

WHAT WORRIES YOUTH IN ENLARGEMENT COUNTRIES:

Young Human Rights Activists from The Balkans
and Turkey Raise Human Rights Concerns



IMPRESSUM

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WHAT WORRIES YOUTH IN ENLARGEMENT COUNTRIES: HUMAN RIGHTS AND YOUTH IN THE WESTERN BALKANS AND TURKEY

The European Union accession process is a long and complex path. It offers opportunities for advancing the fields of judiciary, human rights, education and various other areas of policy which relate to most aspects of a country's legal and administrative system. However, many of these processes are out of touch with the general public, as they often require an informed understanding of the EU's mechanisms. In societies governed by the same leaders for decades, young people in particular feel excluded. If youth from Member States themselves often don't understand the role of EU institutions, that is even more the case in accession countries, where young people rarely have the opportunity to travel to Brussels or Strasbourg. Additionally, formal education only teaches very basic theoretical foundations about the EU, if at all.

Therefore, Civil Rights Defenders believes it is crucial to train young leaders and make them aware of these mechanisms, and of how to make use of the possibilities to influence the process and engage constructively with EU and national institutions.

We have decided to engage more in providing a voice for youth to tackle human rights violations that they think concern them the most and promote these issues by engaging in advocacy. For these reasons, we have devised a programme that would encompass

both methods of policy-paper writing as well as advocacy activities for youth. After a selection process, 8 young people from Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey have undergone a training in policy paper writing, provided by Adnan Ćerimagić from European Stability Initiative, and on EU human rights advocacy, provided by Civil Rights Defenders' Advocacy Officer, Tommaso Nodari. After choosing their topics, and under Mr Ćerimagić's mentorship, the youth wrote their policy papers in the course of 6 months.

The methodology of these paper had specific guidelines on the format and ways to approach their topics, but it largely differed and reflected the needs of specific issues. For some topics, only desktop analysis was needed, while others required interviews and extensive field research. Some of the authors have written about their own activist experience, while others referred to more systematic issues requiring long-term efforts.

The policy papers were presented in late 2019 at a roundtable organised at the European Parliament. The papers and the roundtable discussed youth policy and issues concerning young people from the Western Balkans in the framework of the European integration process.

YOUTH RIGHTS TO PARTICIPATE: INEQUALITY OF OPPORTUNITY IN EDUCATION, PROJECTS AND MOBILITY IN ALBANIA

WRITTEN BY: FRANÇESKA MUÇO

“Education is our passport to the future, tomorrow belongs to the people who prepare for it today” is a thought attributed to Malcom X, an American Muslim and human rights activist. Today’s young people represent the society of tomorrow. If they grow up in a society that doesn’t provide them space and opportunity to continuously gain knowledge and skills that they need to succeed in life, the future of the country will not be bright.

Education is the key for development of any society. This is in particular true for societies like Albania that are stuck between European aspirations and their communist past. In Albania, over a quarter of the population are youth (25.2 percent).¹ They are the biggest asset that the country has for its democratic, economic and social development. But how do the young people in Albania live today? According to the official data almost a quarter of 15 to 29 year old are unemployed (23.1 percent).² Six out of ten young people (63 percent) are convinced that the education

system is not meeting the needs of the current labour market.³ In 2018 there were no young ministers in the government and only 4 from 140 members⁴ of the parliament were young (4.9 percent).⁵ In 2019 a positive increase could be observed, albeit small and slow. Furthermore, among adults in Albania (25 to 64 years old) participation in formal or non-formal education and training is extremely low, in particular compared to the EU average (in 2017 - 0.9 percent - according to the labour force survey’s methodology and 9.2 percent - according to the adult education survey’s methodology).⁶ Consequently, in Albania young people encounter difficulties in accessing quality education, decent employment, social protection and civil and political rights. This is a shared conclusion from the most recent studies published by various monitoring organizations⁷, but also of the latest European Commission’s report for 2019. In everyday life qualifications of young people, their willingness, energy and vision are very often not appreciated or taken into consideration. This causes limitations for development of their competences, skills and potential. If they would be provided with support, inspiration, knowledge and skills, they could have a

positive impact in the country and beyond. All these difficulties are related with youth rights⁸ to empower, participate, have a decent life, and on a broader scale with human rights.

It is therefore not surprising that within the described context, young people in Albania do not consider the future of their country in a bright light. Migration is a trend in all the Western Balkan countries, but for Albania recent trends of moving to Germany show high percentage. As many as four out of ten (40 percent) of the young people from Albania want to leave the country.⁹ Europe is their favoured destination. This is for two main reasons: employment and education.¹⁰ This explains why as many as nine out of ten (92 percent) young Albanians consider EU as positive and want Albania to become a full member of the EU.¹¹ For them the European Union is linked to a better living standards, higher opportunities for employment and hopes for a better future.

If young people are offered a better quality of education it will be translated into more employment opportunities and, on a large scale, into higher living standards. This was the main reason why more than three thousand students across Albania rallied against the government during protests that took place in December 2018. In my opinion, their coming together was more than just a political protest; it was their request to build a better future for their country. This was the biggest protest that the country had seen in years. It also had its creative

and funny side. Through memes, pan carts, songs, the students presented their request for a better quality of education. They made fun and were ironic about the current system. They compared the education and employment in the European Union and Albania. They denounced corruption in higher education but also requested the government to move the country closer to the EU. They spoke out about the high numbers of people leaving the country. They also spoke about the low youth opportunities for employment, and many other issues.

In this protest young people raised their voice about most pressing problems they encounter in the education system and, in particular, about corruption in the higher education system. In addition, they raised their voice about their needs, not just in terms of resources, but also knowledge and skills they are provided with for their future and the labour market. All the demands were in line with the results of PISA testing that took place in 2015. Young Albanians were tested in science literacy, in mathematics and in reading. In these exams 15 year old students have shown lower performance than their peers in Europe that put Albania among the lowest PISA participating countries and economies in terms of score, compared to the average in OECD countries¹². This has been a further proof of the lack of quality in education. As a conclusion, main message of the protest was to improve the education system, and, with it, improve the country. In such situation, this vicious circle could be broken in two ways. The first, by government

1 INSTAT, CENSUS POPULATION AND HOUSING 2011, 2012.

2 European Commission, “Albania 2019 Report”, August 2019.

3 FES, “ALBANIAN YOUTH 2018- 2019”, 2019.

4 Republika e Shqipërisë, Kuvendi, 2019. <https://www.parlament.al/>

5 Partners Albania for Change and Development, “Monitoring Report on Political, Social and Economic Participation of Youth in Albania, January-June 2018”, 2018.

6 European Commission, “Albania 2019 Report”, August 2019.

7 See more: Monitor, Anketa: 285 mijë të rinj planifikojnë të ikin nga Shqipëria, 40% e totalit, September 2019 Milva Ekonomi, Gjergj Filipi, Albanian Youth Challenges Toward Unemployment – Recommendations, <http://connectingyouth.org/publications/publikim20.pdf>, March 2008

8 European Youth Forum, “Human Rights and Young People”, 2019. https://tools.youthforum.org/youth-rights-info-tool/human-rights-and-young-people/?fbclid=IwAR14pCb7y-BAtqnf_-vLSRqbtwv_PllkaGOgDsUN_idLdCz5P4M4oLhBhyM

9 FES, “ALBANIAN YOUTH 2018- 2019”, 2019. <http://library.fes.de/pdf-files/bueros/albanien/15257.pdf>

10 FES, “ALBANIAN YOUTH 2018- 2019”, 2019. <http://library.fes.de/pdf-files/bueros/albanien/15257.pdf>

11 FES, “ALBANIAN YOUTH 2018- 2019”, 2019. <http://library.fes.de/pdf-files/bueros/albanien/15257.pdf>

12 OECD, PISA 2015, 2018. <http://www.oecd.org/pisa/pisa-2015-results-in-focus.pdf>

being more flexible and adopting tailor-made policy interventions. The policies should tackle education quality more specifically the corruption on higher education. They should properly promote the Erasmus Plus program to reach smaller cities and even more rural areas. The development of platforms to tackle the gap between unemployment and opportunities. The second, by making available more comprehensive EU programs dedicated to young people such as “Erasmus Plus”, “European Parliament, European Charlemagne Youth Prize”, “European Solidarity Corps” but also programs such as “Europe for Citizens”, Horizon 2020, COSME, Culture – Creative Europe, Media – Creative Europe, EaSI that should increase youth NGOs participation. Some adjustments of the EU policies towards Albania that could tackle the gap between education (formal and nonformal) and labour market, could bring considerable impact. The last one can be realized through the programs mentioned above.

By being involved in more projects – and in particular mobility projects – young people would access knowledge they would not access otherwise, learn new languages or improve the ones they already know. The participants involved in mobility projects showed 7 percent higher results in tested proficiency.¹³ They could also get in touch with new realities, meet new people, and experience life in EU countries. This is also one of the key findings of the research report about the impact of Erasmus Plus. The report states that more than 90% of young people involved in Erasmus reported an improvement in their soft skills, such as knowledge of other countries, their ability to interact and work with individuals from different

cultures, adaptability, foreign language proficiency and communication skills.¹⁴

This is why the EU should – within the next Multiannual Financial Framework – consider increasing the support for programs that focus on young people. The programs should be made more accessible to young people in order to achieve equality in opportunities in education, mobility and projects. The latter is also related with the recommendations delivered from the European Western Balkans Youth Meeting, held in Ljubljana in 2016 on the framework of the “Positive Agenda for the Youth in the Western Balkans.”¹⁵ These recommendations, among else, address the promotion and accessibility of the existing programmes and the establishment of closer links between formal and non-formal education. They are in line with conclusions and recommendations from other events such as “Connecting Youth Conference in Paris”¹⁶ and from the “Poznan Summit.”¹⁷ So, enhancing the support for programs leads to the implementation of the recommendations coming out from several gatherings about young people on Western Balkan on the framework of the Berlin Process. No one expects the fast development of Albania or other Western Balkan countries, if young people, who are the driving energy of these countries, do not have equal opportunities for development and comprehensive policies. At the moment, however, the EU programs do not achieve their full potential. Many young people in Albania cannot take the advantage and be inspired, gain knowledge or be motivated by the experience.

Erasmus Plus is among the most successful and most effective programs that target youth,

education, training and sports.¹⁸ This program has three actions that have different scopes, activities, funding opportunities and eligibility criteria. The countries, which are eligible for this program, are divided into three groups: program countries, partner countries and other partner countries. As a partner country, Albania is not eligible to apply for all segments of the program.

Albania has shown positive progress compared to previous years. During the last call, from 32 projects approved for the Western Balkan, EACEA has granted 14 projects to Albanian organizations under the Erasmus Plus YIA program.¹⁹ This is positive progress of Albanian organizations compared with the previous year. Regarding the Erasmus Plus program for the KA2+ (CBHE), the last approved projects have also shown an increase in the number of participating universities, both as coordinators and as lead applicants.

There is some important data about the teachers and the learners that have been part of Erasmus Plus mobility’s during the year 2015/2016. Only 367 teachers and learners have come to Albanian universities through mobility programs during 2015/2016.²⁰ This low number is mostly related with the lack of infrastructure and the need of Albanian universities to modernize and open up to European programmes. 760 teachers and learners went to EU during the year 2015/2016 through the mobility program.²¹ This number has been increased during the following years. All this mobility helps both learners and teachers to demand more accountability back at home. An additional important consequence of the programs is the

improvement of quality education in Albanian universities.

After the Erasmus Plus experience, Albanians participants are more likely to build better careers back home and, therefore, contribute to the local economy.²² The Erasmus Plus experience also helps build networks between nations that go beyond an abstract level of identity and politics but based on a concrete level of personal relationships. By facing new approaches, participants can better understand the idea of being a European citizen. Furthermore, the experience has contributed positively to the life of beneficiaries and indirectly to the entire society and country. The ultimate aim is to engage people and youth to be responsible, active citizens and participate in civil society and democratic life through education, trainings and sport, and, by doing that, contributing to the creation of a stronger and a more democratic Europe.

Young people in Albania do not have the right to participate in all the actions of Erasmus Plus despite the positive outcomes that are shown by those that have already taken part in other actions. This has an impact on their future development, as well as the adoption of the European values and their active citizenship.

This program cannot achieve the most optimal results and fulfil its mission if young people of the countries that aspire to be part of the European Union are not fully involved. This is why the Erasmus Plus should open all its programs to the Western Balkan countries, including Albania. Another aspect that should be taken into consideration for the situation described above

13 European Commission, Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (Mid Term Evaluation of the Erasmus + programme 2014-2020), January 2018.

14 Erasmus Student Network, 2019: <https://esn.org/erasmus-impact-study>

15 MOVIT, “Europe-Western Balkans Youth Meeting: Connecting Youth Work and Youth Policy: Action Plan for Youth Work and Youth Policy”, September 2016. <https://www.salto-youth.net/downloads/4-17-3438/Action%20plan%20EWBYM.pdf>

16 European Commission, “Connecting Youth Western Balkans Youth Conference – Paris, 4 July 2016”, July 2016.

<https://www.salto-youth.net/downloads/4-17-3467/Final%20WB%20Youth%20Conference%20conclusions.pdf> 17 Western Balkans Summit Poznań. Chair’s conclusions,

17 July 2019. https://www.premier.gov.pl/files/files/chairs_conclusions.pdf

18 Erasmus Programme, June 2019. <https://www.erasmusprogramme.com/>

19 Erasmus+ Programme Call EAC/A03/2018 - Key Action 2 Capacity Building in the field of Youth – Western Balkans, September 2019. https://eacea.ec.europa.eu/sites/eacea-site/files/cby_wb_2019_publication_of_results.pdf?fbclid=IwAR1HBG4bVgHQFqEE6Krrwa3UKIDrjEPwrejlwET5SVFSRJAXvPLIDOL58

20 EMA, “EDUCATION AND RESEARCH IN WESTERN BALKAN REGION: An assessments of countries’ experiences and their performance in EU funded programmes (Case study: Albania, Kosovo and Serbia)”, 2019. <https://drive.google.com/file/d/1EQkauEvri03MFbthKblq-3o83gEgToNI/view>

21 EMA, “EDUCATION AND RESEARCH IN WESTERN BALKAN REGION: An assessments of countries’ experiences and their performance in EU funded programmes (Case study: Albania, Kosovo and Serbia)”, 2019. <https://drive.google.com/file/d/1EQkauEvri03MFbthKblq-3o83gEgToNI/view>

22 Austrian Institute of Technology (AIT), Directorate-General for Education, Youth, Sport and Culture (European Commission), Public Policy and Management Institute (PPMI), “Study on the impact of Erasmus+ higher education partnerships and knowledge alliances at local, national and European levels on key higher education policy priorities”, May 2019. <https://publications.europa.eu/en/publication-detail/-/publication/9369267b-7ae2-11e9-9f05-01aa75ed71a1/language-en>

is the lack of quality of education. Seeking states to improve their higher education standards is another intervention that can be taken by the EU.

