



Policy Brief on

EU Human Rights Agenda in Candidate Countries

Gender Equality, Roma and LGBT+ Rights in Serbia and Turkey

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STUDENT FORUM MAASTRICHT

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Foreword

In recent decades, efforts to strengthen human rights have been increasing across the globe, on national levels as well as across state borders. Human rights provide the basis of the fundamental values that unite the Member States of the European Union (EU), which it also promotes in its near neighbourhood and beyond. The cornerstone of the negotiation process with candidate countries such as Turkey and Serbia are the Copenhagen Criteria, under which human rights and the respect for and protection of minorities are of fundamental importance. In practice, meeting these criteria is a challenge for the candidate countries. It is the issue of minority rights, concerning ethnic and sexual minorities and gender equality, as marginal groups, that are often overlooked and only find marginal space on the political agenda.

The situation of minority groups in current enlargement countries remains critical. In Serbia, LGBT communities face higher discrimination than any other group in the country, while in Turkey, recent police violence at the Istanbul Pride Parade in 2018 uncovered the extent of discrimination of sexual minorities. For example, 21% of the Serbian population believe that homosexuals should be charged as criminals, while 84% of the Turkish population say they do not want LGBT people as their neighbours (Carroll & Robotham, 2017). Ethnic minorities such as Romani people remain unrecognised as a minority in Turkey, which problematises their access to basic public goods, while Romani issues in Serbia are largely overlooked by the government. For instance, only 21% of Romani in Serbia have access to secondary schooling. What is more, women are largely under-represented in public life in both countries and many women and girls are exposed to violence or abuse. The pay gap between men and women remains at 37% in Turkey and 11% in Serbia (Carroll & Robotham, 2017).

In its efforts to promote its European values, the EU's Action Plan on Human Rights and Democracy (2015 – 2019) addresses the widespread violation of human and minority rights to enhance the impact of its policies in partner countries, including membership candidates. In order to strengthen its efforts, the EU has developed the European Instrument for Democracy and Human Rights (EIDHR) and provides funding through its Pre-Accession Instrument (IPA II). By connecting with national governments but also local organisations and civil society actors, the EU sets out to increase its outreach across all regions and monitor human rights violations and restrictions, including its support for LGBT and Roma rights and gender equality.

However, several longstanding problems have not been addressed. For one, protective legal measures demanded by the EU are not transposed into national law or lack proper implementation. As a result, minority groups face continued legal discrimination as well as prejudices and discrimination from the societal level. Such issues include discrimination in the work place, hate speech and hate crimes, as well as a lack of access to public goods and a lack of equal opportunity. Therefore, this policy aims to identify the range of alternative policy solutions and recommendations to address these issues. This policy brief concludes with practical policy recommendations that showcase the combined expertise of the authors.

Greta Koch & Dr Dorina Baltag



Executive summary

- The ultimate goal behind this policy brief is to **strengthen the EU’s core values** - which includes the protection of human and minority rights in particular - in the **Enlargement Process**. That way, the EU can enlarge in a manner that protects its fundamental values and the rights of its citizens, no matter what gender, ethnicity or sexual orientation.
- While the EU has developed a protective framework for minority rights, a high level of discrimination against **women, Roma and LGBT+** communities persist in candidate countries such as **Serbia and Turkey**.
- In order to further strengthen the EU’s efforts in protecting minority rights in candidate countries, we **suggest several policy options** to prevent further discrimination of marginalized groups at the political and societal level.
- The first concern is to **ensure the implementation of protective laws** to combat discrimination in the target country. Therefore, the EU should create a task force that closely scrutinizes implementation records, redirect funds in case of dissatisfactory results as a financial incentive and strengthen civil society mechanisms to provide free legal support for minorities.
- Second, in order to tackle prevailing prejudices against minorities at the societal level, we suggest to **enhance cultural awareness** by extending Erasmus+ to the high school level. Moreover, **safe spaces** should be extended for discriminated people to drop in, share their experience and feel protected.
- Thirdly, **civil society mechanisms need to be strengthened** in their educational and institutional capacities in order to spread awareness on minority issues in their respective countries.



Introduction

This policy brief suggests a strategy of strengthening human rights and the respect for and protection of minorities in candidate countries (Serbia and Turkey) via identifying main key problems, developing alternative policy solutions and proposing a set of actionable recommendations.

LGBT+

Lesbian, gay, bisexual, transgender, intersex and in general persons having a non-heterosexual sexuality (LGBT+), have been and still are facing discrimination in countries of Europe, according to ILGA's 2019 reports. The EU has made progress in equalising the access to rights of its LGBT+ citizens, for instance through designing instruments such as the LGBT+ intergroup in the European Parliament (being the largest intergroup of all). Candidate countries have made significant, yet little progress in preserving the rights of its LGBT+ citizens, according to the latest annual reports of the European Commission on the candidates' accession progress. This is why the EU has made *LGBT+ rights* a sub-criterion for official candidate countries such as Turkey, for which it stipulates in paragraph 12 of the Commission's report that the ban of Pride parades are a violation of human rights. The problem does not only restrict itself to the violation of rights, but also in a general **absence or inefficiency of a legal framework** to protect and defend LGBT+ victims from verbal or physical violence in court (ILGA, 2019b). The aim of this brief is to address the problem of **lack of active legal framework** protecting LGBT+ persons in Serbia and Turkey, the most populated of the official candidate countries, and to explain the perception of different sexual identities in these countries. The brief also illustrates the interaction of both characteristics as a circular cause-consequence phenomenon.

