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**THIRD REPORT SUBMITTED BY BOSNIA AND HERZEGOVINA  
PURSUANT TO ARTICLE 25, PARAGRAPH 2  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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Bosnia and Herzegovina  
Council of Ministers

## THIRD REPORT

BY BOSNIA AND HERZEGOVINA ON LEGISLATIVE AND OTHER  
MEASURES FOR THE IMPLEMENTATION OF PRINCIPLES SET FORTH  
IN THE FRAMEWORK CONVENTION FOR THE PROTECTION OF  
NATIONAL MINORITIES

**Sarajevo, March 2012**

At the 6. meeting held on 3 May 2012, pursuant to Article 25 of the Framework Convention for the Protection of National Minorities, as proposed by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina adopted the following

## **THIRD REPORT BY BOSNIA AND HERZEGOVINA ON LEGISLATIVE AND OTHER MEASURES FOR THE IMPLEMENTATION OF PRINCIPLES SET FORTH IN THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**

### **INTRODUCTION**

1. In order to implement the 2011 program tasks of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, the Department of the Protection of Rights of and Cooperation with National and Other Minorities, Religious Groups and Nongovernmental Organizations, which operates within the MHRR as a separate organizational unit, prepared the **Third Report by Bosnia and Herzegovina on Legislative and Other Measures for the Implementation of Principles Set FORTH in the Framework Convention for the Protection of National Minorities** (hereafter: the Third Report). In addition to a reporting obligation that it has after becoming a party to this international instrument, Bosnia and Herzegovina informs at the same time local institutions and the general public about achievements and examples of "good practice" made by Bosnia and Herzegovina during the reporting period: from July 2007 until the end of 2011 in terms of enhancement and furtherance of the status of national minorities in Bosnia and Herzegovina in various fields.

2. In order to inform the institutions of government and the public, we remind that the 1029th session of the Council of Europe Committee of Ministers held on 11 June 2008 at the level of Deputy Ministers adopted a framework structure of state reports to be submitted in the third cycle of monitoring, in accordance with the obligation of the Parties under Article 25(3) of the Framework Convention for the Protection of National Minorities.

The third cycle State Reports should include three parts as follows:

1. Practical arrangements at national level to follow up findings of the second monitoring cycle;
2. Measures taken to improve the implementation of the Framework Convention for the Protection of National Minorities.
3. Specific questions.

Please find enclosed herewith the major laws and regulations governing the enforcement of accepted provisions of the Framework Convention for the Protection of National Minorities.

Requested information, especially statistics, are provided for the reporting period (July 2007 - December 2011).

3. In order to get representatives of relevant institutions at all levels in Bosnia and Herzegovina and national minorities involved in the preparation of this report, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, together with the Council of Europe Secretariat of the Framework Convention for the Protection of National Minorities, organized “The Second Meeting on the Implementation of the Framework Convention for the Protection of National Minorities in Bosnia and Herzegovina” on 16 and 17 June 2011. The meeting was chaired by Mr. Rainer Hofmann, President of the Council of Europe Advisory Committee for the Protection of National Minorities, and Ms. Charlotte Altenhöner-Dion from the Council of Europe Secretariat of the Framework Convention for the Protection of National Minorities. The meeting was dedicated to drawing attention of participants in the development of the Third Report to the Framework Structure of Third Cycle State Reports in accordance with the obligation of the States under Article 25(3) of the Framework Convention for the Protection of National Minorities. About 35 representatives of associations of national minorities in Bosnia and Herzegovina, relevant ministries and institutions and the Councils of National Minorities at all level took part in the discussion.

4. **Around four years** passed from the **July 2007** Second Report of Bosnia and Herzegovina and adoption of the Resolution on Monitoring the Framework Convention for the Protection of National Minorities and this Third Report. In the period following delivery of the Resolution on Monitoring the Framework Convention for the Protection of National Minorities, which was distributed to all relevant addresses of entities working on the implementation of the Framework Convention and the Law on the Protection of National Minorities of Bosnia and Herzegovina, activities to implement the recommendations and to complete the legal system in terms of better protection and improvement of the position of national minorities in Bosnia and Herzegovina were launched. The Resolution was posted on the website of the Ministry for Human Rights and Refugees of Bosnia and Herzegovina in English and one of the official languages in Bosnia Herzegovina.

5. Passing new laws, as well as amending existing laws and regulations in the reporting period developed better conditions for the systematic exercise of rights of national minorities in Bosnia and Herzegovina. These laws and standards were drafted and passed on the basis of consensus and agreement of political parties in the Bosnia and Herzegovina Parliament and the political will for their implementation and enforcement was thereby ensured.

6. In the last four years, in consultation with representatives of national minorities (and through their involvement in individual programs of the Council of Ministers of Bosnia and Herzegovina), the Council of Ministers of Bosnia and Herzegovina tried to take concrete measures for the protection and promotion of national minorities of Bosnia and Herzegovina and to address outstanding issues faced by national minorities, persistently abiding by and fully enforcing the Law on the Protection of National Minorities of Bosnia and Herzegovina.

7. We believe that there was a clear advancement of rights of national minorities in this reporting period, especially with the passage of the **Anti-Discrimination Law of Bosnia and Herzegovina** and by enabling an expansion of rights of national minorities to participate in all spheres of life and decision-making and the exercise of their right to own culture and language, traditions and customs. We should note the importance of the **establishment of the Councils of National Minorities in the Parliamentary Assembly of Bosnia and Herzegovina, the Republika Srpska National Assembly and the Parliament of the Federation Bosnia and Herzegovina**. The Council of Ministers of Bosnia and Herzegovina is aware of still prevailing difficulties and outstanding problems which are usually related to the financial situation of the country, which is a limiting factor for all citizens of Bosnia and Herzegovina, including members of national minorities in Bosnia and Herzegovina. This particularly applies to the exercise of rights of national minorities in employment, donations, assistance to and faster return of refugees and overall better living conditions.

8. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina devoted particular attention to the Roma as the largest national minority. So, in collaboration with the Roma Council, in 2008, the MHRR continued further elaboration and implementation of "The Roma Strategy of Bosnia and Herzegovina" and on 3 July 2008 the Council of Ministers of Bosnia and Herzegovina adopted **"Roma Action Plan of Bosnia and Herzegovina in Housing, Employment, Health Care"** and joined the Decade of Roma Inclusion 2005- 2015. For the first time the Council of Ministers of Bosnia and Herzegovina appropriated in the budget of the Ministry of Human Rights and Refugees an amount of BAM 3,000,000 for the implementation of the adopted action plans in 2009 and 2010.

The Ministry of Human Rights and Refugees of Bosnia and Herzegovina requested in writing of all authorities and budgetary institutions in the areas where the Roma lived to plan funds for the adopted Roma Action Plan.

In addition to these activities, the MHRR provides support to the Roma Board of Bosnia and Herzegovina within the Council of Ministers of Bosnia and Herzegovina, which is an advisory and coordinating body that also monitors the implementation of strategies and action plans.

9. A particular progress was achieved in building a democratic atmosphere in Bosnia and Herzegovina, which allows the materialization of one of the fundamental beliefs of the Council of Ministers of Bosnia and Herzegovina and it was that national minorities were its wealth and not a problem. Intensive efforts are made to strengthen the atmosphere of tolerance and dialogue among cultures, traditions, nations and national minorities. A lot of conferences, seminars, round tables, exhibitions, performances and other activities are held. Bosnia and Herzegovina seeks to enhance, enrich and promote a multicultural society in which minorities contribute to the cultural and any other development towards a modern European country.

10. Bosnia and Herzegovina duly considered the Opinion of Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe and the Resolution of the Council of Europe Committee of Ministers on the Implementation of the Framework Convention in Bosnia and Herzegovina in conjunction with the Second State Report. The opinion is translated into local languages and made available to all ministries concerned, other governmental bodies and associations of national minorities. We wish to note that the Opinion of Advisory Council and the Resolution of Committee of Ministers greatly influenced further elaboration of legislative solutions and other measures and actions to improve the position of minorities in Bosnia and Herzegovina, the Roma in particular. In the reporting period Bosnia and Herzegovina had an active expert of Bosnia and Herzegovina in the Council of Europe Committee of Experts for the Protection of National Minorities (DH-MIN) and continuously maintained good cooperation with the Council of Europe Advisory Committee and the Secretariat for the issue of national minorities both in monitoring the situation in Bosnia and Herzegovina and in effectively enjoying the rights of national minorities in BiH. Thus, in July 2011 the Council of Europe and the Ministry for Human Rights and Refugees of BiH organized a joint conference in Sarajevo, which contributed to better and comprehensive cooperation, information exchange and cooperation and especially resulted in instructions about the format, structure and layout of the third report with a view to improving the rights of national minorities.

11. We especially emphasize that drafting of the present, third report involved ministries and other State bodies, associations and institutions of national minorities, whose opinions were fully included, so that this report could be as realistic, complete and objective as possible. The report tried to include directions, instructions and questions of the Council of Europe, showing the current status and position of national minorities in Bosnia and Herzegovina.

12. While drafting the Third Report, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, as the principal stakeholder in the preparation of this document, did it in cooperation and communication with all relevant organizations that bring together minority communities in Bosnia and Herzegovina. The method of communication was that the MHRR properly informed the NGOs that preparations for and drafting of the coming Third Report had been ahead and invited these organizations to give their opinions, suggestions, proposals and views regarding the principles set forth in the Framework Convention. At the invitation of the MHRR the associations of minority communities responded in different ways. Most of them answered in writing, expressing their views and opinions, while some Roma NGOs organized consultations and conferences with NGOs and government representatives and the MHRR.

13. The Report fully respected opinions and views reached by the Councils of National Minorities at all levels and opinions and attitudes of associations that had researched the position of minorities and of associations that in their daily work had dealt with problems encountered by minority communities in Bosnia and Herzegovina, such as the Human Rights Office of Tuzla, Centre for Civil Initiatives of Sarajevo, Centre for the Promotion of Civil Society of Sarajevo, BiH Association of Journalists - Sarajevo, the Helsinki Committee for Human Rights in BiH, Independent Institution for the Protection of Human Rights of Zenica and others. Views and opinions given by the Roma Board within the Council of Ministers of Bosnia and Herzegovina as an advisory body to the Council of Ministers of Bosnia and Herzegovina on the situation of Roma in Bosnia and Herzegovina was respected to the fullest extent possible. In certain periods of the reporting period, work and activities of the Council of Roma in the Federation of Bosnia and Herzegovina and the Republika Srpska Roma Union, as umbrella Roma institutions at the entity level, were very important. All of these consultations and exchanges of views occurred in 2008, 2009, 2010 and 2011 and they were an integral part of drafting the Third Report. After the first draft was prepared, it was submitted to all stakeholders and non-governmental sector for review, comments and observations.

14. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina repeated on several occasions its call on the relevant State, Entity and cantonal ministries and a number of municipalities where the 1991 census registered significant minority communities to collaborate in the preparation of the Third Report and to give their opinion and suggestions on the position of minorities in Bosnia and Herzegovina. Written responses and comments on the status of national minorities in Bosnia and Herzegovina and the implementation of Framework Convention were sent by a few ministries, local communities (municipalities) and institutions and we included them in the Third Report. The answers evidently showed that the authorities were aware of the current problems of minorities in their areas of responsibility, particularly of the Roma, and took steps in accordance with their capabilities to improve their status and rights. These consultations with minority and non-governmental organizations were conducted at all levels: State, entity, cantonal and municipal.

15. By ratifying the Council of Europe Framework Convention for the Protection of National Minorities (2000), Bosnia and Herzegovina assumed significant responsibilities to protect the rights of national minorities living in it.

16. The Framework Convention was the basis for the enactment of the Law on the Protection of National Minorities (2003). The Republika Srpska (2005) and the Federation of Bosnia and Herzegovina (2008) enacted their own laws on the protection of national minorities.

According to this Law, a national minority shall be a part of the population-citizens of BiH that does not belong to any of three constituent peoples and it shall include people of the same or similar ethnic origin, same or similar tradition, customs, religion, language, culture, and spirituality and close or related history and other characteristics of which is secured within the BiH legislation ensuring basic rights for national minorities, as follows:

- Every member of a national minority shall have the right to choose freely to be treated or not to be treated as such and may not be put into an adverse position due to such a choice nor may be subject to any other form of discrimination on these grounds. Assimilation of members of national minorities against their will shall not be allowed.
- Members of national minorities shall have the right to organise and gather in order to express and protect their cultural, religious, educational, social, economic and political freedoms, rights, interests, needs and identities.
- BiH shall facilitate and financially assist the upholding and development of relations between the members of national minorities in BiH and members of the same national minorities in other countries and with the peoples in their countries of descent.
- Entities, cantons, cities and municipalities in BiH, within the scope of their competencies, shall in detail regulate by their laws and other regulations rights and duties arising from the Law hereto and international conventions regulating the issues of importance for national minorities.
- Within their budgetary resources BiH, entities, cantons, cities and municipalities in BiH shall secure funds for the exercise of rights the national minorities are entitled to pursuant to this Law.
- National minorities are entitled to use their language freely, enjoy their religious and cultural rights, the rights to education and information, social rights and are entitled to the participation in the authorities.

17. When it comes to the right to political participation in the local elections in Bosnia and Herzegovina (2008) and general elections in Bosnia and Herzegovina (3 October 2010), according to data supplied by the Central Election Commission of Bosnia and Herzegovina, a number of national minority candidates was elected to the parliaments.

18. Based on the recommendations of the Council of Europe Committee of Ministers, Bosnia and Herzegovina committed to regularly report to these bodies on the implementation of the Framework Convention for the Protection of National Minorities. Bosnia and Herzegovina put together two State reports (2004 and 2007) and was obliged to put together and submit the Third State Report by the end of 2011.

While drafting this report, the authorities in Bosnia and Herzegovina still faced problems that were primarily related to a lack of valid data on demographic, social, economic and educational structure of national minorities in BiH (**given the last census in Bosnia and Herzegovina was in 1991**). Due to a lack of these and other accurate data, the State is having a lot of difficulties to take appropriate measures and policies affecting the improvement and advancement of national minorities in Bosnia and Herzegovina.

19. Initiatives by associations of national minorities, the Council of National Minorities and the OSCE Mission to BiH for designing **the Strategy for Solving Problems of National Minorities in Bosnia and Herzegovina** has already being materialized and the coordinator is

the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, while the OSCE Mission to Bosnia and Herzegovina has been providing logistics.



PART I - INVOLVEMENT OF THE GOVERNMENT, ASSOCIATIONS AND OTHER  
NGOs IN THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION

20. When it comes to **monitoring of the implementation of Framework Convention, we note that, in this reporting period, the Council of Ministers of Bosnia and Herzegovina and its Ministry of Human Rights and Refugees of Bosnia and Herzegovina** committed to take concrete measures and continually work to protect and promote the protection of national minorities and resolve outstanding issues of the minorities and insist on full implementation of the Law on the Protection of National Minorities of Bosnia and Herzegovina. We are aware of the fact that the implementation of this Law and provisions of the Framework Convention for the Protection of National Minorities is still very difficult mainly due to a lack of reliable data. The last census was in 1991, i.e. before the war, and its results are far from showing the current demographic situation in the country. There is a need for a new census in the country, especially in terms of national minorities.

21. Looking at the overall effects of implementation of strategic documents to solve problems of national minorities in Bosnia and Herzegovina and in particular of the Roma in Bosnia and Herzegovina in the reporting period, authorities identify in the forthcoming period the following priorities:

- 1) The need for Bosnia and Herzegovina to prepare and adopt at the state level **the Strategy for Solving Problems of National Minorities in Bosnia and Herzegovina** - a document that would identify relevant areas and activities of national minorities and define concrete measures to improve their overall social status.
- 2) By enforcing the judgment of European Court of Human Rights in Strasbourg (**Sejdic-Finci**), persons belonging to national minorities in Bosnia and Herzegovina will become equal with the other three constituent nations when it comes to participation in public and political life. Preparing and sending to the parliament amendments to the Constitution of Bosnia and Herzegovina and the Draft Law on Amendments to the Election Law of Bosnia and Herzegovina.
- 3) Start amending the Action Plan for Bosnia and Herzegovina Roma in employment, housing and health care, which is the recommendation of the International Steering Committee of the Decade of Roma Inclusion 2005 - 2015. The Roma needs reported in the implementation of the Program of Roma Registration are a necessary condition for the future qualitative and quantitative planning of actual needs of the Roma population in these three areas;
- 4) In order to efficiently solve the problems of Roma and financial savings, mainstream the structure of the Roma Board within the Council of Ministers of Bosnia and Herzegovina and the Coordination Committee Monitoring the Implementation of the Roma Action Plan for Housing, Employment and Health Care.
- 5) Continue the process of updating the data obtained by implementing the Roma needs registration project and agree on the development of a database with the competent entity ministries and centres for social work for objective assessment of needs in the future and planning of funds for the implementation of the Roma Strategy and Action Plan in Bosnia and Herzegovina.

22. The Law on the Protection of National Minorities of Bosnia and Herzegovina emphasizes and provides for an obligation of the authorities in BiH, entities, cantons, cities and municipalities to further affirm and ex officio protect institutionally individual and collective

rights of members of national minorities, their further national and civil emancipation and integration into all legal and social processes, relationships and trends without discrimination or assimilation but historical coexistence, cohabitation with members and communities of constituent peoples in Bosnia and Herzegovina instead. Moreover, assimilation is prohibited by the Law, except in cases when a minority member demands it, i.e. when he/she does not require from others to treat him/her as a minority member.

23. The expansion of a network of non-governmental organizations of national minorities, particularly of Roma, and their networking at the level of Bosnia and Herzegovina State has continued (there are about 70 officially registered Roma organizations and 50 organizations of national minorities in Bosnia and Herzegovina).

24. Having said the above, we think that the position of national minorities in Bosnia and Herzegovina has been improving on a daily basis through political, administrative and social changes taking place in Bosnia and Herzegovina over the past few years. This is achieved because, with the new legal and political conditions, national minorities have greater responsibility for their own position. In this regard, in addition to appropriate responsibilities to improve some legal provisions and to enforce the laws regulating the position of national minorities, which rest with state government and local and regional self-governments, it is necessary to define a common platform for social actions to be taken by councils and representatives of national minorities and minority organizations to strengthen the position of national minorities in the future.

25. First of all, they should be activities to strengthen the role of councils and representatives of national minorities and NGOs, as well as their greater involvement in the work of government bodies at state, entity, cantonal and local levels. What is also important are joint actions by associations of national minorities, their mutual cooperation and collaboration with human rights NGOs in promoting democracy and civil society. More than ever Bosnia and Herzegovina needs to take actions oriented to the public in order to eliminate existing stereotypes about minorities.

26. Activities are needed to build a political culture and raise the level of tolerance so that sensitive issues could be discussed without national passion and euphoria in a multi-ethnic and multi-cultural society. In this context it is necessary to incorporate the multi-cultural and multi-ethnic principles in all school activities as part of the education reform.

27. The overall political and social welfare situation in Bosnia and Herzegovina and activities taken by the Council of Ministers of Bosnia and Herzegovina chaired by Mr. Nikola Spiric favourably affected rights of national minorities in Bosnia and Herzegovina. We are aware that the position of national minorities in BiH, especially the Roma minority, both in Bosnia and Herzegovina and most countries in the region, is not good or adequate. However, we think that efforts have been recently made to advance and improve this position. In this context the current problems related to the return of refugees and displaced persons are being addressed and efforts are being made to resolve their status and ensure sustainable return. With the approach of Bosnia and Herzegovina in the direction of European integration and all the positive aspects that this process entails, the conditions for exercising the rights of national minorities are expected to further improve.

28. Finally, we express our satisfaction with the continued good cooperation with the Council of Europe bodies and especially with the Council of Europe Advisory Committee and their

generous help and service and the improvements achieved in the implementation of the Framework Convention for the Protection of National Minorities since the second national report. So, we think that in the future this trend will continue, i.e. we expect faster, more concrete and better implementation of laws respecting rights, freedoms and position of national minorities in Bosnia and Herzegovina and resolution and addressing of current and future issues, so that Bosnia and Herzegovina could achieve the highest standards in the protection of national minorities.

**In order to present the most important activities in recent years we emphasize the activities carried out by institutions of government, associations and NGOs in the reporting period.**

29. **Activities by the Council of National Minorities within the Parliamentary Assembly of Bosnia and Herzegovina:** In the Decision on the Establishment of the Council of National Minorities of Bosnia and Herzegovina ("Official Gazette" No. 38/06, 93/08 53/09) the Parliamentary Assembly of Bosnia and Herzegovina established the Council of National Minorities of Bosnia and Herzegovina (hereinafter: BiH CoNM ), as a special advisory body to the Parliamentary Assembly, and in the Decision on the Appointment of Members of the Council of National Minorities ("Official Gazette" No. 15/08) the Parliamentary Assembly appointed members of the Council of National Minorities. As defined in the Decision, the Council of National Minorities of Bosnia and Herzegovina gives opinions, advice and suggestions to the Parliamentary Assembly on all matters concerning rights, position and interests of national minorities in BiH. Further, it can delegate experts into constitutional committees of both Houses of the Parliamentary Assembly, the Joint Commission for Human Rights, Rights of Children, Youth, Refugees, Immigration, Asylum and Ethics and other committees and working bodies of the Parliamentary Assembly of BiH, where they discuss rights, position and ineterests of minorities.

30. The Decision on Appointment of Members of the BiH CoNM ("Official Gazette" No. 15/08, 53/09, 59/09) contains 10 appointments to BiH CoNM and two more members were subsequently appointed so that BiH CoNM has 12 members and they are: **Halil Bicaĵ (Albanian), Jovanka Manzalovic Œalaka (Czech), Tihomir KneŹicek (Italian), Jakob Finci (Jew), Vasilija Ibrahimagic (Macedonian), NedŹad Jusic (Roma), Andrija Svatok (Ukrainian), Iren Milivojevic (Hungarian), Darko Kovic (Pole) and Marija Grbic (Slovenian).** The Decision on Amendments to the Decision on Appointment of Members of the Council of National Minorities ("Official Gazette" No. 53/09) appointed Hidajeta RedŹic (Montenegrin) as representative of the Montenegrin minority for the period between the date of entry into force of this Decision and 30 April 2010 and Nedjeljko Tomasevic (Montenegrin) as of 1 May 2010 for the remainder of the current term of members of the Parliamentary Assembly. The Decision on Amendments to the Decision on Appointment of Members of the Council of National Minorities ("Official Gazette" No. 53/09) also subsequently appointed Varan Hakan (Turk) as representative of Turkish minority."

31. BiH CoNM had 15 meetings in the period between April 2008 and the end of December 2010 (meetings were held also in 2011, but a report for this year has not been put together yet).

The founding meeting of BiH CoNM, held on 23 April 2008, which was convened by the Speakers of both Houses of the Parliamentary Assembly, elected Nedzad Jusic (Roma) the

Chairman of the Council and Marija Grbic (Slovenian) and Vasilija Ibrahimovic his deputies and adopted the Rules of Procedure of the Council of National Minorities.