Another program that is very useful for the further development of young people from Albania and for their education with European values is the “European Charlemagne Youth Prize.” This is one of the projects that the European Parliament is developing together with the ‘Foundation of the International Charlemagne Prize of Aachen.’ Through this project, young people from 16 to 30 years old, from any EU member state, are offered a chance to submit projects that promote European and international understanding, foster the development of a shared sense of European identity and integration provides role models for young people living in Europe and offer practical examples of Europeans living together as one community.²³ It is available only for young people from EU member states. Since 2008 when this program was launched, in total 33 young people have been part of youth exchanges, activities in the fields of sports, arts or culture with a European dimension, by meeting new people from all over the EU member state and sharing their vision about Europe with policymakers. This project would be a good opportunity for young people from Albania to better understand European values, to foster and develop a sense of European identity and the European Union by being involved on a European level and by getting a hands-on experience. For a country that aspires to become a full member of the EU, opening this project for Albania would be a good signal and could benefit young people.

To conclude, youth in Albania is confronted with many challenges and all the programs that target them should be comprehensive. It is in the interest of both the EU and Albania to have as many educated, experienced and inspired young people. It is both in the interest of the EU and Albania to increase the number of countries and outreach of the EU projects. Only by investing in equality of opportunities for education, projects and mobility for young people, can the EU build a sustainable future for the region.

²³ European Parliament, European Charlemagne Youth Prize, 2019. <http://www.europarl.europa.eu/charlemagneyouthprize/en/introduction.html>

Bosnia and Herzegovina

A DIPLOMATIC GRAVEYARD: GENOCIDE DENIAL AND GLORIFICATION OF WAR CRIMINALS IN BOSNIA AND HERZEGOVINA

WRITTEN BY: ADNA SOFTIĆ

THE DOOR IS OPEN

On 20 March 2016, the doors of public student dormitory “Dr. Radovan Karadžić” opened to 600 students at the University of Istočno Sarajevo. The name of the 6.5 million euros dorm, funded by the government of the Bosnian-Herzegovinian entity Republika Srpska, “honors the man who set the foundation of the entity.”¹ The opening ceremony was broadcasted and widely reported by the entity’s public broadcaster. With both his daughter and wife attending the ceremony, as well as the political leadership of Republika Srpska. The tradition of naming institutions, airports or bridges after important historical figures is part of a wider European and Bosnian and Herzegovinian tradition. The largest airport in France, for example, was named after Charles de Gaulle, a statesman and army officer who led the French resistance against Nazis and reestablished democracy in France. One of the Sarajevo bridges has the name of Olga Sučić and Suada Dilberović, two young women killed by paramilitaries during peace demonstrations in Sarajevo in April 1992. This is why there would be nothing unusual with a student dormitory holding the name of “Dr. Radovan Karadžić” if at that same moment Karadžić was not sitting in prison for war crimes. After 13 years living as

a fugitive, in 2008 Karadžić was captured and extradited to the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague. The trial against Karadžić started in October 2009 and lasted for 498 days during which 11,500 exhibits were admitted and the testimony of 586 witnesses was heard.² “It is what he deserves,” stated the then president of Republika Srpska Milorad Dodik, as he revealed the plate with the name in front of the student dormitory. Adding that “the so-called international community was consistent from the start in an attempt to undermine the trust of people in Republika Srpska, in order to achieve that they discredit Republika Srpska’s leaders. That is ongoing and will not stop.”³ Four days after the opening of the dormitory, the ICTY sentenced Karadžić to 40 years of prison. The ICTY “convicted Radovan Karadžić, former President of Republika Srpska and Supreme Commander of its armed forces, of genocide, crimes against humanity and violations of the laws or customs of war committed by Serb forces during the armed conflict in Bosnia and Herzegovina, from 1992 until 1995.”⁴ The move by Republika Srpska government provoked criticism of Karadžić’s victims in Bosnia and Herzegovina and politicians and observers across the Western Balkans region, the EU and US. Also, some in Republika Srpska came out strongly against the government’s decision.⁵ But three years later students still reside, learn and fall in love in the dormitory named after a sentenced war

¹ RTS, “Dodik otvorio Studentski dom “Radovan Karadžić””, March 2016. <http://www.rts.rs/page/stories/sr/story/11/region/2251799/dodik-otvorio-studentski-dom-radovan-karadzic.html>

² ICTY, “Tribunal convicts Radovan Karadžić for crimes in Bosnia and Herzegovina”, March 2016. <http://www.icty.org/en/press/tribunal-convicts-radovan-karadzic-for-crimes-in-bosnia-and-herzegovina>

³ RTS, “Dodik otvorio Studentski dom “Radovan Karadžić””, March 2016. <http://www.rts.rs/page/stories/sr/story/11/region/2251799/dodik-otvorio-studentski-dom-radovan-karadzic.html>

⁴ ICTY, “Tribunal convicts Radovan Karadžić for crimes in Bosnia and Herzegovina”, March 2016. <http://www.icty.org/en/press/tribunal-convicts-radovan-karadzic-for-crimes-in-bosnia-and-herzegovina>

criminal. In Bosnia and Herzegovina there are no regulations regarding criminalisation or even penalisation of genocide denial and glorification of war criminals. Bosnian and Herzegovinian governments and parliaments are failing to follow the example of Belgium, which proposed similar legislation on the Bosnian and Herzegovinian war earlier this year.⁶ Quite the contrary, war criminals of all three warring sides have been elected mayors, with public schools and streets named after them, and the leadership banning schoolbooks discussing war crimes. Unless the constantly reinforced nationalistic narrative does not come to an end, younger generations will continue to face the threat of becoming accomplices in the promotion of anti-European values, thus requiring immediate action.

THE DOORS ARE CLOSED

More than two decades after the events took place, some argue that the war in Bosnia and Herzegovina has continued through persuasion of other means. The political climate continues to be destabilised by some political actors and wounds from the war are regularly reopened.

In May 2019, the European Commission published its Opinion on Bosnia and Herzegovina's application for European Union membership. In it the Commission emphasised the importance of this issue, stating that "the political environment [of Bosnia and Herzegovina] is not yet

conducive to reconciliation"⁷.

The Commission also criticized the lack of acknowledgement and respect of decisions made by international tribunals, whose impartiality was questioned and oftentimes diminished by domestic political leaders. Although the genocide which took place in Bosnia and Herzegovina has been acknowledged by International Criminal Tribunal for the Former Yugoslavia (ICTY), as well as International Court of Justice (ICJ), it has often been downplayed to a "fabricated myth", as suggested by one of the three members of the Bosnia and Herzegovina's Presidency, Milorad Dodik, and openly supported by mayor of Srebrenica, elected in 2016⁸.

The culture of denial is not something unique for Bosnia and Herzegovina, as similar situations can be traced to revisionists when speaking about Rwandan genocide and the Holocaust. The legal status of these conflicts, however, did result in criminalisation of denial and glorification acts, which is still not the case in Bosnia and Herzegovina for the 1992 to 1995 war.

Following the rulings of international tribunals, the European Parliament has also declared that it rejects any "denial, relativisation, or misinterpretation" of the Srebrenica genocide in its 2015 resolution⁹. By doing so, it has reinforced the idea that acknowledgement of the crime should be a precondition to moving forward. Unsurprisingly, the resolution resulted in mixed responses all over the Balkans. The issue was even raised at international level and fell victim to global power games, as a new low was reached in 2015, when the draft resolution on

Srebrenica genocide was vetoed by Russia in the United Nations Security Council. The Russian move was praised by Milorad Dodik, but also by Aleksandar Vučić, then-prime minister of the EU accession process front-runner Serbia. Vučić reconfirmed his stance on victims of the war. While vetoing was claimed to be done for the purpose of saving the countries from regional tension, as warned by Russian ambassador Vitaly I. Churkin, it has done quite the opposite.

Both Bosnia and Herzegovina and Serbia want to join the EU. In that sense, since July 2016, EU member states have adopted a joint position on chapter 23 of membership negotiations with Serbia which states that "the EU therefore underlines the need for Serbia to fully cooperate with the International Criminal Tribunal for the former Yugoslavia and with the Mechanism for International Criminal Tribunals (MICT) by fully accepting and implementing the ICTY's rulings and decisions."¹⁰ The Commission's Opinion on Bosnia and Herzegovina, from May 2019, also provides clear guidance by stating that "revisionism and genocide denial contradict the most fundamental European values" which must stay protected.

DOWN THE SAME ROAD

The glorification of war criminals is not reserved for the political leadership in Bosnia and Herzegovina. In 2013, the president of Republika Srpska student union, Predrag Govedarica, invited his fellow students to attend the grand reception for Momčilo Krajišnik, released after serving a sentence for crimes against humanity committed during the war. Using various media

channels, Govedarica argued that "the students [of Republika Srpska] are thankful to Krajišnik" for establishing a university they aim to improve every day. Before the ceremony, the streets of Sarajevo were filled with posters "The return of war criminal, Momčilo Krajišnik - a war criminal."¹¹ More than 2000 people attended the ceremony in Istočno Sarajevo.

Similar instances were found when Slobodan Praljak, a Bosnian Croat war criminal took his life in The Hague Courtroom in 2017. Then member of the Presidency, Dragan Čović, stated that his act showed "what sacrifice he was ready to make" to prove his innocence, despite findings showcased in the ICTY.¹² Following his death, thousands of citizens gathered all around Federation of Bosnia and Herzegovina, most notably in his hometown Čapljina, where hundreds of candles were used to spell out his name. A local flower shop owner, a woman in her late 20s, stated that this was the first time she found an act of suicide "heroic". Adding that she took her "kids to light candles for him."¹³

There should be no mistake, these events are not accidental or part of the rise of extremism of the radical few, increasingly found in many European states. It is a consequence of long-term institutionalised nationalism, which continues to be used as a post-war political tool of mobilizing masses.

In 2017, the use of new history books for 9th grade pupils was approved in parts of Federation of Bosnia and Herzegovina, including lessons on Srebrenica genocide and the Sarajevo siege. This provoked reaction by

5 Buka, "Dragan Bursać: Radovan Karadžić, najveći srpski guru!", May 2017. <https://www.6yka.com/novosti/dragan-bursacradovan-karadzic-najveci-srpski-guru> N1, "Puhalo: Studenti na Palama će spavati kao zaklani", March 2016. <http://ba.n1info.com/Vijesti/a87231/Puhalo-Studenti-naPalama-ce-spavati-kao-zaklani.html>

6 Balkan Insight, "Bosnia, Serbia Unlikely to Copy Belgium's Genocide Denial Law", 17 April 2019. <https://balkaninsight.com/2019/04/17/bosnia-serbia-unlikely-to-copy-belgiums-genocide-denial-law/>

7 European Commission, "Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union", May 2019. <https://ec.europa.eu/neighborhood-enlargement/sites/neighborhood/files/20190529-bosnia-and-herzegovina-opinion.pdf>

8 The Independent, "Srebrenica massacre is 'fabricated myth', Bosnian Serb leader says", April 2019. <https://www.independent.co.uk/news/world/europe/srebrenica-massacre-genocide-milorad-dodik-bosnia-myth-a8869026.html>

9 European Parliament, "European Parliament resolution of 9 July 2015 on the Srebrenica Commemoration", July 2015. http://www.europarl.europa.eu/doceo/document/TA-8-2015-0276_EN.html

10 Council of the European Union, "Accession negotiations with Serbia Chapter 23: Judiciary and fundamental rights", July 2016. http://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/Ch23%20EU%20Common%20Position.pdf

11 Nezavisne, "Pozvao studente da dočekaju Momčila Krajišnika", August 2013. <https://www.nezavisne.com/novosti/bih/Pozvao-studente-da-docekaju-Momcila-Krajsnik-ka/206990> Večernji, "Krajišnik: Nisam očekivao doček, ipak sam ja ratni zločinac", August 2013. <https://www.vecernji.hr/vijesti/krajsnik-nisam-ocekivao-docek-ipak-sam-jaradni-zlocinac-606238>

12 BBC News, "Slobodan Praljak suicide: War criminal 'took cyanide' in Hague court", December 2017. <https://www.bbc.com/news/world-europe-42204587>

13 <https://www.theguardian.com/world/2017/dec/02/slobodan-praljak-suicide-reopens-old-wounds-bosnia>

Republika Srpska Minister of Education and Culture, Dane Malešević, who announced that the schoolbooks will be banned in 22 schools within the entity, using the school curriculum of the Canton of Sarajevo. Malešević justified this decision by calling upon the 2002 OSCE agreement on exclusion of war related topics in schools, signed by all ministries of education in Bosnia and Herzegovina. Adding that the entity is respecting the agreement “so that children will not be burdened with the topic” and “in the interest of healthy coexistence in Bosnia and Herzegovina”. This wish for healthy coexistence was not equally reflected in a fight for abolition of the controversial ‘two schools under one roof’ practices, where pupils are separated into different classes based on ethnicity or recognition of Bosnian language as official within the Republika Srpska entity. In 2018, Malešević announced the introduction of new history books for Republika Srpska high schools, containing the lesson “Civil war in Bosnia and Herzegovina from ‘92 until ‘95”.

