



Strasbourg, 27 April 2009

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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA
ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
BY BOSNIA AND HERZEGOVINA**

(received on 27 April 2009)

BOSNIA AND HERZEGOVINA
Ministry for Human Rights and Refugees
Department for human rights
No: 01-37-1891/09
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COUNCIL OF EUROPE

The Advisory Committee on the Framework Convention for the Protection of National Minorities

STRASBOURG

Subject: Comments on the opinion of the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities on Bosnia and Herzegovina, **are being delivered**

The Ministry for Human Rights and Refugees of Bosnia and Herzegovina, as the carrier of the project (or as the main coordinator) for making of the Report of Bosnia and Herzegovina on implementation of the Framework Convention for the Protection of National Minorities, analyzed the "Opinion on Bosnia and Herzegovina" formed by the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, after studying the Report of Bosnia and Herzegovina on legislative and other measures on implementation of the principles defined in the Framework Convention for the Protection of National Minorities, and monitoring of the Advisory Committee delegation.

The Ministry for Human Rights and Refugees of BiH is grateful for having the opportunity to present its comments, explanations and attitudes toward the Opinion of the Advisory Committee before its final delivering to the Committee of Ministers of the Council of Europe.

The Ministry, as well, believes that the present and future cooperation and communication of the Bosnia and Herzegovina authorities and Advisory Committee on the Framework Convention **is of high importance from the aspect of implementation of the measures on protection of the rights of national minorities and practice in application of the Framework Convention for the Protection of National Minorities.**

The Ministry highly appreciates the understanding of the Advisory Committee for the specific conditions of the postwar recovery and construction of the institutions of the Bosnia and Herzegovina Government, as well as consideration for the efforts done on the affirmation of the national minorities' rights and their protection.

The authorities in Bosnia and Herzegovina, on every level of organization, seriously consider the difficulties related to implementation of legislative regulations in the sphere of education,

especially in the studying of the minorities' languages, informing and transmission of the TV programme in the minorities' languages, proportional presence of minorities in the state service, and especially delay in implementation of legal obligation of the forming of the Council of the National Minorities of Federation of Bosnia and Herzegovina. Although, generally speaking, the special attention has been paid to the Roma community in Bosnia and Herzegovina, their status has been slowly changing with difficulties.

The Ministry for Human Rights and Refugees of Bosnia and Herzegovina believes that the opinion of the Advisory Committee in future would be of great importance in planning of measures and implementation of the Framework Convention for the Protection of National Minorities.

Besides the above mentioned, the Ministry believes that some estimations of the Advisory Committee still require additional explanations which would help Advisory Committee to understand better certain questions, and, possibly, different conclusions:

1. In the sub-paragraph 14 you mentioned the existence of "Worrisome lack of communication and coordination of the various authorities on implementation of the law and politics of national minorities". Communication and coordination exists, it is not always efficient, but it is in progress. Especially, we would like to point out the necessities related to the Roma minority population in Bosnia and Herzegovina, the mutual involvement of the entities' representatives and Roma non-government sector in the institutions on every level of authority in Bosnia and Herzegovina (example: Roma Sector of the Council of Ministers of BiH and Coordinative sector for monitoring of the realization of the Action plans for Bosnia and Herzegovina and solving of the Roma problem).

The authorities of Bosnia and Herzegovina, having done the Action plan of Bosnia and Herzegovina for solving Roma problems in the areas of education, housing, health care, achieved two main goals:

- Quality which assumes reality in planning and all-inclusive measures for solving problems in these three areas;
- Participation of the authorities, from one side, and Roma non-government sector, from the other, which assumes that the taken obligations in planning would be mainly realized.

About 100 qualified persons who, on more than twenty meetings (workshops, round tables, and expert analyses) were involved in making of the action plans indicating the seriousness of the process, the wish of the state Bosnia and Herzegovina to approach the long-term solution of the problem in best possible way and to advance and improve Roma population status in BiH, as well as of the other minorities in Bosnia and Herzegovina, and to establish full communication and coordination between various levels of authorities.

2. In the sub-paragraph 18 you mentioned that “Persons who belong to the national minorities are discriminated, which is legalized by law, related to their participation in public affairs, because they still do not have the right to be part of the authorities positions.”.

We emphasize that here we talk about only two specific positions, member of the Presidency and delegate in the House of Peoples of Bosnia and Herzegovina Parliament, and nowhere else. Namely, people belonging to the national minorities may apply, participate, and have access and right to work other public jobs as well as the members of other constitutive peoples in Bosnia and Herzegovina.

Also, by the amendments to the Election Law of Bosnia and Herzegovina, (“Official Gazette of BiH”, no. 78/05) it was prescribed that minorities’ communities, depending on the percent of participation of population, have their representatives in local authorities’ offices – municipalities’ assemblies.

At the end, we would like to emphasize that the Ministry for Human Rights and Refugees thanks for received opinion and observations of the Advisory Committee, which, we believe, would find its place in future programme activities of the Council of Ministers, entities’ Governments, and especially of the local communities where minorities live and work. The Ministry will, also, tend to publish its attitude on the Web site, due to transparency and introducing to the public.

Respectfully,

Minister

PhD Safet Halilović