**32. In the previous period the CoNM carried out the following activities:**

**a) Monitoring of the implementation of the Action Plan on the Educational Needs of Roma and other national minorities in BiH**

The monitoring was carried out on the principle of assessment of results achieved and indicators, the ranking scale running from 1 to 10. 1-3 ranking score means a low degree of implementation, 4-7 ranking score means a moderate degree of implementation, 8-10 ranking score means a high degree of implementation of the Action Plan.

The monitoring showed diversity in the degree of implementation of the Action Plan by stakeholders, but also varying degrees of responsibility and maturity of the relevant institutions in charge of the implementation of the Action Plan.

The monitoring showed that the **implementation** of the Action Plan moves within the range of **low to moderate degree of implementation** of the Action Plan.

**Responsibility** for the implementation of the Action Plan ranges from **a low to high degree, i.e.** from complete irresponsibility, as the case of the Ministry of Education, Science, Culture and Sport of Zenica-Doboj Canton, to a high degree of responsibility, which is characteristic for the Municipality of Prnjavor.

At the 9th meeting, which was held on 23 November 2009, the BiH CoNM concluded that the Government of Zenica-Doboj Canton should be criticised for poor performance of **Zdenka Merdžan**, Minister for Education, Science, Culture and Sports of Zenica-Doboj Canton, who failed to respect rights of national minorities and unprofessionally discharged her ministerial duties.

The Municipality of Prnjavor is a good example of attitude of a municipality towards national minorities. The Municipality recognizes needs of national minorities, shows interest by solving problems of national minorities, gives contribution to better position of members of all national minorities living in the Municipality, while members of national minorities have their representative in the Municipal Council.

In order for BiH CoNM to contribute to the Action Plan **review** process, conducted by a working group led by the Ministry for Human Rights and Refugees, on 8 June 2009 the MHRR was requested that a representative of the Council of National Minorities should join the process of revision of the Action Plan.

While monitoring, BiH CoNM required the institutions interviewed to provide information of interest to BiH CoNM. The information was supposed to illustrate the willingness of institutions to improve the status of national minorities in BiH by allocating budgetary funds to address the issue of Roma and other national minorities. They were asked to clearly define deadlines and budget for implementation of the Action Plan, as well as answers to questions relating to cases of employment discrimination of Roma in educational institutions.

**In connection with the monitoring, BiH CoNM concluded** that the monitoring of the Action Plan showed that the Action Plan of BiH was implemented without significant outputs, a revision of the plan and intensified achievement of objectives set forth in the Action Plan were needed. The monitoring showed immaturity and indifference of the competent institutions in BiH to contribute to solving problems of national minorities.

## **b) BiH CoNM adopted the following recommendations**

- BiH CoNM suggested that the BiH Parliamentary Assembly should warn in written the relevant institutions that they should work towards achievements of objectives set forth in the Action Plan in order for BiH to better respond to the obligations undertaken by signing the European Union Convention on the Rights of National Minorities.
- The BiH Parliamentary Assembly should warn the institutions responsible for issues of national minorities in BiH to address issues not only of the Roma minority, but also of other national minorities in BiH.
- The BiH Parliamentary Assembly should warn the institutions responsible for issues of national minorities in BiH to begin to keep a register of children belonging to national minorities in primary and secondary schools.
- The Parliamentary Assembly should instruct the Ministry of Human Rights and Refugees to have close cooperation with the BiH CoNM in all activities related to issues of national minorities.

## **c) Round Table on "The position of national minorities in BiH - constitutional changes and amendments to the Election Law. "**

### **d) Opinion concerning the selection of minority languages in accordance with the European Charter for Regional and Minority Languages**

During the ratification of the European Charter for Regional or Minority Languages and selection of articles of the Charter Bosnia and Herzegovina did not accept, at the 9th meeting held on 23 November 2009, BiH CoNM concluded that the part that covered obligations under Part III did not include the Macedonian and Montenegrin languages in the language group of "regional or minority languages" and suggested to the Ministry for Human Rights and Refugees of Bosnia and Herzegovina to include the Macedonian and Montenegrin languages in obligations under Part III.

The Ministry of Human Rights and Refugees of Bosnia and Herzegovina accepted these comments and included the Macedonian and Montenegrin languages in obligations under Part III.

### **e) The request to appoint experts on constitutional committees of both Houses of Parliamentary Assembly of Bosnia and Herzegovina**

Accordingly, during the preparation of Amendments to the Constitution of BiH and the Draft Law on Amendments to the Election Law of BiH, in order to protect the rights, status and interests of national minorities, in this case in the enforcement of the judgment of the European Court of Human Rights in *Sejdic-Finci*, the BiH CoNM appointed its member Mr. Vehid Šehić as expert on the constitutional committee of the House of Representatives and on the constitutional committee of the House of Peoples of the Parliamentary Assembly.

### **f) Proposed Amendments to the Constitution of Bosnia and Herzegovina**

A joint meeting of the BiH CoNM, the Council of National Minorities of the Federation of Bosnia and Herzegovina and the Council of National Minorities of the Republika Srpska,

held on 22 March 2010 in Sarajevo, agreed on Amendments to the Constitution of BiH to be proposed and submitted to the Working Group of the Council of Ministers for the Implementation of the Action Plan for Enforcement of the Judgment of European Court of Human Rights in Strasbourg, for consideration and adoption, given that, in accordance with the Rules of Procedure of the Parliamentary Assembly, the Council of National Minorities is not authorized to propose legislation.

**g) Public debate on "Consequences of non-enforcement of the judgment of the European Court of Human Rights in *Sejdic and Finci*"**

A public debate on "Consequences of non-enforcement of the judgment of the European Court of Human Rights in *Sejdic and Finci*" was held on 17 September 2010. The public debate was attended by members of BiH CoNM, Dervo Sejdic of Kali Sara Roma Information Centre, Beriz Belkic - Deputy Speaker of the House of Representatives of the Parliamentary Assembly, Milan Jovanovic of the Ministry of Human Rights and Refugees, members of the Council of National Minorities of the Federation of BiH, representatives of international organizations in BiH, representatives of associations of national minorities in BiH, as well as numerous media representatives.

After the discussion, the attendees concluded that consequences of non-enforcement of the judgment in *Sejdic and Finci* had reflected in the pressures exerted specifically on the Roma, as well as pointed out the consequences that would hinder or make Bosnia and Herzegovina accession to European Union difficult.

A recommendation that all associations of national minorities in Bosnia and Herzegovina should work together to achieve objectives sought by all members of national minorities, primarily changing the Constitution to provide that all persons had equal rights, was given to all the associations.

**h) Memorandum of Understanding between the BiH CoNM and national and international organizations**

The scope and objective of conclusion of the Memorandum of Understanding are the need for promoting rights of national minorities in Bosnia and Herzegovina; the necessity to ensure the participation of national minorities in public life, the media, political parties and local communities in Bosnia and Herzegovina; the establishment of equality of national minorities in decision-making; the promotion of rights, status and interests of national minorities in Bosnia and Herzegovina and support to associations of national minorities in institutional capacity building in Bosnia and Herzegovina.

**i) Cooperation with the media**

In the reporting period the BiH CoNM achieved excellent cooperation with the media. This is primarily reflected in press releases about activities of BiH CoNM and in radio and television shows on the position of national minorities in Bosnia and Herzegovina and the problems related to the enforcement of the judgement of the European Court of Human Rights in the case of *Sejdic and Finci*.

**33. To give an example of a highly active association we note the Report on the Work and Activities of the "Rino Zandonai" Association of Citizens of Italian Descent of Tuzla:** The "RINO ZANDONAI" Association of Citizens of Italian Descent of Tuzla is a non-profit organization that brings together members of the Italian national minority who live

in the area of Tuzla and surrounding municipalities. The association was established in the first registration of the association under name "The Association of Citizens of Italian Descent and Friends of Italy" on 8 May 1993 in Tuzla, where the inaugural meeting of the Association was held. The association had approximately 700 members. The 28 July 1993 list of association membership had 253 families and 693 members and the 1 November 1995 list had a total of 245 families. The association slackened off after the war and on 11 April 2000 changed the name into "Trentini" Association of Tuzla operating within a large group of *Trentini nel Mondo* associations which brings together 276 associations of Trentini people in 27 countries around the world. In May 2004 it had a total of 69 families with 186 members. The Association has its own premises and implements projects for the Italian language, organizes socialising of members and marking of the arrival of Italians in Tuzla, has a library with about 1500 titles and implements projects to connect all Italian associations in Bosnia and Herzegovina. When its members became members in the Council of National Minorities in 2009, the Association began a new trend reflected in active participation of members of the Association in national minority advocacy campaigns. In 2009 the Association worked toward full integration of all members of the Italian community of Tuzla and surrounding area in one association, which was achieved on 6 March 2010. The new name of the association, which was generally accepted by all members of the Italian community, was "Rino Zandonai," after the great Italian humanist who contributed to the development of the Association and improvement of relations between Italy and Tuzla.

34. In 2010 the Association carried out the following activities:

- It implemented the project of cooperation of Italian associations in BiH, a meeting of 4 Italian association to discuss cooperation with the Embassy of Italy was held in Banja Luka. The project, which was initiated and funded by the Italian organizations in BiH, resulted in better cooperation and brought about an understanding on strategy for relationship with the Italian Embassy in BiH, taking into account that the Embassy of Italy had not supported operation of any association of Italians in BiH for many years.
- Two members of the Association (Nikola Simic and Zeljko Mott) participated in seminars - meetings regarding the status of national minorities in the Balkans, which were organized by the HcA of Banja Luka in Tuzla and Novi Sad.
- It prepared a nomination of Zeljko Mott, a member of the Association, for awarding of Tuzla reward (Thank you note from the City of Tuzla), which he received on 25 November 2010.
- One member of the Association (Zeljko Mott) participated in the project of regional cooperation of national minority organizations in Pula.
- In cooperation with OSCE and Ilidza Primary School, Irina Dobnik, a member of the Association, performed within Kaleidoscope project in the Cultural Centre of Ilidza.
- It implemented the Project of web site development successfully and the site is in place.
- It hosted a seminar on the cultural heritage of national minorities in Tuzla, supported by Tuzla Canton Ministry of Sciences, Culture and Sports.
- It implemented "A Day of Italian Cuisine in Tuzla" project as a summer event in Tuzla on 30 July 2010, when Italian specialties and wines were offered to citizens of Tuzla to taste them. Cooperation with the private sector resulted in substantial donations of food and drink.
- It implemented the project of providing financial aid to a member of the Association who lived in Tuzla and had not had electricity for 5 years. The project was supported by Trentini nel Mondo Association.
- It completed the project of publishing a monograph titled "A Century of Italians in Tuzla", written by Tihomir Knezic and Kadrija Hodzic. The monograph contains the history of the

Italians' arrival in Tuzla, their social and economic position and includes almost all families of Italian descent living in the Tuzla region.

- It held the Assembly of the Association and "A Century of Italians in Tuzla" event in Tuzla Hotel on 6 March 2010. The aim of the event was a celebration of the arrival of Italians in the Tuzla area, the preservation of the Italian tradition, a gathering of members, promotion of books and exhibitions of works of art. Guests were the Chairman of the Presidency of Bosnia and Herzegovina, mayors of Tuzla, Lukavac and Živinice, ministers, priests, representatives of the Council of National Minorities, representatives of minority communities in Tuzla.
- It applied for and implemented a project called "Open Doors", funded by the Bureau of Human Rights Office of Tuzla. The project aimed at improving cooperation between national minority associations and municipal council members elected from among ethnic minorities in Tuzla Canton.
- It paid visits to the Festival of National Minorities in Prnjavor and small events in Štivor near Prnjavor.
- It put together 25 social welfare cards (socijalne karte) for needy members who receive assistance from the Province of Trento in Italy in the amount of EUR 900 on a yearly basis.
- It was featured in two radio broadcasts and in one local TV show about the work of the Association.

In 2010 the profit was BAM 2,995.00 (balance sheet) while the total income was much higher because of proceeds from the book sale.

### **35. Activities of the Council of National Minorities of the Federation of Bosnia and Herzegovina:**

At the session of the House of Representatives held on 17 November 2009 and at the session of the House of Peoples held on 3 December 2009, the Parliament of the Federation of Bosnia and Herzegovina (hereafter: FBiH Parliament) founded the Council of National Minorities of the Federation of Bosnia and Herzegovina (hereafter: FBiH CoNM), as a special advisory body to the Parliament of the Federation. Names of members of the Council of National Minorities within the Parliament of the Federation of Bosnia and Herzegovina were published in Official Gazette of the Federation of Bosnia and Herzegovina No. 79/09 in mid-December 2009 and they were: Iso Abinun - a Jew, Emil Bakoš –a Slovak, Sanja Bogdanovic - a Slovenian, Irmina Cengic – a Pole, Petar Civic – an Italian, Slavica Curic - a Macedonian, Tomislav Krzyk - a Czech, Irma Muratovic –a Hungarian, Hidajeta Redžic –a Montenegrin, Hakan Varan - a Turk and Džemina Zejullahu -an Albanian.

In July 2011 both the Houses of the Parliament of the Federation of Bosnia and Herzegovina appointed representatives of the Roma minority and they were: Muradif Biberovic, Muhamed Mujic, Šaban Mujic, Dragiša Radic, Mehmed Suljic and Šemsi Supnaj.

36. Since the publication of establishment in Official Gazette of the Federation of Bosnia and Herzegovina it has held 13 meetings, of which seven meetings were held in 2010.

37. The founding meeting was held on 15 February 2010 without representatives of the Roma, when Sanja Bogdanovic was elected Chairperson, Irma Muratovic and Hidajeta Redzic were elected two deputy chairpersons and the Articles of Association and Rules of Procedure, which were prepared by the Administration and Legal Department of the Parliament of FBiH, were proposed. The CoMN unanimously elected members of the Commission for Constitutional and Legislative Issues of Development and Protection of Rights of National Minorities and the Commission for Preservation and Development of Cultural, Educational and Linguistic Identity of Minorities and carried the Articles of Association and Rules of



Procedure. At the third meeting held on 7 May 2010 an initiative to amend the Law on National Minorities of the Federation of Bosnia and Herzegovina was repaeted and the performance was analysed. It was pointed out that the failure of the FBiH Parliament to fulfil obligations regarding the budget, a civil servant and an office adversely affected the performance of FBiH CoNM.

38. The analysis showed that the plan had been fully implemented. The Rules of Procedure, the Articles of Association, a program and a financial plan of the CoMN were carried and letters were sent to the Speakers of both Houses of the Parliament of FBiH regarding the budget, appointment of a civil servant, office space and approval of the Articles of Association and Rules of Procedure.

39. At the fifth meeting held on 27 July 2010 the FBiH CoMN was informed about the approval of the Rules of Procedure and different texts of the Articles of Association by the Houses of the Parliament of the Federation, i.e. about withholding of approval of the basic documents of the FBiH CoMN. Suggestions and proposals were made and it was concluded to send a letter to the Speakers of both the Houses of Parliament of the Federation in order to explain the situation regarding the adoption of the document, the approval given by one House and not given by the other House of the FBiH Parliament and to ask for a meeting with the Speakers and Secretaries General of both Houses, regardless of their "lame duck" status, to explain further the procedure of amending a decision on appointment.

40. Although in 2010 seven meetings of FBiH CoNM was held, the CoNM did not fully implement the action plan adopted earlier that year because the FBiH Parliament had not provided basic conditions for FBiH CoNM as required by law: the budget had not been approved, office space had not been provided and a civil servant had not been appointed to be in charge of FBiH CoNM. At the same time the failure of the Houses of the Parliament of the Federation to adopt the Rules of Procedure and the Article of Association and consequently the failure to publish the names of newly elected FBiH CoNM members of Roma nationality in the "Official Gazette of the Federation of Bosnia and Herzegovina" rendered FBiH CoMN not fully operational. In that year (April, July, October and December 2010) a series of letters was sent to the Speakers, Deputy Speakers and Secretaries General, the Commissions on Human Rights and Administrative Committees of both Houses of Parliament, the Prime Minister and the Ministry of Finance of the Federation of BiH, and then to a number of international and national institutions and organizations, as well as to ambassadors of 11 countries that members of FBiH CoNM belonged to, trying to influence the resolution of these problems, but to no avail. The FBiH CoNM worked as it could, which is described in this report. The last, the seventh meeting in 2010 discussed the problems that burdened the FBiH CoNM and could not be solved.

41. It was concluded unanimously that in 2011 information should be collected, i.e. it should be suggested to cantons and municipalities to inform FBiH CoNM, about how they had been moving ahead in fulfilling legal obligations to establish councils of national minorities at the cantonal level and that in that year, in accordance with funds available, ministries of education at various levels should be requested to provide the information about the implementation of the Law on Education of National Minorities.

42. All activities are continued with a view to getting the FBiH CoNM operating better. Nevertheless, the FBiH CoNM representatives attended and participated in public debates, round tables and conferences related to the position of national minorities organized by

governmental and non-governmental national and international organizations, seeking to contribute to identification of problems of national minorities. The following are particularly noteworthy: participation in a public debate in Midiacentre, Sarajevo, concerning the judgment in *Finci - Sejdic*, a two-day conference titled "Minorities for Minorities - Good Practices in the Western Balkans" in Zagreb, a meeting with the councils of national minorities of BiH in Sarajevo at the premises of the Parliamentary Assembly, a joint consultative meeting with the Chairmen and Deputy Chairmen of the Councils of National Minorities of BiH, which was organized in Tuzla. The aim of the meeting was an exchange of experience of councils of national minorities at the entity level, state and Tuzla Canton levels and planned future cooperation in order to eliminate obstacles and find solutions for the efficient operation of all CoNMs. The meeting discussed a media campaign on national minorities (website [www.nacionalnemanjinebih.org](http://www.nacionalnemanjinebih.org)) and a visit to the High Representative, Valentin Inzko, on 9 June 2011.

43. In 2011, until the end of October, the FBiH CoNM held 6 meetings that, unfortunately, addressed the same issues as they did in 2010: the budget, appointment of Roma in the Council of National Minorities, a civil servant, the approval of the Articles of Association and Rules of Procedure. Given the Secretary General of the FBiH CoNM within the FBiH Parliament has not been appointed yet, the need to resolve the issues in future contacts with the Federal Parliament has been raised. Members of the FBiH CoNM elected members of working groups under the Strategy developed by the OSCE Mission to Bosnia and Herzegovina. A meeting of the Council of National Minorities of BiH and the Council of National Minorities of the Federation was held on 16 February 2011 in Sarajevo to agree on joint activities of the Council of National Minorities of BiH and the Council of National Minorities of the Federation in 2011. The USAID Project to strengthen the Parliament in cooperation with the Parliament of FBiH, i.e. the Commission on Linguistic Issues of the House of Peoples – Training for members and delegates of both Houses of Parliament as well as for employees of supporting services – was implemented. The theme of this third in a row conference on legal issues would be specific aspects of the use of language in FBiH legislation.

44. The performance and activities of certain commissions of FBiH CoNM:

- Commission for the Preparation and Implementation of Work Program consists of a Chairman and two deputy chairmen by virtue of office and they did not hold any meetings because the program could not be implemented for the reasons or was partly implemented whereas the performance of the FBiH CoNM was regularly monitored and analysed during its regular meetings.
- Commission for the Preservation and Development of Cultural, Educational and Linguistic Identity of Minorities held one meeting in mid-December 2010 when the 2011 work program of the Commission was proposed and adopted.
- Commission for Constitutional and Legislative Issues of Development and Protection of Rights of National Minorities held seven meetings and a performance report of this Commission was adopted at the last meeting of FBiH CoNM in 2010.

45. The performance report of the FBiH CoNM shows that the Roma were appointed in FBiH CoNM and their names were published in Official Gazette only in July 2011, that the offices were allocated to the FBiH CoNM only in July 2011, too and that the budget has not been

approved yet, that a civil servant who will monitor the work of FBiH CoNM has not been appointed yet, that the Rules of Procedure or Articles of Association of the FBiH CoNM have not been approved yet, that the FBiH CoNM has not been included on the official Internet site of the FBiH Parliament, that the FBiH CoNM is still without an e-mail address, that members of the FBiH CoNM are still without official IDs and that the use of logo and stamp has not been regulated either.

Despite the above, members of the FBiH CoNM implemented the work plan as much as they could.

They did this using their own funds because, i.e. as the FBiH CoNM did not have any budget, there was no possibility of covering operating expenses or remunerating the FBiH CoNM members.

**46. Activities of the Council of National Minorities of the Republika Srpska:** According to the Law on the Protection of National Minorities of the Republika Srpska, the Republika Srpska National Assembly established the Council of National Minorities of the Republika Srpska as a special advisory body composed of members of national minorities. The National Assembly elects members of the Council of National Minorities of the Republika Srpska from among candidates proposed by the Republika Srpska Union of National Minorities. In 2007 the Republika Srpska National Assembly established the Council of National Minorities of the Republika Srpska, which has 15 members who were all activists of existing organizations of national minorities. Then Sasa Micin, a representative of the Hungarians, was elected Chairman of the Council of National Minorities of the Republika Srpska while other members were representatives of other minorities as follows: Vladimir Blaha, a representative of Czechs; Libor Bocek, a representative of Czechs; Maja Kremenovic, a representative of Italians; Jakov Danon, a representative of Jews; Marija Grbic, a representative of Slovenians; Alenka Uduc, a representative of Slovenians; Dimitrije Trifunovski, a representative of Macedonians; Ivanka Celovic, a representative of Poles; Ana Hemon, a representative of Ukrainians; Olga Karajica, a representative of Ukrainians; Šaha Ahmetovic, a representative of Roma; Mišo Mirkovic, a representative of Roma; Katarina Babic, a representative of Germans and Janette Stajcicova, a representative of Slovaks.

47. The composition of the Council of National Minorities in the Republika Srpska National Assembly in the second term: At the fifth session held on 13 April 2011, pursuant to Article 70(1)(8) of the Constitution of the Republika Srpska, Article 17 of the Law on the Protection of National Minorities (Official Gazette of the Republika Srpska No. 2/05), Articles 100, 182, 186(1) and 186(2) of Rules of Procedure of the Republika Srpska National Assembly (Official Gazette of the Republika Srpska No. 31/11), after considering the report of the Commission for the Election and Appointment, the Republika Srpska National Assembly adopted the following decision: The following persons are elected in the RS CoNM: Vesna Temelkovska Vukovic, a Macedonian, Chairperson, Vladimir Blaha, a Czech, Alenka Uduc, a Slovenian, Olga Karajica, a Ukrainian, Saša Mašić, a Roma, Franjo Rover, an Italian, Dario Atijas, a Jew, Danijel Kovc, a Pole, Papovic Milimir, a Montenegrin, Nataša Milic, a Hungarian.

**48. The first sitting of the new Council of National Minorities of the Republika Srpska was held on 3 June 2011 and the program and operational plan for the coming year were adopted.**

49. The RS CoNM provides views, advice and proposals to the National Assembly and other republican authorities on all matters concerning the rights, status and interests of national minorities in the Republika Srpska. The RS CoNM may delegate an expert in the Committee on Constitutional Affairs of the National Assembly.