A public primary school in the capital Sarajevo had also been the centre of controversy just a few months later. In August 2018, it was officially renamed to honour World War II writer and fighter Mustafa Busuladžić, after the Assembly of the Canton of Sarajevo accepted the 2017 proposal. Busuladžić’s views have often been described as “anti-Semitic” and supportive of pro-fascist Ustaša regime. He was sentenced to death in June 1945, after the publication of anti-communist brochure “Muslims in Soviet Russia”. The US Embassy in Bosnia and Herzegovina expressed its deep disappointment with the decision of the Canton’s authorities, followed by a protest note of the Embassy of Israel in Tirana. The efforts to accept the initiative of maintaining the school’s previous name failed to be successful in 2018, with 8 votes against and 6 abstentions. In March 2019, the proposal has been finally accepted with 18 votes in favour, however, the decision has failed to be implemented until present day.

WHAT CONCERNS THE YOUTH?

Nevertheless, the youth still persists. According to 2018/2019 findings published by the German-based Friedrich-Ebert-Stiftung foundation, younger population of the Balkans regions still shares high rates of optimism for the future, greatly shaped by existing perceptions of European identity and the EU. Though religion may still have a great role in their personal lives, the issues of public matter, such as corruption and high unemployment rates, seem to be of a higher concern. It was also discovered that the participants are overwhelmingly pro-European and in favour of establishing welfare systems. However, they expressed their worries about underrepresentation in the political system, which directly leads to disinterest towards political participation. Earlier political involvement has been heavily misused, primarily for the purpose of finding better job opportunities in the public sector, where political membership plays a vital role in employment procedures. Despite the rather positive implications of the FES reports, it was also noticed that there is a continuous rise of support in authoritarian tendencies for economic reasons. It is for these reasons therefore that the Europeanisation of the region must be preserved.

Commemoration and the authorities of Republika Srpska to revoke the decision on the student dormitory name.

The EU’s top officials, Federica Mogherini and Johannes Hahn, welcomed the decisions of international tribunals in a letter to war crime victims associations, stating that “denial or revisionism contradict the most fundamental European values” and “there is no place in the EU for inflammatory rhetoric, let alone for the glorification of war criminals from any side.” Their letter led to a heated discussion between members of the National Assembly of Serbia in July 2019. Vojislav Šešelj, a convicted war criminal and president of Serbian Radical Party (SRS), declared that genocide in Srebrenica did not happen, repeatedly encouraging the government to gather information about the “fraud participated by International Court of Justice”. Vladimir Đurić, a representative of newly established Party of Modern Serbia, criticized his claims and stressed the importance of accepting the European Parliament resolution on 2018 Commission Report on Serbia. The resolution states that “recognition of the Srebrenica genocide is a fundamental step in Serbia’s path towards joining the European Union.” The High Representative for Bosnia and Herzegovina Valentin Inzko also declared that he will advocate for the adoption of genocide denial law, despite possessing legal powers to directly enforce it.

With this in mind, progress has been made to bring the European hopefuls of the Western Balkans closer together. In 2016, six Prime Ministers of the region signed an agreement on establishment of RYCO, an independently functioning organization aiming to promote

reconciliation and cooperation among younger population. Similar actions were taken by Youth Initiative for Human Rights in five countries of Western Balkans, with the goal of connecting young people and helping them face the truth on past events and war crimes of the region. Their other areas of work include the promotion of human rights, as well as EU integration and democratization processes of the Western Balkans. It is believed therefore that more can be done in order to support the given organizations, emphasising the potential of EURO-CLIO-HIP as the first association of history teachers and educators in the country.

RECOMMENDATIONS

- Countries in the region, including Serbia and Bosnia and Herzegovina, as part of their EU accession process, should be conditioned to adopt a law that would penalise glorification of persons and acts committed during the 1990s war which were ruled by the ICTY.
- A similar legal basis should be also established for lustration from elective positions for convicted war criminals, in order to avoid the consequences of 2016 municipal elections, when five people convicted of war crimes and abuse of office were elected as mayors.

14 Balkan Insight, “Bosnian Serbs to Ban Lessons on Srebrenica Genocide”, June 2017. <http://archive.balkaninsight.com/en/article/bosnian-serbs-to-ban-lectures-on-srebrenica-sarajevo-siege-06-06-2017>

15 European Parliament, “European Parliament resolution of 29 November 2018 on the 2018 Commission Report on Serbia”, November 2018. http://www.europarl.europa.eu/doceo/document/TA-8-2018-0478_EN.html

WRITTEN BY: ARBËR SELMANI

INTRODUCTION: YOU NEVER FULLY COMPREHEND THE PRIVILEGES YOU HAVE UNTIL SOMEONE DENIES THEM FROM YOU

For a moment imagine a country where the president is sworn in but neighboring countries refuse to recognize him. Now imagine that the speaker of the parliament, confronted with huge citizens' protests, decides to declare himself as an interim president. While international media report about alleged coup attempts and human rights violations, amid food and energy supply crisis, citizens try to flee to the neighboring countries as border restrictions are introduced. This country exists and it is called Venezuela. Its 30 million citizens are among over sixty privileged countries, including Australia, Brazil, Mexico, Ukraine and the US, that do not need a visa to enter the Schengen zone.

The Schengen zone is one of the European Union's biggest and most renowned successes. It has been praised and criticised, but over the years it has allowed more than 500 million citizens of 28 EU member states and 4 non-EU Schengen states to travel visa-free across the continent and with few exception also without any passport control.

This system also enables millions of citizens of other countries in the world to travel and stay in

the Schengen zone up to three months. For citizens of those countries that do not enjoy this privilege, visas are needed. In 2017, 16.1 million applications for short-stay visas were lodged and 14.6 million visas were issued. In Europe there are only six countries whose citizens need to apply for a visa to enter Schengen. These are Armenia, Azerbaijan, Belarus, Kosovo, Russia and Turkey.

Like all other Western Balkan countries Kosovo received from the European Commission a list of conditions to must be met in order for its citizens to be granted a visa-free travel – the so-called visa roadmap – in 2012. The roadmap consisted of 95 benchmarks that had to be met.

In its latest report on Kosovo, published in May 2019, the European Commission repeated its assessment from summer 2018 that "...Kosovo has fulfilled all visa liberalisation benchmarks." The Commission also added that "in March 2019, the European Parliament supported the Commission's proposal for visa liberalisation in its first reading. The proposal is pending in the Council and should be treated as a matter of urgency."

But in order for Kosovo to be on the list of visa-free countries the final decision by EU member states is missing. Some EU member states are sceptical, quoting fear of increased illegal migration to the EU. However, statistics

show that the number of Kosovo asylum seekers in the last couple of years has decreased significantly.

According to the Eurostat, the EU statistics agency, there were approximately 5,300 first-time asylum seekers from Kosovo in the EU during 2017. This number indicates a sharp drop of first-time applicants. Over the past few years, 9,200 Kosovars applied for asylum in 2016, a stark contrast to 2015 when almost 70,000 Kosovars sought asylum into the EU. Furthermore, according to the most recent youth study conducted by Friedrich Ebert Stiftung, among all Western Balkan countries, Kosovo has the highest percentage of youth with no intention to emigrate, 41 percent compared to only 22 percent in Serbia. As Prishtina Insight, an English speaking news portal, concluded in March 2019:

"The fear that Kosovars might 'invade' Europe illegally and produce instability doesn't stand, at least considering the above-mentioned statistics. Even in the worst-case scenario, if all Kosovars migrate to the EU, that is still only four percent of the total population of Ukraine." A look at facts and statistics, as well as what happened when other Western Balkan countries were put on a visa-free list, reveals that the fear of experiencing a wave of migrants is unfounded.

In Kosovo, thousands of citizens await in anxiety for Schengen-visas to visit their relatives, attend a business-related event or just explore as tourists. Over the past ten years, personally, I obtained twenty visas. For some of those I had to pay 60 euros in order to travel for five days. It is up to a visa officer in consulates to decide on ones visa application. Sometimes it depends on pure luck and over the years frustrations grow. Among Kosovo citizens there is a growing feeling that visa officers determine someone as unqualified for the slightest of

reasons.

In 2012, for example, I was unable to travel to Italy to attend a cultural event because the officer rejected my visa application. I distinctly remember this because it was the very first time I understood that even after the Kosovo war in 1999 I was not totally free to move wherever I wanted. I was a child when the war happened in Kosovo and yet I was still unable to grasp the wholeness of freedom as it is.

Back in the 1980s my parents could travel to Italy, Russia and the United States visa-free because they possessed a Yugoslav passport. Ironically, living in a democracy, I am refrained from free-movement, something that in my context seems more like a privilege rather than a human right. Thirty years later, a piece of paper would not let me go and meet new people in Italy, one hour away from my hometown by plane.

OVERVIEW: VISA REGIME AND ITS IMPLICATIONS

This piece of paper, stamped in a passport, is of course a visa. A travel-visa, allows you to enter into a foreign country for a specific amount of time. After you submit all relevant documents, the embassy of the respective country you are travelling to requires you to wait for an answer, a period which could take up to 4 weeks.

Prior to submitting the visa application--among other things--you are required to submit your birth certificate, household information, employment history, bank information, scan your fingerprints, allowing the Embassy to know much of your personal information.

In 2012 the Italian Embassy in Pristina put a red stamp on my passport which said "refused." However, nobody explained why my applica-

1 Schengen visa info, "2017 Schengen Visa statistics for consulates", accessed 2019. <https://statistics.schengenvisa.info.com/2017-schengen-visa-statistics-for-consulates/>

2 Schengen visa info, The Timeline of the Long Road to EU Visa Liberalization for Kosovo, <https://www.schengenvisa.info.com/news/timeline-eu-visa-liberalization-with-kosovo/>

3 Kosovo* 2019 Report, European Commission, page 3, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>

4 Kosovo* 2019 Report, European Commission, page 3, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>

6 YOUTH STUDY SOUTHEAST EUROPE 2018/2019, The Friedrich-Ebert-Stiftung (FES), <http://library.fes.de/pdf-files/id-moe/15274-20190408.pdf>

7 A tale of two countries: Kosovo and Ukraine, Visar Xhambazi, March 2019, Prishtina Insight, <https://prishtinainsight.com/a-tale-of-two-countries-kosovo-and-ukraine/>

tion was refused. I, a 21 years old journalist and occasional writer was not able to travel to Italy and present my work and I never knew the reasons why I was refused in the first place. A lot of other youngsters from Kosovo have lost tremendous opportunities, be that professional or personal ones, because they could not obtain a visa.

Dite Gashi, 28 years old, is one of the many who experienced this torment. Dite is a friend of mine and we know each other since elementary school. Today, Dite is a U.S. educated entrepreneur based in Czech Republic, who utilizes the power of blockchain, crypto currencies and financial software to bring about new disruptive innovations. He is the co-founder and CTO at Bitsapphire. Dite is an alumni of TLP – Transformational Leadership Program supported by the United States Agency for International Development (USAID). Occasionally he could not attend business opportunities due to different embassies processing methods and schedules to provide a visa. What Dite explained in 2016 remains relevant to this day:

“I have another business opportunity that needs me to physically be in the Czech Republic in late November. As I was telling our partners — I cannot confirm my attendance.... [...]....The visa regime as we know it is very inefficient. I was a European resident for four years during my studies and have had numerous short-visit business and tourist visas for several European countries; the rules of which were completely respected. However, this does not guarantee me any sort of leniency when applying for a new visa.”

Since five EU member states, Spain, Cyprus, Greece, Slovakia and Romania, do not recognize Kosovo’s independence, difficulties for Kosovo’s citizens are even stronger. Greece and Slovakia have liaison offices in Kosovo and

issue Schengen visas for Kosovo citizens, but the Spanish position towards Kosovo has in that respect been quite aggressive. They don’t accept Kosovo as a country, nor its passports, Spain does not even issue visas for Kosovo citizens.

This is why Tanita Zhubi, 28 years old, could not continue her master studies in Bilbao because Spain authorities would not accept her Kosovo passport. According to her, “its somehow impossible to go to Spain for a long time if you are a Kosovo citizen.” Tanita had to pause and then go through the same procedure again, this time with a successful finish. She enrolled in a University in Aarhus, Denmark, and managed to obtain a visa in order to travel and live in Denmark for the needed period. A lot of people like Dite and Tanita have been harshly damaged by the visa scheme. Dite and Tanita are just two of my close friends whose stories I am aware of. There are thousands of other untold stories out there.

WHEN YOU HAVE COMPLETED ALL CRITERIA BUT YOU ARE STILL LABELLED AS UNQUALIFIED

The last Kosovo country report released by the European Commission in May 2019 mentions the word ‘visa’ 25 times in total. A country report is an annual document put together and published by the European Commission to show the progress and shortcomings of countries that hope to join the EU. Even though in July 2018 the European Commission confirmed that Kosovo had met all 95 required criteria, the proposal is pending in the Council and Kosovo citizens. The Head of EU Office in Kosovo and

EU Special Representative, Nataliya Apostolova, has clearly stated that the EU member states should be rational in deciding soon: “We want the people to be able to travel visa free as soon as possible. It is important to know that the European Commission and the European Parliament have said that Kosovo has met all conditions and recommended that visas be lifted”.

In the Western Balkans, Serbia, Montenegro and North Macedonia were offered visa-free travel as early as 2009; visa restrictions for Albania and Bosnia and Herzegovina were lifted in 2010. Moreover, Ukraine and Georgia became the latest European countries to benefit from visa liberalization in 2016. With all conditions met, Kosovo citizens feel discriminated as the only citizens from the Western Balkans that have to apply for and obtain a visa to travel in the EU.