Gender equality

Gender equality is a top priority of the European Union and appears in the acquis of its Fundamental Rights provisions (European Commission, 2019a). Countries wishing to join the Union must fulfill the criteria and therefore implement reforms to guarantee gender equality. Nevertheless, countries such as Turkey and Serbia are facing problems in implementing gender equality at different levels. The major issue identified in these two countries preventing progress in gender equality is *the presence of patriarchal values* leading to a **persistence of traditional roles** in the society countering women empowerment in Serbia and Turkey (Drezgic, 2009; Arat, 2009). The presence of patriarchal values reinforcing traditional roles is mainly affecting the education sector. As part of the aims of the EU's European Instrument for Democracy and Human Rights (EIDHR) and the Instrument for Pre-Accession Assistance (IPA), the EU advocates for human rights, fundamental freedoms and democracy in non-EU Countries. Both in Turkey and in Serbia they finance various projects aimed at decreasing gender inequality. Therefore, this policy brief analyses the problem of **gender inequality** in society in Serbia and Turkey, two countries which have started the negotiations to join the EU. The aim is to put emphasis on the main challenges in relation to gender that the two countries are facing and how this, in turn, hampers their integration process into the EU. Both countries are influenced by the traditional idea of the role of women in society, which leads to creating gender inequality and in turn influences their status as candidate countries.



Roma

Both the Republic of Serbia and the Republic of Turkey are inhabited by a considerable (often only vaguely estimated) number of Romani population, of around 150,000 in Serbia and around 700,000 in Turkey (Regional Cooperation Council, 2019). Throughout centuries, the Roma population has been seen by the non-Roma through the anti-gypsy prism of stereotypes, presenting the former group as “liars, thieves and cheats” (Goldston, 2002, p.146). Consequently, the ‘anti-Romani’ or ‘anti-Gypsyism’ rhetoric has grown to become the basis for nowadays’ **discrimination against the Roma** minority (Goldston, 2002).

Today Romani people are often subject of violent and hate-fuelled attacks that have even led to death. An example for this **anti-Romani sentiment in the society** is the allegation made by a Romani woman that a group of men doused her and her daughter in gasoline to set them on fire while shouting hateful chants (Goldston, 2002). While many Romani families must live in fear every day of being subject to these attacks, these are not the only issues this minority has to cope with daily. Examples that are provided by the European Agency for Human Rights indicate that Roma people feel **highly discriminated in the fields of employment** in the labour market, **Romani children do not have access to secondary education**, the majority of **Roma cannot afford decent housing** as well as proper **healthcare services system** (EU Fundamental Rights Agency, 2009). The aim of this policy brief is to suggest alternative policy solutions that help raise awareness for the suffering of Romani people in Turkey and Serbia.



Policy Problems

LGBT+ Community

1) Legal framework

The *Serbian* legal framework encompasses four laws, which specifically ban discrimination based on sexual orientation: Labour Law, Law on Higher Education, two media laws, Law on Public Information and Law on Broadcasting (LGBTI ERA, 2019a). It also incorporates a comprehensive Anti-Discrimination Law adopted in March 2009, which specifically bans discrimination based on sexual orientation and allows the right to privacy, as well as free expression of sexual orientation. In 2014, the Serbian government adopted a strategy (2014-2018) to combat discrimination against LGBT+ people, which led to the adoption of a National Action Plan (NAP) in 2015 (Women’s International League for Peace and Freedom, 2019). Despite progress made in legislation, LGBT+ organisations underline the lack of enforcement of these regulations. The first reason for it is a low political will to adequately address LGBT+ rights. Although opinion polls in 2010 demonstrated a high degree of discrimination on the grounds of sexual orientation and gender identity, the Ministry of Human and Minority Rights drafted a human rights report which failed to mention LGBT+ Serbians as a group that experiences discrimination. Secondly, as drafted, the regulations are not clear and comprehensive enough. They neglect civil society actors which are likely to have the expertise to tackle such issues. The NAP includes trainings for local institutions which are carried out by state institutions themselves but with little cooperation and involvement of NGO’s and people with high expertise on LGBT+ issues.

More radically, the *Turkish* legal framework tends to ignore the existence of LGBT persons completely. There is no anti-discrimination law to protect LGBT+ persons from discrimination on the grounds of sexual orientation and gender identity. Moreover, LGBT+ persons are often legally discriminated. Indeed, organizations in the country state that references in the law relating to the "morals of society" and "unnatural sexual behavior" are used as the basis for abuse by the police and discrimination by employers (LGBTI ERA, 2019b). One clear case of legal discrimination is the one found in army regulations which do not allow gay and transgender persons to enroll because of their non-heterosexual orientation and non-cis gender identity; both are still considered to be a “psychosexual disorder”. What is more, the attempted coup against Recep Tayyip Erdogan and his government in July 2016 fueled the ongoing democratic crackdown in Turkey. Human rights defenders and LGBT+ activists have seen their right to assemble considerably diminished. The ban of pride events in Istanbul for security reasons is an example of the restriction of fundamental rights such as the right to assembly (Mršević , 2011; Equaldex, 2019).

The consequences of the lack of enforcement (Serbia) or the absence of non-discrimination regulation (Turkey) is disastrous for LGBT+ people who suffer from violence and hate speech and are thus treated as secondary citizens that cannot access full protection. This illustrates the failure of the Serbian and Turkish government to comply with the principle of rule of law and the international conventions on human rights they ratified.



