



REPUBLIC OF SERBIA

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**Report on the National Minorities
by the Deputy Minister for Human and Minority Rights
of the Republic of Serbia, Mr. Petar Antic**

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Minority Rights Guaranteed by Internal Regulations

The Republic of Serbia Constitution, adopted in 2006, guarantees to persons belonging to national minorities individual and collective rights, the latter being understood to mean that “persons belonging to national minorities shall, directly or through their elected representatives, participate in the decision-making process or decide on particular issues related to their culture, education, information and official use of language and script, in accordance with the law”. The Constitution guarantees the freedom of expression of national affiliation and proclaims the rights to expression and to developing ethnic, cultural and religious particularities; (the right) to use symbols of national minorities in public places; (the right) to freely use one’s mother tongue and script; that in the areas with a significant minority population the public authorities shall conduct the proceedings also in the language of the national minority which constitutes a significant part of the population; (the right) to receive schooling in the minority language at state institutions and the institutions of the autonomous provinces; (the right) to establish private educational institutions at all levels; (the right) to use the given name and family name in the minority language; (the right) to inscribe, in the minority language, traditional local names, the names of streets, towns and villages as well as topographical indications in the areas with significant minority population; (the right) to proportionate representation in the assemblies of autonomous provinces and local self-government units where the population of mixed national makeup is living; (the right) to disseminate full, timely and impartial information in the minority language and establish own public mass media; the right to association; and the right to cooperate with compatriots in other states.

The Law on the Protection of the Rights and Freedoms of National Minorities stipulates, in the internal legal order, the concept of cultural autonomy the holders of which are the national councils of the national minorities. They are the advisory bodies to the public authorities and represent the national minorities in the fields of culture, education, information and official use of language and script. The Law on National Councils of National Minorities regulates their competences in the fields of education, culture, public information and official use of language and script; the relationship with the public authorities, the authorities of the autonomous provinces and local self-government units; the national councils election procedure (it envisages alternatively direct elections and elector elections); and financing of the national councils’ activities.

Special laws regulate the way minority rights are to be exercised in particular spheres of social life. The education laws of the Republic of Serbia (the Law on Elementary Schools; the Law on Secondary Schools; the Law on the Basic Principles of the System of Education and Upbringing) lay down three aspects of education for persons belonging to national minorities: (education) in the minority language; bilingual education; and studies of the subject of mother tongue with elements of national culture. The mentioned Laws stipulate that the entire instruction is to be provided in minority languages if at least 15 pupils/students in elementary/secondary school apply for it. The school may set up a class with the entire instruction being provided in the national minority language even with a lower number of pupils/students if it gets the approval for it from the competent authorities. The pupils who are persons belonging to national minorities and attend classes in Serbian as the language of instruction can also study their mother tongue with elements of national culture. The Law on

Textbooks and other Teaching Aids stipulates that the textbooks used in the process of education are also to be printed in the national minority languages. Under the Law on the Official Use of Language and Script the official use of language and script of a national minority implies not only the inscription of names of local self-government units, towns and villages and other toponyms in national minority languages but also the conduct of entire court and administrative proceedings in such languages. According to the Law on Protection of the Rights and Freedoms of National Minorities a minority language is to be put to official use at the local self-government unit in which persons belonging to a national minority account for over 15 percent of the total number of inhabitants. According to the Broadcasting Law, the public broadcasting service is under the obligation to secure for persons belonging to national minorities the possibility of watching/listening to particular programs also in their mother tongue and script. The Law on the Election of People's Deputies (MPs) stipulates that the 5 percent election threshold shall not apply to national minority parties, in the context of proportionate election for participation in the distribution of seats in the Republic of Serbia National Assembly.

Particular issues of relevance to national minorities are also regulated by secondary legislation. Thus, in terms of facilitating the participation of persons belonging to national minorities in public life, particular importance is given to the measures for stepping up their involvement in the agencies of government administration, which the Republic of Serbia Government adopted in the form of a separate conclusion. This Conclusion, *inter alia*, envisages that vacant posts in agencies of government administration are to be announced in the printed media (also) in national minority languages; entrance exams for the vocational schools (giving access) to work in public administration are also to be taken in national minority languages; and a certain number of employees with the area agencies of government administration should be in command of the national minority languages that are officially used in the areas where they are operating.