Not to forget here that not so long ago, the passport of Yugoslavia was quite a handful one. For a certain period, Yugoslav citizens really had topped the global hierarchy of mobility. The Yugoslav government signed scores of mutual agreements on visa-free travel from the mid-1960s. Eventually this applied to most states on the globe, excluding, for example, the USA, Albania, China, Israel and Greece, but including over a hundred Non-Aligned states and almost all European states in both the Eastern and Western blocs.

isa restriction is seriously damaging Kosovo citizens, especially its youth. Half of Kosovo’s population is under the age of 30. Furthermore, it is damaging the EU since it makes it harder to enjoy in what Kosovo has to offer. A significant number of Kosovo youngsters speak at least

two foreign languages and throughout the years have shown enormous potential to contribute to European culture and sports. Majlinda Kelmendi, a judoka, won the first gold medal in the Olympics for Kosovo. “Shok” a short-film was nominated for Oscars in 2016. Kosovo football team are unbeaten in the last two years, losing only to England in September this year. Visa restriction is damaging the EU’s reputation in Kosovo and could further strengthen the argument that Kosovo citizens are being treated differently.

While European Union is moving towards initiatives such as #DiscoverEU, with everyone turning 18 being able apply for a Interrail ticket for a whole summer, youth in Kosovo is still required to stand in long lines for their visas.

RECOMMENDATIONS

- EU member states should, as a matter of priority, decide to allow Kosovo citizens to travel visa-free in the Schengen zone because the authorities fulfilled all conditions and fears of negative consequences are unfounded.
- Visa liberalization will boost Kosovo’s economy and will allow more people to travel in Europe and hold business meetings with the hope of returning back home with new business deals. Visa liberalization can be instrumental to give life to youth mobility for Kosovo youngsters.
- The EU must keep their promises because Kosovo is the most pro-European country in Europe. Kosovars still view the EU with admiration; therefore, visa liberalization is also a foreign policy mechanism.

10 The youth are showing the way to Kosovo’s European future, NATALIYA APOSTOLOVA, 2019, https://eeas.europa.eu/delegations/kosovo/62039/youth-are-showing-way-kosovo%E2%80%99s-european-future_en

11 Europe’s isolated youth, FRANZISKA TSCHINDERLE, May 2018, <http://www.erstestiftung.org/en/europes-isolated-youth/>

12 The afterlives of the Yugoslav red passport, Stef Jansen, 2012, BTurn, <http://bturn.com/8704/yugoslav-red-passport-afterlives>

13 Lura Limani, Prishtina Insight, ‘Over 5,000 Kosovars applied for asylum in the EU during 2017’, March 2018, <https://prishtinainsight.com/5000-kosovars-applied-asylum-eu-2017/>

14 www.youdiscover.eu/

8 Dite Gashi, YOU ARE FROM KOSOVO, NO BOARDING FOR YOU, November 2016, <https://kosovotwopointzero.com/en/kosovo-no-boarding/>

9 European Commission, Kosovo’ 2019 Report, May 2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>

HOW MUCH LONGER MUST WE LIVE IN FEAR OF SUCH COWARDS? MEDIA FREEDOM IN MONTENEGRO

WRITTEN BY: TARA LIPOVINA

“Any threat to the safety of journalists will be punished and whoever the perpetrators and warrants are the government will prosecute them,” the Prime Minister of Montenegro, Duško Marković, said in October 2018. It was a welcoming statement but also one that does not reflect the assessment of the European Commission. In the most recent report, published in May 2019, the Commission concluded that “concerns persist on freedom of expression and the overall climate of media freedom, with particular regard to the investigations into attacks against journalists.” The Commission also noted “no progress was made” since March 2018 and asked authorities in Montenegro to “significantly step up and prioritize efforts to investigate cases of attacks against journalists.”

Statements by officials in Montenegro about freedom of media are consistent for many years. They insist on maximum freedom of expression and punishment of all attacks against journalists. These statements, however, are rarely followed by concrete actions.

Olivera Lakić is a 49 years old investigative journalist working since 2002 for the Montenegrin daily newspapers Vijesti. On Tuesday evening, 8 May 2018, Olivera was driving to her apartment after finishing her shift and drop-

ping-off her friend to the airport. As she approached the entrance to her building one man shot her in the right leg. Reacting to the attack, Olivera’s chief editor, Mihailo Jovović, wrote:

“I am speechless. For how much longer will this be happening? A lot of stories she wrote have not been investigated [by the authorities]. For how much longer must we live in fear of such cowards?”

This was not the first physical attack on Olivera. In 2012, again in front of her apartment, Olivera was beaten. A perpetrator was later found and sentenced to prison, but those who were behind the attack were never found. Over the years, Olivera also received countless threats and for two years and seven months she was under police protection. In Montenegro and the Western Balkans region Olivera is known for her investigative journalism and articles about links between the state and organised crime, as well as high level corruption.

A couple of days after the attack, on 11 May 2018, the EU commissioner in charge for the Western Balkans, Johannes Hahn, came to Podgorica and visited Olivera in her apartment. Hahn described the attack on her as “unacceptable.” When in September 2018, the president of Montenegro, Milo Djukanovic, was asked to comment the investigation of the attack on Olivera he said that “it is not desirable that there is no progress” in the investigation but that “it was normal.” Adding that “as we

all know, neither in Montenegro, nor in more developed EU member states those wishes are not always in line with real capacity of the state apparatus.” If EU member states like Slovakia struggle to clarify attacks on journalists, the authorities of Montenegro claim, then Montenegro should not be expected to do better.

But what happened to Olivera Lakić is not a single event or an incident. It is one of many attacks against journalists lacking a proper follow-up and is part of a wider climate existing in Montenegro. From 2014 until 2019 there were 33 attacks against journalists officially recorded. Four of them were physical attacks, 14 cases of anonymous threats, 13 cases of attacks on the property of the journalists and media offices.

Little over a month before the attack on Olivera, on 1 April 2018, in the centre of small town in Montenegro, Bijelo Polje, an explosive device was activated under a car parked outside the home of the Radio Free Europe journalist Sead Sadiković. The perpetrator was later charged with only three months prison for assault and endangering security. During 2018, there were four serious attacks on journalists: two against Sead Sadiković, one against Olivera Lakić and threats against Jelena Jovanović. All of them were directed against journalists working in the daily newspaper Vijesti.

In its May 2019 report on Montenegro the European Commission concluded that “there is still a lack of progress and resolution of both new and old cases regarding the identification of the physical perpetrators and commissioners of the attack, as well as the shortcomings and setbacks that have hampered the investigation.” It

furthermore noted that “authorities are expected to demonstrate zero tolerance for threats or attacks against the media, and should refrain from making statements that may create an environment not conducive to freedom of expression.”

The only reaction by the government so far has been rhetorical. In September 2019, Zoran Pazin, deputy prime minister and minister of justice since 2015, said that ‘it is evident that there are weaknesses in the system and there are deficiencies in acting, and that it is time to have an answer whether it is the result of objective weaknesses or of subjective omissions. If it is the result of subjective omissions we need to know what those weaknesses are in the system and let’s see if there is a place for one’s responsibility.’ He also stressed that, if the reason for the omissions was insufficient professionalism, the non-professional people must be removed from service. “But if it is bad intent, it is much more difficult to establish the facts and that requires evidence,” Pazin said, pointing to the aggravating circumstance that certain responsible persons are no longer in positions where the omissions have been made. He emphasized that in order to establish criminal liability for the failures of acting officials in certain cases of attacks on journalists, it is necessary to gather adequate facts and evidences.

The environment conducive to freedom of expression is particularly important for the youth in Montenegro. The situation related to the media freedom has an impact on free society and the quality of democracy in every country. To minimise all attempts of manipulation the quality of information they receive through media is important. While free media and journalists in

1 Newspaper Vijesti, “Premijer Marković, Sloboda Medija i bezbjednost nijesu uslov za pristupanje Crne Gore Evropskoj Uniji, već je to moralna obaveza, 2018 <http://www.preds-jednik.gov.me/vijesti/192422/Premijer-Markovic-Sloboda-medija-i-bezbjednost-novinara-nijesu-uslov-za-pristupanje-Crne-Gore-Evropskoj-uniji-vec-je-to-moralna.html>

2 European Commission, “Montenegro 2019 Report”, 29 May 2019. - <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-montenegro-report.pdf>

3 Al Jazeera Balkans, “Hahn u Podgorici: Napad na novinarku je napad na drzavu”, 11 May 2018. <http://balkans.aljazeera.net/vijesti/hahn-u-podgorici-napad-na-novinarku-je-napad-na-drzavuwww.youdiscover.eu/>

4 Al Jazeera Balkans, “Đukanović: ‘Normalno’ je što nema pomaka u istrazi o napadu na novinarku”, 20 September 2018. <http://balkans.aljazeera.net/vijesti/dukanovic-normalno-je-sto-nema-pomaka-u-istrazi-o-napadu-na-novinarku>

5 Al Jazeera Balkans, “Đukanović: ‘Normalno’ je što nema pomaka u istrazi o napadu na novinarku”, 20 September 2018. <http://balkans.aljazeera.net/vijesti/dukanovic-normalno-je-sto-nema-pomaka-u-istrazi-o-napadu-na-novinarku>

6 Safe Journalists, “Za tri godine 33 slučaja napada na novinare, SMCG, Podgorica, 14/06/2017, <http://safejournalists.net/me/za-3-godine-33-slucaja-napada-na-novinare/>

7 European Commission, “Montenegro 2019 Report”, 29 May 2019. - <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-montenegro-report.pdf>

8 European Commission, “Montenegro 2019 Report”, 29 May 2019. - <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-montenegro-report.pdf>

9 Cafe del Montenegro, “Značajno unaprijeđena zaštita novinara, 10 09 2019, https://m.cdm.me/hronika/pazin-znacajno-unaprijeđena-zastita-bezbjednosti-novinara/?fbclid=I-wAR1vrV9AnfRYPe_ELhx6reQ_WIVNnaLjMKqH5sQAQNoBt-1Xbhj8IEQvD8g

Montenegro are under attack and their space is shrinking, the country's youth is heavily dependent on information that come from outside sources, international and the Western Balkans regional media outlets, such as Al Jazeera Balkans, CNN affiliate N1, Radio Free Europe or Voice of America. Very often, however, the focus of these regional and international media is not on Montenegro but other Western Balkan state.

The fact that professionals whose task it is to inform society in a right and independent manner are being silenced in Montenegro has also an impact on the willingness of young people to express their opinion as well. A 22 years old student, interviewed for this paper, shared experience with restricting free speech:

"I was researching about protests that recently happened on the streets of Podgorica, and I expressed my own way of interpretation of this current situation, and I got the message from an unknown sender to remove it as soon as possible or I will regret it."

According to the Youth Law of Montenegro, access to information for youth is a prerequisite for developing the potential of young people and their participation in society development and decision-making. Info centres for youth exist throughout the country. These are foreseen as places where young people can access some information, but are mostly related to education.

Results of research of how much young people in Montenegro trust local institutions showed that their trust is lowest in the media. The

situation in other countries covered by the research shows that youth in Montenegro scales whether they will express their attitude relative to the current situation in the country. They are cautious about whether they will express their opinion, be it on some online news portal or their social media accounts. They mostly fear that this could lead to someone condemning and marginalizing them in their future career. That is something that leads to increased distrust and poor quality of democracy.

RECOMMENDATIONS

- Montenegro's authorities have an obligation to create a healthy environment where journalist and other citizens of Montenegro are not attacked for speaking out and reporting. This is in the public interest since it would lead to further development of democracy and institutions in Montenegro which are based on rule of law. To achieve this the authorities should react swiftly and work on creating an environment that is favorable for free media.
- The EU institutions and member states have reported about the state of media freedom and attacks against journalists in Montenegro for some time. They have also called upon authorities to react and conduct detailed investigations. A lot of time has passed without concrete results. This is why European Commission and the EU member states should consider, as a matter of priority, to send an expert mission – similar to the one sent to North Macedonia and Bosnia and Herzegovina, led by Reinhard Priebe – to Montenegro to look into the investigation of the attack against Olivera Lakic and several other cases that would result with concrete recommendations for changes in the system.

North Macedonia

DISCRIMINATION AND LEGAL PROBLEMS OF TRANSGENDER PEOPLE IN NORTH MACEDONIA

WRITTEN BY: STEFAN KARAKACHANOV

INTRODUCTION

The positive political reforms that took place in North Macedonia since the 2016 elections and the formation of Zoran Zaev's government in May 2017 are well known. This story, told so many times by now, begins with a description of North Macedonia as a Western Balkan country in deep political and inter-ethnic turmoil. The government was wiretapping over 20,000 individuals, leaks revealed high-level corruption, the electoral processes was rigged, murders and direct political influence over media uncovered, while journalists who dare to publish truth are intimidated.

In contrast, there is with a description of North Macedonia as a country that is turning its Euro-Atlantic dream into a reality. The list of successes seem endless. From pushing for multiethnic policies by making Albanian the second official language, to building good neighborly relations with Bulgaria and resolving the 27-year-old name dispute with the Republic of Greece. One can observe the latest European Commission's report praising North Macedonia's government for being transparent, accountable and for advocating equal access with its policy 'One society for all'. There is no doubt that this story is positive and welcoming, but in order to sustain it the government will have to continue delivering on reforms. Take the government's 'One society for all' policy; it is about inclusive development, gender equality and protection from all forms of discrimination, yet some marginalized groups are far from full inclusion and equal treatment

in society, especially members of the LGBT+ community.

This paper provides details of some steps achieved since the new government came to power and suggests next steps that could help keep the momentum. For the government to be ready to implement them, pressure from civil society in North Macedonia and the EU institutions will be key.

