *Official Gazette of the Republic of Serbia*, nos. 129/2007 and 83/2014 (other law).

⁵ Article 11, paras 3 and 4 of the Law on the Official Use of Languages and Scripts.

or which makes up 10% of the total population in the local self-government, are provided from the budget of the local self-government pursuant to a decision by a competent organ. The Decree on the Procedure for Allocating Funds from the Budget of the Republic of Serbia for Financing National Councils of National Minorities⁶ prescribes a point-based system, which, inter alia, assigns 50 points to minority self-governments where a national minority language is in official use.

The 2011 Population Census established that the number of Bosniaks in Priboj had dropped to 3,811 or 14% off the total population in the municipality. At the same time, the number of Muslims rose to 1,994, compared to 1,427 in the 2002 census. Had the Bosnian language been introduced in official use on time, Bosniaks would have been able to exercise the right to protect their ethnic identity based on the rights thus recognised.⁷ This avoidance by municipal authorities to implement the law and grant the Constitutional right to the national minority, as well as the hesitation by state organs to initiate an appropriate procedure in keeping with the Law on Local Self-Government, which regulates the legality and proper work of municipal organs, caused damage that will be difficult to repair, not only to the Bosniaks in Priboj, but to the Bosniak community in Serbia as well (Bašić, 2018).

Critics of the division of the Serbo-Croatian language will not agree with the purpose of the official use of the Bosnian language or with its name. Without going into a debate on linguistic and political approaches to close languages, I would like to point out that the constitutional and legal system defines a uniform manner of protecting national minority rights but is applied inconsistently, and to the fact that the protection of ethno-cultural identities depends on dynamic demographic changes.

The Case of Aromanians

The 2011 population census in Serbia registered 243 Aromanians,⁸ descendants of the people who left a considerable mark in the establishment of the middle class, development of the economy, architecture and culture in Serbia. Two thirds of Aromanians live in Belgrade, mostly in central municipalities – Vračar, Stari Grad and Zemun – and one third lives in Niš and Pančevo. The average age of the Aromanian population is 57.7, mak-

⁶ *Official Gazette of the Republic of Serbia*, nos. 95/2010 and 33/2013.

⁷ Article 8 of the Law on the Protection of Rights and Freedoms of National Minorities, *Official Gazette of Serbia and Montenegro*, no. 1/2003; Constitutional Charter and the *Official Gazette of the Republic of Serbia*, no. 72/2009 (other law) and 97/2013 (Decision of the Constitutional Court).

⁸ This was taken from the study *Ethno-Confessional and Linguistic Mosaic of Serbia in Serbian* (Đurić *et al.*, 2014) according to which the preceding population census registered 293 Aromanians. The 1948 and 1991 censuses had no data on Aromanians.

ing them the oldest population in the country, along with the Slovene national minority. 40% of Aromanians are older than 65 and only 2% are younger than 15, meaning that the population has a very high ageing index – 10.50. Aromanians are among the most educated ethnic groups in the country and with 35% of the population holding university and college degrees, they immediately follow the Jewish, Armenian and Russian minorities (Đurić *et al.*, 2014). It is an interesting fact that these minorities are rather small, making up less than 1% of the total population of the country. This sparse data suggests a predominately urban culture of the Aromanian population and also that in the decades to follow, Aromanians will disappear in Serbia. This process could be slowed down if their identity were revitalised, that is, if their assimilated descendants' national identity were awakened.

Being aware of this process, in 2012, the Aromanians launched an initiative with the Ministry of Justice and Public Administration to establish a separate electoral list for electing a minority self-government. The Ministry rejected the request based on the explanation that Aromanians could not be considered a national minority because only 243 individuals had been registered in the population census, that is, that they did not meet the requirements contained in the definition of national minority under Article 2 of the Law on the Protection of the Rights and Freedoms of National Minorities.⁹ This definition, however, does not specify the minimum number of members required for the national minority status to be recognised. As one of the five criteria for recognition of national minority status, the definition mentions “sufficient numerical representation” without specifying what exactly this means (the other criteria are: factual minority in the state; long-lasting and close links with the state territory; characteristics such as language, culture, nationality or ethnicity and ancestry distinguishing them from the majority population; members' commitment to preserving their cultural, linguistic and ethnic identity). A comparative analysis of the practice in countries of the region with regard to the protection of ethnic and cultural identities of national minorities found examples that as much as several members of a minority community can establish a minority self-government in municipalities, towns or local communes.¹⁰

⁹ Ministry of Justice and Public Administration of the Republic of Serbia, no. 013-00-01-/2013-3817, of 25 July 2013.