International-legal minority rights framework

The international-legal minority rights framework in the Republic of Serbia includes the Council of Europe (CoE) Framework Convention for the Protection of National Minorities, the European Charter on Regional or Minority Languages and the bilateral agreements for the protection of national minorities.

The Republic of Serbia is implementing the Framework Convention for the Protection of National Minorities, as has also been verified in the monitoring process by the competent CoE bodies. In the first monitoring cycle (FRY submitted the First Report in 2002) concerning the implementation of this Framework Convention the CoE Advisory Committee, which examines state reports on its implementation, adopted its Opinion on the Implementation of the Framework Convention in Serbia and Montenegro (SCG) on 27 November 2003 and pointed out in the closing remarks of the Opinion that it had noted with satisfaction that “although the constitutional structures had experienced thorough changes, the authorities of Serbia and Montenegro have taken resolute steps to protect national minorities in the fields such as education and the rights to language”. The Republic of Serbia also submitted the Second Periodic Report on the implementation of the Framework Convention on 4

March 2008. On 19 March 2009 the Advisory Committee adopted the Second Opinion on the Implementation of the Framework Convention in Serbia as well as the Draft Recommendations calling on the authorities in the Republic to undertake certain measures in order to promote further the implementation of the Framework Convention. The Opinion was forwarded to the Republic of Serbia that has the possibility to communicate its Comments on the Opinion by 3 October 2009.

On 11 July 2007 the Republic of Serbia submitted to the CoE its First Periodic Report on the Implementation of the European Charter on Regional or Minority Languages. The Committee of Experts, charged with examining the reports on the implementation of the Charter in the member states, adopted on 12 September 2008 the Report on the Implementation of the European Charter on Regional or Minority Languages in Serbia and the Republic of Serbia communicated to it its Comments thereon. On 6 May 2009 the CoE Committee of Ministers adopted the Recommendation on the Implementation of the European Charter on Regional or Minority Languages in Serbia.

A separate international legal framework for the rights of members of national minorities in the Republic of Serbia is made up of the bilateral agreements for the protection of national minorities concluded with Hungary, Croatia, Macedonia and Romania. The Agreements guarantee a high level of minority rights protection and envisage the appointment of bilateral commissions whose membership should also include the representatives of the relevant national minorities. Bilateral commissions have to date been set up with Hungary and Croatia.

New institutional framework for minority rights protection

With the formation of the new Republic of Serbia Government in June 2008 the Ministry for Human and Minority Rights of the Republic of Serbia was established as well. The Law on the Ministries stipulates that the Ministry for Human and Minority Rights shall perform public administration activities concerning the general issues of: status of persons belonging to national minorities; keeping of the register of national councils of national minorities; election of the national councils of national minorities; protection and promotion of human and minority rights; elaboration of regulations on human and minority rights; monitoring of whether national regulations are aligned to international treaties and other international human and minority rights instruments; representing the Republic of Serbia before the European Court of Human Rights; the status of persons belonging to national minorities living on the territory of the Republic of Serbia and exercise of minority rights; maintaining links between national minorities and their kin states; the anti-discriminatory policy; the status and discharge of responsibilities of the national councils of national minorities; co-ordination of the activities of administrative bodies in the field of human rights protection; as well as pursue other activities laid down by the law.

In the previous year the Ministry for Human and Minority Rights had elaborated the Draft Law on the National Councils of National Minorities and had completed a public debate on that law which was adopted on September 3, 2009. In the same period the Republic of Serbia Government adopted the Strategy for the Promotion of the Status of Roma devoted to the promotion of the status of Roma in different

spheres of social life and the Action Plan for its implementation. The Strategy contains a brief overview of the current state of play in every of the mentioned spheres of social life based on statistics along with a description of the existing national and international legal framework, the existing initiatives and actions and general and specific recommendations for future action.

The Ministry's priorities in terms of national minority protection also include the projects for raising awareness among members of national minorities of the importance of protection and exercise of their rights; further promotion of the official use of the national minorities' languages and scripts; as well as the projects that will be implemented in cooperation with international organizations.