50. According to the 2007 Rules of Procedure of the RS CoNM, a Chairperson and a Vice Chairperson of the RS CoNM are elected by public ballot for a period of two years. The Chairperson *inter alia* represents the RS CoNM, convenes the RS CoNM, chairs the meetings and proposes the agenda, aligns the Council's work with the work of the Republika Srpska National Assembly and other organs of the Republika Srpska, cooperates with the Republika Srpska National Assembly and other organs of the Republika Srpska in order to provide views, advice and proposal of the Council of National Minorities, distributes to the RS CoNM members documents and materials for consideration and initiates discussions on issues within the scope of the RS CoNM. The RS CoNM may dismiss the Chairperson and Vice Chairperson of the RS CoNM before the expiration of the period for which he was elected for a failure to perform assigned duties in accordance with the law, the National Assembly's Rules of Procedure and Rules of Procedure the RS CoNM. The Rules of Procedure elaborates other issues related to proceedings of the RS CoNM.

51. **Activities of the Union of National Minorities of the Republika Srpska:** This framework report covers the period between August 2007 and October 2011 and gives an overview of activities carried out by the Union of National Minorities of the Republika Srpska independently or in cooperation with government institutions, local communities and other NGOs.

The Union of National Minorities of the Republika Srpska (hereafter RS UoNM) is a non-party association of citizens with the status of association of public interest for the Republika Srpska (4 November 2010, pursuant to a decision of the 196th meeting of the RS Government) and an umbrella organizations of twelve national minorities in the Republika Srpska organized into about 35 associations of: Montenegrins, Czechs, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Roma, Slovaks, Slovenians and Ukrainians in order to coordinate the work of associations of national minorities to preserve the identity, national origin, to preserve and nurture their languages, culture, tradition and religion.

52. The RS UoNM works to strengthen the organizational capacity of national minorities/communities and address the needs of its members, drawing attention to, lobbying for the adoption and insisting on consistent application of the Law on the Protection of National Minorities, which promotes and protects rights of national communities in both the Republika Srpska and Bosnia and Herzegovina. The RS UoNM works to raise public awareness about cultural, educational and political needs and rights, and on participation in decision making on issues concerning the status of national minorities, both at the local/municipal and at state and entity levels. The structure of the RS UoNM is as follows: 1. Assembly of the Union of National Minorities of the Republika Srpska, 2. Coordination Committee of the RS UoNM, 3. a Chairperson; 4. a Vice Chairperson, 5. a Secretary General; 6. Commissions: Commission for Culture, Commission for Participation in Authorities, Commission for Information, Education Commission, Commission for Statutory Matters, Supervisory Board and Commission for Inventory.

53. In 2007 the RS UoNM had a total budget of BAM 39,000 from the following sources: City of Banja Luka: BAM 14,000.00, the Ministry of Education and Culture of RS – projects: BAM 25,000.00.

In 2008 it was an amount of BAM 37,000 (City of Banja Luka: BAM 21,000.00, the Ministry of Education and Culture of RS: BAM 11,000.00 and the Ministry of Civil Affairs of BiH BAM 5,000.00).

In 2009 funds allocated to RS UoNM amounted to BAM 42,511.66 (City of Banja Luka: BAM 21,000.00, the Ministry of Education and Culture of RS: BAM 9,200.00, the Ministry of Civil Affairs of BiH: BAM 5,000.00, the Ministry of Public Administration and Local Self-Government of RS: BAM 2,080.00 and funds from EU projects: BAM 3,911.66).

In 2010 the RS UoNM had a total budget of BAM 37,786.29 (BAM 480.00 from membership fees, the Ministry of Education and Culture of RS – projects: BAM 5,500.00, City of Banja Luka: BAM 25,000.00 and the EC Project: BAM 6,806.29).

In 2011 the RS UoNM had a total budget of BAM 69,214.63 (the Ministry of Administration and Local Self Government of RS: BAM 30,000.00, the Ministry of Education and Culture of RS: BAM 8,000.00, City of Banja Luka: BAM 28,000.00, EC Project: BAM 2,894.63 and other income: BAM 320.00).

54. The RS UoNM and associations of national minorities had a wide variety of cultural activities and events in the Republika Srpska, Bosnia and Herzegovina and the countries of the region. It actively supported the candidacy of Banja Luka for the Council of Europe Enough! Congress reward regarding rights of national minorities with a special emphasis on the rights of Roma. The RS UoNM has been working for the improvement and better enforcement of the Laws on the Protection of National Minorities of the Republika Srpska and BiH.

The most important results for the period between 2007 and 2011:

1. Office of national minorities were established in local communities (Banja Luka, Doboj, Prnjavor, Laktaši, Prijedor, Gradiška);
2. Office space for associations of national minorities was allocated - offices for 4 national minorities in Doboj;
3. A line for associations of national minorities was introduced in budgets of municipalities (Banja Luka, Prnjavor, Doboj, Prijedor, Gradiška);
4. Regional, city and municipal Unions of National Minorities were established (Union of the Municipality of Prnjavor and Union of National Minorities of Doboj Region);
5. In addition to the traditional Festival of Cultural Creativity of National Minorities of RS and Evenings of National Minorities of the Municipality of Prijedor, the first Festival of National Minorities of the Municipality of Prnjavor called "Little Europe" was held;
6. The issue of Roma housing has been gradually resolved (Banja Luka, Gradiška, Prnjavor, Teslic, Doboj, Prijedor, Bjeljina);
7. Local authorities continued helping in providing school supplies, notebooks and books for Roma students;
8. Municipalities are finding ways and means to provide scholarships to Roma students.

55. The Union of National Minorities of the Republika Srpska has been working for the improvement and better enforcement of the Law on the Protection of National Minorities. In

June 2007, after a six-month negotiation between the RS UoNM and Republika Srpska National Assembly, the Council of National Minorities was established within the National Assembly. This advisory body consists of 15 members. In June 2011, as proposed by the RS UoNM, the Republika Srpska National Assembly verified the second term of the Council for National Minorities within the Republika Srpska National Assembly. The Council has 10 members.

56. Through its Commissions, the RS UoNM tried to influence the modification of the provisions in the Constitution of the Republika Srpska and the Constitution of Bosnia and Herzegovina as well as changes in the Election Law. The RS UoNM has also carried out promotion of associations of national minorities through events programmes, meetings and visits of distinguished officials of the RS and BiH and the international community, through representatives of embassies and ambassadors of their home countries, through governmental and nongovernmental organizations in RS and BiH, and the media outlets - newspapers, radio and television, especially the introduction of additional classes for members of national minorities in schools. Currently, only two languages of national minorities are taught in primary schools in the Republika Srpska. They are Ukrainian and Italian, which are taught in additional classes to children of national minorities apart from regular classes.

**The Italian language** has been taught in the Municipality of Prnjavor in primary school of Šibovska - Štivor without interruption since 1968. **The Ukrainian language** is taught in: "Desanka Maksimovic" Primary Schools in Trn (Laktaši Municipality) – the classes began in the second half of school year 2010/2011, as an initiative by "Taras Shevchenko" Cultural and Folklore Association of Banja Luka, in cooperation with the Ministry of Education and Culture of the Republika Srpska and Ukrainian Embassy in Sarajevo. Classes are taught in the Ukrainian language in primary schools in Prnjavor and satellite schools in the Municipality of Prnjavor - Hrvacani, Potocani, Lišnja and the village of Trnopolje near Kozarac, which belongs to the Municipality of Prijedor. In 2011 the introduction of classes in the Ukrainian language in a local school in Banja Luka was initiated, but they have not been held yet.

As for other languages, we do not record any initiative for organizing classes in other languages. Associations of National Minorities mostly have some or other form of classes for their members that include all ages, from preschool and school age students to older members of the associations. Such classes are often attended by other citizens because the schools and courses are open.

**57. The RS UoNM actively participated in the preparation of the following publications :**

Partnership project titled ' Neighbourhood - Affirmation of Multiculturalism and Cooperation at the Local Level in the Western Balkans "

1. Rights of national minorities and local policies - A study on the application of standards to protect rights of national minorities in BiH, Serbia, Croatia and Slovenia;
  2. A Guide for cooperation of national minorities and institutions of local government;
  3. National minorities in the neighbourhood;
- in collaboration with other organizations:

1. Republika Srpska National Assembly - International Human Rights Day - Thematic meeting of the Committee on Petitions, Proposals and Public Oversight, Banja Luka, 10 December 2009;

2. Proceedings on "National Minorities in Republika Srpska" of the International Association of Scientific Workers AIS, the Ministry of Trade and Tourism of the Republika Srpska and RS UoNM;
3. 2010 General Election in Bosnia and Herzegovina: Lessons Learned, Council of Europe, the Norwegian Ministry of Foreign Affairs, Strasbourg, April 2011;
4. A map of religious sites of national minorities in the Republika Srpska and an interactive map available on [www.snm.rs.ba](http://www.snm.rs.ba) - International Association of Scientific Workers AIS, the Ministry of Trade and Tourism of the Republika Srpska and RS UoNM.

58. Some of the activities in which the RS UoNM participated: In 2008 the RS UoNM marked its fifth anniversary in a ceremony in which the Ministry of Education and Culture of the Republika Srpska, the City of Banja Luka, Helsinki Citizens' Parliament of Banja Luka and the Radio-Television of the Republika Srpska were presented with thank you certificates for their contribution to the work of the RS UoNM.

During the 2009 Banja Luka World Rafting Championship, cultural heritage of national minorities of the Republika Srpska was presented on 21 May 2009. National cuisines, national peculiarities and folklore activities were presented.

More serious problems such as the much-discussed census in the Republika Srpska and Bosnia and Herzegovina were addressed and in this connection some activities were taken for the materialization of this process, in which members of national minorities have a significant role.

In cooperation with the RS Institute of Statistics, drafting/translating Census forms in the languages of national minorities, which were presented at a roundtable in Banja Luka, started.

The RS UoNM continued organizing the traditional "Festival of the Cultural Creativity of National Minorities".

**59. The RS UoNM was a partner in the project** titled "Neighbourhood - Affirmation of Multiculturalism and Cooperation at the Local Level in the Western Balkans" that was implemented in the period 2009 - 2011. It was a project funded by the European Commission while the leading agency was the "Helsinki Citizens' Parliament" NGO of Banja Luka. The project was implemented in Bosnia and Herzegovina (Banja Luka, Prijedor, Sarajevo), Serbia (Bor, Zrenjanin, Bujanovac) and Croatia (Pula, Vodnjan, Umag) in partnership with "HOMO" Society for the Protection of Human Rights and Civil Liberties of Pula, Centre for Regionalism of Novi Sad, a Helsinki Human Rights Monitor of Slovenia and the RS UoNM. As part of this project a Memorandum of Understanding between Banja Luka and Pula and 10 associations of national minorities (Roma, Slovenians, Italians, Hungarians, Macedonians) was signed in Pula in 2011.

60. Actions of the RS UoNM raised a lot of issues at the local, entity and state levels and they are in particular:

- The issue of constitutional change in the part concerning the national minorities;
- The issue of amendments to the Election Law;
- The issue of the status of national minority associations, the Union and the Council;
- The issue of the Ministry, the office or portfolio of national minorities in the RS;
- The issue of financing;
- The issue of office space for the associations;

- The issue of employment of members of minorities and the issue of people who are professionally concerned with issues of national minorities;
- The issue of education;
- The issue of scholarships of students - members of national minorities.

**61. Information and the media:** Almost all activities of the RS UoNM and associations of national minorities were covered and supported by all the media invited. Good cooperation continued with the RTRS, BHRTV. Shows about national minorities were prepared and broadcast in the period between 2007 and 2011 were "Bona Homo" (RTRS), "Korjeni -Roots" (Radio RS), "In Focus" (RTRS) "Patria Mea" (BHRadio 1) and many other shows were aired on private radio and TV stations.

Activities of the associations of national minorities are covered by the following print media: Glas Srpske, Nezavisne novine, Fokus, Dnevni Avaz, portal [www.manjine.ba](http://www.manjine.ba), portal [www.sarajevo-x.com](http://www.sarajevo-x.com) etc.

The associations continued preparing and printing monolingual and bilingual newsletters and several fact sheets and bulletins are announced to be launched.

The PR Commission of the RS UoNM gave its full contribution in making radio and television shows.

**62. Participation in government:** the RS UoNM played an active role in the 2008 local elections. Nevertheless, they did not achieve satisfactory effects. The Central Election Commission did not respect Article 16 of the Law on the Protection of National Minorities of RS, but the Election Law allowed independent candidates, associations of national minorities and political parties to run in elections instead. In these elections, throughout BiH, 35 elected councillors were members of national minorities, which was an insufficient number as compared to the number of municipalities. Of that number, in the Republika Srpska, 16 councillors were elected in the same number of municipality and 2 councillors were elected in the District of Brcko. Of all these councillors only four candidates were nominated by associations of national minorities, while all other candidates were nominated by political parties.

The RS UoNM launched a process to include representatives of associations of national minorities in the city or municipal councils of national minorities. Currently the city or municipal councils consist of a councillor belonging to a national minority and representatives of political parties, while the RS UoNM advocates that 50% of any council are representatives of national minorities. This is being worked out in an appropriate procedure in Banja Luka. Other municipalities in the RS are expected to follow this example of Banja Luka and enable associations of national minorities to influence the work of the council.

In May 2010 the RS UoNM Commission for Participation in Government prepared the first draft of the Law on Councils of National Minorities (working document) after the model of the Law on National Councils of the Republic of Serbia. Activities concerning this proposal are underway.

The RS UoNM and associations are preparing for 2012 local elections while other circumstances have not significantly changed compared to the situation in reports, except that we note that in Banja Luka the councillor representing national minorities has been changed and now this position is held by a councillor nominated by associations of national minorities.



Cooperation of the associations of national minorities with local authorities and municipalities records some progress. The municipalities appropriate funds for the work of associations and co-finance projects and there are initiatives to increase the amount of funds appropriated for national minorities.

## II PART- MEASURES TAKEN TO STRENGTHEN THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION

In the reporting period measures were taken to strengthen the implementation of the Council of Europe Framework Convention for the Protection of National Minorities relating to: legislative activities, improving the institutional framework and planning and strategic activities.

### 1. ACTIVITIES FOR DEVELOPING A STRATEGY FOR RESOLVING ISSUES OF NATIONAL MINORITIES IN BOSNIA AND HERZEGOVINA

63. **Legislative activities and improving the institutional framework:** Transposing the Framework Convention for the Protection of National Minorities in the legislative and legal system, Bosnia and Herzegovina, as a member of the Council of Europe, committed to national minorities who live in it to provide secure full equality before the law and equal protection.

By the passage of the Law on the Protection of National Minorities in BiH as well as by the establishment of advisory bodies – councils of national minorities both at the BiH and entity levels, Bosnia and Herzegovina legally and institutionally created necessary conditions that enable national minorities to preserve and develop their ethnic, national, religious and cultural identity and reintegrate into the community of Bosnia and Herzegovina.

The Law on the Protection of National Minorities recognizes and protects the position of the 17 national minorities in Bosnia and Herzegovina. The Ministry of Human Rights and Refugees, as the ministry statutorily in charge of cooperation with national minorities, has very good cooperation with them institutionally and organizationally. A progress has been made in protecting the Roma by adopting the Roma Strategy by the Council of Ministers in 2005.

64. **Strategic and planning activities:** Some associations of national minorities and their associations as well as international NGOs and the OSCE Mission to Bosnia and Herzegovina in particular have shown interest in solving problems of national minorities in Bosnia and Herzegovina in a structural and methodical fashion by making a "national minorities strategy of Bosnia and Herzegovina. "

The OSCE Mission to BiH officially addressed to the Ministry of Human Rights and Refugees an initiative reflecting the need of Bosnia and Herzegovina to prepare and adopt a **strategy for solving problems of national minorities at the state level** - a document that would identify relevant areas and needs of national minorities and define concrete measures to improve their overall social status.

The Council of National Minorities of the Parliamentary Assembly of Bosnia and Herzegovina supported the initiative to start drafting the Strategy.

The first practical step in assigning tasks relating to development of the Strategy was **the Memorandum on Understanding signed between the OSCE Mission to Bosnia and Herzegovina and the Ministry of Human Rights and Refugees** in May 2011.

Provisions of the Memorandum determine *inter alia* that the MHRR as the ministry statutorily in charge of protection of national minorities shall coordinate activities related to preparation of the Strategy and the OSCE Mission to Bosnia and Herzegovina shall provide logistical aspects and ensure that the overall process is participatory and inclusive for all stakeholders in BiH.

The OSCE will provide funding for designing the document - Strategy - and BiH authorities will fund its implementation.

The Memorandum defines a common goal: comprehensive protection, preservation, development and respect for ethnic, cultural, linguistic and religious identity of national minorities. An even greater obligation of authorities than this is to establish effective participation and representation of national minorities in public life at national, entity and local level in Bosnia and Herzegovina.

65. When it comes to program objectives and content of the strategic document, in collaboration with associations of national minorities, estimates of demographic and other indicators of national minorities living in Bosnia and Herzegovina will be made, starting primarily from the statutory definition of the concept of minority rights and their forms that are ensured in accordance with the above-mentioned laws as follows:

- The exercise of rights in the areas of economic, social, political and cultural life of national minorities in Bosnia and Herzegovina
- Preservation and development of own identity of national minorities; religion, language, tradition and cultural heritage
- The exercise of rights in education, full and equal access of minorities to all levels of the regular education system in BiH, the possibilities of having regular or extra classes in their native language
- Access to the mass media and representation of minorities in programmes of electronic and print outlets
- Participation of minorities in government (executive and legislative) at all levels (local, cantonal, entity and state level)
- Cooperation with governments and institutions of countries concerned and especially of those with which the national minorities have a common ethnic, cultural, linguistic and religious identity and common cultural heritage.

66. **Operationalization of program goals and content** was founded on an analysis of the situation in these and other areas related to the rights of national minorities in Bosnia and Herzegovina whereas the Steering Committee and working groups for issues of protection of minorities and to design an outline of the Strategy in accordance with the project and memorandum were appointed. The working groups (six working groups, each consisting of not more than ten members) consisting of members of national minorities and representatives of state and public institutions will offer options for the most effective solutions to be included in the Strategy.

At the constituent meetings the working groups (this activity is in progress) will develop a program of activities in the area of **their** operations and adopt the rules of procedure.

Methodological guidelines for working groups are defined. The methodological approach includes three main stages:

- an analysis of current situation of the legislation and practice,
- good practices, a development vision and possible alternative models,
- the process of structural changes aimed at complying with the cultural identity and subjectivity of national minorities.

67. The final text of the Strategy will be completed within twelve (12) months (June 2012) and the Ministry for Human Rights will submit the Strategy to the Council of Ministers of Bosnia and Herzegovina for adoption.

## **2. ESTABLISHMENT OF THE COUNCILS OF NATIONAL MINORITIES (AT THE STATE AND ENTITY LEVELS)**

68. **Establishment of the councils of national minorities (at the state and entity levels)** was an activity focused on the institutional capacity building. By the passage of the Law and by the establishment of bodies within legislatures - the Councils of National Minorities at the levels of Bosnia and Herzegovina and entities, the Bosnia and Herzegovina developed legal and institutional conditions that enable national minorities to preserve and develop their ethnic, national, religious and cultural identity and reintegrate into the community of Bosnia and Herzegovina. Previous experience in the work and activities of the bodies above pointed out the need for their important role in decision-making and their capacity-building and the need for significant financial support from the state. A significant role in addressing systemic problems of the Roma population is played by the Roma Board, an advisory body of the Council of Ministers of Bosnia and Herzegovina.

## **3. DESIGNING OF A HANDBOOK FOR REGISTRATION OF CHILDREN IN VITAL RECORDS**

69. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina, together with UNHCR and other relevant ministries and institutions, took part in the Working Group designing a handbook for registration in vital records, which was published in 2008.

An initiative for the harmonization of regulations governing the issue of registration of births and establishment of an electronic database is being strongly pursued. A seminar on social inclusion of Roma was held to discuss the registration of citizens, education, employment and social welfare issues of the Roma, as the most vulnerable minority.

#### 4. ENFORCEMENT OF BILATERAL AGREEMENTS ON READMISSION

70. Enforcement of bilateral agreements on readmission is one of current activities, which includes *inter alia* assistance in resolving the citizenship status of a number of Roma persons.

We note that the Ministry of Civil Affairs of Bosnia and Herzegovina has jurisdiction over issues related to citizenship, passport, ID card, personal identification number (PIN) and permanent and temporary residence, which are regulated in a unique way for all citizens of Bosnia and Herzegovina regardless of whether they belong to constituent peoples or national minorities, so, in that sense, there is no need to enact specific regulations that will specifically relate to national minorities.

#### 5. ROMA PROGRAMMES

**71. The largest number of activities in Bosnia and Herzegovina** aims at improvement of Roma's position as the largest and most vulnerable national minority in Bosnia and Herzegovina. **All activities are built on the implementation of the Action Plan of Bosnia and Herzegovina for Roma employment, housing and health care.** For three years already (since 2009), Bosnia and Herzegovina has been implementing **the Action Plan of Bosnia and Herzegovina for the Roma in the areas of employment, housing and health care.** For successful implementation of this Action Plan, the MHRR implemented the Program of Recording and Establishing a Database on Roma in Bosnia and Herzegovina, which allowed a more realistic picture of social welfare needs of the Roma population for all three areas of the Action Plan (since Bosnia and Herzegovina has not had a census since 1991, there are various interpretations on the number of Roma in BiH varying from 8,864, the number recorded in the last census, to 100,000 as claimed by the Roma and some representatives of international organizations and institutions).

72. Funds for the implementation of the Action Plan have been mainly appropriated in the Budget of Bosnia Herzegovina every year since 2009. The MHRR, as the coordinator of activities implementing the Action Plan, has developed necessary and adequate cooperation with the competent state and entity authorities, Roma NGOs and international organizations and institutions that financially supported projects, particularly in the area of Roma housing. The improvement results are especially measurable in the areas of housing conditions, employment, health care and education.

73. According to findings on the number of Roma people, bearing in mind actual capabilities of the State to appropriate planned funds, too ambitious goals and measures set forth in the Roma Action Plan for Bosnia and Herzegovina Roma in the areas of: employment, housing and health care, a need to revise the Action Plan has arisen. A conclusion of the Steering Committee of the International Decade of Roma Inclusion 2005-2015, Bosnia and Herzegovina having a member on it since 2008, is that the existing national action plans should accommodate actual capabilities of the State and should be enhanced in the sense of more adequate performance measuring and evaluation of progress. In early 2012 Bosnia and Herzegovina will establish a working group, which will include representatives of relevant ministries and institutions and representatives of recognized national minorities in Bosnia and Herzegovina, to revise the Action Plan in these three areas.

74. When it comes to Roma, their particularly difficult problem is homelessness. Based on the initiatives of Roma NGOs, local communities and international organizations relating to the need to solve this problem of the Roma population, the MHRR is preparing appropriate programs and concrete solutions.

