

EF.DEL/67/05
26 May 2005

**MINISTRY OF FOREIGN AFFAIRS
OF SERBIA AND MONTENEGRO
Directorate for OSCE and CoE**

ENGLISH only

STATEMENT

**by Milorad Scepanovic, Director of the Directorate for OSCE and CoE
at the 13th OSCE Economic Forum**

**Policies of Integrating persons belonging to national minorities:
(Session VII)**

Prague, May 2005

**MINISTRY OF FOREIGN AFFAIRS
OF SERBIA AND MONTENEGRO
Directorate for OSCE and CoE**

STATEMENT

**by Milorad Scepanovic, Director of the Directorate for OSCE and CoE
at the 13th OSCE Economic Forum**

**Policies of Integrating persons belonging to national minorities
(Session VII)**

**Mr. Chairman,
Excellencies,
Ladies and Gentlemen,**

1. Integrating persons belonging to national minorities into public life and government bodies

Centuries of demographic migrations caused by wars, economic crises, political persecution, etc. have led to the settlement of various ethnic groups in other countries, thus creating the need for the protection of their social, legal, cultural and political status. Creation of multi-ethnic societies throughout the world is a specific feature of the 21st century so that a mono-ethnic social structure is almost impossible to find nowadays. Global political, economic and social processes favour creation of multi-religious and multi-ethnic states with a high level of human rights protection. Political stability of modern states is guaranteed by promoting multi-ethnic structures through socio-economic cohesion of different national minorities as well as their integration into public life and government.

The promotion of the rights and status of national minorities in Serbia and Montenegro has begun by shaping a new policy on minorities and by implementing the Law on the Protection of the Rights and Freedoms of National Minorities in 2002. In that respect, twelve national councils¹ have been established in Serbia and Montenegro so far

¹ **National councils** are bodies representing national minorities as collective entities. They act as consulting bodies to authorities in the fields of culture, education, informing in languages of national minorities and official use of their languages and scripts. A certain level of public legal empowering can be conveyed to these councils. (**The Law on the Protection of the Rights and Freedoms of National Minorities**, passed in 2002, brings a number of solutions regulating implementation of individual and collective rights of national minorities.)

–namely, the councils of Bosniac, Bulgarian, Croatian, Roma, Backa-Croatian, Slovak, Ruthenian, Hungarian and other national minorities.

The minority councils are bodies representing respective minorities in the fields of education, culture, media and official use of their languages and scripts. Since they are in the competence of the Union Member States, the Government of the Republic of Serbia has established its Council for National Minorities. This counseling body of the Government discusses and proposes measures in order to promote the status of national minorities and the functioning of national councils. It consists of presidents of all national councils and the relevant Ministers responsible for education, religious affairs, culture, home affairs, justice and public administration and local self-government.

The post of the **President of the Council for National Minorities of the Republic of Serbia** is held by the President of the Government (Prime Minister) of the Republic of Serbia. The Council meets as appropriate, at least twice a year.

As a result of the elections in December 2003, Serbia adopted the amendments to the Law on the elections of Members of Parliament stipulating that the provisions on the 5% threshold for the distribution of seats shall not be applied to the parties of national minorities. The so-called natural threshold applies in this case.

Certain measures of affirmative actions have already been included in the electoral laws of the Republic of Montenegro (separate electoral districts for ethnic Albanians). Special emphasis must be placed on the measures taken in southern Serbia, such as the creation of a multi-ethnic police force.

This measure should contribute not only to the increase in number of ethnic Albanians on the police force but also to building confidence. After the formation of multi-ethnic police, ethnic Albanians make 0.84% of the total number of police staff in comparison to 0.82% of the Albanians in the total population of the Republic of Serbia excluding Kosovo and Metohia.

To stress it again – **the police of the Republic of Serbia are multi-ethnic in the true sense of the word.**

2. Legal framework in implementing protection and promotion of the rights of national minorities

The provisions of the Charter on Human and Minority Rights and Civil Liberties as well as those of the Law on the Protection of the Rights and Freedoms of National Minorities guaranteeing individual as well as collective rights to national minorities are of utmost importance for **the legal status of national minorities** in Serbia and Montenegro. In accordance with these provisions, persons belonging to national minorities participate in the process of decision-making or they decide on issues concerning their culture, education, media and use of their language and script in conformity with the Law through their national councils. After the changes to constitutional arrangements at the federal level, **the key institution for the protection and promotion of the status of national minorities is the Ministry of Human and Minority Rights of Serbia and Montenegro**, which is also competent for monitoring the implementation of internationally assumed commitments in the field of minority rights.