2) Social conditions

The other side of the problem that is visible in Turkey and Serbia with regards to LGBT+ rights is that of *public prejudice*. In both Turkey and Serbia, there are still a lot of cases of hate crimes executed against LGBT+ persons; among others, incidents of violent speech or physical violence (Mršević, 2011; ILGA, 2019a). In Turkey there has been an estimated number of 47 hate crimes against LGBT+ people between 2010-2014, although many cases remain unreported. Hate speech is negative for the development of human rights in these countries because “it implies that a particular social group does not deserve recognition, respect, equality and tries to legitimise attacks on members of that group” (ILGA, 2019a). In Serbia more than half the population believes that homosexuality is not normal or even an illness (Mršević, 2011), while 78% of the people in Turkey have rated homosexuality as immoral. This data illustrates that LGBT+ people are in fact neither respected nor even accepted by society. In Turkey, this behaviour includes government officials who have spoken out against homosexuality; with the example of the former mayor of Ankara who stated that: *“each society has its own moral values. Especially for our Turkish society, it is not possible for us to be together with the gay culture in Europe. It is also not possible to approve of this. How we have been brought up, our brand of morality, our views are a little different. I hope to God that in Turkey there will not be a gay and there should not be”* (ILGA, 2014).

LGBT+ people unfortunately have less job opportunities. In Turkey, 33 % of people say that they have been rejected for a job on the basis of this (Pink Life, 2014). In Serbia, a report by ILGA states that LGBT+ people do not have the same opportunities in sport, health, housing and work (ILGA, 2010). The lack of opportunities and the stigma that a non-heterosexual identity brings, has led to the majority of LGBT+ individuals to oppress their sexual identity. For example, in Serbia 70,5% of people have stated that they are not coming out to their neighbours because they fear the consequences this would bring (ILGA, 2010). At the same time, it has also been proven that the lack of acceptance leads to a higher chance of mental as well as physical illnesses among this group (Centers for Disease Control and Prevention, 2019).

Gender equality

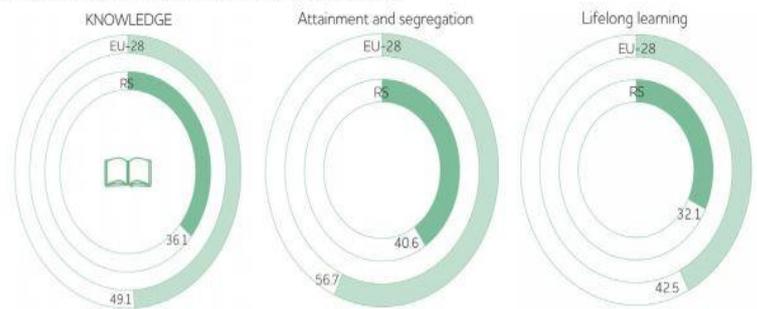
Gaps in the educational system: limited access & illiteracy

In Turkey, the problem regarding education lies at many levels. Indeed, one of them is the issue of illiteracy and lack of enrolment in primary school. The data shows that the percentage of illiteracy for young girls is 20% whereas

the percentage for young boys is 7%.

Concerning the data for enrolment in primary school, the percentage of enrolment for young girls is 91% compared to 100% for young boys (Unicef, 2003). In Serbia, the percentage of enrolment for young girls in primary schools is 96%, the same percentage as for young boys.

Figure 4.4.1: Gender Equality Index for domain and sub-domains of knowledge Serbia 2014 and EU-28 2012 comparison



Gender Equality Index for Serbia, 2014

Adult Literacy Percentage (2016)	Turkey (Candidate Country)	Serbia (Candidate Country)	Italy (EU Member State)
Female	93.56%	98.23%	98.56%
Male	98.58%	99.50%	99.14%

Literacy rate 2016. (n.d.). Retrieved from <https://countryeconomy.com/demography/literacy-rate/>

This table allows for a contrast between the candidate countries and a member of the European Union in terms of literacy percentages for the year 2016.

The content of educational resources is also of major concern: the textbooks that the student makes use of in the primary class present aspects of attributes for men and women and the stereotypical roles they should each perform. The same issue of the gender stereotypes in textbooks is present in Serbian school books. In a Turkish textbook, a girl is pictured dreaming of her wedding day, while a boy imagines becoming a doctor. The textbooks reinforce the idea that men are meant to be active in the public sphere as well as in the work force whereas the woman's role is to be at home and in charge of the household chores. In this sense, these attitudes suggest that there is in fact, an underlying problem with maintaining the assigned traditional roles.



Roma

We have identified three major problems in Serbia and Turkey in relation to the situation of the Roma community as follows:

1) Low degree of inclusion of Roma in schools

The first problem that the Roma population in Serbia and Turkey faces is the issue of education. In Serbia for example, the school system is unsupportive of inclusive education, which means that discrimination in schools against Roma children is not addressed by the relevant authorities. Only around 10 percent of the schools in Serbia include socially inclusive programmes, addressing the needs of Roma children in non-discriminatory ways (Roma Education Fund, 2007). Moreover, in both Serbia and Turkey Roma children drop out of school at the age of 12-15. In addition, many Roma children do not complete primary education (OSCE, 2016). A considerable amount of *Romani children does not have access to secondary education* which results in a major disadvantage for this regarding the job market. The European Union Agency for Fundamental Rights (FRA) has found that “80% of Roma [...] are at risk of poverty” and “Only 30% of the Roma surveyed are in paid work, compared with the average EU employment rate for 2015 of 70%” (2016).

The Regional Roma Survey is the first major collection of data on marginalized Roma in the Western Balkans and Turkey (European Commission, 2018b;g). The survey goes to detail that school completion rates among the Roma are still lagging behind the rest of the population, with Roma girls falling behind everyone. High unemployment rates combined with a large share of youth not enrolled in school contribute to the disadvantage of young marginalized Roma.