75. In order to prepare the first comprehensive report on activities to improve the situation of the Roma as the most vulnerable and most numerous national minority in Bosnia and Herzegovina, the available information on major activities conducted on the territory of Bosnia and Herzegovina are taken into account. This information includes the information on the application of the standards set out in the international instruments adopted by Bosnia and Herzegovina, which respect the protection of human rights of minorities. Also the information about activities of nongovernmental organizations (domestic and international) and Roma associations in particular are taken into account.

76. In this report we start from an international standard that the attitude towards minorities and other vulnerable categories assessed in overall human rights assessment is recognized as an indicator of the extent of democracy in a society, which is reason why the attitude toward minorities is an indicator in measuring the progress Bosnia and Herzegovina made in the process of European integration.

77. Taking into account these facts, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina has prepared a comprehensive report on the activities carried out in this reporting period, which is related to the implementation of the Roma Strategy of Bosnia and Herzegovina, the process of recording needs of Roma households in Bosnia and Herzegovina, the implementation of the Roma Action Plan of Bosnia and Herzegovina in the areas of: employment, housing and health care, institutional capacity assessment and identifying the need for their improvement in order to better implement policy documents, development of the Revised Action Plan of the Educational Needs of Roma, spending of budgetary and donors' funds earmarked for implementation of these strategic and planning documents, cooperation with registered Roma associations and other international and nongovernmental organizations and all other matters of importance for activities for the protection of the Roma minority in Bosnia and Herzegovina.

78. A majority of relevant researches in Bosnia and Herzegovina, made by several international organizations such as OSCE, Save the Children Norway, UNICEF, UNHCR, show that the Roma, although the largest national minority in Bosnia and Herzegovina, are still the most vulnerable and needy minority. To reduce vulnerability, improve their status, provide adequate protection from discrimination of the largest national minority in Bosnia and Herzegovina, concrete measures have been taken by relevant institutions of Bosnia and Herzegovina since the adoption of the Roma Action Plan of Bosnia and Herzegovina in the areas of housing, employment and health care in 2008.

79. All these activities preceded the most important planning documents that are directly related to the improvement of protection of Roma, such as: the Roma Strategy of Bosnia and Herzegovina, which the Council of Ministers of Bosnia and Herzegovina adopted in April 2005, and the **"Roma Action Plan for Bosnia and Herzegovina in Employment, Housing and Health Care"**, which the Council of Ministers of Bosnia and Herzegovina adopted in July 2008. Only in 2009, all these activities along with Bosnia and Herzegovina joining the Decade of Roma Inclusion 2005-2015 in September 2008 enabled activities that had more

concrete and measurable results through projects that would be implemented by distributing BAM 3 (three) million grant funds appropriated in the budget of the Council of Ministers of Bosnia and Herzegovina, i.e. the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, in 2009 with the primary objective of funding the activities identified in the Roma Action Plan for Employment, Housing and Health Care. The same amount was granted in 2010.

80. In order to effectively implement all the actions identified in the highly complex planning documents, particularly the Roma Action Plan of Bosnia and Herzegovina for Employment, Housing and Health Care, it was necessary to prepare concrete operational implementation documents. A significant contribution to the development of these documents were made by international organizations and BOSPO and Swedish SIDA, which also helped in funding the Coordinating Body for Monitoring the Implementation of the Roma Action Plan for Employment, Housing and Health Care and a professional team that prepared an operational document titled **“The Methodology and Plan of Spending of Funds Appropriated for the Implementation of the Roma Action plan of Bosnia and Herzegovina for Housing, Employment, Healthcare and Registration and Development of a Roma Database”**. The methodology was prepared in both 2009 and 2010.

81. Representatives of Roma associations took part in drafting these documents and their contribution was considered particularly important by the Ministry for Human Rights and Refugees. However, we believe that the most important reason for the preparation of these documents was the need to ensure transparency of the process and get members of the Roma community meet local authorities (municipality) which, together with the Ministry of Human Rights and Refugees, participated in the implementation of this very important state project.

82. In order to concretely present the methodology and implementation plan of the Roma Action Plan for Employment, Housing and Health Care in the first part we present the background:

- Council of Ministers of Bosnia and Herzegovina adopted the Roma Action Plan for Employment, Housing and Health Care at the 54th meeting, held on 3 July 2008;
- Bosnia and Herzegovina joined the Decade of Roma Inclusion 2005 -2015 on the grounds of a conclusion of the Council of Ministers of BiH issued at the 54th meeting, held on 3 July 2008.

83. Bosnia and Herzegovina as a participant in the Decade committed to:

- a) provide funds necessary for the implementation of National Action Plans annually and throughout the Decade;
- b) ensure effective and timely implementation of its National Action Plan for the Decade;
- c) chair the Decade at least once during the ten years;
- d) ensure the adoption of National Action Plans for the Decade and then amendments thereto or send the National Action Plans for the Decade and subsequently amendments to the Parliament to adopt them;
- e) ensure the effective participation of Roma civil society in national working groups or similar bodies in order to enable them to participate in the implementation and monitoring of National Action Plans for the Decade;
- f) consider the possibility to assist and support a Roma consultant or a Roma Consulting Body for the Decade;

- g) ensure coordination between ministries and governmental Roma agencies / offices in order to retain the continuity and coherence in the implementation of the Action Plan of the Decade;
- h) ensure transparency and exchange of information regarding the Decade within government, with the civil society and the public;
- i) establish an effective mechanism for monitoring, including measuring of the progress made at the national level in the implementation of the National Action Plan of the Decade;
- j) ensure aggregated statistics in accordance with international standards of data collection and data protection;
- k) inform the annual meetings of the International Steering Committee (ISC) on progress in implementing the National Action Plan of the Decade;
- l) develop and implement a national plan for information sharing for the implementation of the Decade at the national level;
- m) strengthen the capacity of Roma organizations to ensure their effective participation in the process of the Decade;
- n) financially contribute to the budget of the Decade, as determined by the International Steering Committee (ISC) in a decision in accordance with Section V of this work plan.

84. The Laws on Budget of Bosnia and Herzegovina Institutions and international obligations of Bosnia and Herzegovina in 2009 and 2010 define that the current grant, which was planned in the budget of the Ministry for Human Rights and Refugees of Bosnia and Herzegovina in accordance with previously determined purpose, was appropriated in the Decision on Appropriation of Budgetary Funds by the Council of Ministers of Bosnia and Herzegovina.

In accordance with these regulations, a tentative decision is prepared by appropriate ministry every year, while a decision on appropriation of budgetary funds for the Roma is issued by the Council of Ministers of Bosnia and Herzegovina on a yearly basis.

Funds in the amount of BAM 3,000,000 provided in the current grant in the budget of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, which were intended for addressing Roma's needs in employment, housing and health care in 2009, were distributed in accordance with the framework quotas (Federation of Bosnia and Herzegovina: 62.66%, Republika Srpska: 31.33% and the Brcko District of Bosnia and Herzegovina: 6%) that were determined in the Roma Action Plan of Bosnia and Herzegovina Roma for Employment, Housing and Health Care and based on a proposal of the Coordination Committee Monitoring the Implementation of the Action Plan for Employment, Housing and Health Care.

These funds were pooled with the funds appropriated or provided for the same purpose by municipalities, cities, cantons, entities, domestic and foreign governmental and nongovernmental organizations and institutions and other domestic and foreign donors, which was regulated in co-funding agreement between the Ministry for Human Rights and Refugees of Bosnia and Herzegovina and the funds provider.

85. The Roma Action Plan for Housing, Employment and Health Care sets forth a number of objectives and measures with time frames, designating the relevant institutions and organizations for their implementation, specific monitoring indicators and a plan of necessary budgetary resources for the implementation.



In order to prepare a comprehensive information paper, an analysis of the activities taken to meet the objectives was made. We analysed the available information provided by institutions and organizations involved in the implementation of the Roma Action Plan.

86. Before discussing the collected information and presenting the achievements we will briefly discuss problems identified:

- 1) **The implementing institutions and organizations involved in the implementation of the Roma Action Plan did not equally take part because they did not earmark funds for goals and planned measures in the 2009 budget so they did not submit the required information on the implemented activities and investments,**
- 2) **Existing located budgets were not based on actual data and the needs of Roma,**
- 3) **The Roma Action Plan sets forth names of institutions responsible for achievement of objectives and measures, which resulted in ambiguous responsibility of the institutions for particular individual objectives,**
- 4) **Coordination bodies were established subsequently and the question of their functionality was not resolved, which made the implementation and coordination of all activities difficult,**
- 5) **Most of the established authorities and participants in the coordination mainly lingered on spotting problems, proposing measures and suggesting actions to be implemented by the Ministry of Human Rights and Refugees, i.e. the Council of Ministers, and almost none of the recommendations related to other institutions in the Entities and Brcko District.**

## **1. IMPLEMENTATION OF THE ACTION PLAN FOR ROMA EMPLOYMENT IN BOSNIA AND HERZEGOVINA**

87. A review of the Roma situation in employment

- Most Roma people are in need
- The number of Roma employees in the public sector of Bosnia and Herzegovina is extremely low (2-3%)
  - There are few companies and workshops owned by Roma
  - The most common source of income of Roma is self-employment, recycling and collection of secondary raw materials.

The reason is discrimination of Roma in the labour market as a result of limited access to education for many years, primarily due to the poverty rate of this ethnic group.

### **PURPOSE AND DESIRED RESULTS OF THE ACTION PLAN**

- Increase the employment of Roma
- Promote entrepreneurship

- Encourage the Roma to be involved in all employment processes

88. For the first time, in June 2009, the Council of Ministers issued the Decision on Appropriation of Budgetary Funds for Roma Employment, Housing and Health Care in the amount of BAM 3,000,000 (EUR 1,500,000.00).

Criteria for the allocation of these funds, which respect needs of the Roma in these areas, the Roma Board and Coordination Committee Monitoring the Implementation of the Action Plan (consultative body of the Council of Ministers)

Of the approved funds, BAM 720,000 (EUR 360,000.00) were allocated for the employment of Roma.

89. Employment Plan and Programs were implemented by competent institutions - Institutes of Employment of the Federation, the Republika Srpska and Brcko District. The Ministry of Human Rights in BiH, as the coordinator of activities implementing the Action Plan, signed with the Institutes a Memorandum of Understanding which regulated relations, cooperation, obligations and responsibilities.

90. Of the three measures envisaged in the Action Plan (co-funding of employers, funding of Roma self-employment and additional occupational training and re-training of Roma), the latter has not been implemented.

The Institutes spent all available funds for self-employment and co-funding of employers. The Employment Plan was implemented through public calls for the use of funds for employment of Roma who were registered as unemployed in the Employment Institutes.

91. Specific indicators of Roma employment in 2009 were:

The Federation Employment Institute spent all funds allocated for the employment of Roma. In 2009 the Programme of Self-employment Co-funding employed 59 Roma while the Programme of Co-funding of Employers employed 39 Roma. The total number of employed Roma was 98.

The Republika Srpska Employment Institute spent a portion of funds allocated and employed 17 Roma people, while the Brcko District Employment Institute employed 9 Roma under the Programme.

**A total of 119 Roma was employed in 2009.**

92. **2010 Roma Employment Programme:** Starting from the experiences, perceived problems and suggestions made by Roma NGOs, new criteria for the allocation of funds were set as follows:

Co-funding of employers that employed the Roma registered as unemployed in the amount of:

- EUR 2,500.00 per individual for 12 months
- EUR 4,000.00 per individual for 24. months
- EUR 6,000.00 per individual for 36 months

Roma self-financing in the amount of EUR 6,000.00 was granted per person for registration and performing:

- Trade or related services (traditional crafts), crafts, homemade crafts, manufacturing and service crafts
- Collection of secondary raw materials
- Agriculture
- Production in plastic greenhouses

Funds were granted for a period of 24 months and the total budgetary funds for employment of Roma in 2010 amounted to EUR 450,000.00.

In accordance with the MoU, prescribed procedures were followed (public invitation, commissions established for the selection of beneficiaries, lists of legal and natural persons who were granted funds were put together).

Representatives of Roma NGOs were on the commissions for the selection of beneficiaries of funds for employment of Roma and the criteria set forth in the Memorandum were fully respected.

**A total of 93 Roma was employed by employers or self-employed in 2010.**

93. According to the governmental and civil sectors, the Action Plan for Roma Employment has been implemented successfully.

The professional and thematic group monitoring the implementation of Action Plan for Roma employment regularly reviews the status of Roma in employment, indicates certain weaknesses and proposes concrete measures to the competent institutions to improve existing programs with a view of better employing of Roma in Bosnia and Herzegovina.

94. The implementation of the Action Plan for Roma Employment will continue in future (Bosnia and Herzegovina joined the Decade of Roma Inclusion 2005-2015 and committed to appropriate funds for the Action Plan from the Budget on a yearly basis). Given the character and complexity, political and economic system in Bosnia and Herzegovina - market economy and privately-owned property – a substantial progress and larger and faster employment of Roma cannot be expected in Bosnia and Herzegovina.

## **2. IMPLEMENTATION OF THE ACTION PLAN FOR ROMA HOUSING IN BOSNIA AND HERZEGOVINA**

95. With regard to the objectives in the reporting period by the Council of Ministers of Bosnia and Herzegovina, i.e. the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, the following activities regarding housing were implemented:

### **Improving housing conditions for Roma families in Bosnia and Herzegovina**

#### **2009 -2010 Programme**

96. Although **2009** was the first year when the Action Plan for Housing was implemented, a great progress was made in developing the methodology for spending the funds by taking the following actions:

- A decision on appropriation of budgetary funds for Roma employment, housing, health care, the implementation of registration programme and development of a database on Roma in Bosnia and Herzegovina was prepared and adopted at the 55th meeting of the Council of Ministers of Bosnia and Herzegovina in 2009,
- The Minister for Human Rights and Refugees issued **a decision on the criteria for the use of funds intended for Roma housing.**

97. The decision determined that budgetary funds to be earmarked for Roma housing would amount to **BAM 1,863,000.00** (Roma housing in the Federation of Bosnia and Herzegovina: BAM 1,167,000.00, Roma housing in the Republika Srpska: BAM 583,000.00, Roma housing in the Brcko District of Bosnia and Herzegovina BAM 113,000.00).

The total amount of funds available for projects co-funding Roma housing was provided from the budget of the Ministry of Human Rights and Refugees: BAM 1,863,000.00, Pooled Funds of the Federation of Bosnia and Herzegovina: BAM 312,800.00, Swedish SIDA: BAM 1,885,714.00, pooled funds of Hilfswerk Austria and Caritas implementing organizations and municipalities that implemented selected and qualified projects: BAM 1.822.200,00 totalling to **BAM 5,882,914.5**.

98. The funds were to be used exclusively for the following purposes:

- a) for the construction of apartments and houses,
- b) to improve housing conditions,
- c) rehabilitation and urbanization of Roma settlements.

99. Based on this intended distribution of funds, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina announced **a public call for project proposals** for Roma housing on 23 June 2009. The proposals were to be submitted within a month and the deadline was 23 July 2009.

Eligible candidates were municipalities, cities, cantons, entities, domestic and foreign governmental and nongovernmental organizations and institutions and donors, in cooperation with the municipality on whose territory the project was implemented.

**100. In the period 2009 - 2010 a total of BAM 5.882.914.50 were put in the construction and reconstruction of 216 houses in 17 municipalities throughout BiH and repairs of infrastructure for about 109 Roma families (roads and sewerage, septic tanks).**

In 2009-2010 housing projects were completed in the following municipalities:

**Kiseljak, Zenica, Jajce, Kljuc, Maglaj, Sanski Most, Kladanj, Bijeljina, Teslic, Kozarska Dubica, Brcko, Sarajevo Canton, Banja Luka, Zenica, Vitez , Bihac and Travnik.**

**101. The Decade Watch Team evaluated the results of the 12 member countries of the Decade of Roma Inclusion 2005-2015 and found that Bosnia and Herzegovina was on the first place in housing in 2009.**

## 2010-2011 Programme

102. In 2010 a new cycle of selection of the most successful projects began, the available funds totalling to BAM 2,312,800.00 and distributed as follows: the Federation of Bosnia and Herzegovina: BAM 1,566,000.00 including the amount of BAM 312,800.00 earmarked by the Federation, the Republika Srpska: BAM 626,800.00 and the Brcko District of BiH: BAM 120,000.00.

103. Following the same procedure, funds intended for projects co-financing Roma housing in the amount of BAM 2,312,800.00 were allocated for a total of 13 approved proposals, which were funded from the 2010 funds.

The 2010 priority projects were implemented in the following municipalities:

*Fojnica, Gracanica, Banovici, Jablanica, Tuzla, Kakanj, Mostar, Donji Vakuf, Prijedor, Srbac, Trebinje, Gradiška and the Brcko District of BiH.*

The approved housing projects funded from the 2010 funds were being implemented throughout 2011 and the planned deadline for completion was March 2012.

### 104. Indicators of projects implemented by the end of 2011:

*A project was completed, 5 residential units were reconstructed and additional sewerage for 10 Roma families was built in the Municipality of Gracanica.*

*CARITAS completed a project, built nine new housing units and reconstructed 4 residential buildings in Donji Vakuf.*

*A Hilfswerk project was completed, 3 new residential units were constructed and 10 housing units were reconstructed / repaired in the Municipality of Banovici.*

*A Hilfswerk project was completed, 5 new residential units were constructed and 10 housing units were reconstructed / repaired in the Municipality of Tuzla.*

*Other projects are being implemented and the completion is planned by the end of March 2012.*

## 2011-2012 Programme

105. No decision was issued on the 2011 budgetary funds. The Ministry of Spatial Planning of the Federation appropriated in the budget BAM 250,000 and the project selection committee made the decision to fund the following projects:

1. CARITAS-Donji Vakuf, continuation of the last year's project (construction of a minimum of 3 residential buildings) - allocated amount was BAM 100,000 (the project met the criteria last year)
2. Hilfswerk-Tuzla II- the beginning of the Tuzla II project - the amount allocated was BAM 107,000 (the project met the criteria last year and the reconstruction of at least 5 residential units was envisaged)
3. A project of the Municipality of Praca- **priority housing, i.e. building of houses for a large Roma family having 11 members.**

The signing of contracts and transfer of funds is scheduled for 31 December 2011 and the completion of projects is planned for the end of 2012.

### **3. IMPLEMENTATION OF ACTION PLAN FOR ROMA HEALTH CARE IN BOSNIA AND HERZEGOVINA**

106. The 2008 Action Plan for Roma Health Care addressed a series of questions in this significant area for the Roma minority community in Bosnia and Herzegovina, including the rights to primary care, special programs, education and the like. In this sense, **three priority objectives** were defined:

1. ensuring the right to health care of the Roma national minority;
2. raising awareness in the field of health care and
3. ensuring and implementing preventive measures to improve the health situation of Roma people.

107. In order to achieve these objectives the Council of Ministers of Bosnia and Herzegovina, i.e. the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, provided funds (in 2009 an amount of BAM 135,000, in 2010 an amount of BAM 200,000) with a view to implementing this Action plan. A similar amount was expected to be adopted in 2011.

108. The funds earmarked for Roma health care in Bosnia and Herzegovina in 2009 and 2010 were spent on the basis of the Memoranda of Understanding for the Implementation of Roma Action Plan of Bosnia and Herzegovina in Health Care signed between the Ministry for Human Rights and Refugees of Bosnia i Herzegovina and the Federation Public Health Institute, the Republika Srpska Public Health Institute and the Department of Health Care and Other Services of the District Brcko of BiH.

The conclusion of these Memoranda on Roma health care in Bosnia and Herzegovina with competent health care institutions was preceded by joint meetings and consultations of representatives of the Ministry for Human Rights and Refugees of Bosnia i Herzegovina and the Federation Public Health Institute, the Republika Srpska Public Health Institute and the Department of Health Care and Other Services of the District Brcko of BiH and the Ministries of Health and Social Welfare of the Republika Srpska and the Federation, where they agreed on priority objectives and measures under the Roma Action Plan for Health Care that required priority spending of funds appropriated for these two years.

109. **In 2009 and 2010 significant and measurable results were achieved in the field in local Roma communities in improving health care in Bosnia and Herzegovina (likewise, evident problems and difficulties were identified and emerged in the field in implementing these programs and in communications, i.e. in the approach and activities in local communities), and the funds above were used primarily to achieve the objective defined as Objective 3 in the Action Plan - Ensuring and implementing the preventive measures aimed at improving the health situation of the Roma minority, specifically in 2009, at immunization of Roma children, in 2010 in addition to immunization, in the Republika Srpska and the Brcko District of Bosnia and Herzegovina, at drug addiction, infectious and mass non-communicable diseases, oral health and preparations for other programs for the health promotion as appropriate and specific to Roma communities.** So in the immunization program in the Republika Srpska a total of 371 children was

vaccinated in 2009 and the entire amount planned for that year was spent. In the first phase the Federation of Bosnia and Herzegovina had additional immunization in the communities (62 children were vaccinated) and where it was not possible, children were invited to come to relevant vaccination centres. In the Brcko District of Bosnia and Herzegovina 105 children were invited to get vaccinated and 62 children were vaccinated.

110. **In the Republika Srpska** the 2010 funds were spent for the provision and implementation of preventive measures aimed at improving the health situation of Roma in the Republika Srpska in 7 selected Roma communities (Banja Luka, Gradiska, Bijeljina, Dobo, Modrica, Vukosavlje, Prijedor). The Roma communities were selected in such a manner that most of all Roma children were included and the entire Republika Srpska was covered. A framework objective was to familiarize the Roma children with importance of health care, achieving three specific goals:

1. Raising awareness of Roma children on the importance of oral hygiene: mouth, teeth and oral cavity, through organized education of children;
2. Raising awareness of Roma children about the impact the use of tobacco and alcohol have on health;
3. Through the media, providing visibility of the project among Roma people and in the general public.

111. **In the Brcko District of Bosnia and Herzegovina** 2010 funds were spent for the provision and implementation of preventive measures aimed at improving the health situation of Roma in the Brcko District of Bosnia and Herzegovina in 3 (three) communities: Prutace Village (rural area), in Mostarska Ulica and Suljagica Sokak in Brcko. The communities were selected based on the principle that this would cover a majority of Roma children in this area (rural and urban parts of the City of Brcko, where the Roma live). The following objectives were achieved:

1. Lectures about the importance of immunization, mental health and dental hygiene in early childhood were delivered;
2. Additional immunization of Roma children under 7 years old;
3. Examinations of teeth and oral hygiene situation of children from the first to fourth grade of primary school were made.

112. **The Public Health Institute of the Federation of Bosnia and Herzegovina** has not sent to us yet a final financial or narrative report for the expenditure of funds in 2010.

113. Further, grant funds were spent to raise awareness of health personnel to combat stereotypes and prejudices about the Roma, for training of Roma educators of local communities in preventive measures in health care and for media campaigns.