ACHIEVEMENTS AND REALITY

On 29 June 2019, for the first time in history of North Macedonia, around 1,000 people gathered in Skopje for a Pride Parade. North Macedonia and Bosnia and Herzegovina were the two last countries in the Balkans to never hold a Pride. The event took place under strong police security, passed without any incidents and was attended by government ministers who pledged to fight for an equal society. For a country where the LGBT+ community has not been on any government's agenda since the independence of North Macedonia, the current government has made visible progress in improving and enabling equal treatment for the community. In March 2018, the Assembly of the Republic of North Macedonia ratified the Istanbul Convention on the Prevention and Combating of Violence against Women and Domestic Violence, by which the Ministry of Labour and Social Policy advocates for equal treatment for all persons and opening new crisis centres for victims of domestic and sexual violence including transgender persons, by the end of 2023. The reality for the LGBT+ community, however, is still challenging. According to latest Rainbow Europe data, in 2019, North Macedonia is

10 Cafe del Montenegro, Znacajno unaprijedena zaštita novinara, 10 09 2019, https://m.cdm.me/hronika/pazin-znacajno-unaprijedena-zastita-bezbjednosti-novinara/?fbclid=IwAR1vrV9AnfRYPe_ELhx6reQ_WIVNnaLjMKqH5sQAQNoBt-1Xbhj8IEQvD8g

11 Interview conducted on June 2019.

12 Zakon o mladima, Youth Law in Montenegro, September 20 2016

13 Veseljko Koprivica, Urušavanje medijskih sloboda u Crnoj Gori, 03.05.2019, <https://mediadaily.biz/2019/05/03/urusavanje-medijskih-sloboda-u-crnoj-gori/>

ranked 34th out of 49 countries, with members of the LGBT+ population facing, discrimination, unequal treatment and hate speech on a daily basis.

In 2017, the Helsinki Committee for Human Rights of the Republic of North Macedonia detected 26 cases of hate speech connected to sexual orientation, while in 2018, 19 cases of hate speech due to sexual orientation in the media, and 26 cases in public areas, were registered in the country.

In 2019 two cases of discrimination due to sexual orientation were noted where gay men are discriminated against in healthcare. Three people with HIV were discriminated against because of their HIV status and sexual orientation, although they have reported them to non-governmental organizations in North Macedonia; despite the free legal aid, no case has been reported to the Ministry of Interior.

ACHIEVEMENTS AND REALITY

Transgender people are one of the most vulnerable groups. Initially because in order to get specific health services they have to obtain funding and most often seek it outside their own country. In 2017 only one gender reassignment surgery of a transgender person was performed. However, most often they have to go to the neighboring Serbia to undergo a gender reassignment surgery that costs from 3,000 to 10,800 euros. With an average salary of 400 euros in North Macedonia, only few are privileged to afford it.

The latest information from the Ministry of Health of North Macedonia is that a gender reassignment surgery is set to be performed in the public Urology Clinic - Unit for Urologic-Reconstructive surgery by a doctor who is already in training to perform it. Whether it will be covered by health insurance remains unclear since Minister of Health first stated that the gender reassignment surgery would be financed by the state, but after 12 hours the statement was

denied by the ministry.

Transgender people have been subject to discrimination for a long time. Their gender reassignment cases have been wandering through the judicial and administrative labyrinths of Macedonian institutions. The verdict in Case X before the European Court of Human Rights proves this.

The European Court delivered the first positive verdict in 2019, and has obliged North Macedonia to enact a new law on the prevention and protection of discrimination that includes both sexual orientation and gender identity as grounds for discrimination.

Person X was born in Skopje in 1987 with a female sex organ. At birth, Person X was registered as a girl, with a clear female name. From an early age, Person X became aware that he felt like a man. In 2010 he went to a specialist clinic in Belgrade, Serbia, where a psychologist and sexologist diagnosed him as 'transsexual'. Person X began taking hormones to increase testosterone levels, as recommended by the clinic.

In June 2011 he applied to change his name and surname. The Ministry of Interior approved the application, registering Person X under a clear male name and issued him with a new ID. However, the gender and the numeric personal code remained the same, identifying Person X as female. In July 2011, he requested that the gender and personal numeric code of the birth certificate be corrected to indicate that he was a man. The Ministry rejected his application on the grounds that there was no official document that the applicant had changed his gender. Person X claimed that he had already been diagnosed as a trans person, which according to him was sufficient to obtain legal recognition of gender. His fight for legal recognition of gender had lasted since 2011, after the Ministry dismissed the appeal, until 2016 when the Administrative Court rejected it again.

Person X complained about the absence of a

regulatory framework for the legal recognition of gender and the voluntary imposition of a condition for genital surgery. The Strasbourg Court decided on 17th January 2019 in his favor, granting damages of 9,000 euros to Person X and asking authorities in North Macedonia to make legislative changes.

WHAT NEXT?

In order to promote equal treatment of all citizens in North Macedonia, there is a need to adopt legislation that will ensure legal recognition of gender without transgender persons undergoing sterilization or gender reassignment surgery.

For that purpose, the Margini Coalition has submitted in September 2018 a proposal for the initiation of legal recognition of gender. This proposal recommends that the administrative procedure for legal recognition of gender should be completely separated from medical processes. The state should provide a fast, transparent and easily accessible procedure for legal recognition of gender, where trans people can change their name, gender mark, identification number, based on self-determination. The legal obligation for recognition of gender should not impose an obligation on transgender persons to perform medical intervention, in order to be able to exercise this right. The EU, its institutions and member states, should support civil society in North Macedonia and progressive forces within the government and parliament in insisting on rapid implementation of the European Court of Human Rights judgment in the case of Person X. They should also insist on investigating and prosecuting all cases of hate speech due to sexual orientation. Furthermore, the European Commission should consider supporting the government in opening new crisis centres for victims of domestic and sexual violence, including for transgender persons.

HOW A CORRUPT HEALTH SYSTEM VIOLATES HUMAN RIGHTS; THE ISSUE OF THE TRANS COMMUNITY IN SERBIA



EPA-EFE/ANTONIO B—AT, Sanjin Strukić, Vanja Gagović – First Balkan Trans Inter March in Zagreb

WRITTEN BY: FILIP VULOVIĆ

INTRODUCTION

According to its constitution, Serbia is a representative democracy. This is, however, not something that the Serbia's youth generally agrees with. Eight out of ten 15 to 30 year olds are convinced that they are not represented in the parliament (79 percent) and that they do not have a representative in the government (80 percent). Furthermore, as many as six out of ten of them think that they have no influence on political processes and decision making (58 percent). This extends to young people in Serbia feeling that they do not have a say in the

EU accession process. Throughout the Western Balkans the situation is similar. The sheer absence of democratic representation or influence over political processes combined with a sense of corruption, poverty, social injustice and unemployment, are the main anxieties of youth in Serbia and the Western Balkans, driving them to leave their respective countries. This combination threatens to further weaken civil engagement and its impact on political processes. This is why it is crucial to break this cycle and show through several

concrete examples that expectations and hopes of youth are discussed and taken into account.

This paper will bring light on one issue that is currently supported by civil society in Serbia. This issue is related to a group of younger people who face discrimination and are victims of corruption by the highest institutions. It is about the Serbian trans community and the process of transitioning, the adjustment of a person's sex – as assigned at birth – to their gender identity – a person's internal identity and sense of gender.

This paper argues for this issue to be acknowledged and more strongly supported by EU institutions and its member states because, if there is successful reform on government policy, it could be used as an example where youth had a say, where EU accession process was about protecting and taking into account everyone's interests and it would be something done for a minority group that otherwise in today's Serbia would not be heard or addressed.

A LONG JOURNEY TO LIVING IN THE RIGHT BODY

According to the European Commission's report on Serbia, published in May 2019, trans persons "are particularly vulnerable to violence, abuse and discrimination. Intersex persons remain invisible both socially and legally." One of those persons is Minja, a 26-years old trans woman. She was born in 1993 in a small town two hours from Belgrade and was assigned male sex at birth. Due to the invisibility of the trans community and the lack of information, she lived in confusion for a better part of her

life. Minja began with her transition after finishing high school when she sought help from her general practitioner.

The next step for her were therapy talks. The psychiatrists had to diagnose her with gender dysphoria. Gender dysphoria, a condition of mental and sexual health, as officially stated by the World Health Organization in May 2019, is still considered a mental illness by the Ministry of Health in Serbia. There are only three psychiatrists licensed for working with the trans community in Serbia and all three centered in Belgrade. In fact, every doctor and institution linked to the transitioning process is centered in Belgrade, making the process more difficult for people living outside the capital. Minja is one of them and she had to spend four hours traveling every time she had a session. According to her, this step in the process can last from one to three years since there is one session held every two months or more. These sessions consist mostly of cognitive and IQ tests and, according to Minja, they included "little helpful therapy talks." The psychiatrists often addressed her, but other patients as well, with the wrong pronouns, which did more damage than help.

When the psychiatrist was convinced that Minja had gender dysphoria, the next step for her was hormonal therapy. This step, lasting for a minimum of one year, is then followed by gender reassignment surgery. The surgery requires mandatory removal of reproductive organs (sterilization). This is justified by the fact that, if left inside the body, these organs can develop cancer, which has never actually been scientifically proven. In developed countries, such in the EU or the USA, this procedure has been banned for some time. The Swedish government, for an example, proposed a bill in 2018

4 European commission, Serbia 2019 report, Brussels, 2019, page 28. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>

5 Interview with a trans woman taken on June 18, 2019, Location: Pride Info Center, Belgrade, Audio recording in possession of the author, Full name and identity of the interviewed known to the author

6 It is the condition where a person's sex, attributed to them at birth, does not match their gender identity. Gender dysphoria can be present from a very early age. The child may feel discomfort, experience mental health issues such as depression, anxiety and suicidal thoughts, which can increase in puberty when the body starts developing secondary sex characteristics. Friedrich Ebert Stiftung, "Youth study Southeast Europe 2018/2019", 2019, page 39. <http://library.fes.de/pdf-files/id-moe/15274-20190408.pdf>

7 <https://www.psychologytoday.com/intl/conditions/gender-dysphoria>

8 The interviewed possesses the document signed by the psychiatrist where she is referred to using wrong pronouns

that would grant compensation to trans people who were forced to undergo sterilization.

Minja has recently successfully finished with the hormonal therapy and is waiting for the final step – gender reassignment surgery – like dozens of other persons that every year in Serbia go through this surgery. Since 2011, the State has covered 65 percent of the cost of the surgery. With costs of around 3,000 euros Minja is expected to contribute with over 1,000 euros. Since Minja, as a big number of other trans people, isn't in a stable financial position, for the time being she cannot afford her surgery.

DOCTORS: TRANS PATIENTS' HEAVY TRAUMA, BUT THE ONLY HOPE

The team of doctors responsible for the trans community in Serbia – one psychologist, three psychiatrists, an endocrinologist and a few surgeons are considered among the best teams in the world. They often travel and are members of numerous boards and guests at various panel discussions. They are praised by the international community for their work. Their patients, interviewed for the purpose of this paper, however, tell a different story.

Officially there are three endocrinologists licensed to work with the trans community in Serbia. The endocrinologists are a crucial part of the process of transition because they are the ones responsible for the hormonal changes of their patients, which are followed by physical changes. The three persons interviewed for this paper, Minja, Saša and Vanja, are all patients of one of the three doctors who works in the Clinical Center of Serbia in Belgrade, but also

works at a private clinic. If one decides to make an appointment with her at the Clinical Center, which is free and covered by state insurance, they usually have to wait for two months or more, which can be agonizing for a person wanting to begin with or end their transition.

Vanja, a trans man who lived and studied in Romania during his period of transition, wanted to make an appointment at the Serbian endocrinologist's office and claims that he was granted an appointment after two and a half months from calling the Clinical center of Serbia. After he went to the appointment, he was told the doctor was sick and that he could return one week later. After he returned, the doctor denied his visit and wanted to make an appointment after another two and a half months.

Saša, another trans man from Belgrade who is in his early twenties, claims that the endocrinologist, during one appointment, locked him inside her room, took out a professional camera and insisted that he takes his clothes off. Saša, confused and scared of being further mistreated by the doctor, complied to her requests and allowed her to take his naked photos. He is a part of Belgrade's trans group of support and says that numerous trans men in that group share the exact same experience as he does.

When it comes to surgery, both men share an experience of what they describe as "mistreatment and inhumane acts." Before Vanja had his surgeries, he was asked what type of mastectomy he wanted and he clearly said that he wanted the procedure with two incisions, which has a higher success rate. He signed the agreement, had the lines for the incisions drawn on him but, when he woke up, he realized that a completely different surgery had

been performed, without his consent. Later, when he realized that he had tissue left in one of his breasts and went to the surgeon to have it checked, the surgeon made him take his clothes off in front of a group of students and said that he didn't see anything wrong.

Before scheduling his surgery, Saša was told that he had to undergo colposcopy – an invasive examination of the cervix, vulva and vagina. Although he told the doctors that he had never had vaginal penetration before, and that his hymen would get penetrated, he was still forced to do so in order to get the approval for the surgery. After the examination was finished, the doctor asked him why he wasn't smiling.

PROGRESS – OR A STEP BACKWARD?

Until January 2019 – when changes to the Law on birth registry were made – there was no legal basis for the issues regarding the trans community. Before this, people could get their sex marker changed in their personal documents after finishing the whole process of transition – including mandatory sterilization. With this change, the sex marker can be changed after getting a psychiatric diagnosis and undergoing hormonal therapy for at least a year and getting a signature from both the endocrinologist and psychiatrist. Considering that, according to the persons interviewed for this paper, it takes a long time to make and synchronize appointments with the two licensed doctors, this process can last for months. Also, taking into consideration that around a dozen people go through surgery each year, most of the young trans community in Serbia lives out of sync with their own documents. This leads to discrimination when applying for a job, visiting the bank

or the post office, the doctor.

Many trans women who cannot find a job decide to pursue sex work – which is illegal in Serbia. Considering the amount of money needed for hormones and the surgery itself, it is, unfortunately, one of the only ways a trans woman in a lower financial position can earn for living. If arrested, with unchanged documents, they are put in male prisons where they experience discrimination, violence and rape.

A SIMPLE SOLUTION FOR THE TRANS COMMUNITY – IGNORED

In 2014, a group of lawyers and doctors drafted a legal document covering every single issue regarding the trans community in Serbia. It is known as the model of the Law on Gender identity and would address most of the concerns raised by those who are at the moment going through or have recently went through the process in Serbia.

Foremost, this draft law would create a legal obligation for the state to provide transgender people with effective access to required support, in and out of Belgrade, including psychological, endocrinological and surgical expertise in the field of transgender health care.