2) Discrimination in the healthcare system

The second problem is the one of healthcare. In the Fundamental Rights Agency survey, 17 per cent of the Roma population interviewed indicated that they had experienced discrimination in the area of healthcare in the previous 12 months (EU Fundamental Rights Agency, 2009). In addition, over 25 per cent of Roma children are not fully vaccinated. At the same time, due to mistrust in the institutions and therefore in hospitals, *many Romani women are afraid of going to hospitals and give birth* (Bohren et al., 2015). The absence of identification papers also poses an obstacle, as some hospitals deny treatment if no identification papers are present. This is extremely dangerous for the Romani community, as it restricts them from having access to affordable health care. A falling share of the Roma population report being in good or very good health (with the proportion in Serbia being only 52 percent), with more than a third living in households where at least one person will go to bed hungry (European Commission, 2018c).

3) Poor housing conditions

The Roma population often experiences poor housing conditions such as lack of access to water, electricity and gas (EU Fundamental Rights Agency, 2009). Therefore, Roma minorities could often be found under conditions of poverty. Due to the critical economic situation, the majority of *Roma cannot afford decent housing*. The often secluded and segregated communities in Serbia and Turkey live in temporary homes or in extreme poverty, without access to basic needs such as water and electricity. The FRA states that “30% live in households with no tap water and 46% have no indoor toilet, shower or bathroom” (2016).



These identified problems result from several causes. One source for these problems is the lack of identification documents such as birth certificates and ID cards in Serbia due to the large amount of Roma people who fled Kosovo to move to Serbia during the War in Kosovo in the 1990s. It is estimated that around 500,000 Roma live in Serbia, of whom about 32,000, or 6%, do not have identification documents (Goldston, 2002). The inability of the Serbian government to properly address the issue is the main reason for the persistence of the situation. Consequently, Roma people cannot access housing or receive diplomas without an ID. This links to the insufficient implementation of the existing tools on behalf of the governmental authorities in both Serbia and Turkey. As a response, EU institutions have put in place a wide range of legal, policy and financial instruments to support Roma Integration in EU Member States and enlargement countries, thus repeatedly stressing the need for full integration (Regional Cooperation Council, 2019). However, despite some progress, the marginalized Roma community is still most excluded in the Western Balkans and Turkey. Romani people still face twice as high unemployment and are less likely to see a doctor when needed or go to bed on a full stomach.

Policy Options

I. *Non-implementation of laws*

The lack of existence of laws concerning fundamental rights of citizens has been a continuous problem in the accession process of all candidate countries. On the other hand, in countries like Serbia, where laws protect minority populations, the law is not efficiently implemented. Serbia has transposed laws concerning protection from discrimination on the basis of ethnic origin, sexual orientation and gender identity, but nevertheless these laws have not been applied in everyday life of citizens who face problems on the grounds of the aforementioned identity elements (European Commission, 2019a). Since the European Commission has recognised the lack of willingness for laws to be implemented in its 2019 annual reports on Serbia and Turkey, this policy brief proposes five different alternatives to address this situation.

1) Invest in developing bottom-up instruments with candidate countries

a) Development of additional monitoring instruments

Candidate states vote on legislation and the European Union should and has recognised these steps, but it is necessary to also further monitor whether these laws come into force. The European Commission should continue to financially assist NGOs and non-legal entities, as it is already doing through the European Instrument for Democracy and Human Rights (EIDHR) (Delegation of the EU to the Republic of Serbia, 2019). Moreover, in order to address the correct form of the implementation measures, the EU delegations in Turkey and Serbia should organise a **monitoring Task Force**. This Task Force should analyse the reports of its Delegation and of NGOs as well as the documents produced by the country's government, focusing specifically on the implementation of laws which address the situation of minorities. This Task Force should be composed by both European and local officers.

b) Provide access to EU funding based on implementation record

The funds of the European investment instruments help infrastructure in the countries and support the political profile of the leaders and governments that achieve to receive money from them. Therefore, the European Union should link that a government should indeed be assisted once the government follows the spirit of the EU treaties and the laws that the country has domestically. At the same, more funds will be allocated to these countries if the implementation stage is considered particularly successful by the EU. If the country continues to not adhere to the EU's core values, access to investment tools should decrease; less funds will be allocated to Serbia or Turkey from the European Investment Bank (EIB) or the European Bank of Reconstruction and Development (EBRD), in which the EU and its Member States hold 63% of the capital (European Commission, 2019b).

2) Investing in developing the scope of civil society expertise on rule of law

a) Redirecting funds to civil society

By focusing exclusively on institutional socialization, the EU has thus far failed to include the wider community, particularly the expert public, in order to empower it to become part of the cognitive convergence pressure group and thus exercise bottom-up pressure on the political elites in the target country. In practical terms, this implies that the EU's top-down and civil society's bottom-up strategies for the promotion of the rule of law in the Western Balkan countries should not be considered as mutually exclusive, but rather as complementary approaches for the internalization of EU rule of law norms.

The European Union is already spending around € 265 million in Serbia for activities linked to the Rule of Law and Fundamental Rights, financing in particular projects related to the fight against corruption and organised crime, to the integrated border management and to defend minorities rights (European Commission, 2019d). Unfortunately, little is provided in case of any possible lack of implementation of laws regarding minorities' rights. Therefore it is necessary to empower the civil society already present in the candidate State via developing their advocacy and lobby capabilities.