114. In 2011, in cooperation with relevant health institutions, ministries and experts and with financial support from the World Vision international organization of Sarajevo, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina worked on developing four software modules in the following areas:

1. Reproductive health and maternity;
2. Sexually transmitted diseases with a focus on HIV;
3. Early detection of TB;

4. Inclusion of a larger number of children in immunization.

Making these programming models will serve as a good basis for recommendations for future planning of a revision of the Action Plan of Bosnia and Herzegovina in employment, housing and health care. Activities for the next revision of the Action Plan are expected to start in early 2012 and to involve the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, relevant ministries and institutions, representatives of Roma NGOs and representatives of international organizations and institutions.

**4.THE PROCESS OF RECORDING OF ROMA HOUSEHOLDS AND THEIR NEEDS AND DEVELOPMENT OF A DATABASE**

115. **A report on findings of the recording:** the Ministry of Human Rights and Refugees proposed and the Council of Ministers issued on 11 July 2009 the Decision on Appropriation of Budgetary Funds for the Roma in BiH. The total available funds included BAM 300,000.00 intended for the Recording of Roma Households and Their Needs in order to develop a database on Roma in Bosnia and Herzegovina.

116. The process of recording the Roma in Bosnia and Herzegovina began on 23 November 2009. The process was carried out simultaneously by 10 operational teams of which 6 teams worked in the Federation, 3 teams worked in the Republika Srpska and one team worked in the Brcko District of Bosnia and Herzegovina. All teams were appointed in the territory near to municipality in which the majority of Roma live. The collected data after the process of recording indicated that in Bosnia and Herzegovina **4,308 Roma households and 16,771 Roma people** were recorded.

117. Findings of the recording based on data aggregated after the process of recording by municipalities/ operational teams :

| <b>Name of Operational team (OT)</b>   | <b>Number of households</b> | <b>Number of members</b> |
|--|-----------------------------|--------------------------|
| <b>OT 1. Sarajevo</b><br>which includes the following municipalities: Vogošća, Ilijaš, Ilidža, Hadžici, Stari grad, Centar, Novo Sarajevo, Novi Grad and Goražde.          | <b>586</b>                  | <b>2,652</b>             |
| <b>OT 2. Bihac</b><br>which includes the following municipalities: Bihac, Bosanska Krupa, Ključ, Sanski Most and Cazin.  | <b>169</b>                  | <b>709</b>               |
| <b>OT 3. Travnik</b><br>which includes the following municipalities: Travnik, Fojnica, Kiseljak, Donji Vakuf, Jajce, Novi Travnik i Vitez.                                 | <b>492</b>                  | <b>1,759</b>             |
| <b>OT 4. Tuzla</b><br>which includes the following municipalities: Tuzla, Banovici, Kalesija, Živinice, Kladanj, Gradacac, Gracanica, Lukavac, Celic, Srebrenik and Sapna. | <b>962</b>                  | <b>3,927</b>             |
| <b>OT 5. Zenica</b><br>which includes the following municipalities: Zenica, Visoko, Kakanj, Zavidovici, Maglaj and Breza.  | <b>887</b>                  | <b>3,386</b>             |



|  |              |               |
|--|--------------|---------------|
| <b>OT 6. Mostar</b><br>which includes the following municipalities: Konjic, Jablanica, Grad Mostar, Capljina, Stolac and Trebinje.     | <b>143</b>   | <b>509</b>    |
| <b>OT 7. Banja Luka</b><br>which includes the following municipalities: Banja Luka, Kozarska Dubica, Gradiška, Laktaši and Prijedor.   | <b>270</b>   | <b>922</b>    |
| <b>OT 8. Doboј</b><br>which includes the following municipalities: Doboј, Prnjavor, Teslic, Derventa, Modrica and Srbac.               | <b>299</b>   | <b>1,096</b>  |
| <b>OT 9. Bijeljina</b><br>which includes the following municipalities: Bijeljina, Zvornik, Vlasenica, Srebrenica, Milici and Bratunac. | <b>280</b>   | <b>935</b>    |
| <b>OT 10. Brcko</b>  | <b>219</b>   | <b>838</b>    |
| <b>Odžak</b>   | <b>11</b>    | <b>29</b>     |
| <b>Total :</b>   | <b>4,318</b> | <b>16,762</b> |

118. In relation to the number of recorded areas there are estimates that in some parts of the country, such as Tuzla, as many as 30% of households did not want to be recorded or were absent during the recording process. The data shows that in BiH there are about 25,000-30,000 Roma people and that 19,500 Roma people or 4,500 Roma households will require some or other form of assistance envisaged in the Strategy and Action Plan.

119. In 2010, the Ministry of Human Rights and Refugees appointed a working group to develop a Memorandum of Understanding. The MoU regulates the manner of cooperation between the Ministry of Human Rights and Refugees, the relevant ministries of the Federation of Bosnia and Herzegovina, appropriate authorities in the cantons, the Republika Srpska Government and the Brcko District of Bosnia and Herzegovina Government - Department of Health Care and Other Services and centres for social work / social welfare centres in development of the database, managing and updating data on the needs of Roma households in Bosnia and Herzegovina.

120. The Decision on Appropriation of Budgetary Funds for the Roma in Employment, Housing, Health Care and Development of Database, Managing and Updating Data on the Needs of Roma Households in Bosnia-Herzegovina allocated funds intended for development of database, maintaining and updating of needs of Roma households in Bosnia Herzegovina. The total funds planned for this purpose amounted to BAM 100,000.00 and are intended for the purchase of equipment for the centres for social work and development of database intended for the ministry and social work centres in BiH.

121. The Memorandum of Understanding was signed with 34 centres for social work (24 Centres in the Federation, 9 Centres in the Republika Srpska and 1 Centre in Brcko District) that were awarded funds for the purchase of computer equipment in the amount of BAM 50,000. The Ministry of Human Rights and Refugees and representatives of the Centres for Social Work organized training in the implementation of the Memorandum of Understanding between the Ministry of Human Rights and Refugees, the relevant ministries of the Federation of Bosnia and Herzegovina, appropriate authorities in the cantons, the Republika Srpska Government and the Brcko District of Bosnia and Herzegovina Government - Department of Health Care and Other Services and centres for social work / social welfare services in

development of the database, managing and updating data on the needs of Roma households in Bosnia and Herzegovina.

The MoU defines primary and secondary beneficiaries. The primary beneficiaries of the Records of Roma Needs are centres for social work / social welfare services. The secondary beneficiaries are the State, Entity and Brcko District Governments and cantonal and local authorities which the Records of Roma Needs will provide statistics with. The Memorandum of Understanding was signed by "Vasa Prava" NGO that will provide legal aid whenever members of the Roma families are found not to have identification documents (identity card, birth certificate, citizenship and other documents).

Data collected and updated in the process of recording needs of Roma households should be available to all authorized institutions for the purposes of planning of Roma employment, housing and health care, education and other needs.

122. The Ministry of Human Rights and Refugees carried out the procedures of procurement of designing services and software development that would be part of the information system and selected the most successful supplier. The supplier has set up the software on the server and performed testing.

In 2011, in cooperation with the supplier who developed the software, the Ministry of Human Rights and Refugees trained representatives of social welfare centres, with whom the MoU was signed, in using the databases.

All data obtained during the recording of needs of Roma and Roma households were transferred to the new database. The primary beneficiaries will get user's names and passwords to use the database and will in future continue to update the database.

## **5. THE ROLE AND DUTIES OF ROMA COORDINATORS AND REGIONAL ROMA COORDINATORS**

123. Given one of the goals of the Decade of Roma Inclusion is to be able to provide help and support to a Roma consultant or a Roma consulting body for the Decade, in accordance with a MoU signed between the Ministry of Human Rights and Refugees and CARE International on 16 June 2011, a Roma coordinator was employed to perform duties in the premises of the Ministry of Human Rights and Refugees for the purpose of implementing the European Union-funded "Support to the Roma National Action Plan" Project.

124. Objectives of the Project are to establish an effective inclusive mechanism for the implementation and monitoring of National Action Plan for Employment, Housing and Health Care through institutional strengthening and capacity building of governmental and nongovernmental actors.

125. Working with local Roma NGOs, the coordinator helps and promotes the social integration of Roma minority in Bosnia and Herzegovina, the exercise of rights guaranteed by the Convention and the enforcement of the valid national legislation.

The project will be completed by 31 December 2012. The coordinator is responsible for coordinating the project and on-going activities of the relevant ministry and Roma NGOs in the field.

In the coming period, with the help of this program, the Ministry of Human Rights and Refugees will ensure sustainability of this position if all activities that improve the position of Roma families in Bosnia and Herzegovina are continuously carried out.

126. The role of the Roma coordinator is particularly important in the dissemination and exchange of information between Roma organizations, especially when priority activities at the local level to be implemented to improve the position of Roma families are identified for the Roma Action Plan in BiH. It should be noted that the position of Roma coordinator was introduced in order to ensure that Roma associations will have all difficulties identified, i.e. all available information compiled and expertly handled within the overall system of monitoring the implementation of the Roma Action Plan in Bosnia and Herzegovina.

**127. The system of regional coordination with representatives of Roma associations and local governments:** Based on the same reasons, positions of Roma regional coordinators were established and the EU-funded (IPA 2008) project implemented by CARE International in cooperation with partner organizations from Tuzla and supported by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina initiated procedures to employ four (4) Roma regional coordinators.

Two coordinators were recruited in the Return Centres in Sarajevo (Sarajevo Canton), Zenica-Doboj Canton (1), Middle Bosnia Canton and Herzegovina-Neretva Canton (1)), Tuzla (1), Banja Luka (1) in order to streamline the existing capacities of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina. The project will be completed by 31 December 2012.

128. The regional coordinators will be responsible for coordination of information in the field, coordination of cooperation with non-governmental Roma organizations: gathering of information about the implementation of Roma Action Plan in housing, employment, health care and education and coordination with the national coordinator.

Their functioning and effectiveness in the field is evident and there are concrete achievements in better implementation of the Roma Action Plans of Bosnia and Herzegovina.

## **6. REVISION OF THE ACTION PLAN FOR EDUCATIONAL NEEDS OF ROMA**

129. Action Plan on the Educational Needs of Roma and Other National Minorities (2004) was revised in the area of education of the Roma and was adopted by the Council of Ministers of Bosnia Herzegovina in 2010.

## **7. RATIFICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

130. Bosnia and Herzegovina has ratified the European Charter for Regional or Minority Languages, as a post-accession obligation.

|  |
|--|
| <p style="text-align: center;"><b>INFORMATION ON ACTIVITIES IN ACCORDANCE WITH<br/>MEASURES DETERMINED IN ARTICLES OF THE FRAMEWORK<br/>CONVENTION</b></p> |
|--|

**Article 1**

**"The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation."**

131. By signing the General Framework Peace Agreement (hereafter: GFPA), **Bosnia and Herzegovina** adopted the Constitution of Bosnia and Herzegovina as one of annexes to the Agreement. An integral part of the Constitution is the appropriate **"Additional Human Rights Agreements to be Applied in Bosnia and Herzegovina"** and the following two ones are particularly important as far as promoting and protecting the position of national minorities in Bosnia and Herzegovina are concerned:

1. European Charter of Regional Languages or Minority Languages (1992);
2. Framework Convention for the Protection of National Minorities (1994)".

132. In addition to the direct application of international human rights instruments, the GFPA implementation as a whole and thereby the Constitution of Bosnia and Herzegovina implementation are still greatly influenced by the High Representative who plays an important role in it and many missions of all relevant international institutions. The High Representative still has the power to make binding decisions with an aim of finding solutions to problems that arise, when deeming it necessary.

Some other international organizations and institutions such as OSCE, UNHCR and the Office of the Council of Europe and the European Commission to Bosnia and Herzegovina and other specialized international agencies play a very important role and have very important functions.

133. From the above one can conclude for sure that in the reporting period not only the protection of national minorities and the rights and freedoms of these minorities, but also all other areas of functioning of government, social, economic and political life in Bosnia and Herzegovina are an integral part of the international protection of human rights and international cooperation of Bosnia and Herzegovina.

**Article 2**

**" The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States."**

134. **Bosnia and Herzegovina** is aware that the enforcement of this article is possible only by fostering cooperation, developing principles of good neighbourliness and friendly relations with other countries. Respecting international norms in relations between States and the principle of territorial integrity and sovereignty of other States, Bosnia and Herzegovina seeks in particular to develop and maintain good and beneficial relationships with neighbouring

countries in the region, international organizations and institutions, especially the countries of the European Union, whose membership is the ultimate goal of Bosnia and Herzegovina.

### Article 3

**"1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.**

**2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others."**

135. **Bosnia and Herzegovina** is a country where, in addition to the three constituent peoples: Bosniaks, Croats and Serbs, members of numerous national minorities live. Their status, i.e. the status of national minorities, is defined, recognized and affirmed by the Law on the Protection of National Minorities, which was adopted on 1 April 2003 and entered into force on 14 May 2003 ("BiH Official Gazette" no. 12/03).

136. Unfortunately, in the process of identifying national minorities and exact figures, Bosnia and Herzegovina still uses data from the last 1991 census carried out by the former Federal Republic of Yugoslavia. One reason more for this approach is freely expressed will during the census and the possibility that any citizen / national exercises its right to declare his/her affiliation with a particular national/minority group.

Regardless of the origin of the minority and the number of members (**from 133 to 10,048 members, according to the then census**) the Law on the Protection of National Minorities (Article 3) provides that a minority for the purpose of this Law is "a part of the population/citizens of BiH that does not belong to any of three constituent peoples and it shall include people of the same or similar ethnic origin, same or similar tradition, customs, religion, language, culture, and spirituality and close or related history and other characteristics".

137. The actual, current number of members of particular national minorities in Bosnia and Herzegovina should be seen from an unfortunate point of the fact that during the war in Bosnia and Herzegovina over two million people fled their homes and became refugees outside Bosnia and Herzegovina or displaced persons within their own country. Of that number, about 1,200,000 people found themselves outside BiH.

We should assume that among those who remained abroad and did not return to the country, the number of persons belonging to national minorities is commensurate with others, and therefore **a statistical overview of minorities is conditional** until the conditions are created to carry out the first census in Bosnia and Herzegovina. **I expect that the census in Bosnia and Herzegovina could be carried out in 2012.** Numbers of members of certain minorities are reasonable expected to change and show significant differences compared to the pre-war census.

138. An assessment of approximate numbers of members of other minorities are still done by associations or clubs (except the process of recording of Roma needs in late 2009) operating

as non-governmental organizations in Bosnia and Herzegovina and one can reasonably conclude that their numbers decreased in proportion to the number of refugees who have not returned to Bosnia and Herzegovina after the war.

A common feature of all minority groups is that they established appropriate associations of their members (citizens' associations, clubs, cultural associations or some other forms of assembly) and registered them as non-governmental organizations in accordance with the valid legislation.

#### Article 4

**"1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.**

**2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.**

**3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination."**

139. In the reporting period, policies of the Council of Ministers of Bosnia and Herzegovina and the Ministry of Human Rights and Refugees, which is responsible for "cooperation with national minorities and their associations" pursuant to the Law of Council of Ministers of Bosnia and Herzegovina ("BiH Official Gazette" no. 38/02) and the Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina ("BiH Official Gazette" no. 5/03), primarily were channelled in two directions: (1) proposing adequate legislation to protect the rights of national minorities and (2) in cooperation with entity governments and ministries, associations and associations of national minorities, identifying issues and problems to be solved.

140. The issue of national minorities in the political life and throughout the legislation of Bosnia and Herzegovina has been considered and is still interpreted as a constitutional concept of "Others". Term "Others" is found in the Preamble to the Constitution of Bosnia and Herzegovina in which, Bosniaks, Croats and Serbs as constituent peoples are holders of constitutionalism in post-Dayton BiH statehood.

141. Indeed, we should mention that, with regard to the government at the state level in particular, the Constitution of Bosnia and Herzegovina continues to contain such provisions that exclude the possibility of their being composed of members of "Others" or national minorities, except as representatives of political parties and citizens whose interests they represent. This is mostly still applicable to the House of Peoples of the Parliamentary Assembly, which has 15 delegates (including five Croats and five Bosniaks from the Federation and five Serbs from the Republika Srpska). The same applies to the Presidency, which consists of three members: one Bosniak and one Croat elected in the Federation and one Serb elected in the Republika Srpska. They were emphasized as discriminatory provisions in the judgment of the European Court of Human Rights in *Sejdic – Finci*.

142. We note that, in relation to Articles IV and V of the Constitution, Bosnia and Herzegovina makes an effort to resolve the issue of the right of national minorities that are defined as "Others" in the Constitution, which the ECtHR found discriminatory in *Sejdic-Finci v. BiH*, as it favors special privileges and advantages of the constituent peoples (Bosniaks, Serbs and Croats) in relation to other ethnic groups – 17 of them living in BiH, which was determined in the Law on the Protection of National Minorities of Bosnia and Herzegovina. This problem in Bosnia and Herzegovina is expected to be resolved soon in pursuance of the judgment of the ECtHR because the Council of Ministers established a working group and adopted the Action Plan for Enforcement of the Judgment of the Court of Human Rights in Strasbourg.

143. I want to point out that the passage of the Law on Prohibition of Discrimination of Bosnia and Herzegovina (Anti-discrimination Law) by the Parliamentary Assembly of Bosnia and Herzegovina (at the end of 2009) was a great progress. The Law on Prohibition of all Fascist and Neo-fascist Organizations and Use of Their Symbols was sent to the Parliamentary Assembly for passage.

The Anti-discrimination Law of Bosnia and Herzegovina was founded on and designed to follow European standards. The provisions of the law protect citizens of BiH against discrimination in all spheres of life and work, covering: employment, social welfare and health care, justice and administration, housing, public information, education, sports, culture, science, economy etc. and, then, against all forms of harassment, sexual harassment, mobbing, incitement to segregation or discrimination.

144. **The report of the Central Election Commission of Bosnia and Herzegovina:** The Central Election Commission of Bosnia and Herzegovina informed us about the following that is within its competences:

The April 2008 Law on Amendments to the Election of Bosnia and Herzegovina governs the participation of minorities in local election. These amendments provide that a member of national minority shall be a citizen of Bosnia and Herzegovina who does not belong to any of the three constituent peoples. A national minority shall consist of people of the same or similar ethnic origin, the same or similar traditions, customs, beliefs, language, culture and spirituality and close or related history and other characteristics.

145. In accordance with the BiH Election Law, members of national minorities are entitled to representation in municipal assembly/municipal council and city assembly/city council in proportion to their percentage share in the population according to the last census which took place in Bosnia and Herzegovina. This means that the number of members of minorities who are directly elected by municipal assembly/municipal council and city assembly/city council shall be determined in the charter of the municipality/city, members of any national minority that account for more than 3% in the total population according to the last census being guaranteed at least one seat.

146. The municipal assemblies/municipal councils, city assemblies and the City Council of Brcko District of Bosnia and Herzegovina were obliged to determine the exact number of councillors representatives of national minorities in their charters before a call for elections so that they could run in 2008 local elections and be elected in the legislatures of the municipalities/cities, using data from 1991 censuses in each particular location.

147. Political entities (political parties and independent candidates) and registered associations/other registered organizational forms of association of national minorities and any group of at least 40 people who have the right to vote and who register for running in elections and provide a list of candidates are eligible to run in election to fill the seats guaranteed to national minorities. The list can include as many candidates as many members of national minorities are elected in that constituency.

148. A special list of candidates belonging to national minorities is on the ballot and a list of other political entities running for regular seats at the local level. The order of candidates on the candidate lists is determined by lottery in a manner and under the procedure established by the Central Election Commission of Bosnia and Herzegovina.

149. If we analyse the ratio between political entities and citizens' associations in the enforcement of the legal provision presented above and in light of proposing candidates members of national minorities in separate lists of candidates in the 2008 local elections, we can see the following:

- that 21 political parties had a total of 72 candidates who won 25 seats,
- that 11 citizens' associations had 12 candidates who won two seats and
- that 22 independent candidates won only 8 seats.

150. The Amendments to the Election Law of Bosnia and Herzegovina had a positive impact in terms of greater representation of minorities in the legislatures at the local level, so that national minorities got their representatives in the following 30 municipalities:

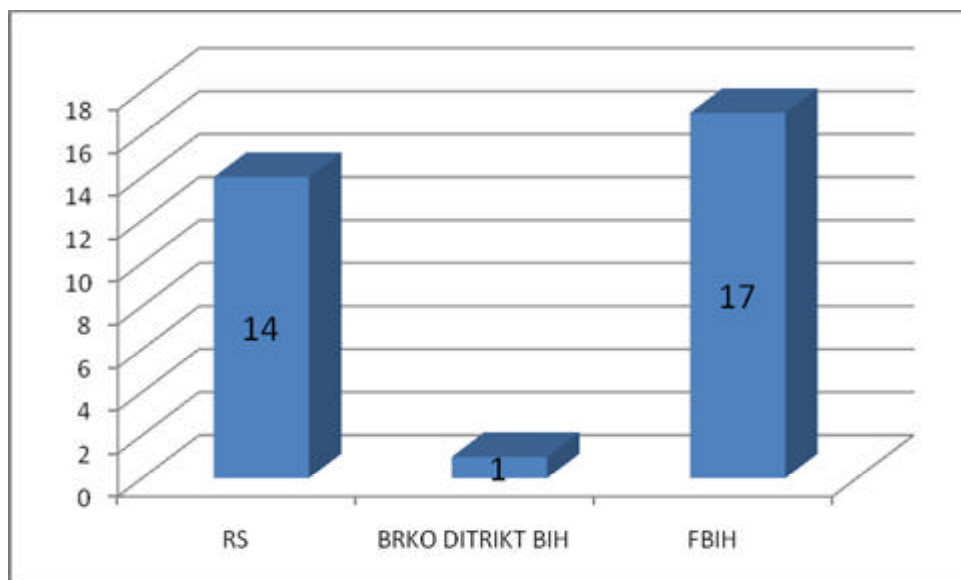
- 28 municipalities and the City of Banja Luka - 1 (one) councillors,
- 2 municipalities (Lukavac and Donji Vakuf) and Brcko District - 2 (two) councillors,
- 35 representatives of national minorities were elected in 32 local communities in Bosnia and Herzegovina: 13 Roma, 7 Montenegrins, 4 Albanians, three Ukrainians, two Macedonians, 2 Slovenians, 1 Czech, 1 Italian, 1 Romanian and 1 Turk - 27 men and 8 women.

It should be noted that the Municipalities of Breza and Odzak / Vukosavlje had an opportunity to elect one representative of national minorities each; however, there were no candidates. These indicators cannot properly be compared with the data of 2004 local elections, given the Election Law of BiH did not provide for the participation of national minorities in local elections at the time.