The draft law envisages that the state takes adequate measures to ensure that the cost of the transition process is covered by health insurance, is legal, objective and proportionate. The model also recommends improving the most important spheres of quality of life of trans persons, such as the necessity of adopting legal measures on a crime committed by hatred, as well as enabling the specific protection of

9 <https://www.reuters.com/article/us-sweden-transgender-sterilisation-idUSKBN16Y1XA>

10 <http://programme.exordo.com/epath2017/>

11 <http://www.polimedic.org/polimedic-medicinske-usluge/endokrinologija>

12 Interview with a trans man taken on August 24, 2019, Location: Pride Info Center, Belgrade, Audio recording in possession of the author, Full name and identity of the interviewed

13 Interview with a trans man taken on August 24, 2019, Location: Pride Info Center, Belgrade, Audio recording in possession of the author, Full name and identity of the interviewed known to the author

14 European commission, Serbia 2019 report, Brussels, 2019, page 28. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf><http://www.polimedic.org/polimedic-medicinske-usluge/endokrinologija>

15 Mršević Z, "Transrodno lice pravde", 2017, page 22, <http://www.zoricamrsevic.in.rs/knjige/Transrodno-lice-pravde.pdf>

16 Gayten-LGBT, model of the Law on Gender identity, <https://www.transserbia.org/images/2015/dokumenti/Model%20zakona%20o%20rodnom%20identitetu%20s%20obrazlozenjem.pdf>

trans persons in relation to transphobic crimes and incidents. It also includes the development of rapid and transparent procedures related to changing the names and genders of trans persons (birth registers, ID cards, travel documents, diplomas etc.) as well as abolishing sterilization and other compulsory medical procedures as legal preconditions for recognizing gender identity in the law.

Furthermore it abolishes any restrictions on the rights of transgender persons to remain in their already existing marital communities after changing their documents, as well as preparing and implementing policies that prevent discrimination and exclusion of transgender workers from the labor market. It provides updates for educational and health systems, including consulting with trans persons in the design and implementation of policies and legislations related to them.

The draft law foresees organizing educational programs, trainings and awareness raising campaigns about the existence of discrimination and violation of human rights on the basis of gender identity. It also envisages providing trainings for health care workers, including psychologists, psychiatrists and general practitioners, as well as developing research that would collect and analyze data on the state of human rights of trans persons, including discrimination and intolerance regarding the protection of the right to privacy.

The adoption of the draft law on Gender Identity is not just something demanded by members of the trans community or civil sector in Serbia, it is also an obligation that arise from the Law on Prohibition of discrimination, which in Article 13, states that discrimination based on

gender identity is considered a serious form of discrimination. Serbia is also a party to various international documents and standards that should be respected. Serbia, a country on the path to membership in the European Union should incorporate EU legislation and standards, which contain basic principles of equality and non-discrimination, and contribute to the development of the EU as a non-discriminatory environment, which also includes the category of transgender persons.

For years this draft law was available to the public with regular updates made by experts, and it is strongly advocated by members of the trans community and their allies. So far, however, it has been ignored and not taken into consideration by government, parliament or a ruling political party. Until March 2019 when the president of opposition party, Liberal Democratic Party, Čedomir Jovanović, rumored to be cooperating with the ruling coalition, handed over the drafts of both the Law on Gender identity, as well as the Law on Same-sex unions, to the national assembly. Since then these laws have had the status of 'Laws in procedure'. Many people, both from the trans community and legal teams that worked on creating the laws are cautious about Jovanović's gesture. Jovanović did not contact or consult them before the drafts were handed over and he handed over older version of the laws. Taking into account his alleged cooperation with the ruling party, some observers believe that this was a coordinated maneuver.

In favor of this assumption speaks the fact that the Office for gender equality in Serbia has issued a task for the NGOs working on the law to estimate the complete costs and normative interventions of the implementation of the Law

on Gender identity by publishing the Social Inclusion and Poverty Reduction Unit, which aims to enhance the social inclusion process in the Republic of Serbia, in the period 2009 – 2021. This represents a dash of hope for the legal team and the trans community in Serbia.

WHAT NEEDS TO BE DONE?

What needs to be done?

The youth in Serbia does not feel like they have a voice in the parliament or the government. The trans community even less so, and they feel that the issues they face in everyday life are invisible, both to Serbia and to the EU. At the moment, however, there seems to be a window of opportunity for those interested in changing this. It should be used.

Civil society pushing for improvements should be supported by EU institutions and its member states in an attempt to pressure government to ensure that the already existing laws, such as the Law on Prohibition of discrimination or the Law on Birth registers, are implemented properly and that the laws currently in procedure – Law on Same-sex unions and Law on Gender identity be adopted and implemented as soon as possible. This would ensure legal basis for changing the everyday life of trans community in Serbia. It could also be an example for other Western Balkan states to follow.

17 http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/2019/371-19.pdf

18 Government of the Republic of Serbia, Social Inclusion and Poverty Reduction Unit, 2009, <http://sociojalnoukljucivanje.gov.rs/wp-content/uploads/2016/08/WEB-SIPRU-Brosura-english.pdf>

19 <http://sociojalnoukljucivanje.gov.rs/en/about-us-2/about-us/>

20 Interview with lawyer Dr Jelena Simić, taken on June 26, 2019, Location: Union University, Belgrade, Audio recording in possession of the author

KURDISH LANGUAGE RIGHTS AND MOTHER TONGUE IN EDUCATION IN TURKEY

WRITTEN BY: ESRA ÇEVİK

LANGUAGE

In his 1985 work "Anathemas and Admirations", Emil Cioran, a Romanian philosopher and essayist, wrote that "one does inhabit a country; one inhabits a language. That is our country, our fatherland and no other." For Kurds - as many other nations - language is one of the most important points for both individuals and society. Language plays a major role in the shaping of an individual's identity and its social integration. Throughout history, languages have been used for political purposes, most often as a tool used to build identities and bring together a group of people.

As language has both a symbolic and instrumental value, nation-states intervene [in its development] in order to ensure that [social integration] takes place along the desired path. Languages are managed, guided and even re-created. And a number of mechanisms are employed to ensure that the national language is spread. With this aim, state activities are often held in a single language and the chosen language is imposed to the people of that country who speak different languages.

When looking at languages, language policies and rights should be addressed together, because they interact with each other both on a national and international level and they also influence individuals' language behaviour.

Language policies can be defined as a totality of principles, decisions and practices concerning the languages used within a particular political unit, their areas and regions, their development and the rights to their use.

Turkey was never an ethnically homogenous country, but leaderships developed definition for the nation that excluded multi-ethnicity. They claimed that all inhabitants of Turkey, past and present, consisted of Turks. In order to form a basis for this claim, they began to implement a process of Turkification in all fields of daily life, from arts to politics, from education to trade and from culture to sports. The architects of this aggressive Turkification program used all possible opportunities to present being "Turkish" as a source of superiority and not being "Turkish" as a shortcoming, a loss and even a source of embarrassment.

For example, according to Mahmut Esat Bozkurt: "The Turkish revolution should belong to real Turks only... The worst of Turks is better than the best of non-Turks. The ill fortune of the Ottoman Empire in the past lay in the fact that its destiny was generally ruled by people other than Turks."

LANGUAGE POLICIES IMPLEMENTED IN TURKEY

The history of the Republican period in Turkey can be seen as the history of the regime's attempt to purify and standardize Turkish through a number of institutions, and making it the dominant language throughout the country. The Republican regime implemented the single language policy with such force via laws, institutions and pressure so that for many years only Turkish came to mind when reference was made to "mother tongue" or "education in the mother tongue."

The language policies at the time of the founding of the republic present a number of historical crossroads. The adoption of Turkish as the official language in the Constitution of 1924 formed the highest legal confirmation that Turkish was the main factor in the determination of the nation's socio-cultural content. This constituted the grounds for the policies of assimilation or exclusion for minorities of the same religion but of different ethnic origin and who spoke another mother tongue, as well as for non-Muslim minorities.

The Law on the Unification of Education, passed in March 1924, carried out the complete secularization of education and also constituted a significant part of Turkification

and homogenization efforts. Through this law educational institutions and the language of education became centralized. Kurdish schools, institutions and publications, sects and lodges were accordingly prohibited. While education was aimed at standardizing the population, paradoxically, the rate of schooling was kept low in Kurdish regions, the main reason being the fear that a Kurdish middle-class would emerge along with a Kurdish national consciousness as a result of education. In fact, as a prime example of this way of thinking, Necip Bey, Minister of National Education and MP for Mardin said in 2006: "Do we want today's armed Kurds to appear before our children tomorrow as intellectuals?"

The language policies, institutions and mentality of the Republican period took deep root.

The military coup of September 12, 1980 attempted to take control not only of the entirety of country but also of its language and language rights. As with other constitutions, the 1982 Constitution prepared by the coup leaders stipulated Turkish as the official language. However, unlike other constitutions, this clause was not to be amended, nor shall its amendment even be proposed. Article 26 of the constitution regulating freedom of thought and expression and Article 28 regulating freedom of press, contained the terms "language forbidden by law" and threatened reprisals for expression in a forbidden language. On the other hand, according to Article 42 of the Constitution, "no other language than Turkish may be used or taught as a mother tongue to Turkish citizens in education and training institutions." The use of languages other than Turkish as a mother tongue in education was thus made impossible.

1 Virtanen, Dil Politikalarının Milliyetçilik Hareketlerindeki Tarihsel Kökenleri,

2 H. F. Schiffman, Linguistic Culture and Language Policy, (London, Routledge, 1996), cited from p.3 by Virtanen, Dil Politikalarının Milliyetçilik Hareketlerindeki Tarihsel Kökenleri,

3 Soner Çağaptay, Türkiye'de İslâm, Laiklik ve Milliyetçilik: Türk Kimdir? (İslam, Secularism and Nationalism in Turkey: Who are the Turks?), Transl: Özgür Bircan (İstanbul, İstanbul Bilgi Üniversitesi Yayınları, 2006), 91.

4 Ahmet Yıldız, Ne Mutlu Türküm Diyebilene (Happy is He Who Can Say That He is a Turk), (İstanbul, İletişim Yayınları, 2004), 209.

5 Necmiye Alpay, Anadili, Yabancı Dil ve Eksiltici İkidillilik, Uluslararası Katılımlı Anadilde Eğitim Sempozyumu -1 (Mother Tongue, Foreign Language and Subtractive Bilingualism, International Symposium of Education in the Mother Tongue), (Ankara, Eğitim-Sen Yayınları, 2010),

6 Balçık, Milliyetçilik ve Dil Politikaları, 783.

7 Zürcher, Modernleşen Türkiye'nin Tarihi, 272. "Mustafa Kemal attached great importance to the secular education of young people. He considered education a strong tool for transforming the minds and spirits of people in a society where the literacy rate was around ten percent." Kemal Kirişçi & Gareth M. Winrow, Kürt Sorunu, Kökeni ve Gelişimi (The Kurdish Question and Turkey), Transl: Ahmet Fethi (İstanbul, Tarih Vakfı Yurt Yayınları, 2007), 112.

Law No. 2932 best expresses the perception of language in the period following 1980. It passed in October 1983. This law primarily prohibited the use of Kurdish. However, the term “Kurdish” was such a bogey word for the coup leaders that the law managed to express the ban on Kurdish without actually using the term “Kurdish.” According to Article 2 of the law:

“It is forbidden to express, promote or publish thoughts in any language apart from the primary official language of states recognized by the Turkish State.”

Significant pressure was exercised on the use of Kurdish in daily life too.

“A ban of this kind affected primarily the educated and active classes, but the military rulers went a step further and reminded even illiterate people that all traces of the Kurdish identity had been banned. In December 1982, the Minister of Education reminded all province governors that in Eastern and Southeastern Anatolia folk songs could be used for ethnic or separatist purposes and that songs should therefore be sung in Turkish only. Although instructions of this kind were routinely ignored, violators at times received punishments that would constitute an example for others.”

The coup leaders’ attitude towards Kurdish was so harsh that not even detainees and convicts were permitted to speak Kurdish with their families. When family members who did not speak Turkish spoke with their children in Kurdish they would be beaten and asked either to keep silent or to communicate via signs. Likewise, in tribunals, Kurds were not given the possibility of conducting their defence in their mother

tongue; in court records Kurdish was referred to as “a language that cannot be understood.”

According to the dominant paradigm in Turkey, if education in the mother tongue is permitted, it will damage national identity; protecting the country’s unity will thus become impossible. That is why the demand to use languages other than Turkish in education is still considered “the most unacceptable demand” by governments in Turkey, quite aside from political affiliation. Such demands are dealt with harshly.

An important event of the early 2000s underlines the state’s antagonism to the use of the mother tongue and especially to Kurdish.: In November 2001, a group of primarily students at Istanbul University submitted a request for elective Kurdish lessons to the university administration. The petition movement which began in Istanbul found great support in universities and secondary schools throughout the country and quickly spread. As of February 14, 2002, students from 24 universities throughout Turkey had submitted 11,837 signatures to petitions and were joined by thousands of primary and secondary school students and their families, demanding that Kurdish be taught in elementary and secondary schools. The state reacted very violently to petitions concerning elective Kurdish lessons; 1,359 people were taken into custody; 143 people were arrested pending a trial and 46 people were dismissed from their educational institution.

In interviews held during the field study, undertaken for the purpose of this report, with children whose mother tongue is Kurdish, it has been observed that Kurdish children who have not been permitted to use their mother

tongue in education and who have been forced to receive education in a language they do not know, encounter a variety of problems. It has also been observed that Kurdish students who have difficulty in communicating, who are not able to express their feelings and thoughts as they wish, who feel excluded from the community, who are not in complete control of the unfamiliar language and who in the meantime forget or are not able to develop their own mother tongue have a strong impression of being backward and of falling behind.

ISSUES IDENTIFIED

The first of the issues commonly referred to by almost all interviewees regarded the significant communication problems between students and teachers in the first years of school. Students and teachers from both groups, as well as parents, expressed that when children begin school they either do not speak Turkish, the school language, or they speak it very little. They are therefore not able to understand their teachers or express themselves. Since they could not learn what they were meant to learn in class because they could not understand their teachers, the students said they generally had to keep quiet. Because they did not speak Turkish, teachers frequently did not even attempt to understand them, when they spoke Kurdish some thought that they were swearing or being wilful and they were therefore scolded. Many students also said that as they did not speak Turkish, they were not able to share their thoughts and feelings with their teachers.