Redirecting funds that were designated for the government to NGOs serves the purpose of benefiting civil society, while showing the national government that the European Union is committed to protect citizens, while respecting national legislation that is simply not implemented. The EU can directly subsidize an NGO through an operating grant provided the organisation 'pursues an aim of general Union interest or has an objective forming part of, and supporting, a Union policy (European Commission, 2014a). NGOs in the respective countries of Serbia and Turkey are contributing to the democratisation of society, building the rule of law and the citizens' active participation in the creation and application of reforms (Simic, 2019; ICNL 2019). The EU Commission therefore can ensure the transparency and accountability of the candidate countries by improving the **expertise, capacities** and the **technical organization** of the NGOs and civil societies.

b) Legal support for minorities through free legal clinics

Furthermore, legal support should be concentrated on the support of any member of a minority who suffer an injustice caused by the lack of implementation: the EU Delegation should provide legal assistance to the NGOs which is defending the above mentioned person in order to understand precisely how to tackle the injustice. Therefore, one option is to support NGOs on the ground by hiring of a group of legal experts and attorneys that could assist victims of discrimination to pursue their case in front of a court in the form of free legal clinics. An increasing amount of people having free legal assistance could reveal the phenomena of discrimination in a much bigger extent and pressures the national courts to take the cases.

II. Investment in Education

To approach the issue of perception and stereotypes that women, LGBT+ and Romani people are faced with in the Republic of Serbia and the Republic of Turkey, it is crucial to tackle its roots. This problem is not of temporary nature, but one that is deeply rooted in the mindset of the people on the societal and the political level. Therefore, the proposed solutions aim at addressing the embedded stereotypes of the population of Turkey and Serbia and helping in deconstructing them.

1) Broaden the scope of Erasmus+ to include Highschool Exchange

One of the possible solutions to tackle the problem of stereotypes and prejudices towards the previously mentioned groups is through school exchanges that could introduce participants to European values, as well as human and minority rights. Programmes in place within the EU, such as Erasmus+, are considered the most successful instrument thus far (European Commission, 2018d). Since 2017, Serbia has limited access to Erasmus (European Commission, 2019c). In addition, Serbia has been able to participate in the Horizon 2020 programme, a programme that supports research. In Turkey, the European Union invested in education namely through the “Lifelong Learning Programme” (Delegation of the EU to Turkey, 2019) and the Youth in Action Programme, with an aim to capacitate people from all stages of their lives to participate in stimulating learning experiences, and help to develop the education as well as training sector across Europe. Nonetheless, it was noticed in the years after the implementation of the programme that the efforts were not sufficient and that the desired participation rates were not attained (European Commission, 2016).

One thing that combines these projects is that that their beneficiaries are university students. Yet, the added value of these programmes can be felt with other target groups as it might be too late to bring about change if the focus is solely at university level, especially if not everyone goes to higher education. The well-known Erasmus+ program “boosts the learning mobility of four million learners, teachers and trainers by 2020 and internationalises the work of education, training, youth and sport organisations, including beyond the EU.” (European Commission, 2018d). In the evaluations of the Erasmus program it was shown that it boosts the chances for future job opportunities and creates a sense of European identity among participants. This second aspect is of importance as it implies spreading of European values with human rights at the core. This is further explained in the country report on Turkey - that it creates awareness among students of European values and makes them more active (Republic of Turkey Ministry of EU Affairs, 2017).

While this program is already a success, we propose that its scope be widened to the high school level. In this new form of a “Erasmus Junior” programme, this would give the opportunity to high school students to participate in cultural exchanges. Such a cultural exchange can change the perceptions of young people for the future. The main objective of this plan would be to allow students to get their own perspective. This gives the benefit that also those children that will not decide to go to university can participate, which will make the programme more inclusive.

2) Development of a network of safe spaces for women and minority groups

Already in 2016, the Global Fund for Women working in Turkey has brought forward the need for the use of safe spaces or centers in order to tackle this issue. Women study centers already exist, namely in Belgrade, where the aim is to create and promote models which celebrate differences through activities such as teaching, publishing, support of research projects (Women’s Study Center Belgrade, 2019; Safe Places International, 2019). LGBT+ drop-in centers opened in Belgrade and Istanbul (U.S. Embassy, 2019) with the support of NGOs and foreign governments such as the US. This type of projects has been successful, however there is still a need to further deepen the reach and capitalize on the progress made thus far. Also, these are not funded by the European Union.

Thus, EU funding and know-how should be made available to support the development of a network of safe centers and drop-in centers throughout Serbia and Turkey. The added value of such spaces is that they have specific objectives to cater for the needs of each minority such as psychological support, medical care, food, language courses, life planning, and job training.

III. Civil society development

Thus far the EU has used instruments such as the European Instrument for Democracy and Human Rights and the Instrument for Pre-Accession Assistance to strengthen fundamental rights policies in Serbia and Turkey. The IPA granted €4,453.9 million to Turkey and 1.5 billion to Serbia to assist several problems among which were the reinforcement of fundamental rights and protection and non-discrimination of minorities (European Commission, 2018a). Moreover, the EIDHR focused on civil society involvement in the making, implementation and monitoring of human rights policies at local and national levels (Delegation of the European Union to Turkey, 2014). The Commission Reports of 2018 for Turkey and Serbia however, demonstrate that the EU legislation was not implemented by the countries and especially in Turkey. Therefore, the lack of political will in Turkey and the immobilization of the societies in both Serbia and Turkey failed to tackle the issues of extreme poverty, gender-based violence, discrimination, hate speech against minorities and violations of human rights of LGBTI persons are still a matter of serious concern in both countries (European Commission, 2018a).

In order to tackle this, the focus and the financial support of the European Union should be shifted from one target group: the political elites only to both target groups: the governments and the civil societies in both countries through the following policy solutions:

1) Strengthening cooperation between local NGOs, national governments and the EU (via EU delegations)

There is growing recognition among many governments that the relationship between the NGOs and governments is becoming more important (Tortajada, 2016). Due to the persistent reluctance of national governments to properly implement EU legislation on tackling the problem of lack of fundamental rights for minorities in Serbia and especially in Turkey, the relationship between the governments and the NGOs should be improved to increase the role of NGOs in the area so that NGOs could be considered as equal participants to national governments (European Commission, 2018e;f).