¹⁰ In the Republic of Croatia, under Article 24 of the Constitutional Law on National Minority Rights (*Official Gazette* 155/2, 47/10, 93/11), a local minority self-government is elected in local self-government units with a minimum of 200 national minority members, while in local self-governments with fewer than 100 national minority members, a representative of that national minority is elected. The candidates for members of minority self-governments or national minority representatives are nominated by a minimum of 20 members of the national minority from its territory. In the Republic of Hungary, in popu-

Believing that the decision to reject their request was unlawful and, above all, unjust, in 2014, the Aromanians filed another request to be added as a separate electoral list for the local self-governance election, which was supported by 329 citizens of Aromanian descent. Again, the Ministry of Public Administration and Local Self-Government rejected the request, further supporting the explanation with a provision under Article 44 of the Law on National Councils of National Minorities, stating that a request to form a separate electoral list for the election of a minority self-government must be supported by a minimum of 5% but not fewer than 300 adult members of the national minority.¹¹ In response, the Aromanian community filed an appeal with the Administrative Court, which rescinded the decision of the Ministry, emphasising that there was no criterion upon which anyone can evaluate the representativity of a national minority and that the number of members cannot be the sole criterion for exercising collective rights.¹² Finally, the Administrative Court took into account the Opinion of the Republic of Serbia Ombudsman regarding the “Aromanian case”, which emphasised that a small community had greater needs in protecting its identity and securing its survival.¹³

Since the Ministry failed to act in accordance with the Court's decision, the final ruling on the Aromanians' attempt to form a minority self-government was issued by the Supreme Court of Cassation, which rejected the request of the Aromanian community on the grounds that the Administrative Court, when ruling on the matter, introduced purpose-serving as a criterion for the implementation of national minority rights, which is not mentioned in substantive law.¹⁴

The fact mentioned in the ruling by the Supreme Court of Cassation that purpose-serving is not a legally-defined criterion for the exercise of national minority rights is not in dispute, but in the case of Aromanians, this should have meant that this was a specific legal case of exceptional significance for the implementation of their rights to protect their ethnic and cultural identity and therefore all the available legal means should have been used before the ruling was issued. The confusion was aggravated by the Opinion of the Ombudsman, who established that the actions taken by the Ministry in reaching both decisions were legal but missed the opportunity to point to the irregularities in interpreting criteria for recognising

lated places with a minimum of 1,300 inhabitants, three members of a national minority may directly elect a local minority self-government (Article 23 of the Law on National and Ethnic Minority Rights – Law LXXVII 1993).

¹¹ Ministry of Public Administration and Local Self-Government of the Republic of Serbia, no. 90-00-90/2014-17, 29 September 2014.

¹² Judgement of the Administrative Court no. 7 Uip. 1/14 of 17 December 2014.

¹³ Ombudsman Opinion no. 16-4370/13.

¹⁴ Supreme Court of Cassation, Uzp 499/2015 of 27 August 2015.

the national minority status. All this resulted in failure to resolve the essence of the problem, that is, that the minimum number of members required for recognition of a national minority is not prescribed in their best interest and in accordance with the spirit and needs of the protection of national minority identities. This is also substantiated by Article 75, para 2 of the Constitution of the Republic of Serbia, which grants collective rights to individual members of national minorities to “directly, or through their representatives, participate in decision-making or decide by themselves on certain issues relating to their culture, education, informing and official use of their language and script, in accordance with the law”. Hence, in the Aromanian case, the state not only failed to enable direct realisation of the right to the protection of national minority identity, but its administrative decisions and court rulings prevented members of the Aromanian national minority from realising their rights (Bašić, 2018). The purpose of the law is to create conditions enabling the implementation justice, rather than to impose numerical or any other obstacles to justice.