These findings show that Kurdish students who speak little or no Turkish are only able to start reading and writing with a considerable delay since they start recognizing letters only at the end of their first year. They are unable to develop literacy skills and consequently are generally made to repeat the year. Most students who repeat a year cite their inability to understand what is being taught to them as the reason for failing. Many students stated that those who had to repeat a year felt their self-confidence decreased and negatively influenced their relationship with the school. Teachers whose mother tongue is Kurdish particularly said that students who found it difficult to learn Turkish and failed their class generally quit school within a few years.

An issue referred to by most students interviewed is that in the first years of school many people had to “keep quiet” because they did not speak Turkish. Many people say that because it was forbidden to speak Kurdish and they could not speak Turkish, they were unable to speak to each other; they got bored of keeping quiet in class and waiting for the bell to ring to speak and for the final bell to go home. These interviewees also said that in later years at school they were unable to ask questions because of their inadequate Turkish; they again had to “keep quiet,” that this “keeping quiet” over time became a habit and also influenced them in later stages of life, rendering them passive.

8 Bahar Şahin, “Türkiye’nin Avrupa Birliği Uyum Süreci Bağlamında Kürt Sorunu: Açılımlar ve Sınırlar” (The Kurdish Issue Within the Context of Turkey’s Harmonization Process to the European Union), in: Türkiye’de Çoğunluk ve Azınlık Politikaları, Derleyenler: Ayhan Kaya& Turgut Tarhanlı, (Istanbul, TESEV Yayınları, 2006), 127.

9 McDowall, Modern Kürt Tarihi, 563 et al.

10 For details on the petition campaign see: Kerim Yıldız&Koray Düzgören, Bir Dilin İnkârı: Türkiye’de Kürtçe Hakkı (The Denial of a Language: The Right of Kurdish Language in Turkey) (London, Kurdish Human Rights Project Publication, 2002)

The abolishment of the serious linguistic, psychological, cognitive, educational, social and economic damage caused by subtractive educational policies and practices depends directly on the use of Kurdish as a language of instruction in the education of Kurdish students, since these types of damages already arise from the exclusion of Kurdish from the education of Kurdish students. That is why a great many steps need to be taken for the use of Kurdish in the education of Kurdish students. In this sense, taking as a starting point the findings of this study and the topics discussed so far, studies from the relevant literature and the theoretical framework, it is possible to put forth a number of linguistic, social and cultural recommendations concerning the educational policy and practices followed in schooling of Kurdish students who speak little or no Turkish when they begin school. The implementation of some of these recommendations might be realized in the long term, taking five or more years both from a conjectural perspective and due to the need to prepare the necessary infrastructure.

Turkey

THE SITUATION OF THE LGBTI+ COMMUNITY AT TURKISH UNIVERSITIES: THE EXAMPLE OF THE MIDDLE EAST TECHNICAL UNIVERSITY



Photo Credit: METU Media Society



WRITTEN BY: ÖZGÜR GÜR

“Europe has seen xenophobia and LGBT as an internal tension, and they try to transfer it to Turkey”, Minister Süleyman Soylu, August 2019

INTRODUCTION

At the moment, parts of Turkish youth belonging to LGBTI+, Kurdish minority or opponents of the ruling AKP party are intimidated and marginalized. Any public criticism or sign of protest increasingly leads to prosecutions and serious punishments. Over 100,000 students are currently on trial and 70,000 students have been detained. Any political activity at universities including student demonstration is banned. The direct elections of the university rector have been abolished. Students who dare to protest are evicted from state dormitories and their scholarships are cut without questioning.

The youth in Turkey has always been trivialized and it struggled to achieve the freedom of speech and its right to education, but within the last years the situation has become more difficult for students. The first changes in the government’s youth policy came in response to the Gezi Park events in 2013. Gezi begun as a reaction against the increasing pressure over freedom on speech, assembly, press and secularism. The sharpest turn, however, came after the attempted military coup in July 15 in 2016, which was an attempt to overthrow the governing regime.

The situation is the worst for students who are active on issues of gender equality and LGBTI+ rights. In the past, the majority of LGBTI+ events took place without much attention and

1 Minister Süleyman Soylu targeted LGBTI+s again! (2019, August 22). Retrieved from: <https://www.kaosgl.org/page.php?id=28660>
2 70 bin öğrenci hapiste. (2017, October). Retrieved from: http://www.cumhuriyet.com.tr/haber/egitim/856384/70_bin_ogrenci_hapiste.html
3 Rector elections in Turkey lifted under latest decree. (2016, November). Retrieved from: <https://www.birgun.net/haber/rector-elections-in-turkey-lifted-under-latest-decree-133554>
4 Emniyetten KYK yurtlarına 'gizli talimat': Haklarında kesinleşmiş mahkeme kararı bulunmayan öğrencilerin yurttan atılması istendi. (2019, May 26). Retrieved from: <https://t24.com.tr/haber/emniyetten-kyk-yurtlarına-gizli-talimat-haklarında-kesinleşmiş-mahkeme-kararı-bulunmayan-ogrencilerin-yurttan-atılması-istendi,823053>
5 Erdoğan Criticizes LGBTI Quota at Municipalities. (2017, November). Retrieved from: <https://bianet.org/english/politics/191397-erdogan-criticizes-lgbti-quota-at-municipalities>

were generally ignored in Turkey. After the Gezi events, however, LGBTI+ activists joined forces with the democratic opposition. The results were visible at the İstanbul Pride which took place after the Gezi Events; tens of thousands of people attended. Authorities' attention led, in 2015 for the first time, to the event being banned. Police used disproportionate force to disperse the parade. Ever since, the state started to consider the LGBTI+ movement as a serious threat and started to prohibit and attack the LGBTI+ movement routinely.

On 9th November 2017, Turkish president, Recep Tayyip Erdogan, delivered a speech to neighborhood muhtars. He said that the oldest Turkish political party "CHP imposes a gay quota for the election to be made at District Municipality Neighborhood Committees. May Allah lead them to the right path". Nine days later the Governor of Ankara introduced an "indefinite ban" or all kinds of "LGBTI+" events. The governor based his decision on the – at the time – ongoing state of emergency, despite the fact that there was no basis for an indefinite ban within the state of emergency law. This was followed with other (mostly individual and not indefinite) bans on LGBTI+ events in cities across Turkey.

Most recently, on 21 June 2019, Turkish Interior Minister Suleyman Soyly, gave a speech to TV100 where he said that "now, that group, which includes the LGBTI+ community, is preparing to govern İstanbul. I see that as a threat for both İstanbul and Turkey." Soyly claimed LGBTI+ persons are preparing for the election of İstanbul municipality as if it were a political party and he considered this as a threat. To understand what this means for the LGBTI+ community in Turkey this paper takes a closer look at the events that took place at the Middle

East Technical University (METU) in Ankara, at which the top 0.1 percent of eight million Turkish students study. This paper tells their story and calls for a much clearer support and action from the EU and other international actors.

WELCOME TO METU

The Middle East Technical University (METU) in Ankara is a public technical university. It was established in 1956 and ever since it has been attracting the most successful and the most talented students in Turkey. With a strong focus on research and education in engineering and natural sciences, in 1970s and beyond, METU grew into a place where students fought for freedom in Turkey.

Since the turn of the century, METU was a place where students regularly organized protests. In 2012, when then prime minister Erdoğan visited the METU, he was escorted with thousands of police officers. Students responded with a protest movement later known as the METU Is Rising (ODTÜ Ayakta). The ODTÜ Ayakta is considered as a starting point of the Gezi Events in 2013. As a witness from that time, Tarih Direniyor, explained the link: "Actually all of [the protests] belong to a process. The protests which we are calling ODTÜ Ayakta were neither a day nor a week. Neither did it start on the 18th December nor did it finish on the 27th of December. Gezi also neither started on the 31st of May nor did it last 20 days. All of them were triggering events to each other." (Bürke, 2016)

In 1996, the first LGBTI+ society in Turkey, the METU LGBTI+ Solidarity, was founded. Their stated aim was "to secure gender equality, eradicate the on-campus LGBTI+ discrimination, and ensure that the university is a safe space for LGBTI+ people." The fight for being acknowledged and given equal rights began at

the time. Since 2011 METU has also hosted a Pride Parade on Campus – one of the largest campus parades in the Eastern Europe and the Middle East.

The call for gender equality went beyond students to include the METU administration as well. The University signed up to the Gender equality sensitive administration and communication (EGERA). In May 2016, "the "Gender Equality Principle and Strategies Document" was adopted and the METU Gender Equality Promotion and Sexual Harassment Prevention Unit was established." The administration, however, never recognized the METU LGBTI+ Solidarity as an official student club. This was not different than any student club at the universities in the rest of the country. For a long time, repeated applications by the Solidarity to be recognized as an official club were ignored. At some point, it even seemed that the administration was pretending like there were no queer persons at METU campus.

Since 2017, the METU administration has systematically been trying to ban LGBTI+ related activities on the campus, and the last of those attempts was by the METU rector Verşan Kök who' ordered to "protect" the security at the university during the latest METU Pride March that has resulted with 21 student's and 1 academics being detained.

GENDERLESS TOILET

Gender biased toilets are one of the most important problem which trans+ students face with as stated in the report for discrimination towards lgbti+ students at Turkey. On 15 March 427 signed a petition for asking genderless toilet from the administration of METU. After 3 months of with any progress students decided protest the attitude of METU. On 22 May students had a protest for gender neutralize all toilets at one building. After

protests METU administration had promised to students for 1 toilet to use as genderless. However at June government sided media targeted genderless toilets, activists got threats. Even at main stream media faces of students showed. University administration hasn't kept the promise and made a statement for declaring refusing the demand on genderless toilet.

THE ERA OF BANS

On 24 November 2017, the screening of the movie Romeos, a movie about relationship between two men with one of them going through a transition, was banned by Ankara's Governor. Many institutions and associations published statements against the ban. METU LGBTI+ Solidarity was among them, noting that the ban is against the universal legal principles, as well as noting the administration of METU's discrimination towards LGBTI+ people. Melike İrem Balkan, an LGBTI+ activist from Solidarity, later explained that "METU LGBTI+ Solidarity also announced that they would organise the event on the campus, which is autonomous, so that the film can be shown." The university administration, however, had other plans.

According to Balkan, on 25 November 2017, the day of the event the METU administration started to lock the lecture halls to prevent the event, and they even cut the electric power to the university hall. Around sixty people were inside the hall and more than 100 people outside, waiting to watch the film. With the help of the academics, the film could be screened because they gave the power supply from their labs.

At the same time, police were placed at the entrances to the campus. Almost fifty private security guards came to attack the students to stop the event. Balkan recalled that they said that if they do not stop the screening, they would attack them. The students rejected it and didn't leave the lecture hall. Instead they con-

6 Yasaklama Kararına İlişkin Basın Duyurusu (2017, 19 November). Retrieved from: <http://www.ankara.gov.tr/yasaklama-kararina-iliskin-basin-duyurusu-19112017>

7 Süleyman Soyly: LGBT'yi Türkiye için bir tehdit olarak görüyorum . (2019, 21 June). <https://indigodergisi.com/2019/06/suleyman-soyly-lgbt-yi-turkiye-icin-bir-tehdit-olarak-goruyorum/>

8 Bürke, Yalçın. (2016). ODTÜ tarih direniyor. Kadıköy, İstanbul: Nota Bene Yayınları.

9 <https://www.frontlinedefenders.org/en/organization/metu-lgbti-solidarity>

10 EGERA Charter for gender sensitive governance in research – higher education institutions . retrieved from <https://citob.metu.edu.tr/system/files/egeracharterforgendersensitivegovernance.pdf> - <https://citob.metu.edu.tr/system/files/egeracharterforgendersensitivecommunication.pdf>-at-municipalities

11 http://sp.metu.edu.tr/system/files/odtu_sp_2018_02_08.pdf

12 ODTÜ'de cinsiyetçi ve homofobik yönetime karşı yürüyüş. (2017, November.) <https://www.evrensel.net/haber/338872/odtude-cinsiyetci-ve-homofobik-yonetime-karsi-yuruyus>

13 ODTÜ'de cinsiyetçi ve homofobik yönetime karşı yürüyüş. (2017, November.) <https://www.evrensel.net/haber/338872/odtude-cinsiyetci-ve-homofobik-yonetime-karsi-yuruyus>

14 ODTÜ Öğrenci Temsilcileri Konseyi 2017 – 2018 Plan Bildirgesi <https://www.facebook.com/odtuotk/photos/a.1909109659319980/2077179692512975/?type=3&theater>

tacted the related media channels to create a public pressure against the security guards to stop their threats, “because the image of such an attack would be horrible.”

After that event, a march was organized against violence on women and LGBTI+ members. Furthermore, on 18 December 2017, a newly elected Student Council of METU adopted a manifesto for their plans, noting:

“For the principle of supporting gender equality and disability rights at METU; work on rights and find solutions to problems of disabled people, women and LGBTQ+s and any other people who have been marginalized.”

In a response to the organization of the movie screening, the University administration launched a disciplinary investigation against more than 30 people linked to the 'Romeos' movie event and the Pride March. However, with the support of the media, students and academicians, the investigation was closed. In February 2018 the university administration, in response to the events, had to accept the registration of a student club called Gender Studies Club. In the founding act it was stated that under no circumstances would the Club compromise on its activities regarding LGBTI+ rights.

But as Balkan later explained, the recognition of the club was just one step, since its work was faced with many and constant challenges. One of the members of METU LGBTI+ Solidarity (the name is intentionally hidden by the author):

“The problems we encountered were such, that

some of the planned activities like Pride and HIV informing events were unlawfully removed even though we had previously provided them with a list of the events that we would hold while applying to be an official club.”