3. Status of minorities in various walks of public life

As far as the status of national minorities is concerned, it is important to point to the protection of minority rights in **education, culture, media, official use of languages and scripts, participation in public and political life**, as well as to the measures implemented to improve the status of the Roma minority.

3.1 Status of national minorities in education

The status of national minorities in the field of education has been regulated by the provisions of the educational laws of the Member States. In Serbia and Montenegro persons belonging to a minority can learn their native tongue and elements of their national culture or can attend all classes in their own language if there are a legal minimum number of pupils applying for such classes. In 2003 and 2004, changes in national education curricula were introduced and the whole system of education in minority languages was improved and expanded. The minority councils have actively participated in developing general and specific guidelines for elementary school subjects of interest to national minorities.

The Ministry of Education and Sport of the Republic of Serbia, working in cooperation with the Ministry of Human and Minority Rights, has taken measures to promote the status of persons belonging to the Roma minority in education (see the paragraph on the promotion of the Roma status).

At the request of particular national minorities' councils, school subjects concerning languages of minorities and their culture, not previously taught within the state educational programmes, have now been introduced to the educational process (as in the case of the Bosniac language with the elements of national culture). The minority councils and the relevant institutions such as the Ministry of Human and Minority Rights and the Council for National Minorities of the Republic of Serbia have been informed of the new important educational bills currently being drafted (e.g. the Law on Textbooks of the Republic of Serbia). Preparations to devise the history curriculum for Albanian pupils are being made in cooperation with the OSCE Mission to Serbia and Montenegro.

3.2. Status of national minorities in respect to culture and the media

Persons belonging to national minorities enjoy the rights in the fields of culture and the media. Cultural associations of minorities are many and wide-ranging in their activities.

All **national minorities have their own traditional cultural events** funded from public sources - the budgets of the State Union, the Member States, the Autonomous Province (AP) of Vojvodina and the local self-government. The Council for National Minorities of the Republic of Serbia has considered the possibility of establishing a central cultural event of all national minorities in Serbia. Getting information in the languages of national minorities is possible through the printed and electronic media. It is also one of the obligations of the Government regulated by the laws on broadcasting. In 2004, the Vojvodina Assembly took the decision to transfer the founder rights over the Vojvodina-founded public media to the national minorities' councils. Novi Sad TV

station broadcasts programmes in Hungarian, Romanian, Ruthenian, Slovak, Ukrainian, Roma and Croatian languages

In order to maintain a certain level of access to information services in minority languages in Serbia, consultations are being held to privatize the minority-language media. The Council for National Minorities of the Republic of Serbia has examined the possibility of preparing and broadcasting programmes on national minorities in Serbia on national television.

3.3. Official use of languages and scripts of national minorities

The provisions of the Law on the Official Use of Languages and Scripts of the Republic of Serbia stipulate the introduction of minorities' languages and scripts in official use in the local self-government communities which have made such a decision. Article 11 of the Law on the Protection of Rights and Freedoms specifies that a local self-governing community is obliged to bring the language and script of a national minority in official use if the percentage of the minority accounts for 15% of the total population on the territory according to the latest census. The Law also specifies that a municipality can make a decision to bring a minority language in official use even if the percentage of the minority in the total population on the territory of the municipality is lower than 15% according to the latest census. Minority languages are in official use in 46 municipalities out of a total of 161 in the Republic of Serbia excluding Kosovo and Metohia (in some municipalities several minority languages are in official use at the same time). The languages of national minorities that are in official use in Serbia are Hungarian, Slovak, Romanian, Ruthenian, Albanian, Bosniac, Bulgarian, Croatian and Czech. Minority languages in official use are used not only in administrative matters but may also be used in proceedings before courts so that entire administrative and court process may be conducted in these languages. Furthermore, Article 16 of the Law on the General Administrative Procedure stipulates that any administrative procedure shall be conducted in a minority language on the territory where this language is in official use. The minority councils in Vojvodina, acting upon the decision of the Assembly of Vojvodina, have established the traditional place names which have entered in official use. New official languages have been introduced in some local self-government communities such as Albanian in the municipality of Medvedja, Bosniac in the municipality of Tutin, etc.