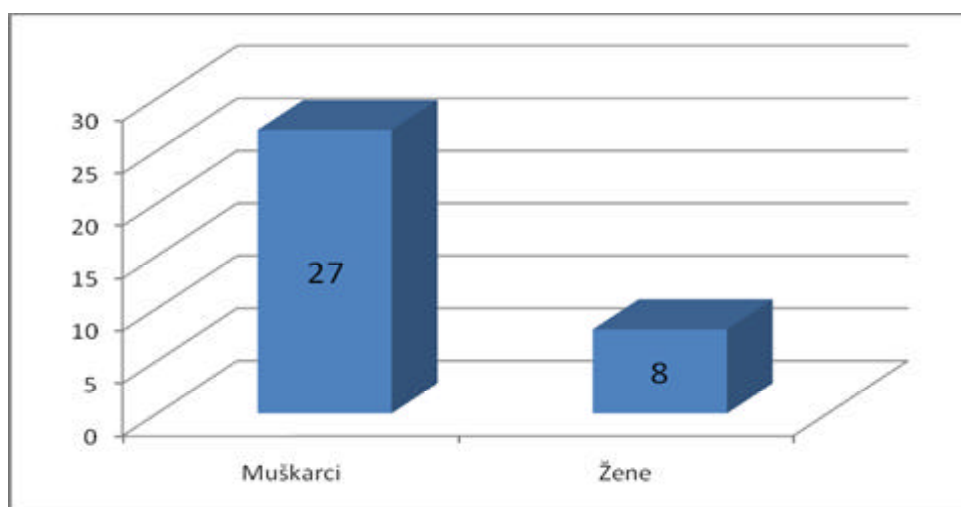


**Statistics:**

**Figure 1: Number of municipalities (Entities and BD), in whose municipal councils / assemblies national minorities are represented**



**Figure 2.: Statistics of national minorities representatives disaggregated by gender**



| Confirmed candidates of national minorities disaggregated by gender |      |
|---|------|
| Female  | Male |
| 20  | 86   |

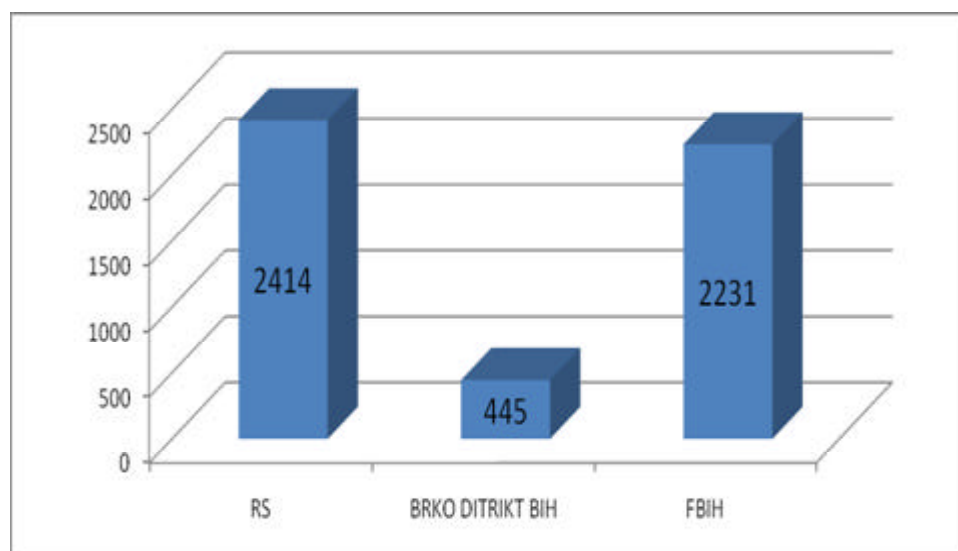
| Political party  | Candidates | Seats |
|--|------------|-------|
| SOCIAL DEMOCRATIC PARTY OF BOSNIA AND HERZEGOVINA - SDP                                | 14         | 7     |
| PARTY OF DEMOCRATIC ACTION - SDA   | 8          | 5     |
| BOSNIAN DEMOCRATIC PARTY   | 7          | 2     |
| DEMOCRATIC YOUTH MOVEMENT - YOUTH PARTY OF BOSNIA AND HERZEGOVINA                      | 6          | 0     |
| INDEPENDENT LIST OF BIH  | 4          | 0     |
| BOSNIA AND HERZEGOVINA PATRIOTIC PARTY-SEFER HALILOVIC                                 | 4          | 1     |
| SOCIAL DEMOCRATIC UNION 2002 OF BOSNIA AND HERZEGOVINA – PARTY OF SOCIAL JUSTICE - SDU | 4          | 1     |
| SERBIAN DEMOCRATIC PARTY - SDS   | 3          | 2     |
| PEOPLES' DEMOCRATIC  | 3          | 0     |
| „WORK FOR WELL-BEING“ PEOPLES' PARTY   | 2          | 0     |
| CIVIC DEMOCRATIC PARTY OF BIH  | 2          | 0     |
| SERBIAN RADICAL PARTY OF VOJISLAV ŠEŠELJ, PhD  | 2          | 1     |
| SOCIALIST PARTY  | 2          | 1     |
| ALLIANCE OF INDEPENDENT SOCIAL DEMOCRATS - SNSD - MILORAD DODIK                        | 2          | 2     |
| PARTY FOR BOSNIA AND HERZEGOVINA   | 2          | 1     |
| HOMELAND SOCIAL DEMOCRATS - MILE MARCETA   | 2          | 0     |
| SERBIAN PARTY OF REPUBLIKA SRPSKA  | 1          | 1     |
| PARTY OF DEMOCRATIC ACTIVITY FOR EUROPEAN BIH A-SDA                                    | 1          | 1     |
| CROATIAN DEMOCRATIC COMMUNITY OF BIH – HDZ   | 1          | 0     |
| LIBERAL DEMOCRATIC PARTY OF BIH  | 1          | 0     |
| PENSIONERS' PARTY OF REPUBLIKA SRPSKA  | 1          | 0     |
|  | 72         | 25    |

#### Statistics disaggregated by age

| Elected representatives of national minorities disaggregated by gender |          |
|--|----------|
| Above 30   | under 30 |
| 33   | 2        |
| Confirmed candidates of national minorities disaggregated by gender    |          |
| Above 30   | under 30 |
| 95   | 11       |

| Citizens' association  | Confirmed | Elected |
|--|-----------|---------|
| ASSOCIATION OF SLOVENIANS - INDEPENDENT CANDIDATE  | 1         | 0       |
| EURO ROM ASSOCIATION OF ROMA - INDEPENDENT CANDIDATE   | 1         | 0       |
| "BOLJA BUDUCNOST" (BETTER FUTURE) ASSOCIATION OF ROMA WOMEN OF TUZLA - INDEPENDENT CANDIDATE | 1         | 0       |
| YEWS' MUNICIPLAITY OF DOBOJ - INDEPENDENT CANDIDATE  | 1         | 0       |
| "TARAS SEVCENKO" CULTURAL AND EDUCATIONAL ASSOCIATION OF UKRAINIANS - INDEPENDENT CANDIDATE  | 1         | 0       |
| YOUTH ROMA INITIATIVE OF KAKANJ-INDEPENDENT CANDIDATE  | 1         | 0       |
| CEŠKA BESEDA ASSOCIATION OF PRIJEDOR - INDEPENDENT CANDIDATE                                 | 1         | 0       |
| "ROMSKI SAN" (ROMA'S DREAM) ASSOCIATION OF ROMA - INDEPENDENT CANDIDATE                      | 2         | 1       |
| VESELKA CANADIAN AND UKRAINIAN HUMANITARIAN ASSOCIATION - INDEPENDENT CANDIDATE              | 1         | 0       |
| "UDRUŽENE PORODICE ŠTIVOR" (UNITED FAMILIES OF ŠTIVOR) ASSOCIATION - INDEPENDENT CANDIDATE   | 1         | 1       |
| "LIPA" (LINDEN) ASSOCIATION OF SLOVENIANS OF PRIJEDOR - INDEPENDENT CANDIDATE                | 1         | 0       |
|  | 12        | 2       |

**Figure 3: Number of votes won by representatives of national minorities (5,090)**



**151. From the report of the Ombudsman for Human Rights of Bosnia and Herzegovina:**

After examining their database, archives and cases, the Institution of the Ombudsman for Human Rights of Bosnia and Herzegovina (hereafter: the Ombudsman) sent the following answers about the implementation of Articles 3 and 4 of the Framework Convention for the Protection of National Minorities in the reporting period since August 2007 to date.

152. The Ombudsman received the following number of complaints where the complainants alleged discrimination against persons belonging to national minorities in the areas that you specified:

- In public employment: three complaints in which the complainants alleged discrimination on those grounds,
- In the exercise of the right to health care: one complaint where a violation of the Convention on the Elimination of All Forms of Discrimination against Women was found and a recommendation was made.

Note: In the reporting period the Ombudsman received more complaints than the ones stated in the foregoing paragraph from members of national minorities; the complainant did not allege discrimination, nor was discrimination found in investigations by the Ombudsman, so these cases are not included herein;

153. The Ombudsman does not have data concerning the number of persons belonging to national minorities and "Others" serving in the Bosnia and Herzegovina civil service at all levels of government or judges and prosecutors appointed at all levels of government;

154. In respect of activities taken to enforce the judgment of the European Court of Human Rights in *Sejdic-Finci*, the Ombudsman of Bosnia and Herzegovina called the authorities in Bosnia and Herzegovina to enforce it as soon as possible in the context of the obligations of Bosnia and Herzegovina government to ensure respect for and protection of human rights.

155. **From the report of the Civil Service Agency of Bosnia and Herzegovina:** The Civil Service Agency provided us with the following information on the implementation of measures and principles set forth in the Council of Europe Framework Convention for the Protection of National Minorities arising from their responsibilities:

With regard to the number and type of complaints and petitions relating to discrimination against persons belonging to national minorities in employment of civil servants at the level of Bosnia and Herzegovina institutions, we have no information that any complaint or petition filed by civil servant or civil servant candidate in any of the institutions at the level of Bosnia and Herzegovina was founded on discrimination on the grounds of national minority affiliation.

156. With regard to the number of persons belonging to national minorities serving in civil service, we can only provide information relating to civil servants employed in the institutions of Bosnia and Herzegovina, which are as follows:

Of a total of 3296 civil servants, 69 civil servants declared themselves as "Others", which means they belong to national minorities, and 18 civil servants are undecided. We note that, in accordance with Article 2(3) of the Law on Civil Service in BiH Institutions, civil servants voluntarily declare their nationality. Please find enclosed a graph with data as of 1 September 2011.

157. The Agency is not directly involved in activities concerning the enforcement of judgment by the European Court of Human Rights in *Sejdic-Finci*; one of basic principles of the Law on Civil Service in BiH Institutions, from which competences and powers of the Agency and rights and duties of civil servants are drawn, is contained in Articles 2(1) and 2(2), which stipulate that the recruitment and the professional career advancement of a civil servant shall be based upon open competition and professional merits (paragraph 1), and that the structure of civil servants within the civil service shall generally reflect the ethnic structure of the population of Bosnia and Herzegovina in accordance with the last census (paragraph 2).

158. The Civil Service Agency of BiH is not responsible for employment in the educational system or public services, other than in the institutions at the level of the State of Bosnia and Herzegovina, the data being provided in paragraph 150 above, so I cannot give any information in other segments.

**159. From the report of the Civil Service Agency of the Federation of Bosnia and Herzegovina:** The Civil Service Agency of the Federation of Bosnia and Herzegovina provided us with the following information on the implementation of measures and principles set forth in the Council of Europe Framework Convention for the Protection of National Minorities arising from their responsibilities:

The Civil Service Agency of the Federation of Bosnia and Herzegovina received no petitions or complaints regarding discrimination against members of national minorities in procedures of recruitment in open competitions conducted in compliance with responsibilities set forth in Article 64 of the Law on Civil Service of the Federation of Bosnia and Herzegovina.

160. The Civil Service Agency of the Federation of Bosnia and Herzegovina does not keep separate records on the number of civil servants members of national minorities because such a data is shown in column "Others" in the Register of Civil Servants of the Federation of Bosnia and Herzegovina. According to statistics of the Federation of Bosnia and Herzegovina, **184** civil servants who declare themselves as "Others" are currently serving in civil service, which represents **2.81%** of the total number of civil servants.

This applies only to civil servants, because the Agency is not responsible for recruitment of other employees in the civil service or for keeping a register of other employees.

**161. From the report of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina:** When it comes to the number of judges and prosecutors appointed from among national minorities the High Judicial and Prosecutorial Council of Bosnia and Herzegovina gathers data in accordance with the Constitution of Bosnia and Herzegovina and in this regard we can provide only information about the number of persons having declared themselves as "Others" who were appointed to judicial offices. As of 15 November 2011 the Court of Bosnia and Herzegovina and the Prosecutor's Office of Bosnia and Herzegovina had 3 sitting judicial officers from "Others" or 3.57% of the total number, while the figures in the Federation of Bosnia and Herzegovina were 39 or 5.36%, in the Republika Srpska they were 19 or 5.16%, whereas there was no sitting judicial officers from "Others" in the Brcko District of Bosnia and Herzegovina.

As of 15 November 2011 there were a total of 61 or 5.02% of the judiciary from "Others" at all levels of government.

**162. From the report of the Police of the Brcko District of Bosnia and Herzegovina:** With regard to Article 4 of the Framework Convention, the Police of the Brcko District of Bosnia and Herzegovina sent us the information from the report that at the moment they had one officer member of national minority and 3 officers members of "Others".

## Article 5

**"1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.**

**2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.**

163. **Rights in the field of culture and cultural activities in Bosnia and Herzegovina** are responsibility of the entities/cantons in the Federation under the Constitution, which reads that the entities govern and provide "... education, culture and protection of cultural heritage, physical culture".

164. An intervention in the responsibility of the entities and cantons was made by the state

level organizations in the Law on the Protection of National Minorities of Bosnia and

Herzegovina providing that persons belonging to national minorities have the right to establish libraries, video libraries, cultural centres, museums, archives, cultural, artistic and traditional societies and all other freedoms of cultural expression and the right to take care of maintaining their cultural monuments and cultural heritage. Further, it provides for the responsibility of archives, museums and institutions for the protection of cultural monuments owned by Bosnia and Herzegovina and entities to ensure the proportional representation of national minorities and to protect the historical heritage and cultural heritage of national minorities in their programs and activities.

165. **As it was earlier, in this reporting period, it was the field of culture that** was the most common area of involvement of nongovernmental organizations, clubs and associations organized by members of national minorities in Bosnia and Herzegovina. This was the most common form of connection with the parent country the members of national minorities came from.

When it comes to culture, cultural associations, citizens' associations and national minorities' associations carry out similar activities in BiH, although to a significantly smaller extent. This primarily applies to the "Albanian Community in Bosnia and Herzegovina" NGO, then the "Ceška Besjeda" Czechs' Association of the Republika Srpska, the Association of Slovenians, the Association of Italians, the Association of Turks, which have been organizing highly successful literary evenings, exhibitions of paintings, concerts, other musical events and the like for their members and other citizens of Banja Luka, Sarajevo and other cities in Bosnia and Herzegovina.

Each of the national minority communities in BiH, which has organized social life (NGOs, associations, clubs) deals with a segment of culture and cultural activities. A lot of towns appropriate substantial funds in their annual budgets for this purpose. They are particularly active in this field in Sarajevo, Banja Luka, Tuzla, Zenica-Doboj and Middle Bosnia.

166. **From the Ministry of Civil Affairs Bosnia and Herzegovina - Department of Science and Culture report:** We received the following information from the report of the Ministry of Civil Affairs of Bosnia and Herzegovina - Department of Science and Culture:

**Bosnia and Herzegovina** has ratified all conventions of UNESCO in the field of culture, and especially we can point out the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Official Gazette- Treaties 11/08). Although the Convention itself is not specifically dedicated to the cultural expressions of minority or indigenous peoples, the Convention affirms the principle of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples (Article 2(3)). Further, it calls Parties to „pay due attention to the special circumstances and needs various social groups, including persons belonging to minorities and indigenous peoples“ (Article 7(1)).

167. The Strategy for Cultural Policy in Bosnia and Herzegovina ("BiH Official Gazette" No. 93/08.) defines the following as a priority (19. Priorities and Action Program of Cultural Policy in BiH): "Further affirmation of multiculturalism and cultural community, always bearing in mind cultural richness and cultural specificity of BiH, which are incorporated by many influences from the East, West and the Mediterranean, which is its advantage, a binding element rather than a separating element and a further step on the way of European integration and, in particular, fostering cultural particularities of each of its nationalities and national minorities, with the full support to statutory activities carried out by national, cultural and educational societies and to their contribution to the promotion of culture and protection of cultural and artistic heritage and language." Further, the Strategy for Cultural Policy in BiH specifically lists all national minorities living in Bosnia and Herzegovina in section 2 titled Cultural Particularities of Bosnia and Herzegovina, where the support to their cultural and artistic societies is highlighted.

168. The Action Plan of the Strategy for Cultural Policy in Bosnia and Herzegovina sets forth priority 4.2 "Increasing Participation and Access to Culture", while measure 4.2.1. for the realization of this priority is "Development of Creative Programs for Specific Target Groups".

The Federation has no strategy for cultural policy, while the Republika Srpska has it.

169. Agreements signed in the field of culture concern cultural cooperation and provide a general framework and basis for it, and do not address the issue of national minorities. For the valid agreements, you can visit the website of the Ministry of Civil Affairs Bosnia and Herzegovina.

170. The Ministry of Civil Affairs of Bosnia and Herzegovina announces annual grant competitions awarding grants in the following two programmes in the field of culture: "International Cultural Cooperation" and "Aid to the Co-funding of Cultural Institution Program". With these grants, the Ministry aims to support projects of national minorities, i.e. their associations dealing with the preservation of minority cultures. Thus, in the previous period, the following projects were supported:

**The Decision on Allocation of Grants for "International Cultural Cooperation" Programme in 2009 supported the following projects:**

- „Taras Ševcenko“ Ukrainian Cultural and Educational Association of Banja Luka: „Cervona kalena“ Devetina“ Ninth Festival of Ukrainian Cultural and Artistic Creativity Project was supported by BAM 3,000.00.
- „Ceška beseda“ Association of Czechs of Prijedor: „Dani češki beseda RS i BiH“ (Ceška beseda Days in RS and BiH) Project was supported by BAM 3,000.00.

**The Decision on Allocation of Grants for "International Cultural Cooperation" Programme** in 2010 supported the following projects:

- „La Benevolencia“ Jewish Cultural and Educational Society of Sarajevo: „The Exhibition, Promotion and Presentation of the Sarajevo Haggadah in Belgrade and Rome“ Project was supported by BAM 6,000.00.
- „Taras Ševcenko“ Ukrainian Cultural and Educational Association of Banja Luka: „Cervona kalena“ Devetina“ Tenth Festival of Ukrainian Cultural and Artistic Creativity Project was supported by BAM 3,000.00.
- The Jewish Community of Bosnia and Herzegovina: 2010 Jewish Summer Camps (Pirovac and Szarvas) Project, a traditional rally of children and youth, was supported by BAM 3,000.00.

## **Article 6**

**"1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.**

**2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity."**

171. **The Constitution of Bosnia and Herzegovina** (Article 2(2) provides for an obligation as regards international instruments, reading "The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law." This principle is further developed in paragraph 6 of this article, which ordains that Bosnia and Herzegovina, and all courts, agencies, governmental organs, and instrumentalities operated by or within the Entities, shall apply and conform to the human rights and fundamental freedoms set forth in this basic principle.

The constitutions of the entities also include the prohibition and measures to protect persons vulnerable to threats and discrimination on the grounds of ethnic, cultural, linguistic or religious identity.

The observations of non-governmental organizations dealing with this reporting period sent to the Ministry contain no objections in relation to the freedoms provided in this article of the Framework Convention.

172. **The report of the Ministry of Justice of Bosnia and Herzegovina:** While preparing amendments to the Criminal Code, the Ministry of Justice of Bosnia and Herzegovina in cooperation with the Criminal Code Implementation Assessment Team included in Title XV of the BiH CC ("BiH Official Gazette", No. 8/10) a provision defining the offense of **Provoking ethnic, racial and religious hatred, conflicts and intolerance** among the constituent peoples and others, as well as among other people living or residing in Bosnia and Herzegovina, and prescribing imprisonment for a term of between three months and ten years.



173. Furthermore, the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (" BiH Official Gazette" No. 25/04, 93/05 15/08) incorporates provisions governing the rights and equal representation of constituent peoples and others and they are also contained in the Constitution of Bosnia and Herzegovina.

174. The Ministry of Justice of Bosnia and Herzegovina has recognized this need and, as part of their competences, continues the process of bringing the legislation of Bosnia and Herzegovina in line with international standards.

175. **From the report of the Federation Police Administration:** The report of the Federation Police Administration regarding Article 6 of the Framework Convention has the following information:

Recorded offenses under Article 163 of the Criminal Code of the Federation of Bosnia and Herzegovina (**Inciting National, Racial, Religious Hatred or Discord or Intolerance**):

**2007** - 8 criminal offences, 11 ones reported; **2008** - 7 criminal offences, 8 ones reported; **2009** -18 criminal offences, 15 ones reported; **2010** - 4 criminal offences, 3 ones reported; **2011** - 7 criminal offences, 6 ones reported.

176. Recorded offenses under Article **177** of the Criminal Code of the Federation of Bosnia and Herzegovina (**Infringement of the Equality of Citizen and Man**):

**2007** - 0 criminal offences; **2008** - 0 criminal offences;  
**2009** - 0 criminal offences; **2010** - 1 criminal offence, 1 reported;  
**2011** - 0 criminal offences.

177. **From the report of the Republika Srpska Ministry of the Interior Police Director:** We received the information from the report of the Republika Srpska Ministry of the Interior Police Director (respecting Article 6 of the Framework Convention) for the period between August 2007 and the end of 2011 that the Republika Srpska Ministry of the Interior – Police Director did not record any case involving intimidation or discrimination, hostility or violence on the grounds of ethnical, cultural, language or religious identity.

178. **From the report of the Police of the Brcko District of Bosnia and Herzegovina:** We received the information from the report of the Police of the Brcko District of Bosnia and Herzegovina respecting Article 6 of the Framework Convention for the period between August 2007 and the end of 2011 that the Police of the Brcko District of Bosnia and Herzegovina did not record any case involving intimidation or discrimination, hostility or violence on the grounds of ethnical, cultural, language or religious identity.

179. **From the report of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina:** We received the information from the report of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina respecting Article 6 of the Framework Convention that, when it comes to the number of registered cases of violation or failure to respect rights of national minorities, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina does not collect data on ethnicity of persons prosecuted or damaged, including data on members of national minorities.

## Article 7

**"The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion."**

180. Freedom of peaceful assembly and freedom of association with others is a fundamental right guaranteed by the Constitution of Bosnia and Herzegovina. In the reporting period members of all ethnic communities in Bosnia and Herzegovina continued to avail themselves of very liberal requirements set forth in the Law on Associations and Foundations of Bosnia and Herzegovina ("Official Gazette of BiH" no. 32/01) and laws of the Entities to register their associations as non-governmental organizations. So far, it has been the most common form of association of members of national minorities. According to information in our possession, only one association has applied for the status of association in the public interest (Article 13 of the Law), although most associations are likely to meet the requirements of this Law because they have "human rights and minority rights" as a programme activity. It is the Union of Associations of National Minorities of the Republika Srpska, which was granted the **status of association in the public interest** in the decision of the Government of the Republika Srpska on 4 November 2010. So, the amount of BAM 23,700 was awarded to them on these grounds in 2011.