The Case of the Centralised Organisation of Minority Self-Governments

The confusion about the realisation of national minority rights in Serbia stems from the poorly devised multiculturalism policy, where demographic factors were either misused or not taken into account when they should have been. The current organisation of minority self-governments as national, supreme forms of organising national minorities in order to realise their cultural autonomy has led to the situation where national minority members who do not live in homogenous settlements near the centres of minority cultures do not exercise the right to the protection, preservation and promotion of their ethno-cultural identities. Centralised national councils do not have the capacity to perform their duties as defined by law. The number of members of national councils¹⁵ and their organisational and personnel infrastructure are insufficient to enable these minority autonomy bodies to tackle the realisation of their compatriots' rights with equal attention. The most evident example is that of the Roma minority self-government, with 35 elected members, dealing with the realisation of the right to education, culture, information and official use of the language and script for 147,604 members of the Roma national minority in 174 local self-government units. The 35 members of the Hungarian minority self-government are in charge of these rights in 160 local self-governments in Serbia. The Macedonian minority self-government has 23 members, who see to the functioning of cultural autonomy in 174 local

¹⁵ The number of members in a minority self-government is determined on the basis of the total population of the national minority. Specifically, national minorities with the population larger than 100,000 elect 35 members for the minority self-government and those with the population below 10,000 elect 15.

self-government units. The Bosniak national council, with 35 members, all residing in Novi Pazar, Tutin, Sjenica, Prijepolje and Priboj – traditionally and largely populated by the Bosniak population – are supposed to take care of the collective and lawful rights of their compatriots in another 133 local self-governments in Serbia. The outcome of the 2014 minority self-government election at Polling Station no. 1 in the Belgrade city municipality of Zvezdara, where all minority electoral lists received votes supports the fact that national minority members reside outside of the places and areas traditionally and largely populated by their minority (Bašić, Pajvančić, 2015).

The number of national minority members established in the most recent population census also bears importance for the realisation of other national minority rights. The Law on Local Self-Government defines mixed (multi-ethnic) self-government units as “self-government units where members of one national minority make up 5% of the total population or where all national minorities combined make up 10% of the total population according to the last population census in the Republic of Serbia” (Article 98, para 2). According to the method stipulated in the aforementioned Decree on the Procedure for Allocating Funds for Financing National Councils of National Minorities, the first 30% of the funds are allocated, in equal amounts, to all minority self-governments listed in the Register with the competent ministry and the remaining 70% are distributed proportionally, in accordance with the agreed point-based system – 35% depending on the size of the national minority and 35% depending on the total number of cultural autonomy institutions.

Implementation of Roma Rights in Relation to the Number of Community Members

According to indicators and research, the Roma are a specific community with characteristics of an ethno class, that is, a majority of them live in structural, generational poverty, which cannot be overcome without the support from society and the state. Cultural dynamism in the community and efficient participation in public life – enabled by cultural autonomy and recognition of collective rights – should increase Roma's prospects in combating poverty and discrimination. In this spirit, Article 4 of the Law on the Protection of Rights and Freedoms of National Minorities emphasises that the Roma need affirmative policy measures more than other minorities do. This concept of the legislator has not been implemented because it has been derogated by a multitude of unlinked, sometimes contradictory regulations.

Disregard for demographic factors is one of the reasons that prevented the expected improvement of the situation of the Roma based on legal protection. The use of language in public space is an example. Liberal theory of multiculturalism insists that the official use of a language is a strong incentive for the prosperity of ethnic and national minorities. Taking into consideration the wide-spread standardised compulsory education, high demands for literacy at work and extensive communication of all citizens with state services, any language that is not in public use becomes marginalised to the extent that it will most probably be preserved within a small elite, either in a ritualised form or in isolated rural areas, rather than remain a living and dynamic language, as the foundation of a prosperous culture. Decisions made by the state on the language to be used in public education and administration are actually decisions on what linguistic groups will survive (Kymlicka, 1999). According to the law in Serbia, a national minority language will be in official use in a local self-government unit where the minority makes up 15% of the population and, in addition, recognition of a language enables the realisation of other collective rights.¹⁶ The Roma do not make up the required percentage of the population in any local self-government to enable the official use of their language. Many will argue that the Roma do not have a standardised language, that they speak in various dialects, and that this is the reason why additional affirmative measures have not been prescribed. Not only are they wrong, they forget the fact that by ratifying the European Charter for Regional and Minority Languages,¹⁷ Serbia has assumed the responsibility of introducing the Roma language in official use.