OPEN QUESTIONS

REGARDING THE STATUS OF NATIONAL MINORITIES IN SERBIA AND MONTENEGRO

- PROBLEM OF REFUGEES, EXPELLEES AND INTERNALLY DISPLACED PERSONS -

Situation in Kosovo and Metohia

The development of a multi-ethnic and multi-religious society and civil society institutions in Kosovo and Metohia faces serious difficulties which gave rise to the violence of Kosovo Albanians against the non-Albanians in March 2004. Unfortunately,

international community has given neither guarantees nor time frames concerning decentralization and compliance with European standards.

Serbia and Montenegro is not satisfied with the situation in Kosovo and Metohia which is still facing ethnically-motivated violence and absence of conditions for a peaceful normal life for both Serbs and other non-Albanians. Serbia and Montenegro is increasingly concerned about the overall security situation since those responsible for ethnically-motivated violence have not been brought to justice yet. Up to date, 2 500 Serbs have been kidnapped or reported missing, 40 000 homes torched and more than 150 churches destroyed.

Some basic guarantees should be provided as soon as possible regarding the rights to education, health, legal and police protection as well as provision of utility services such as power supply – the months-long power cut resulted in the humanitarian crisis in Kosovo and Metohia. The Serbs and other non-Albanians should also be given the right to participate in the work of all relevant institutions. The participation of Serbs in the Kosovo and Metohia institutions is a legitimate national interest. They have been constantly outvoted in the Kosovo and Metohia Parliament so that their position has become hopeless and their political influence and role reduced to a sideshow.

It is worth noting that one of the fundamental OSCE objectives is protection of human rights of minorities and that the OSCE has established **the principle of positive discrimination**, already implemented in some world institutions. This principle could be implemented in Kosovo and Metohia institutions as well. The international community is expected to demonstrate its commitment and ensure the respect for the basic human right there – that of life.

To back the “standards before status” principle means to back **the “three E” formula:**

- **European level of minority protection** (safe conditions for all inhabitants, return of internally displaced persons, solving the question of the missing and kidnapped),
- **European decentralisation model** (On 29 April 2004, the Assembly of Serbia adopted the plan of the Serbian Government to resolve the situation in Kosovo and Metohia in order to ease tensions and build confidence between ethnic communities and in relation to UNMIK), and
- **European approach to the borders** between Serbia and Montenegro and Albania and other neighbouring countries – respect for the inviolability of borders and free flow of people and goods. In that respect, Serbia and Montenegro will persist in supporting the idea of europeanization of the Balkans, i.e. the introduction of European standards in all walks of life, and it will continue to **oppose the violence and balkanization of Europe.**

2. Cooperation of the OSCE missions in the region and the return of refugees and expellees to Croatia and Bosnia and Herzegovina

The OSCE also deals with the return of refugees and expellees to Croatia and Bosnia and Herzegovina as well as with setting their legal status regarding private property, tenancy rights and other rights. Serbia and Montenegro insists on pointing to

the necessity of better cooperation among the OSCE missions in the region, which would substantially contribute to solving the problems that are common to the region, especially in Croatia and Bosnia and Herzegovina. These problems concern the return of refugees and displaced persons, ownership and tenancy rights, protection of minorities, fight against organised crime and all types of illicit trafficking, border security, etc.

The plan for the return of refugees and expellees (“the road map”) to Croatia and Bosnia and Herzegovina was launched on 5 October 2004, after the Zagreb meeting on 22 June attended by the representatives of the OSCE Office, European Commission and UNHCR from Croatia, Serbia and Montenegro and Bosnia and Herzegovina. The three international organisations agreed on setting up a “regional framework” for cooperation on refugee returns and on taking measures to promote cooperation among the governments of these countries.

The Serbia and Montenegro delegation headed by Rasim Ljajic, Minister of Human and Minority Rights, took part in the Regional Ministerial Conference on the Return of Refugees, held in Sarajevo on 31 January 2005, where all the three interested parties, namely Serbia and Montenegro, Bosnia and Herzegovina and Croatia, **signed a joint declaration** on methods of resolving refugee issues.

From the beginning, Serbia and Montenegro has supported the regional approach to the solution of the refugee problem in the former Yugoslavia. Serbia and Montenegro highly appreciates the efforts of the UNHCR, OSCE and the European Commission to find durable solutions through a sustainable return and integration.

Durable solutions are the only possible way to build confidence and establish good-neighbourly relations, stability and prosperity in the Balkan countries and the region as a whole. Durable solutions are also a way of joining the European integration processes.