NGOs can contribute with a whole range of assets that can facilitate progress and create more public support for issues related to the integration of LGBT and Roma minorities as well as the problem with gender equality in Turkey and Serbia. The first proposed solution is the strengthening of the interaction between the different actors; namely, the local NGOs, national governments and the EU. A mutual platform between these actors already exists in both Turkey and Serbia (United Nations, 2012). This interaction is formulated through human rights dialogues and could be enhanced through strengthening the already existing Fundamental Rights Platform common to all Council of Europe members (United Nations, 2012). Additionally, an EU working group on Human Rights and minorities should be created within the EU Delegations to facilitate this process.

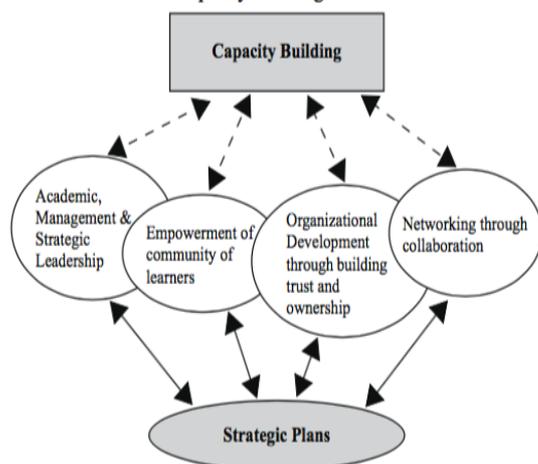
Additionally, the presence of a Commission for the Protection of Equality is observed in Serbia. Ms Brankica Jankovic is annually holding conference, actively participating in training and receiving complains in order to enhance human rights in Serbia (see <http://ravnopravnost.gov.rs/en/>). A similar commission need to be appointed in Turkey and the role of Ms. Brankica Jankovic enhanced. These commissioners should be given a leading role in the process of strengthening cooperation.

2) Support development of information campaigns and cultural programs by civil society organizations

The second proposed solution to strengthen cooperation is focused on raising awareness of the civil society. This could be done through the creation of events, projects and festivals to address most topical minority issues but also through financial support regarding already existing projects (Human Rights Film festival for example). The European Union needs to finance local NGOs that aim at spreading European values. It is extremely beneficial and strategic to make use of local players because this ensures that on the one hand people that have expertise and know the local circumstances can provide better solutions that guarantee success. On the other hand, this is also of symbolical nature, showing that the EU encourages local players to bring about change without forcing their own values on the Serbian and Turkish people. These can be multiple NGOs that focus on promoting gender equality, human and minority rights such as: Praxis, Ergo Network, Korak, Women for women’s human rights. This would help the EU tackling the problem of public awareness by supporting local NGOs that can support local cultural projects.

3) Improving organisational capabilities of civil society organisation (human resources)

Diagram 1: Framework for Capacity Building



Source : <https://core.ac.uk/download/pdf/47255917.pdf>

The EU action should also focus on supporting development of institutional capacities of the NGOs in Turkey and Serbia so that they are able to empower Roma, LGBT+ and women. In order to do that, the EU should provide management training to the heads of NGO staff. The training will be based on a voluntary basis and take place in the EU headquarters. It will include workshops on finance, project and crisis management, accounting, human



resources, EU and international law. Moreover, the EU should provide follow-up support for the heads of NGOs in order to ensure they are able to properly train the rest of the staff back in their countries and monitor their local initiatives through a rigorous and transparent process. This training will add both efficiency and credibility to the NGOs which will be able to address minority groups issues with more expertise. During the training, the EU should also encourage the heads of NGOs to exchange, collaborate and form an intersectional network of NGOs on minority issues (Memon & Mithani, 2003). This network will allow NGOs to exchange views and feedback on their respective actions and thus better meet their strategies (protection of minority rights, empowerment...).

Recommendations

Non-implementation of laws:

1. Impose Financial (Dis-)Incentives to implement laws

- If the EU perceives a negative implementation record regarding minority rights in candidate countries, IPA funds should be redirected to NGOs as a funding opportunity to strengthen their institutional capacities

2. Create a Joint Task Force to monitor implementation

- Formed by European as well as local lawyers with relevant competences in the area of human rights
- Providing funding for the task force under IPA II

3. Free legal clinics for minority groups

- Free legal support provided by local NGOs, supported with EU resources
- Provide minorities with legal protection before the court to prevent further human rights violations

Education:

1. Develop an exchange programme in the form of Erasmus Junior which entails the following

- The program will be available for students aged 12 to 30; available from 2 weeks to 2 months for children aged 12 to 17 and from from 2 weeks to 12 months for students aged 18 and onwards
- The program shall be available for people that do not pursue higher education but wish to widen their cultural and educational horizons for a period of 2 months to 12 months
- Provide learning mobility as an eye-opener opening up new horizons which would help to expand the comfort zone, broaden mind on how to deal with a vast range of topics.
- Provides the possibility to spread European values, including respect for minorities through preparatory seminars for the students before going on their Erasmus with topics on cultural awareness

2. Provide direct support to open the network of Safe Spaces for oppressed minorities which entails the following:

- The EU should make funding available for opening up several safe centers and drop-in centers in the big cities of Turkey and Serbia
- European experts can provide trainings for local professionals in Serbia and Turkey to be able to offer psychological support and first aid medical help to the victims of harassment, oppression or attacks based on their gender, sexual orientation or ethnicity.
- European partners can offer educational resources to support those who could not pursue a further education and wish to do so in a safe and inclusive learning environment.
- Provide a space for a cultural exchange with the intention of bringing awareness to the issues that minorities in the country, namely LGBT and Roma are faced with, as well as women
- Provide workshops about the challenging gender prejudices and stereotypes throughout the education cycle, from primary school to lifelong learning. For example, gender segregation in the labour market as a result of different educational and professional choices in schools and universities, both for pupils and teachers, is widespread.