With regard to the number of Roma, in addition to what we said at the beginning of the paper – that close to 150,000 Roma live in Serbia – it should be mentioned that this number fluctuated up to 1971¹⁸ and has since been constantly on the rise: 49,894 (1971), 110,959 (1981), 94,492 (1991), 108,193 (2002) and 147,604 (2011). In four decades the number of Roma in Serbia has tripled, and estimations indicate that the number is even greater. The research Roma Settlements, Living Conditions and Possibilities for Roma Integration in Serbia found that 250,000 Roma lived in 593 Roma settlements with more than a hundred inhabitants or with more

¹⁶ Despite the fact that the size of the community enables its funding pursuant to Article 115 of the Law on the National Councils of National Minorities, the Roma minority self-government is unable to fully enjoy this right because the Roma language is not in official use in any of the local self-government units, which is one of the bases for financing.

¹⁷ Law on Ratification of the European Charter for Regional or Minority Languages, *Official Gazette of Serbia and Montenegro – International Treaties*, no. 18/2005.

¹⁸ At the turn of the 20th century, 50,492 Roma lived in Serbia. Half a century later, in 1948, the number was 52,181, in 1953, 58,800 and in 1961, only 9.826 (Radovanović, Knežević, 2014).

than 15 families. The research was conducted in 2002 throughout 25 districts in Serbia, and the aim was not to conduct an alternative census of the Roma population, but rather to ascertain, as reliably as possible, the number of Roma whose living conditions required special measures to be taken so as to induce a change in the situation. This is why the number of the Roma population established was not final. The research did not include the Roma living in smaller settlements or those dispersed in urban centres (Jakšić, Bašić, 2005). Their number can only be guessed, as is done by representatives of Roma organisations and NGOs, whose estimates range between 450,000 and 800,000 Roma living in Serbia. Both the Strategies for the Promotion of the Situation of the Roma (2009 – 2015) and a greater part of the Strategy for the Social Inclusion of the Roma (2016 – 2025) were based on the data from the aforementioned research. Here, we should emphasise the problem of collecting and accuracy of data on the number of the Roma. Namely, due to their extremely unfavourable social situation, prejudice and discrimination against them, many Roma resort to hiding their ethnic identity, most often, by assuming the identity of neighbouring ethnic communities. Most of them are educated Roma, whose ethnic background posed a barrier to social mobility. They are a valuable human resource in the process of social inclusion and gaining cultural autonomy. In addition, they achieved their social inclusion into the Serbian society by excluding themselves from the primary ethnic group.

According to a World Bank study of the cost of social exclusion of the Roma population in four countries in Central and South-East Europe, including Serbia,¹⁹ there is a shortage of human resources in all of the four national labour markets. In Serbia, one in eight working-age members of the Roma community has completed secondary education and has better prospects on the labour market. If measures focusing on the improvement of the Roma situation are implemented by states for longer than 15 years and yield no results, and so far, they have not, the situation will be even grimmer.

One should bear in mind that the population in all these regions is in decline and ageing at an increasing rate. Under such demographic circumstances, the burden of economic development rests upon the working-age population – which is also in decline and has to tackle higher fiscal burdens with increasing expenditures, such as for pensions and health. These issues can only be overcome or at least mitigated by an increase in the working-age population. The Roma population has a significant share in the working-age population in Serbia, but this potential has not been used.

¹⁹ *Economic Cost of Roma Exclusion*, World Bank, Europe and Central Asia, Human Resources Department, 2010.

In Serbia, the lower margin of the economic cost of Roma exclusion from the labour market amounts to 231 million euros annually, while fiscal losses are about 60 million euros. This data indicates that increasing the participation and productiveness of the Roma in the labour market is an economic necessity that should be borne in mind, based on precise social statistics, when creating public policies of education and employment. Another fact should not be disregarded here: a higher number of educated and employed Roma strengthens the cultural potential of the community, and this is the most valuable resource in the protection of national identity.