Furthermore, after the establishment of this club, we were punished because of the march which took place after the Romeos film event. We can furthermore exemplify the discrimination this club faces with what happened when we attempted to make a workshop named “Transfeminism and Trans Woman In Prisons” but it wasn’t accepted by the rectorate. Therefore, in an attempt to keep the workshop going, we had to change its name to “A Different Look at Gender Based Discrimination: Sex Inequity in Prisons”. Clearly, the mention of trans woman and/or LGBTI+ matters wasn’t something they wished to have in an event held on campus.”

The METU LGBTI+ Solidarity Club also wanted to organize the 8th METU Pride March on 11 May 2018. But on 4 May 2018, the METU Rectorate sent an email to the all students, academics and workers. In this email, METU LGBTI+ Solidarity was described as an illegal group, the Pride week was banned as a whole, with all of the side events and most significantly the Pride march, also banned. Amnesty International made an urgent call to let the Pride happen, ILGA Europe published an informative notice. On 9 May 2018 student’s clubs declared their position together:

“We, as METU students, want to express our opinions freely and continue our activities. We do not accept the rectorates’ oppression and we stand with the LGBTI+ persons fight for

freedom and equal rights in campus which we are also part of. We encourage any and all fellow students to support the rainbow and support METU in all its colors.”

Melike Irem Balkan from the Solidarity Club explained what happened: *“As the METU LGBTI+ Solidarity we have tried to connect to the rectorate. However, it wasn’t accepted until just days before the 8th METU Pride March. During the negotiations, the administration offered us to make the Pride event at a lecture hall. As clear as it was to us, how belittling and unacceptable offer that was, it wasn’t as clear for the opposing party. We tried to explain why a Pride march cannot take place at a lecture hall. The negotiations continued and with a last minute decision, they accepted a march with the condition that its route be very much restricted. They also accepted to apologize for the emails sent. Just minutes before the Pride they notified us that if we march in any condition police would interfere.”*

At the METU Graduation Ceremony, on 6 July 2018, the protest took place against the restriction of freedom of expression and LGBTI+ discrimination. The rector wasn’t able to move on with his speech due to the heavy protest noises. During the ceremony, private guards attacked the students who carried some oppositional posters and they ripped the posters after the attack. They attacked the protestors in front of the whole school and their families. In the days that followed, prosecution office started an investigation because of the previous protests and one of the students who is also the president of the student council was detained for a day and released after.

Both for 8th METU Pride March and for METU Graduation Ceremony tens of students were sent to disciplinary office and investigated. It wasn’t limited to METU because also some students of the Ankara University were investigated because they joined the 8th METU Pride March. Banning the events that taking place at METU were only part of a wider campaign against LGBTI+ and the overall atmosphere created by the authorities.

On 3 February 2019, after the end of the state of emergency, another ban for LGBTI+ events was announced by the Governor of Ankara. On 14 March 2019, Human Rights Watch made a call to the governorship to lift the ban and also noticed the discrimination against LGBTI+ individuals at METU.

In March 2019 the Gender Studies Club wanted to have an event in the campus with the families of LGBTI+ people in Ankara which are called Gökkuşuğu Aile Grubu (Rainbow Family Group). METU Rectorate did not allow the event because of the “rainbow” association that was on the banners. The event took place at a café outside of the campus.

In the following month, April 2019, the annual spring festival wasn’t allowed and the rectorate stated that the reason the festival was cancelled was because “the student organization (which is responsible for spring festival) had meetings with LGBT+, Marxist, extreme left wing groups and members of Democratic People’s Party (HDP).”

While the discrimination against the LGBTI+ continued, at the Istanbul Boğaziçi University a

15 Af Örgütü’nden ODTÜ Onur Yürüyüşü İçin Acil Eylem. (2018, Mayıs). <https://bianet.org/bianet/lgbti/196877-af-orgutu-nden-engellenen-odtu-onur-yuruyusu-icin-acil-eylem>
16 Biggest Campus-Centered Pride Parade of Middle East and Balkans’ by METU Students. (2018, May 10) <http://bianet.org/english/society/197012-biggest-campus-centered-pride-parade-of-middle-east-and-balkans-by-metu-students>

17 ODTÜ mezuniyetinde gökkuşuğu bayrağına saldırdı. (2018, July 6). Retrieved from: <http://kaosgl.org/sayfa.php?id=26223ODTÜ'de-cinsiyetçi-ve-homofobik-yönetime-karşı-Rainbow-flag-in-METU-graduation-ceremony-is-under-investigation>. (2018, September). <https://kaosgl.org/page.php?id=26641>
19 “A new ban from Ankara Governorship on LGBTI events!”. (2018, October 9). <http://kaosgl.org/page.php?id=26759>
20 “A new ban from Ankara Governorship on LGBTI events!”. (2018, October 9). <http://kaosgl.org/page.php?id=26759>
21 Ban at METU due to “the relation of rainbow-LGBT”. (2019, March 27). <https://kaosgl.org/page.php?id=27938>
22 “An alternative family is possible!”. (2019, March 27). <https://kaosgl.org/page.php?id=27939>
23 Discriminative ‘statement’ from METU Rectorate. (2019, April 16). <https://kaosgl.org/page.php?id=28073>
24 7th Pride Parade Held in Boğaziçi University. (2019, May 19). <https://bianet.org/english/lgbti/207643-7th-pride-parade-held-in-bogazici-university>
25 Court Lifts LGBTI+ Event Ban in Ankara. (2019, April 19). <https://m.bianet.org/english/lgbti/207665-court-lifts-lgbti-event-ban-in-ankara>

Pride March was held with a banner on which it was written “You banned METU Pride March, so we took METU Pride March everywhere!”

On 19 April 2019, the indefinite ban on LGBTI+ events, which was imposed with the state of emergency, was lifted and it was declared in court that even during a state of emergency, events cannot be banned indefinitely.

After the lift of the ban in May 2019, the Solidarity Club wanted to organize the 9th METU Pride March. Taking into account the from the year before, Amnesty International and ILGA Europe made a call for a 9th METU Pride March. Ankara Bar Association also made a call for the 9th METU Pride March. They noted that banning or prohibiting Pride March is against universal human rights. On 6 May 2019, the university sent e-mail to all of the students, academics and workers to announce the ban on the Pride March, as they did the previous year. In the e-mail, they claimed that the ban still continued, despite the opinion of Ankara Bar Association. Furthermore, in the mail it was said that they are in contact with the police headquarters. METU LGBTI+ Solidarity published an announcement to attract public attention on how unlawful the issue was. Two students from the Solidarity initiated legal proceedings against the university asking for the ban to be lifted. The court has not yet decide on this matter.

THE ERA OF VIOLENCE

On 10 May 2019, the METU LGBTI+ Solidarity announced 17:30 as the time of gathering for 9th METU Pride March. As Melike Irem Balkan

explained:

“Because it was a rainy day, we opened a sunshade, and hung a rainbow flag at 14h. After a while, more than 50 police and their shields blocked us. The lawyers of the LGBTIQ+ Center of Ankara Bar Association and also the observers of Amnesty International were not allowed to enter the campus. Students’ rights were violated. After the lifting of materials, the police stepped back. At 15h, students were sitting around the area and weren’t holding any flags or banners. Despite that fact, hundreds of police officers blocked the students again. Two activist students talked to the police chief and stated that any crowd could sit around that area and the things that were being done to them was unlawful. The police again threatened and said “You two will be taken into custody first, and then the others will be taken no matter what they are doing.” The crowd dispersed. At 16:30, the crowd gathered again around the highest building on campus. The police attacked the crowd without a warning and there was no time to disperse.”

The police used tear gas and plastic bullets towards the crowd. 21 students and 1 academics were taken into custody. After midnight, all of them were released. On that day in Turkey, #ODTÜyeRenkVer (hashtag for the pride) was on trending topics on Twitter all day along. In the statement records of the people who were taken into custody, it was stated that the ban order was not the governor’s, but the rectorate’s.

Human Rights Foundation of Turkey made a call for those who were subjected to the abus-

es. Many members of the parliament and artists made statements to condemn the police attack. İzmir Bar Association made a statement to condemn the police attack and remark the violation of rights.

After that violent police attack, the students summoned all the students in the university to boycott the rectorate on 14 May, by not attending the classes or any work and they stated that: “while there is a presence of violence, oppression and hate, no classes can be done.”

Workers of METU Union condemned the police attack and gave support for the boycott. 333 people including 30 retired professors signed a notice to condemn the police attack towards the students and colleagues and stated:

“METU which has long established traditions, we remind university directors of their responsibilities, we demand first self-criticism and following the necessary steps from them.”

A day earlier, on 13 May, thousands of people attended the protests in front of the rectorate building. On 14 May, students didn’t attend classes. The protests kept going on all day. Academics attended the boycott as well and met with the students in front of the rectorate. Students have also made a call to METU President Verşan Kök to resign from office.

On 30 June, just hours before the METU Graduation Ceremony, at 04:30 in the morning, anti-terrorism police entered the houses of 6 students and 4 of them were taken under custody. It was only at 15:00h that the reason why the students were taken into custody was

announced by the police. The police claimed that they were going to conduct a terrorist attack during the graduation ceremony. In the interrogation, they were questioned about their intentions to repeat the Gezi Events and the protests that were going on at METU. After the graduation ceremony, all of the students were released.

On 2 July, the Police Department of Ankara sent a note to Credit and Dormitories Institution with the names of the students who got under custody at the 9th Pride March. This resulted with cutting of the scholarships of those students. On 5 and 12 July, the two members of the parliament questioned these actions.

On 2 August, a trial began for the 9th Pride March, with 18 students and 1 academic being charged with violating the law of meetings and demonstration. The prosecution office claimed that police used proportional force. Also one student had been charged with insulting the officer. On 7 August, Front Line Defenders stated that: “METU must stop violating rights of students defending LGBTI+ rights.” On 9 August Civil Right Defenders published a statement. CRD noticed that harassment of Turkey’s LGBTI+ community continues. On 12 August Amnesty International made a call to drop charges against pride parade participants at the university.

WHAT CAN BE DONE?

Since the beginning of unlawful attitude toward LGBTI+ members at universities, the EU has not made a strong statement. The EU should stand up and be clear that bans are unlawful

26 Turkey: Banned Pride march must be allowed to take place. (2019, May 7). <https://www.amnesty.org/en/latest/news/2019/05/turkey-banned-pride-march-must-be-allowed-to-take-place/>

27 Basın Açıklaması. (2019, May 9). http://www.ankarabarasu.org.tr/HaberDuyuru.aspx?BASIN_ACIKLAMASI&=2964

28 ODTÜ’deki Onur Yürüyüşü Yasağı Yargıya Taşınıyor. (2019, Mayıs 6) <https://m.bianet.org/bianet/lgbti/208189-odtu-deki-onur-yuruyusu-yasagi-yargiya-tasiniyor>

29 Nefrete İnat Yaşasın Hayat. (2019, May 11). <https://www.izmirbarosu.org.tr/HaberDetay/1582/nefrete-inat-yasasin-hayat>

30 ODTÜ’lülerden Polis Şiddetine Karşı Boykot Çağrısı. (2019, Mayıs 13). <https://bianet.org/bianet/lgbti/208436-odtu-lulerden-polis-siddetine-karsi-boykot-cagrisi>

31 “Aşağıda ismi bulunan ODTÜ Öğretim Elemanları’nın 10 Mayıs 2019 Cuma günü ODTÜ’de yaşananlara ilişkin açıklaması:” (n.d.) <http://www.odtusavunulmalidir.com>

32 METU Students Boycott Classes to Protest Violence in Pride Parade. (2019, May 14) <https://bianet.org/english/women/208489-metu-students-boycott-classes-to-protest-police-violence-in-pride-parade>

33 METU Students Detained Over an Informer’s E mail, Miss Graduation Ceremony. (2019, June 30) <https://bianet.org/english/human-rights/209962-metu-students-detained-over-an-informer-s-email-miss-graduation-ceremony>

34 Students Stripped of Scholarships for Attending LGBTI+ Parade. (2019, July 2). <https://bianet.org/english/lgbti/210013-students-stripped-of-scholarships-for-attending-lgbti-parade>

35 KYK’nın ODTÜ Onur Yürüyüşü’nde gözaltına alınan öğrencilerin kredilerini kesmesi meclis gündeminde. <https://kaosgl.org/sayfa.php?id=28480> <https://kaosgl.org/sayfa.php?id=28522>

36 Lawsuit Against 19 METU Students for Joining Pride Parade. (2019, August 8) <https://bianet.org/english/lgbti/211477-lawsuit-against-19-metu-students-for-joining-pride-parade>

and against universal human rights.

The EU Delegation in Ankara should follow closely and react to all legal processes related to bans, as well as protests at universities. The EU should insist on Pride Marches being allowed and with the necessary protection.

Universities get resources and fundings from the EU and related bodies, so these should be conditioned with full freedom for LGBTI+ people. The current behavior should not be tolerated and the universities having such attitude should not benefit from EU fundings.

According to the constitution of Turkey, all universities are under control of the Council of Higher Education (YÖK). In 2015, YÖK prepared a policy paper on gender. This paper was based on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Istanbul Convention (Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence). The Istanbul Convention prescribes that the standards for fighting discrimination based on sexual orientation and gender identity must be met. This is how the YÖK's paper provided the basis for gender studies as an academic discipline. However, on 20 February 2019, YÖK announced that they would cancel the gender equality paper. The YÖK's gender equality paper should be followed and encouraged not to be lifted, and should be improved instead.

Funding for LGBTI+ activist organizations should be increased and improved. Especially those that have no official base, such as university LGBTI+ organizations, should be supported.

37 METU Must stop violating rights of students defending lgbti+ rights. <https://www.frontlinedefenders.org/en/case/metu-university-rectorate-must-stop-violating-right-peace-ful-assembly-students-d>

38 Harassment of Turkey's LGBTI+ community continues. (2019, August 9). <https://crd.org/2019/08/09/harassment-of-turkeys-lgbti-community-continues/>

39 YÖK'ün Kaldırdığı Toplumsal Cinsiyet Eşitliği Tutum Belgesi. (2019, February). <https://m.bianet.org/bianet/toplumsal-cinsiyet/205680-yok-un-kaldirildi-toplumsal-cinsiyet-esitli-gi-tutum-belgesi>





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