Civil society development:

1. Create the position of a Commissioner for the Protection of Fundamental Rights in all candidate countries

- Strengthens support for minorities and strengthens the ability to monitor developments on the ground
- Helps to raise awareness towards prevailing discrimination of minorities

2. Strengthen local civil society mechanisms and NGOs

- finance local NGOs that will be able to raise public awareness about human rights.
- provide management training to the heads of local NGOs to improve their organizational capabilities and provide them with follow-up support
- push for exchange and collaboration between local NGOs via an intersectional network of NGOs on minority issues

Concluding remarks

The recommendations made serve the purpose of strengthening the EU's capacity in its efforts to ensure the protection of minorities in countries wishing to join the European Union. While the EU already provides significant support to minorities in candidate countries, problems of a lack of implementation of laws as well as continued legal and societal discrimination against minorities prevail. Therefore, minorities still have limited access to education, equal opportunity, health care and housing while facing hate crimes, hate speech and discrimination in the work place and in every day life. The proposed measures of increasing the EU's monitoring capacity and increasing the support of civil society mechanisms while tackling the issue of prevailing stereotypes through cultural exchange and awareness are timely, relatively easy to implement and effective to tackle the discrimination of minorities that is prevailing in candidate countries. That way, the EU can improve its capacities of ensuring fundamental rights to all its citizens and enlarge in an ever stronger Union that upholds the core values it is built upon.

References

- Arat, Y. (2009). *Religion, Politics and Gender Equality in Turkey: Implications of a Democratic Paradox*. United Nations Research Institute For Social Development.
- Bohren, M. A., Vogel, J. P., Hunter, E. C., Lutsiv, O., Makh, S. K., Souza, J. P. & Javadi, D. (2015). The mistreatment of women during childbirth in health facilities globally: a mixed-methods systematic review. *PLoS medicine*, 12(6).
- Carroll, A. & Robotham, G. (2017). Minorities Report 2017: attitudes to sexual and gender minorities around the world. *ILGA-RIWI Global Attitudes Survey on sexual, gender and sex minorities*. Retrieved from https://ilga.org/downloads/ILGA_RIWI_Minorities_Report_2017_Attitudes_to_sexual_and_gender_minorities.pdf
- Centers for Disease Control and Prevention. (2019). *Gay and Bisexual Men's Health*. Retrieved from <https://www.cdc.gov/msmhealth/stigma-and-discrimination.htm>
- Delegation of the European Union to the Republic of Serbia (2019). *European Instrument for Democracy and Human Rights*. Retrieved from <http://europa.rs/euidhr/?lang=en>
- Delegation of the European Union to Turkey. (2014). *New Call for Proposals published for the European Instrument for Democracy and Human Rights Turkey Programme*. Retrieved from: <https://www.avrupa.info.tr/en/news/new-call-proposals-published-european-instrument-democracy-and-human-rights-turkey-programme>
- Delegation of the European Union to Turkey. (2019). *Lifelong Learning Programme*. Retrieved from <https://www.avrupa.info.tr/en/lifelong-learning-programme-187>
- Drezgic ´, R. (2009). *Religion, Politics and Gender in Serbia: the re-traditionalization of gender roles in the context of nation-state formation*. United Nations Research Institute For Social Development.
- Equaldex. (2019). *LGBT Rights in Turkey*. Retrieved from <https://www.equaldex.com/region/turkey>
- European Commission. (2014a). *A beginner's guide to EU funding*. Luxembourg: Publication Office of the European Union. Retrieved from <http://www.creativeeurope.ge/getattachment/Resource/Sub-program/Beginer-s-guide-to-EU-funding.pdf.aspx>
- European Commission. (2014b). *European Neighbourhood Policy And Enlargement Negotiations*. Retrieved from: https://ec.europa.eu/neighbourhood-enlargement/instruments/funding-by-country/turkey_en
- European Commission. (2016). *Promoting Lifelong Learning in Turkey*. Retrieved from <https://ec.europa.eu/epale/en/content/promoting-lifelong-learning-turkey>
- European Commission. (2018a). *Commission Strategy Paper: A credible enlargement perspective for and enhanced EU engagement with the Western Balkans*. Retrieved from: https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf
- European Commission. (2018b). *Communication from the Commission to the European Parliament and the Council – Report on the evaluation of the EU Framework for National Roma Integration Strategies up to 2020*. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1556306174613&uri=CELEX:52018DC0785>

