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—
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MINORITY PROTECTION

STANDARDS AND REALITY

IMPLEMENTATION
OF COUNCIL OF EUROPE STANDARDS
IN SLOVAKIA, ROMANIA AND BULGARIA

Anna K. Meijknecht

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PREFACE

Although the development and adoption of new international standards concerning the protection of minorities can in many cases be seen as an important political achievement, it is only a small step towards the actual solution of minority problems. The real challenge for the international community, States and minorities lies in the implementation of these international standards in the everyday reality of the minorities in question.

To what extent do minorities benefit from international standards concerning their protection? The question seems simple and obvious, but the answer turns out to be complex and difficult. This study deals with this question by transgressing the dividing line between the law and the reality which underlies it. It gathers information from sources which are familiar to lawyers and legal scholars, such as: international legal documents, national legislation, and policy documents, on the one hand, and, on the other, sources which relate to the 'reality' of minorities, such as: interviews, field reports concerning human rights violations, statistical data concerning sociology and the economy.

This approach made it possible to analyse the whole path of implementation: from the international level to the grass-roots level, and resulted in both practical and more analytical observations and recommendations concerning the improvement of the protection of minorities.

As a matter of fact, this is the way in which legal research should be carried out: looking behind the standards, however important they are, and seeing what happens to them on a day-to-day basis. Isn't this what it's all about? More specifically in this case: to what extent do minorities themselves really profit from all the words devoted to them? The book written by Dr. Anna Meijknecht is, amongst many other things, a great lesson in modesty for all those who think that problems are solved as soon as the 'legislator' has spoken. Chapeau!

Tilburg, June 2004

Prof. Dr. Willem VAN GENUGTEN
*Professor of International Law,
Tilburg University
Chairman of the Board
of the Netherlands School
of Human Rights Research*

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Can minorities attain the status of ‘subjects of international law’? This was the central question in my doctoral dissertation. The present book deals with the opposite question: Does international law reach its subjects? In other words: What is the use of international standards concerning minority protection for the actual improvement of the living conditions of minorities?

Fascinating, but also sobering, was the search for information concerning the living conditions and problems of minorities in Slovakia, Romania and Bulgaria. Together with Dr. Marcia Rooker, I travelled through Romania and Bulgaria, visiting minority organisations and Roma ghettos, conducting interviews with people involved in the protection of minorities. Marcia’s expertise and interest in the situation of the Roma, which she shared with me in numerous discussions, proved to be an invaluable source of inspiration for this book.

This study is one of four projects in a research programme entitled ‘Grondslagen van een Europese Rechtsorde: Concurrentie, Convergentie en Cooperatie’ [‘Foundations of an European Legal Order: Competition, Convergence and Cooperation’], funded by the Netherlands Organisation for Scientific Research within its programme for strengthening legal research (SaRO). The project itself was called: ‘Bescherming van nationale minderheden: van normen naar implementatie’ [‘Protection of National Minorities: from Standards to Implementation’]. The project was carried out within Tilburg University’s department of European and International Law as well as within the Netherlands School of Human Rights Research.

I am greatly indebted to Professor Willem van Genugten who was the initiator of this research project. His idea to look ‘behind the law’ resulted in the present project. I wish to extend my gratitude to the board of referees for this book: Professor Asbjørn Eide, Professor Cees Flinterman, and Dr. Nena Trifunovska, whose insights, advice and practical remarks were of great value. Thanks are also due to Peter Morris for the English correction of the manuscript and to Marjolijn Bastiaans of T.M.C. Asser Press.

I dedicate this book to Timon, Marit and Emma.

The Hague, May 2004

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CEDIME	Centre for Documentation and Information on Minorities in Europe
CEDIME-SE	Centre for Documentation and Information on Minorities in Europe-Southern Europe
CM	Committee of Ministers of the Council of Europe
COE	Council of Europe
COE PA	Council of Europe Parliamentary Assembly
DAHR	Democratic Alliance of Hungarians in Romania
ECHR	European Convention on Human Rights
EDRC	Ethnocultural Diversity Resource Center (Romania)
ERRC	European Roma Rights Center
EU	European Union
EurCourtHR	European Court of Human Rights
HRC	Human Rights Committee
HRP	Human Rights Project
HHRF	Hungarian Human Rights Foundation
HCNM	High Commissioner on National Minorities
IHF	International Helsinki Federation for Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
NGO	Non-Governmental Organization
NCCD	National Council for Combating Discrimination (Romania)
OSI	Open Society Institute
OSI AP Report	Monitoring the EU Accession Process Report of the Open Society Institute
OSCE	Organization for Security and Co-operation in Europe
RFE/RL Newslines	Radio Free Europe Newslines
RCRC	Resource Center for Roma Communities
ROMANI CRISS	Roma Centre for Social Intervention and Studies
SMK	Hungarian Coalition Party (in Slovakia)
SR	Slovak Republic
UDHR	Universal Declaration of Human Rights

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XVI**ABBREVIATIONS**

UDMR	Hungarian Democratic Federation of Romania
UN	United Nations Organization
UNDP	United Nations Development Program
UNPO	Unrepresented Nations and Peoples Organisation