In the process of regulating the participation of national minorities in the political sphere, the distribution of the Roma population was not taken into account. The Law on the Election of People's Deputies stipulates that national minority parties and their coalitions participate in the distribution of parliamentary mandates even if they have received fewer than 5% of the total number of votes.²⁰ This means that national minority political parties can count on mandates if they have passed the “natural threshold” introduced in the electoral system following the 2003 Parliamentary elections, when none of the national minority parties won a mandate. Since then, national minority political parties were granted the privilege to participate in the distribution of mandates if they win the number of votes required for one deputy's mandate. Accordingly, if 60% of the electorate voted, national minority parties can win a deputy's mandate if they have won 16,000 votes (0.4%). The natural threshold is advantageous for national minorities with homogenous distribution, whose political parties have convergent political aims and actions. The Alliance of Vojvodina Hungarians is the sole minority party that has been winning an increasing number of parliamentary mandates since 2007. Of other sizeable national minorities, Albanians and Bosniaks have won mandates only occasionally. Although the Roma are a large national minority, this political privilege has no significance because they are territorially dispersed and politically heterogenous. Only in the 2007 elections did two Roma minority political parties win one mandate each when the “natural threshold” privilege was applied (Republic Electoral Commission, 2007). The natural threshold is not an affirmative action measure enabling political representation of national minorities regardless of the election results. On the contrary, this is an actual barrier for national minorities to overcome and therefore its application without additional affirmative measures is not favourable for small and territorially dispersed national minorities. The spatial distribu-

²⁰ Article 82, para 2 of the Law on People's Deputies (*Official Gazette of the Republic of Serbia*, nos. 35/2000, 57/2003 – decision by the Constitutional Court of the RS 72/2003 – other law, 75/2003 – other law, corrected, 18/2004, 101/2005 – other law, 85/2005 – other law, 28/2011 – decision by the Constitutional Court US, 36/2011 and 104/2009 – other law).

tion of the Roma in Serbia, mainly characterized by territorial dispersion and poor spatial-demographic strength has a negative role in their progress and social-economic transformation because it impedes the possibility of faster affirmation and inclusion in decision-making processes, particularly at local level (Radovanović, Knežević, 2014).

Measures for the social and economic integration of the Roma are likewise conditioned by demographic aspects. According to the Strategy of Social Inclusion, most strategic measures should be implemented in local self-governments. Given that the number of Roma varies from municipality to municipality, the strategic planning of inclusion measures is conducted in relation to the absolute and relative shares of the total population in a local self-government unit. The strategy is focused on the individual member and his/her close and wider environment, that is, family and the social community respectively. This is why it is up to the local self-governments to ascertain the actual number and needs of the Roma and accordingly adopt local action plans for their social inclusion.

How to Use Demographic Data in Multiculturalism Policies in Serbia

The key problem in the realisation of national minorities' collective rights in Serbia is the fact that minority self-governments are centralised. Decentralisation of minority self-governments is necessary in order to enable direct participation of national minority members in their activities and expand institutional foundations for preserving minority identities. A decentralised model of implementing the right to self-governance and “cultural autonomy” of national minorities entails an integrative approach to multiethnicity, bolsters cooperation between local minorities and local authorities and strengthens intercultural links.

For this to be achieved, the current model of electing minority self-governments needs to be replaced at state level, by a mixed electoral system, combining, first, direct election of local minority self-governments (municipal and in local communes), through direct voting and based on accurate electoral rolls, and second, indirect election of a national minority self-government at an electoral assembly, composed of all directly elected members of local (municipal and in local communes) minority self-governments. The adoption of a decentralised system of minority self-governments would institute a multiculturalism policy that is in line with minorities' demographic situations as well as with their needs and interests in local communities and at state level.

According to the model of decentralised organisation of minority self-governments envisaged in line with the results of the 2002 Population

Census, municipal minority self-governments, whose task is to foster the implementation and protection of national minority rights in local community, would be elected in local self-governments whose population includes a minimum of 300 members of one national minority and in the event that a minority self-government is elected in a local commune, the number of members would have to be significantly lower (Bašić, 2006). In the corresponding practice in the countries of the region, local and minority self-governments are elected if interest is expressed by anywhere between 3 and 20 national minority members.

Accordingly, local self-governments with the population from 300 to 1,000 members of one national minority, would elect five members to the local minority self-government. In local self-governments with 1,000 to 5,000 members of one national minority, the number of elected members of the local minority self-government would be 10. In local self-governments with 5,000 to 10,000 members of one national minority, the elected number of the local minority self-government members would be 15 and, finally, local self-governments with the minority population of more than 10,000 members would elect 20 members to the local minority self-government. The number of members in a local minority self-government would be established by its statute, in accordance with the number prescribed.