Further, the Republika Srpska Government appropriated each year the amount of BAM 30,800 for the associations of national minorities in the Republika Srpska from the Republika Srpska budget in the reporting period (2007 to 2011).

181. **From the report of the Republika Srpska Ministry of the Interior Police Director:** We received the information from the report of the Republika Srpska Ministry of the Interior Police Director (respecting Article 7 of the Framework Convention) for the period between August 2007 and the end of 2011 that the Republika Srpska Ministry of the Interior – Police Director did not record any case involving a breach or violation of freedom of peaceful assembly, freedom of association, freedom of expression and freedom of thought, conscience and religion.

182. **From the report of the Police of the Brcko District of Bosnia and Herzegovina:** We received the information from the report of the Police of the Brcko District of Bosnia and Herzegovina respecting Article 7 of the Framework Convention for the period between August 2007 and the end of 2011 that the Police of the Brcko District of Bosnia and Herzegovina did not record any case involving a breach or violation of freedom of peaceful assembly, freedom of association, freedom of expression and freedom of thought, conscience and religion.

183. **From the report of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina:** We received the information from the report of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina respecting Article 7 of the Framework Convention that, when it comes to the number of registered cases of violation or failure to respect rights of national minorities, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina does not collect data on ethnicity of persons prosecuted or damaged, including data on members of national minorities.

## Article 8

**"The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations. "**

184. The Constitution of Bosnia and Herzegovina enshrines religious freedom, while the 2004 Law on Freedom of Religion and Legal Position of Churches and Religious Communities guarantees religious freedom and equality in rights and obligations of all churches and religious communities in Bosnia and Herzegovina without discrimination.

This Law guarantees to every person freedom of conscience and religion under the Constitution and the highest standards of human rights enshrined in international declarations and conventions on freedom of conscience and religion.

185. Pursuant to Article 8 of the Law on Religious Freedom, Bosnia and Herzegovina confirmed the continuation of the status of legal persons to Catholic Church, Islamic Community of BiH, the Serbian Orthodox Church and the Jewish Community of BiH, as well as to other churches and religious communities with this status, and guarantees their right to freely govern its own organization with full respect for freedom of conscience and religion.

186. All important matters of the free exercise of religion of interest to the four traditional churches and religious communities are addressed in consultation with the Inter-religious Council of Bosnia and Herzegovina, which was established in 1997. In 2008 the Council of Ministers and the Inter-religious Council signed a Memorandum of Understanding, which aims to support its efforts to build inter-religious dialogue, tolerance and religious coexistence in Bosnia and Herzegovina. The agreement provides for the obligation of the State to financially support the work of the Interreligious Council, which has already been complied with.

Getting back to normal life, return of refugees, capacity building and making professional police forces and courts certainly have reduced the number of incidents and increased interfaith tolerance. The competent institution takes measures to investigate violations of religious freedom and a majority of cases results in finding the perpetrators.

187. **From the report of the Ministry of the Interior of the Republika Srpska – Director of Police:** We received the information from the report of the Ministry of the Interior of the Republika Srpska – Director of Police respecting Article 8 of the Framework Convention for the period between August 2007 and the end of 2011 that the Ministry of the Interior of the Republika Srpska – Director of Police did not record any case involving preventing national minorities from freely expressing their religious beliefs or establishing religious institutions, organizations or associations.

188. **From the report of the Police of the Brcko District of Bosnia and Herzegovina:** We received the information from the report of the Police of the Brcko District of Bosnia and Herzegovina respecting Article 8 of the Framework Convention for the period between August 2007 and the end of 2011 that the Police of the Brcko District of Bosnia and Herzegovina did not record any case involving preventing national minorities from freely expressing their religious beliefs or establishing religious institutions, organizations or associations.

189. **From the report of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina:** We received the information from the report of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina respecting Article 8 of the Framework Convention that, when it comes to the number of registered cases of violation or failure to respect rights of national minorities, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina does not collect data on ethnicity of persons prosecuted or damaged, including data on members of national minorities.

### Article 9

**"1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.**

**2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**

**3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.**

**4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism"**

190. In its section on human rights and fundamental freedoms in the "catalogue of rights" the Constitution of Bosnia and Herzegovina provides for "h) freedom of expression", which is ensured to all persons without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. These fundamental freedoms imply absolute freedom in giving and receiving information.

191. The Law on the Protection of National Minorities of Bosnia and Herzegovina devotes adequate attention to the right of minorities to information (Article 15 and 16). In the reporting period this right of theirs under these articles was exercised more or less depending on the establishment of radio and television stations, newspapers and other press outlets.

Several radio and TV outlets were requested to provide the information on the number and type of programs and shows related to national minorities in Bosnia and Herzegovina, but we did not get the answers except from the Radio and Television of the Federation of Bosnia and Herzegovina.

192. **From the report of the Radio and Television of the Federation of Bosnia and Herzegovina**: We received the information from the report of the Radio and Television of the Federation of Bosnia and Herzegovina respecting the information programs and shows related to promotion, culture, customs, languages and tradition of national minorities of Bosnia and Herzegovina that the Radio and Television of the Federation of Bosnia and Herzegovina does not broadcast special programs and shows to this end. Indeed, as part of their regular programme, they occasionally broadcast news contributions covering this topic in relation with particular events. First of all they are about the Jewish and Roma national minorities mostly on the occasion of their religious and traditional holidays. Annually, it is about 10 news contributions dealing with each of these two national minorities. Unfortunately, accurate statistics are not collected.

193. So, in the reporting period the Radio and Television of the Federation of Bosnia and Herzegovina broadcast the following number of news contributions: Roma - 10 news contributions in 2007, Jews - 10 news contributions in 2007, Roma - 10 news contributions in 2008, Jews - 10 news contributions in 2008, Roma - 10 news contributions in 2009, Jews - 10 news contributions in 2009, Roma - 10 news contributions in 2010, Jews - 10 news contributions in 2010, Roma - about 7 news contributions in 2011, Jews - about 7 news contributions in 2011.

194. **From the report of the Communication Regulatory Agency of Bosnia and Herzegovina**: Since 2009 the legislation governing the setting up of a radio station intended for *inter alia* members of national minorities has been in place for Communications Regulatory Agency. In accordance with CRA Rule 58/2011 on the provision of radio services, the Agency issues a permit for non-profit radio stations, which is awarded on a non-exclusive basis and is intended for non-profit organizations established to protect and promote rights and interests of certain social groups. In addition, CRA Rule 57/2011 on public radio and television stations determines an obligation of local public stations to give *inter alia* 10% of the total weekly time slot for news and other informative and educational program on the broadcasting schedule for addressing matters relating to members of national minorities.

195. Communications Regulatory Agency has no data on the total number of TV and radio shows dealing with promotion and protection of national minorities in Bosnia and Herzegovina and did not receive any complaints from individuals, local institutions, civil society organizations or *ex officio* about inappropriate program content respecting national minorities in Bosnia and Herzegovina.

## Article 10

**"1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.**

**2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.**

**3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter."**

196. The specific post-war political climate in Bosnia and Herzegovina regarding the relationship between the three constituent peoples (Bosniaks, Croats and Serbs) and the use of official languages: Croatian, Serbian and Bosnian has diverted attention of the authorities and representatives of organized minorities from the exercise of the right to use one's own language that minorities have in accordance with the Framework Convention and the Law. **Given the lack of census (which did not occur in this reporting period) and identification of towns and villages where the cited provisions of the Law would possible be implemented, none of the minority communities have claimed their rights in this regard.** Demands in respect of the exercise of the right to language were expressed only in education where communities were requested to help in extra-curriculum classes of minority languages, which is discussed in the section on education above. The minority communities did not claim the linguistic rights in public sector services, social and health institutions or any other institutions.

197. **From the report of the Ministry of Justice of Bosnia and Herzegovina:** We received the information from the report of the Ministry of Justice of Bosnia and Herzegovina that the Criminal Procedure Code of Bosnia and Herzegovina Article 8 guarantees the right to language and script in a way that „Parties, witnesses and other participants in the proceedings shall have the right to use their own language in the course of the proceedings. If such a participant does not understand one of the official languages of Bosnia and Herzegovina (Bosnian, Croatian and Serbian), provisions shall be made for oral interpretation of the testimony of that person and other persons and interpretation of official documents and identifications and other written pieces of evidence.“

198. Further, the Council of Ministers of Bosnia and Herzegovina issued a decision on reimbursement of costs of criminal proceedings under the Criminal Procedure Code of Bosnia and Herzegovina, which regulates *inter alia* the payment of costs of translation into the languages of the parties, witnesses or other persons participating in criminal proceedings. These costs are paid in advance from the budget of the Prosecutor's Office or the Court and subsequently charged from the persons who are obliged to compensate for them under provisions of the Criminal Procedure Code of Bosnia and Herzegovina.

199. Further, the Law on Administrative Procedure of Bosnia and Herzegovina guarantees the right to use the language and script in a way that „If the procedure is not conducted in the party's language, the authority conducting the procedure shall be required to enable him to follow the course of the procedure in his language, as well as to deliver all summons and other letters to him in his language and script. The authority shall advise a party or another participant of the possibility to use his language in the procedure and it shall be entered in the record that the party or another participant has been advised of this right, as well as his statement related to the given advice.“

200. **From the report of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina:** We received the information from the report of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina respecting Articles 10 and 11 of the

Framework Convention that the Criminal Procedure Code of Bosnia and Herzegovina Articles 8(1) and 8(2) provide for an opportunity to use one's mother tongue in judicial proceedings.

### Article 11

**" 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**

**2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**

**3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications. "**

201. **Apart from constitutional guarantees**, which were taken over by determining that the Framework Convention is an integral part of the Constitution, the obligations deriving from this Convention's Article are particularly outlined in the Law on the Protection of National Minorities ("BiH Official Gazette" no. 12/2003). In this reporting period the right of persons belonging to national minorities to use their name in the minority language and to require it to be in public use as such was not disputed. Giving and the use of names in minority languages

were not complained about. This matter is legally regulated at the entity level and dealt with in practice in municipal registry offices.

202. The Law on the Protection of Minorities also determines that, in the cities and municipalities and local communities (or inhabited areas) in which national minorities constitute an absolute or relative majority of the population, the authorities ensure that the minority language is used between the members and authorities, institutions; that inscriptions are written in the language of the particular minority and that local names, street names and other topographical indications intended for the public are printed and displayed in the language of the minority that requires it. Further, the Law gives the authority to municipalities to specify this in their charters when members of minorities make up more than one third of the population.

203. Considering the size of minority communities in Bosnia and Herzegovina, there has been no request in this regard in places / towns populated by national minorities. These legal provisions could be easily implemented if there were requests after the census (which is expected very soon) and determination of the size of minority communities in certain

municipalities or urban areas, because the current information is that none of the minority communities in towns of Bosnia and Herzegovina meets the requirement of relative majority.

#### **Article 12**

**"1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**

**2. In this context the Parties shall *inter alia* provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**

**3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities."**

#### **Article 13**

**"1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**

**2. The exercise of this right shall not entail any financial obligation for the Parties."**

#### **Article 14**

**"1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.**

**2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**

**3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language."**

204. **Noting that the broad information about the right to education was given in the preceding (Second) Report** which was submitted in July 2007, we point out that the census is yet to occur and therefore it is not possible to identify interests and demands of minorities in terms of the Law on the Protection of National Minorities.

205. As stated in the previous report, the rights of national minorities in the field of education determined in laws of Bosnia and Herzegovina, entities and cantons can be viewed from two aspects:

- The exercise of the right to education of other minority communities in Bosnia and Herzegovina and
- The exercise of the right to education of Roma as the most numerous minority



206. Exercising the right to education of other minority communities in Bosnia and Herzegovina: it can be said conditionally that they have been integrated into economic, social, cultural and other social structures. Members of these minority communities put their education efforts primarily in providing supplementary lessons for children learning the language of the national minority. This function is successfully achieved through connections with diplomatic representatives and non-governmental organizations from the parent countries or through organized associations (NGOs), clubs of economically independent organizations of minorities (Slovenians, Jews, Hungarians).

207. In order to train teachers and establish a better contact between teachers and students from various communities, with support from the OSCE, the Manual on all national minorities in Bosnia and Herzegovina was issued for better familiarization with culture, history, customs, traditions and contributions of national minorities in BiH.

The Manual is a result of significant and extensive effort that began in 2008 and was carried out in 2009 and 2010, which consisted of seminars, workshops and lectures on national minorities, with the participation of representatives of national minorities' associations and the Ministry of Human Rights and Refugees, the Ministry of Education and Pedagogical Institutes from all levels of government in Bosnia and Herzegovina.

It was especially important to present this subject to children / students. The Manual is, therefore, designed for work with primary school students, but with methodical adjustment by the teacher / moderator, it can be used in secondary schools, seminars, workshops and the like.

This Manual, which was distributed to all BiH schools and ministries, can be used in schools in teaching history, geography, mother tongue, at class meetings, in teaching about ethics, environment and society or in work in clubs and supplemental classes.

208. The Methodological Manual for teachers / moderators, which provides such a possibility and encourages teachers'/moderators' creativity and animates students or members of the working group, was developed as a supplement to the Manual.

The Methodical Manual gives methodical and didactic examples elaborated so that they can be used outside of school, in seminars, meetings on various compatible themes, workshops and the like.

**209. The Framework Law on Primary and Secondary Education of Bosnia and Herzegovina ensures equal access to education at all levels for members of other minority communities in BiH.**

210. However, in the field of education the position of Roma as the most numerous national minority in Bosnia and Herzegovina required a different approach and involvement of government, considering the fact that a high-quality education for Roma is the only way out of the circle of marginalization and social isolation.

Bosnia and Herzegovina had earlier adopted the Plan of Action on Educational Needs of Roma and Other National Minorities of BiH, which needed to be revised after Bosnia and Herzegovina had joined the Decade of Roma Inclusion (2005 - 2015) in order to ensure

resolution of the issue of a better and more responsible approach to the right to education of Roma children as the most numerous national minority in Bosnia and Herzegovina.

The Action Plan on Educational Needs of Roma and Other National Minorities of BiH, which was signed by all competent ministers of education of Bosnia and Herzegovina in 2004, enabled the Roma as the largest national minority in BiH formal equality in access to education law, though.

211. The revised Action Plan for Bosnia and Herzegovina on Educational Needs of Roma was made in accordance with recommendations and proposals agreed at the 16th meeting of the International Steering Committee of the Decade of Roma Inclusion.

This document, which the Council of Ministers of Bosnia and Herzegovina reviewed and adopted at the 128<sup>th</sup> meeting held on 14 July 2010, defines four goals and 47 measures so that this marginalized group of children could have equal access to high-quality education and acquire necessary skills to later better integrate into society.

212. In accordance with a conclusion of the Council of Ministers, the Minister of Human Rights and Refugees of BiH issued a decision on the establishment of an expert team to monitor the implementation of the Revised Action Plan of BiH on Educational Needs of Roma ("Official Gazette of BiH", No. 5/11) and, followed by appointments by the relevant ministries, a network in support of the expert team was set up.

The expert team developed a data collection methodology and made a preliminary report, while the first report on monitoring the implementation of the Revised Action Plan of BiH on Educational Needs of Roma in 2011 is at the final stage.

In 2011 the Ministry of Human Rights put an emphasis on monitoring the implementation of the Revised Action Plan of BiH on Educational Needs of Roma, but also on the improvement of access to preschool education for children from the Roma community, which is the main feature of a UNICEF-supported project. This project was implemented in 11 locations in BiH and included 240 Roma children, which resulted in increased enrolment of Roma children in the first grade of primary school in 2011/2012.

The project provided scholarships to two Roma students who enrolled in the Pedagogical Faculty - Department of Preschool Institutions this September and they will be the first Roma teachers in preschool institutions in Bosnia and Herzegovina.

213. **From the report of the Ministry of Civil Affairs of Bosnia and Herzegovina – Education Department:** The Ministry of Civil Affairs of Bosnia and Herzegovina Education Department proposed the framework legislation whose particular articles contain provisions that promote the protection of national minorities in education. Since August 2007 the following three framework laws: the Framework Law on Preschool Upbringing and Education of Bosnia and Herzegovina (BiH Official Gazette No. 88/07), the Framework Law on Vocational Education and Training of Bosnia and Herzegovina (BiH Official Gazette No. 63/08) and the Framework Law on Higher Education of Bosnia and Herzegovina (BiH Official Gazette No. 59/07 and 59/09) have been passed.

214. Article 6(1) of the Framework Law on Preschool Upbringing and Education of Bosnia and Herzegovina provides that each child shall have equal right of access and equal

opportunities to participate in an appropriate upbringing and education system without discrimination on any ground. Further, Article 10 provides that the language and culture of all constitutional peoples and every national minority living in Bosnia and Herzegovina shall be respected and included in preschool institutions in compliance with the Constitution of Bosnia and Herzegovina and the European Convention on Protection of Human Rights and Fundamental Freedoms, the Framework Convention for the Protection of Minorities and Convention of the Rights of the Child.

215. Article 8(6) of the Framework Law on Vocational Education and Training of Bosnia and Herzegovina provides that education of children belonging to national minorities shall be carried out in pursuance of the Law on the Protection of National Minorities of Bosnia and Herzegovina (BiH Official Gazette No. 12/03) in the language and script of national minorities in accordance with the framework and other laws governing the education system in Bosnia and Herzegovina.

216. Article 7(2) of the Framework Law on Higher Education of Bosnia and Herzegovina provides that access to higher education shall not be restricted, either directly or indirectly, based on any actual or assumed grounds such as: sex, race, sexual orientation, physical or other disability, marital status, colour of skin, language, religion, political or other opinion, national, ethnic or social origin, affiliation with an ethnic community, property, birth, age or any other status.

According to the information received from the relevant educational authorities in the Republika Srpska, the cantons in the Federation of Bosnia and Herzegovina and the Brcko District of Bosnia and Herzegovina, in order to implement this legislation, which regulates equal access to education, in Bosnia and Herzegovina the rules above are intensively implemented.

217. **From the report of the Ministry of Education and Culture of the Republika Srpska:** We received the information from the report of the Ministry of Education and Culture of the Republika Srpska about the legislation of Bosnia and Herzegovina and Republika Srpska applicable to education of national minorities.

218. The Republika Srpska has the Law on Preschool Upbringing and Education of Republika Srpska (2008), the Law on Primary School Upbringing and Education (2008), the Law on Secondary School Upbringing and Education (2008), the Law on Higher Education (2010). These laws regulate the field of education for all children citizens of Republika Srpska (all ages) and thereby for members of all national minorities living in the Republika Srpska. The Republika Srpska has the Book of Rules on Education of Children Belonging to National Minorities (Republika Srpska, 2004).

Pursuant to Article 8(1) of the Law on Preschool Upbringing and Education children members of national minorities may be taught in their mother tongue or bilingually.

In primary and secondary schools of the Republika Srpska, language and culture of national minorities shall be respected and used to the fullest extent possible, which is in accordance with the Framework Convention for the Protection of National Minorities and the Law on Protection of Rights of Members of National Minorities (Republika Srpska Official Gazette No. 2/05).

219. At a meeting with a delegation of the Republika Srpska Government, Ana Smith Asmunssen, a member of the Working Group of the Advisory Committee of the Council of Europe Framework Convention for the Protection of National Minorities, said that she could see a genuine commitment of authorities in the Republika Srpska at all levels to do their best to advance the status of national minorities. The Republika Srpska has a Council of National Minorities. When it comes to the Roma community, there is still a long way to go and there are difficulties faced by all countries of Europe.

220. According to statistics, 2.47%, 5.99% and 9.47% Republika Srpska pre-school children under three years of age, from three to five years and above five, respectively, are included in pre-school education. The total of 12.08% of children in the Republika Srpska is included in pre-school education.

100% children of primary school age attend primary school in the Republika Srpska.

97% children of secondary school age attend secondary school in the Republika Srpska (as if it was mandatory).

40% of leavers from secondary school continue education in higher education institutions in the Republika Srpska (25% in the Federation of BiH).

221. In the Republika Srpska the Ministry of Education and Culture of Republika Srpska provides free textbooks for all students of the first and second grades. The free textbooks are provided to Roma children of primary school age by local communities.

Further, the Ministry of Education and Culture of Republika Srpska provides free fares to all students of primary schools in the Republika Srpska whose schools are four or more kilometres far away from their residence.

222. Children belonging to national minorities are included in the regular education system and schools are trying as much as possible to enable them to study languages and cultural heritage of national minorities. In the last three years there has been a rise in the number of Roma children in primary schools of the Republika Srpska. Monitoring the trend of enrolment of Roma children in primary schools is made difficult by a very frequent situation that Roma children are not entered in the registers and the municipality does not have records of children to be enrolled.

223. In the Republika Srpska, in primary schools where a class has at least 18 students of other nationality, as well as in some satellite schools attended only by children returnees, the national group of subjects (language, history, geography, science and society) are taught in accordance with the ethnic composition of students. Religious education as a national subject is taught in almost all schools in the Republika Srpska.

224. As for the education of national minorities – in 2007 the Ministry of Education and Culture of the Republika Srpska endorsed an initiative to participate in the creation of policies related to education of Ukrainians in the Republika Srpska, which was given by the Coordinating Union of Ukrainian Organizations in the Republika Srpska. The Roma community takes part in secondary education to a lesser extent in relation to primary education and it can be said that Roma attending secondary schools in the Republika Srpska is sporadic. The Action Plan on the Educational Needs of Roma includes the promotion of

systemic changes to ensure respect for the educational needs of Roma: the removal of financial and administrative barriers to enrolment and school completion, the preservation of Romani language and culture and obtaining support and participation of parents and children of the Roma community in the education of their children.

The Republika Srpska has fully solved the issue of national representation in school boards and parent councils in accordance with the national structure of students.

225. **From the report of the Federation Ministry of Education and Science:** In its programmes the Federation Ministry of Education and Science paid special attention to improving education for all pupils of the Roma minority in the Federation. For the purpose of protecting rights of every child to a decent life, education, happy childhood, regardless of skin colour, social origin or national identity, in the past four years, the Ministry supported through various programs more than 100 projects for which funds allocated amounted to around half a million. They were different projects, including education of the Roma children of preschool age, furnishing Roma educational centres, supplemental instructions in Roma language, projects for designing a page in the Roma language in children's magazines, funding vacations of Roma children, encouraging Roma parents to play an active role in the educational system, further education of adult Roma, subsidies for Roma education in higher education institutions etc.

226. The Ministry issued a Roma-Bosnian and Bosnian-Roma dictionary - the first dictionary of its kind which was printed in Bosnia and Herzegovina in the Bosnian language, which was a further step towards the standardization of the Roma language. The author of this vocabulary was Hedina Tahirovic – Sijercic.

227. In order to implement the Action Plan on the Educational Needs of Roma and Other Ethnic Minorities, the Ministry provided free textbooks for Roma and economically disadvantaged children who attend primary school in the Federation of Bosnia and Herzegovina.