- EU Human Rights Agenda in Candidate Countries – Gender Equality, Roma and LGBT Rights in Serbia and Turkey
European Commission. (2018c). *Despite some progress, marginalized Roma community still most excluded in Western Balkans*. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/news_corner/news/despite-some-progress-marginalized-roma-community-still-most-excluded-western_en
- European Commission. (2018d). *Erasmus+ evaluated as one of the most positive EU results*. Retrieved from https://ec.europa.eu/programmes/erasmus-plus/news/erasmus-evaluated-one-most-positive-eu-results_en
- European Commission. (2018e). *Fact sheet: Key Finding on the 2018 Report on Turkey*. Retrieved from http://europa.eu/rapid/press-release_MEMO-18-3407_en.htm?fbclid=IwAR35bxCdOLCpe5VDLbywT1WhBhaAz3c-TMwViC3eKB4w78EMF8IfZoDjSc
- European Commission. (2018f). *Serbia 2018 Report*. Retrieved from <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-serbia-report.pdf>
- European Commission. (2018g). *Summary of key findings of Communication on the evaluation of the EU Framework for National Roma Integration Strategies up to 2020*. Retrieved from https://ec.europa.eu/info/sites/info/files/summary_key_findings_evaluation_eu_fw_nris_2020_o.pdf
- European Commission. (2019a). *Chapters of the acquis/negotiating chapters*. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/chapters_en
- European Commission. (2019b). *Coordination with the European Bank for reconstruction and development*. Retrieved from https://ec.europa.eu/info/business-economy-euro/growth-and-investment/coordination-european-financial-institutions/coordination-european-bank-reconstruction-and-development_en
- European Commission. (2019c). *Erasmus+ Programme Guide*. Retrieved from https://ec.europa.eu/programmes/erasmus-plus/programme-guide/part-a/who-can-participate/eligible-countries_en#footnote3_z880oiw
- European Commission. (2019d). *Serbia – financial assistance under IPA II*. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/instruments/funding-by-country/serbia_en
- European Union. (2016). *EU enlargement: State of play*. Retrieved from: https://europa.eu/newsroom/highlights/special-coverage/enlargement_en
- European Union Fundamental Rights Agency. (2009). *European Union Minorities and Discrimination Survey - Main Results Report*. Retrieved from <https://fra.europa.eu/en/publication/2012/european-union-minorities-and-discrimination-survey-main-results-report>
- European Union Fundamental Rights Agency. (2016). *80% of Roma are at risk of poverty, new survey finds*. Retrieved from <https://fra.europa.eu/en/press-release/2016/80-roma-are-risk-poverty-new-survey-finds>
- Goldston, J. A. (2002). Roma rights, Roma wrongs. *Foreign Aff.*, 81, 146.
- Human Rights Watch, (2019). *Turkey: End ANkara Ban on LGBTI Events*. Retrieved from <https://www.hrw.org/news/2019/02/14/turkey-end-ankara-ban-lgbti-events>
- ICNL. (2019). *Civic Freedom Monitor: Turkey*. Retrieved from <http://www.icnl.org/research/monitor/turkey.html>
- ILGA. (2010). *Serbia*. Retrieved from <https://www.ilga-europe.org/sites/default/files/Attachments/serbia.pdf>
- ILGA. (2019a). *Hate crime & Hate speech*. Retrieved from <https://www.ilga->

- ILGA. (2019b). *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People*. Retrieved from <https://www.ilga-europe.org/annualreview/2019>
- Korak/Hapi/Step. (2014). *The position of women in Serbia in 2014: Facts that disconfirm the common picture*. STEP. Retrieved from <http://en.korak-hapi-step.eu/the-position-of-women-in-serbia-in-2014-facts-that-disconfirm-the-common-picture/>
- LGBTI ERA. (2019a). *Serbia*. Retrieved from <https://www.lgbti-era.org/content/serbia>
- LGBTI ERA. (2019b). *Turkey*. Retrieved from <https://www.lgbti-era.org/content/turkey>
- Memon, M., & Mithani, S. (2003). Enhancing institutional capacity building of non-governmental organizations (NGOs) and community based organizations (CBOs): Impact of an innovative initiative. *Impact: Making a difference*, pp.265-277.
- Mršević, Z. (2013). Homophobia in Serbia and LGBT rights. *Southeastern Europe*, 37(1), 60-87.
- OSCE. (2016). *Problems faced by Roma in Turkey regarding access to fundamental rights*. Retrieved from <https://minorityrights.org/wp-content/uploads/2016/09/Roma-in-Turkey-for-OSCE-26-Sep-2.pdf>
- Pink Life LGBTT Solidarity Association. (2014). *Human Rights Violations of LGBT Individuals in Turkey*. Retrieved from <https://ilga.org/wp-content/uploads/2016/02/Shadow-report-16.pdf>
- Regional Cooperation Council. (2019). *Roma in the Region*. Retrieved from <https://www.rcc.int/romaintegration2020/pages/3/roma-in-the-region>
- Republic of Turkey Ministry for EU Affairs. (2017). *National Report of Turkey on the implementation and the impact of Erasmus+ and Predecessor Programmes: Lifelong Learning, Youth in Action*. Retrieved from https://ec.europa.eu/programmes/erasmus-plus/sites/erasmusplus2/files/el_national_report/TR_National%20Report.pdf
- Roma Education Fund. (2007). *Advancing Education of Roma in Serbia*. Retrieved from https://www.romaeducationfund.org/sites/default/files/publications/serbia_report.pdf
- Safe Place International. (2019). *AMAN LGBT Shelter*. Retrieved from <https://safeplaceinternational.org/our-projects/aman-lgbt-shelter/>
- Simic, J. (2019). *Serbia's civil sector, NGOs demand more rights*. Retrieved from <https://www.euractiv.com/section/enlargement/news/serbias-civil-sector-ngos-demand-more-rights/>
- Tortajada, C. (2016). Nongovernmental organizations and influence on global public policy. *Asia & the Pacific Policy Studies*, 3(2), pp. 266-274.
- Unicef. (2003). *Gender Review in Education, Turkey 2003*. Retrieved from <https://www.unicef.org/turkey/gr/ge21ja.html>
- United Nations. (2012). *Promoting and Protecting Minority: A guide for advocates*. Geneva and New-York.
- Women's International League for Peace and Freedom. (2019). *National Action Plan: Serbia*. Retrieved from <http://peacewomen.org/nap-serbia>
- Women's Study Center Belgrade. (2019). Retrieved from <https://www.zenskestudie.edu.rs/en/>