In a decentralised system of minority self-governments, the Roma national minority would form minority self-governments in 82 local self-governments. The total number of Roma elected into local minority self-governments would be 600. These six hundred members of the Roma local minority self-governments would also be members of the assembly for the election of the Roma national minority self-government, which could have between 35 and 45 members. Analogously, members of the Hungarian national minority would elect 470 local minority self-governments in 41 local self-governments. The Slovaks would elect 170 members of local minority self-governments in 16 local self-governments. The Croats would elect 235 members of local minority self-governments in 30 local self-government units. The Bosniaks and Rusyns would each form their minority self-governments within six local self-governments, Montenegrins in 32, Vlachs in 15, Romanians in 14, Bunjevci, Slovenians and Germans in two each and the Czechs in one.

In accordance with this model, minority self-governments in local communes would also elect minorities whose members have no interest in forming local or national minority self-governments due to small numbers. The aforementioned Aromanians would be able to establish local commune minority self-governments in three central Belgrade municipalities (Stari Grad, Vračar and Zemun) and in Novi Sad and Niš.

National-level minority self-governments, as stated above, would be elected by all national minorities that had elected local minority self-governments and the division of responsibilities between a national minority self-government and local self-governments (in municipalities and towns) and local commune self-governments would be regulated by law.

With the introduction of a decentralised model of minority self-governments, members of national minorities would be enabled to directly influence, participate in and create public policies that allow direct access to cultural autonomy rights. A decentralised model of minority self-governments also enables direct institutional cooperation between minority self-governments and local self-government organs. In a state with the rule of law, this would mean that local self-governments are required to establish and develop mechanisms for the protection of human and minority rights, for funding minority self-governments' activities at local level and, most importantly, for the promotion of inter-ethnic relations and social integration.

The adoption of this model would be beneficial for national minority members, who would be able to decide on the protection of their ethnic and cultural identities directly, in their places of residence. This would also be favourable for central minority self-governments, which would be relieved of activities concerning local issues and would therefore be able to focus on the issues concerning full cultural autonomy, development of legal protection and other issues of interest to the minority community. Local self-government decentralization would contribute to a more consistent implementation of the Constitution, which calls for a direct realisation of national minority collective rights, as well as to harmonising the provisions in regulations where the realisation of rights is conditional upon a minimum number of national minority members. Finally, the nature of Serbian multiethnicity, characterised by large differences in the number, dispersion and social organisation of minorities, requires a multiculturalism policy that is directly focused on the minority member and his/her environment.

So, who opposes this type of multiculturalism policy? Primarily, it is the political parties of larger and territorially homogenous national minorities, with strong negotiating positions in the existing system, followed by political parties in power, which find it easier to negotiate “the rules of the game” with a few minority leaders, rather than organise a logical legal and administrative system with the will of the citizens as its decisive factor. Likewise, a decentralised multiculturalism policy is a hindrance to monoculturalists, who are not interested in what is going on outside of their ethno-cultural communities. Monoculturalists support segregating multiculturalism and, be they members of a majority or minority, they favour

political and social homogeneity and closed ethnic communities – under such conditions and with a dose of populism, these communities are easily controlled and steered.

Conclusion

Despite the fact that demographic data points to the specific social situation of national minorities, this is disregarded by the political and legal systems in Serbia. The consequences of neglecting the undeniable facts regarding national minority population, whose distinct cultural rights are recognised and regulated, is a confusion becoming increasingly difficult to grasp. On the one hand, the protection and realisation of minority rights are prescribed by law and yet, on the other, due to the fact that regulations are not in line with the multi-ethnic situation, including the characteristics of the population, members of small and dispersed minorities do not have access to recognised rights.

Research has not been conducted on the number of national minority members who actually benefit from the existing multiculturalism policy, the number of those who are interested in it and the number of those who do not have access to it. However, the need for change in multiculturalism policy in Serbia is most distinctly explained by demographic facts which show striking differences relating to the size of national minorities, their territorial distribution and trends within minority communities. This state statistical data, collected through population censuses, and the data concerning the needs of national minorities in the preservation and protection of their ethnic and cultural identities, provide an obvious solution. The centralised multiculturalism policy should be “transferred down” to national minority members in local self-governments.