228. The Ministry helped Roma children with enrolment in secondary schools in cases where they encountered administrative and other obstacles and awarded scholarships to all members of the Roma community who enrolled at a university.

229. The Ministry ensured on-going financial support to Roma associations in the Federation dealing with Roma education.

230. Representatives of the Ministry participated in the drafting of action plans for Roma in employment, housing and health care, a representative of the Ministry is a member of the BiH Roma Board and participates in all activities relating to the status of Roma, particularly in addressing the issue of registration of Roma into registers of births, marriages and deaths.

231. This year the major exercise of the Federation Ministry of Education was a revision of the Action Plan on the Educational Needs of Roma and Other Ethnic Minorities, because this Action Plan has proved to need changes and the changes should be appropriate to the present time and experiences arisen from the Action Plan. This Action Plan was adopted by the Council of Ministers in October 2010 and was printed in 2000 copies in four languages and they were: Serbian, Bosnian, Croatian and English, in order to fully inform the public of its contents.

232. A representative of the Ministry sits on the expert team to monitor the implementation of the Revised Action Plan on the Educational Needs of Roma and Other National Minorities, which is, at this stage, most focused on statistics as an essential prerequisite for the quality and quantity of proper actions to be taken at all levels of government starting with the level of Bosnia and Herzegovina, through the entities, cantons, municipalities, schools, to local communities.

### **Article 15**

**"The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them"**

**233. (OBSERVATIONS ON ARTICLE 15 HAVE BEEN GIVEN WITH OBSERVATIONS ON ARTICLES 5 I 6 ABOVE)**

234. **From the report of the Ministry of Finance and Treasury of Bosnia and Herzegovina**: We received the following information from the report of the Ministry of Finance and Treasury of Bosnia and Herzegovina:

After having examined annual reports on budget execution of Bosnia and Herzegovina institutions and international liabilities of BiH for the period 2007 - 2010, according to the records of the Ministry of Finance and Treasury of Bosnia and Herzegovina, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina spent the following amounts under the line of Current Grants:

#### **1. Special Purpose Programme – Roma Board**

2007 – budget: BAM 50,000.00; BAM 42,179.00 was spent

#### **2.Grants awarded to Roma NGOs**

2008 budget: BAM 30,000.00; BAM 30,000.00 was spent

2009 budget: BAM 75,000.00; BAM 75,000.00 was spent

2010 budget: BAM 75,000.00; BAM 75,000.00 was spent

#### **3. Funding of the Jewish community - Holocaust Remembrance Day**

2008 budget: BAM 15,000.00; BAM 15,000.00 was spent

2009 budget: BAM 15,000.00; BAM 15,000.00 was spent

2010 budget: BAM 15,000.00; BAM 15,000.00 was spent

#### **3. Addressing Roma issues in the fields of employment, housing and health care**

2009 budget: BAM 3,000,000.00; BAM 2,700,000.00 was spent

2010 budget: BAM 3,000,000.00; BAM 2,949,000.00 was spent

235. Bearing in mind that the Law on Budget of Bosnia and Herzegovina Institutions and International Liabilities of BiH in 2011 was not adopted, consequently the 2011 expenses that cannot be paid include current grants that cannot be paid, except for those covered by the decision of the Council of Ministers of Bosnia and Herzegovina that approved an amount of BAM 15,000 from the budget reserves to be paid to the Jewish Community in Bosnia and Herzegovina.

## Article 16

**" The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention."**

236. **Also in this reporting period** the implementation of Annex 7 of the General Framework Peace Agreement continues to be the key issue of the Agreement, engaging local authorities and international organizations throughout the period.

The implementation of property laws and repossession of property by owners were completed throughout Bosnia and Herzegovina and now damaged and destroyed buildings are being reconstructed and repaired and sustainable return is being ensured. The Council of Ministers of Bosnia and Herzegovina and all levels of government in Bosnia and Herzegovina allocate enough funds for these purposes each year. The allocated funds are insufficient to meet the needs, so greater involvement of international organizations and institutions is sought and expected to this end.

Given the returnees are not statistically disaggregated by nationality we can assume that the return of minorities is commensurate with their pre-war share in the population of Bosnia and Herzegovina.

After a census or other type of survey it will be possible to ascertain changes that have occurred in the numbers of the minority population in each particular city, municipality and built-in-area in Bosnia and Herzegovina.

## Article 17

**"1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.**

**2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels."**

237. **The Council of Ministers of Bosnia and Herzegovina**, government entities and lower authorities continued (in this reporting period, too) the policy of not bringing or taking restrictive measures with regard to cooperation and contacts of members of national minorities or their associations with other countries/countries with whom they share common features and characteristics. The authorities of Bosnia and Herzegovina particularly welcomed and encouraged their participation in nongovernmental organizations both nationally and internationally.

The website of the Ministry of Civil Affairs of Bosnia and Herzegovina gives a list of valid agreements signed in the field of culture, addressing cultural cooperation and providing a general framework and basis for the cooperation.

## Article 18

**"1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.**

**2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation."**

238. **Given Bosnia and Herzegovina** has 17 minority communities (recognized), of which 15 have parent countries, conditionally, it is extremely interested in conclusion of bilateral and multilateral agreements on the protection of national minorities with other countries.

239. **From the report of the Directorate of European Integration:** We received the information from the report of the Directorate for European Integration that in the Component II of the Instrument for Pre-Accession Assistance (IPA) Bosnia and Herzegovina is eligible to participate in cross-border and transnational cooperation. In accordance with Council Regulation (EC) no. 1085/2006 of 17 July 2006 establishing an Instrument for Pre-accession Assistance, IPA cross-border strategic objectives of cooperation are:

- a) Promoting good neighbourly relations, fostering stability, security and prosperity in the mutual interest of all countries concerned, and of encouraging their harmonious, balanced and sustainable development;
- b) Promoting integration into the European Union of potential candidate countries and candidate countries through participation in these programmes;
- c) Acceleration of cooperation between local authorities, NGOs, associations, civic associations, etc. from neighbouring countries to strengthen their capacity to prepare cross-border projects and networks, while strengthening the economic, social and territorial development of the area at the same time.

240. The second component of the IPA is an opportunity for Bosnia and Herzegovina to participate in the following 6 programs:

1. IPA Adriatic Cross-border Cooperation Programme;
2. Croatia and BiH IPA Cross-Border Cooperation Programme;
3. Serbia and BiH IPA Cross-Border Cooperation Programme;
4. Montenegro and BiH IPA Cross-Border Cooperation Programme;
5. IPA Transnational Programme (South-East Europe);
6. IPA Transnational Programme (Mediterranean region).

These programs have been adopted by the European Commission financially supporting them (grant funds) through its own funds and through the joint preparation and publication of calls for projects proposals addressed to countries to take part in the respective programmes.

241. The IPA Cross-border Programmes are structured along the following priorities:

- support to cross-border economic, social and territorial cooperation;



- addressing general difficulties and challenges in the field of natural and cultural heritage, protecting the environment, public health, suppression and fight against organized crime;
- support to small-scale local cooperation (promotion of people-to-people actions).

Entities eligible to participate in these programs are defined in the very public invitation (depending on the purpose of an invitation) taking into account the fact that potential applicants must be legal persons that operate on a non-profit basis and in compliance with the rules of cross-border cooperation (joint preparation, funding, implementation and project staff).

## **PART THREE - SPECIFIC ISSUES**

242. Discussing specific issues we have tried to give short answers (for the reporting period) to the **Recommendations in respect of Bosnia and Herzegovina** given in the **Resolution CM/ResCMN(2009)6 on the implementation of the Framework Convention for the Protection of National Minorities by Bosnia and Herzegovina, adopted by the Committee of Ministers on 9 December 2009 at the 1073rd meeting of the Ministers' Deputies.**

### **1. Consider the possibility of introducing, in the legal order, new terminology to be used to refer to persons belonging to national minorities;**

Enforcement and implementation of the judgment of the European Court of Human Rights in Strasbourg (*Sejdic-Finci*) will enable persons belonging to national minorities in Bosnia and Herzegovina to have equal status with the other three constituent nations when it comes to participation in public and political life. The Parliament of Bosnia and Herzegovina formed **an interim joint commission of both Houses of Parliament of Bosnia and Herzegovina** for the execution of this judgment.

In accordance with the judgment of the European Court of Human Rights in this case, the task of the Interim Commission is to prepare and submit, through an authorized proponent, a proposal of amendments to the Constitution of Bosnia and Herzegovina and a proposal of amendments to the Election Law to the Parliament for passage.

The deadline for the preparation of constitutional amendment was 30 November and the Commission to prepare the amendments to the Election Law, which will consist of representatives of all 13 parliamentary parties, will have to finish them by 31 December 2011. We believe that the agreement and the formation of the new Council of Ministers of Bosnia and Herzegovina will bring about a satisfactory solution without any discriminatory provisions against national minorities and members of "Others" and introduce, in the legal order, new terminology to be used to refer to persons belonging to national minorities.

### **2. Take determined measures and mobilise the necessary resources to ensure the effective implementation of the action plans for the Roma in the fields of employment, housing and health care, in close co-operation with the latter's representatives; continue the active implementation of the Action Plan on the Educational Needs of Roma and Members of other National Minorities, focusing on participatory monitoring and evaluation of the measures taken so far;**

Joining the **Decade of Roma Inclusion 2005-2015** in 2008, Bosnia and Herzegovina committed to remedy the Roma situation in BiH in all segments of society. Along these lines a methodology and an implementation plan for the funds that the State earmarked in the budget and allocated for the implementation of the 2008 Action Plan of Bosnia and Herzegovina to address the issue of Roma in the following areas: housing, employment and health care were designed. The plan of activities for education needs of Roma and other national minorities previously adopted (2004) was revised in the part respecting Roma

education and adopted by the BiH Council of Ministers in 2010. In order to successfully and effectively carry out activities at the state level, needs of the Roma in BiH were registered and a database of Roma people in BiH is being developed. Currently, operational activities for the realization and implementation of the Action Plan adopted by Bosnia and Herzegovina of Roma to address Roma issues in these areas is being carried out in the field, which we have specifically addressed at the beginning of the report.

### **3. Envisage collecting comprehensive up-to-date data on the situation of national minorities while complying with international standards regarding the protection of personal data;**

Recognizing the importance of **collecting comprehensive up-to-date data on the situation of national minorities in** Bosnia and Herzegovina, especially of Roma, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina provided funds and implemented the Roma Needs Registration Program in Bosnia and Herzegovina which started in 23 November 2009. The programme was implemented simultaneously by 10 operational teams of which 6 were established in the Federation of BiH, 3 ones in the Republika Srpska and one in the Brcko District of Bosnia and Herzegovina. All the teams were deployed in accordance with the proximity of municipalities where a majority of Roma lived. The data aggregated after the process of recoding showed that in Bosnia and Herzegovina **16,771 Roma or 4,308 households were recorded at the time**. This is not a completed programme and there is the possibility of subsequent registration of individuals or household in the municipal centres of social work.

### **4. Take a more determined approach to combating all forms of discrimination on ethnic, national or religious grounds, prosecute incitement to racial or religious hatred and discourage expressions of prejudice and stereotype, including in the media and politics;**

In 2009 the Law of Bosnia and Herzegovina Against Discrimination („BiH Official Gazette“ No. 59/09.), which was founded on and designed according to the European standards, was adopted. Provisions of the Law protect the citizens of Bosnia and Herzegovina against discrimination in all spheres of life and work, covering: employment, social and health care, justice and administration, housing, public information, education, sports, culture, science, economy etc., all forms of harassment, sexual harassment, mobbing, incitement to segregation or discrimination. Under this Law, all public authorities have an obligation and duty to fight against discrimination and to refrain from it, removing any obstacles that may directly or indirectly be result of discrimination. These institutions also have a duty to actively create and make the conditions for equal treatment. They must work to change and adopt the laws, policies and practices of work, but all in accordance with the Law Against Discrimination. Currently also the Book of Rules for monitoring of discrimination cases, which provides for a unique discrimination cases database to be established by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina is being prepared. Pursuant to the Law Against Discrimination, Bosnia and Herzegovina has enacted the Law on Prohibition of Violence in Sports Competitions and Amendments to the Civil Service Law at the level of Bosnia and Herzegovina, incorporating more detailed provisions relating to discrimination and mobbing in workplace.

Bosnia and Herzegovina condemns any form of any advertising which encourages intolerance and racial discrimination and the competent authorities at all levels of government will be warned about the significance of the declaration under Article 14 of the Convention on the

Elimination of Racial and Other Forms of Discrimination, which was recommended during the most recent successful presentation of the seventh and eighth periodic reports before the competent Committee of the United Nations.

Bosnia and Herzegovina has incorporated the postulates of the International Convention on the Elimination of All Forms of Racial Discrimination into the Criminal Code, prescribing penalties for crimes against humanity, genocide, war crimes against civilians, war crimes against the wounded and the sick, war crimes against prisoners, organising groups of people and encouragement to committing the crimes of genocide, crimes against humanity and war crimes, violation of the equality of man and of the citizen, devastation of cultural, historical and religious monuments and has thus established legislative mechanisms to protect human rights and fundamental freedoms for all without distinction as to race, sex, language or religion and so on.

Further, in order to eliminate discrimination in sports, at the state level the Law on Sports, which will contribute to elimination of incidents/riots in sports fields, was passed.

Regarding the measures which Bosnia and Herzegovina has taken and continuously takes in applying basic provisions of multilateral treaties (notably the UN Convention on the Elimination of Racial Discrimination), we state the following:

1. A single Institution of Ombudsman for human rights was established, which is fully operational (the Entity Institutions of Ombudsman were abolished and the process of transfer of responsibilities from the Entity Ombudsmen to Bosnia and Herzegovina Ombudsmen was successfully completed).

3. **The Commission for Human Rights, Immigration, Refugees and Asylum** operates within the Parliamentary Assembly of Bosnia and Herzegovina and its main task is the protection of fundamental human rights and fundamental freedoms, guaranteed in the Constitution and laws of Bosnia and Herzegovina.

4. Pursuant to Articles IV and V of the Constitution efforts are made to resolve the right of national minorities which are treated as "Others" by the Constitution, which the Strasbourg Court characterized as discrimination in its judgment in "*Sejdic and Finci vs. Bosnia and Herzegovina*", because it favours and gives special privileges and benefits to the constituent peoples (Bosniaks, Serbs and Croats) in relation to other 17 ethnic groups in Bosnia and Herzegovina, which were established in the Law on the Protection of National Minorities adopted in 2003. This problem in Bosnia and Herzegovina is expected to be resolved soon in accordance with the judgment of the Court in Strasbourg, since the Council of Ministers of Bosnia and Herzegovina is working out this problem and has brought the Action Plan for implementation of the mentioned judgment of the Court of Human Rights in Strasbourg.

4. Bosnia and Herzegovina is continuously making efforts and, with the activities of Communications Regulatory Agency, which operates at the state level, takes the necessary measures to combat incitement of violence motivated by hatred, which is marketed by the abuse of the press, audio-visual, electronic media and new communication technologies. In this way, in accordance with international standards Bosnia and Herzegovina makes efforts to provide freedom of the press, freedom of speech and expression and to punish every encouragement to hatred or violence.

5. Based on the past unfortunate negative experiences from the tragic conflict on its territory, Bosnia and Herzegovina has taken the initiative to enact the Law on the Prohibition of all Fascist and Neo-Fascist Organizations in Bosnia and Herzegovina, which is currently in the parliamentary procedure of adoption.

6. First of all, it is necessary to note that Bosnia and Herzegovina is committed to maintain a multicultural society by strengthening mutual dialogue as the primary means of connecting the diversities and the development of tolerance in society.

7. Regarding the census in Bosnia and Herzegovina, the authorities have made preparations for it (the Agency of Statistics), although a political consensus to start the process has not been reached yet and it is expected to be reached in 2012 so that the census will be carried out.

The establishment of international bodies for the protection of human rights, including bodies of the Council of Europe (ECRI) and the UN (CERD) to combat racism, intolerance and prevent all forms of discrimination and the adoption of the Durban Declaration and Programme of Action efficiently contributes to strengthening the mechanisms for the protection of human rights through raising awareness of target groups in order to strengthen tolerance, link diversities, guarantee equality before the law, the right to equal access to courts, the right to freedom of conscience and religion, right to education etc.

#### **5. Take resolute steps to counteract the worrying trend towards increased school segregation of pupils along ethnic lines;**

In this reporting period authorities of Bosnia and Herzegovina tried to reduce segregation and promote inclusion. However, it should be noted that the phenomenon of **“two schools under one roof”, i.e. segregation and division of students based on the ethnicity, includes children of the constituent nations and not Roma children or any other national minorities.**

Despite intensive efforts and calls of PIC, the Office of the High Representative and pressures exerted by the international community, unfortunately, there are still schools that operate as **«two schools under one roof»**. This problem is present in Middle Bosnia Canton, Herzegovina-Neretva Canton and Zenica - Doboje Canton. In general, the cantonal authorities have not done much to solve this problem. The "two schools under one roof" is contrary to the principles set out in the key document titled "Education Reform - Message to BiH Citizens".

Obligations of Bosnia and Herzegovina incurred after accession to the Council of Europe (2002) include termination of segregation in schools. This is confirmed by the European Partnership (2007) signed with the European Union. As stated in the monitoring report of the Council of Europe (2008): "The European future of the country largely depends on the abilities of different authorities and communities to develop a common educational framework".

Bearing in mind these obligations at the level of Bosnia and Herzegovina, the Conference of Ministers of Education in Bosnia and Herzegovina expressed its willingness and its commitment to examine the current state of educational institutions in the Federation of

Bosnia and Herzegovina where the specific phenomenon called “two schools under one roof” was recorded.

In the period between 2008 and 2010, as mandated, the Ministry of Civil Affairs of Bosnia and Herzegovina put the phenomenon of „two schools under one roof “ on the agenda of five out of twelve meetings of the Conference of Ministers of Education in Bosnia and Herzegovina. In 2008 a working group was appointed and tasked with preparing a report, a detailed analysis and recommendations for overcoming the phenomenon of „two schools under one roof“. The Conference of Education Ministers of BiH did not adopt the report of the Working Group, finding it to be unsatisfactory and another working group was established, this time led by the OSCE. The new Working Group was tasked specifically to primarily define term of „two schools under one roof“ and explain how it connects with the concept of discrimination and segregation in the education system of BiH, because there are many possibilities for the organization of two schools under one roof without segregation and discrimination. For example, there are cases of a primary and a secondary school located in the same building in small towns across the country.

However, the Conference of Ministers of Education in Bosnia and Herzegovina did not adopt the report on „two schools under one roof“ produced by the new working group led by the OSCE either because the proposed definition did not connect this phenomenon with segregation in schools, nor did it propose appropriate solutions for overcoming the situation.

Further, ministers of education from the cantons with this phenomenon strongly denied any form of segregation in „two schools under one roof“. As a matter of fact, they believe that this is one method that protects the fundamental right of children to education in mother tongue. In their opinion, „two schools under one roof“ is not a problem and they sought that treating this phenomenon as a political problem should be stopped. Therefore, the conclusion of the 11th meeting of the Conference of Ministers of Education of BiH, held on 30 March 2010, when the phenomenon of "two schools under one roof" was last discussed, was as follows:

“The Federation Ministry of Education and Science, with the relevant ministries of the Herzegovina-Neretva Canton, Middle Bosnia Canton and Zenica-Doboj Canton, with the participation of the Ministry of Civil Affairs, should follow up on this issue, starting with redefinition of term “two schools under one roof”. In addition, the competent education authorities undertake to consider all possible forms of discrimination and segregation in education and take strong measures for their removal, in order to meet Council of Europe post-accession requirements and priorities defined in the "European Partnership for BiH." All relevant ministries of education in BiH are obliged to periodically inform the Conference of Education Ministers of BiH on the measures and activities taken in relation to this issue”.

However, it should be noted that the phenomenon of "two schools under one roof", i.e. segregation of students in schools along national lines, includes children of the constituent nations and not children of the Roma minority.

**6. Take all possible steps to ensure that the Councils of National Minorities can effectively perform their role and are thus able to improve the participation of persons belonging to national minorities in public affairs; adopt, where necessary, legislative and**

**practical measures to allow improved representation of national minorities, and in particular of the Roma, in elected bodies, especially at the local level;**

Authorities in Bosnia and Herzegovina recognized the importance of the establishment, existence and activities of the Councils of National Minorities within the Parliamentary Assembly of Bosnia and Herzegovina, the Republika Srpska National Assembly and the Parliament of the Federation of Bosnia and Herzegovina, the Union of National Minorities of RS and registered associations of national minorities in Bosnia and Herzegovina. The establishment of certain cantonal councils of national minorities (Sarajevo and Tuzla Cantons) is at final stage. In this sense, all levels of government provide financial, professional and administrative support and office space in order for the Councils to successfully play their advisory role and thus be able to improve the participation of national minorities of Bosnia and Herzegovina in all spheres of life.

**7. Strive to give national minorities more substantial support on a regular basis with a view to preserving and developing their cultural heritage and languages;**

We believe that in this reporting period we achieved that all levels of government of Bosnia and Herzegovina provided substantial and regular support in order to preserve and develop their cultural heritage and language. State, entity, cantonal and local communities (municipalities) at all levels provide funding (depending on their capabilities), office space, donations and grants for capacity building and operation of associations of national minorities in Bosnia and Herzegovina and the preservation and development of their cultural heritage, language, traditions and customs. Here we should especially mention the great support given in the last few years by local communities in municipalities in all aspects of life, work and activities of national minorities in Bosnia and Herzegovina. This was noticed and recognized by international organizations and institutions, so that in 2008 the first prize of the Council of Europe "Enough" (47 countries of the Council of Europe took part in the competition) was awarded to towns in Bosnia and Herzegovina: Mostar and Prijedor for the progress made in a new approach to solving Roma issues. In 2007 the Council of Europe's first prize winners were again towns of Bosnia and Herzegovina: Vitez and Banja Luka.

**8. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, carry out an assessment of the needs and demand of persons belonging to national minorities regarding the use of minority languages in relations with administrative authorities and on topographical signs and regarding teaching in and of these languages.**

Bosnia and Herzegovina ratified the European Charter for Regional or Minority Languages

on 21 September 2010 as a Council of Europe post-accession obligation. In this sense, the

authorities of Bosnia and Herzegovina will follow-up on it after the census, which is expected in 2012, by carrying out assessment of national minorities' needs in the areas / cities where the people belonging to national minorities appear to live traditionally or in substantial numbers, in relation to the use of minority languages in courts, administrative bodies and education in the languages of certain national minorities in Bosnia and Herzegovina.

## **PROPOSED CONCLUSIONS**

1. The Council of Ministers of Bosnia and Herzegovina adopted the Third Report of Bosnia and Herzegovina on legislative and other measures to implement the principles set out in the Framework Convention for the Protection of National Minorities.

2. The Third Report of Bosnia and Herzegovina on legislative and other measures to implement the principles set out in the Framework Convention for the Protection of National Minorities will be submitted to the Advisory Committee of the Council of Europe in Strasbourg for consideration.



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