A decentralised policy of cultural identity protection is more suitable for members of the Roma national minority, whose social inclusion is based on the individual in local community. Moreover, public policies should seek coherence between the principles underpinning social inclusion of the Roma and policies for the protection of their identity. Unless this is achieved, both public policies are not likely to reach the desired aims.

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Društveni položaj Roma u Srbiji – demografski aspekti u javnim politikama multikulturalizma

R e z i m e

Prema Popisu iz 2011. godine, Srbija je multietnička država u kojoj blizu 18% stanovništva pripada nacionalnim manjinama. U pravnom sistemu Republike Srbije prihvaćena je logika „velikog broja“ po kojoj brojnije nacionalne manjine ostvaruju „više“ prava. Od broja pripadnika nacionalne manjine, ali i od rasprostranjenosti njihovog stanovništva, društvene organizovanosti manjinske zajednice i ustrojstva manjinske samouprave zavisi koja kolektivna prava će pripadnici nacionalnih manjina ostvarivati i količina novca koja će im za to biti raspoređena iz javnih izvora. Brojnije nacionalne manjine imaju više šanse da obezbede uslove za očuvanje i unapređenje etničkog identiteta.

U odnosu na broj pripadnika, Romi u Srbiji bi trebalo da ostvaruju ista prava koja su dostupna pripadnicima bošnjačke i mađarske nacionalne manjine. Međutim, to nije tako jer, za razliku od Bošnjaka i Mađara koji ostvaruju punu kulturnu autonomiju, Romima je ona nedostupna budući da su za njeno ostvarivanje, pored brojnosti, važne i teritorijalna rasprostranjenost manjine i solidarnost članova grupe. O rasprostranjenosti romskog stanovništva nije vođeno računa kada je uređivano učešće nacionalnih manjina u političkom životu zemlje, a i mere socijalno ekonomske integracije Roma su uslovljene demografskim aspektima. U *Strategiji socijalnog uključivanja* je predviđeno da se većina strateških mera ostvaruje u lokalnoj samoupravi, a da broj Roma varira od opštine do opštine, te se zbog toga strateško planiranje inkluzivnih mera procenjuje u odnosu na apsolutni i relativni udeo u ukupnom stanovništvu jedinice lokalne samouprave.

Osnovni problem u vezi sa ostvarivanjem kolektivnih prava nacionalnih manjina u Srbiji je centralizovani položaj manjinskih samouprava. Njihova decentralizacija je neophodna da bi se omogućilo neposredno učešće pripadnika nacionalnih manjina u institucionalnoj zaštiti manjinskih identiteta. Decentralizovani model ostvarivanja prava na samoupravu i „kulturnu autonomiju“ nacionalnih manjina upućuje na integrativni pristup multietničnosti, pospešuje saradnju lokalnih manjina sa lokalnim vlastima i doprinosi boljim interkulturalnim vezama.

Propisivanjem decentralizovanog modela manjinskih samouprava omogućilo bi pripadnicima nacionalnih manjina da u lokalnim zajednicama neposredno kreiraju i učestvuju u javnim politikama kojima im se omogućava direktan pristup pravima iz kulturne autonomije. Prirodi srbijanske multietničnosti, koju karakterišu razlike u broju, disperziranosti i društvenom organizovanju manjina, prijemčivija je politika multikulturalnosti neposredno usmerena ka pripadniku manjine i njegovom okruženju.

Kome onda ovakva politika multikulturalnosti ne odgovara? Pre svega političkim strankama brojnih i homogeno nastanjenih nacionalnih manjina koje u postojećem sistemu imaju dobru pregovaračku poziciju, a potom političkim strankama

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na vlasti kojima je lakše da se oko „pravila igre“ dogovaraju sa nekolicinom manjinskih lidera umesto da ih uspostave u logičan pravni i upravni sistem u kojem je volja građana odlučujući faktor. Decentralizovana politika multikulturalnosti ne odgovara ni monokulturalistima, koje ne zanima šta se dešava izvan njihovih etnokulturnih zajednica. Monokulturalisti su zagovornici segregativnog multikulturalizma i njima, bilo da su pripadnici većine ili manjine, odgovara politička i društvena homogenost i zatvorenost etničkih zajednica, koje je u tim uslovima, uz malo populizma, lako kontrolisati i usmeravati ih.

Ključne reči: *multikulturalizam, nacionalne manjine, identitet, Romi, javne politike*