COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Strasbourg, 23 June 2014

Public
GVT/COM/III(2014)003

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

COMMENTS OF THE GOVERNMENT OF SERBIA ON THE THIRD OPINION OF THE ADVISORY COMMITTEE ON THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES BY SERBIA

(received on 23 June 2014)

COMMENTS BY THE REPUBLIC OF SERBIA ON THE THIRD OPINION OF THE ADVISORY COMMITTEE ON THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES IN SERBIA

I. INTRODUCTION

Based on the Third Periodic Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Serbia (hereinafter: Third Report on the Implementation of the Framework Convention), submitted in March 2013, a visit to the Republic of Serbia during the period from May 27 to May 31, and other written sources, the Advisory Committee of the Framework Convention for the Protection of National Minorities adopted, on November 28, 2013, the Third Opinion for Serbia (hereinafter: Third Opinion of the Advisory Committee). In accordance with the decision of the Committee of Ministers, which was adopted in June 2001, the authorities of the Republic of Serbia were given the opportunity to submit their opinion on the findings of this body. This document contains comments by the Republic of Serbia on the Third Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities (hereinafter: Comments).

The authorities of the Republic of Serbia welcome the cooperation they have achieved with the Advisory Committee during the preparation of the Third Opinion. They would also like to thank the Advisory Committee for acknowledging the efforts made in order to strengthen the legislative framework which regulates the exercise of the rights of national minorities, emphasizing the continuation of the constructive approach to the process of monitoring the implementation of the Framework Convention in the Republic of Serbia.

Starting with the premise that the fulfilment of the obligations undertaken by adopting the Framework Convention for the Protection of National Minorities (hereinafter: Framework Convention) is the priority in Serbia's minority policy, which is being implemented in the process of building a democratic state based on the rule of law, the authorities of the Republic of Serbia find the Third Opinion of the Advisory Committee to be based on an expert analysis of the status of national minorities and dedicated to very important issues. Understanding that the implementation of the Framework Convention is a continuous process, the authorities of the Republic of Serbia are mostly basing their comments on the Third Opinion of the Advisory Committee on the activities undertaken in the country during the period after the submission of the Third Report on the Implementation of the Framework Convention. These activities are aimed not only at a upgrading the highly praised legal regulation relating to the protection and improvement of the rights of national minorities, but also at a consistent implementation of the established legislative and institutional framework, whereby it should be noted that the State is facing a series of objective difficulties in the process of implementation, primarily difficulties of economic nature.

The comments were prepared in the Office for Human and Minority Rights, and relevant line ministries and other state and province authorities were consulted during the preparation process. The Third Opinion of the Advisory Committee will be published with the Comments.

The Committee of Ministers is invited to review its conclusions in the light of the submitted Comments, taking into consideration the additional information on the measures and activities undertaken after the submission of the Third Report on the Implementation of the Framework Convention.

II. COMMENTS ON THE SECTION "ISSUES OF CONCERN AFTER THREE MONITORING CYCLES", STATED IN THE III PART OF THE OPINION OF THE ADVISORY COMMITTEE (PARA. 223 – 232)

In order to avoid unnecessary repetitions relating to specific views stated in the section "Conclusions", we refer to the comments on the findings of the Advisory Committee relating to individual Articles of the Convention, included in the III part of the Comments, in particular:

regarding paragraph 224; comment on the paragraph 48;
regarding paragraph 225; comment on the para. 73, 74, 78 and 160;
regarding paragraph 226; comment on the paragraph 87;
regarding paragraph 227; comment on the para. 100, 101, 102 and 185;
regarding paragraph 228; comment on the paragraph 126;
regarding paragraph 229; comment on the paragraph 144;
regarding paragraph 230; comment on the paragraph 172;
regarding paragraph 231; comment on the paragraph 183;
regarding paragraph 232; comment on the para. 190 and 199.

III. COMMENTS ON THE FINDINGS OF THE ADVISORY COMMITTEE REGARDING INDIVIDUAL ARTICLES OF THE CONVENTION (PARA. 34 – 212)

Comments are made on the findings regarding individual Articles of the Framework Convention, which implies that the comments are made, at the same time, on the corresponding basic findings of the Advisory Committee.

Article 3 of the Framework Convention

Respect for the specific identity of persons belonging to national minorities

Paragraph 40

The Advisory Committee notes that debates about the Bunjevci and Croat identities and the Romanian and Vlach identities are ongoing. It observes that regardless of this context, the right of individuals freely to choose to be treated or not to be treated as belonging to a national minority must be strictly observed, in line with Article 3 of the Framework Convention.

As noted in all three submitted state reports on the implementation of the Framework Convention in the Republic of Serbia, the relevant state authorities have not, during their actions, entered into any debates on national affiliation, maintaining that the authorities of the Republic of Serbia cannot and must not enter into debates on the subject of national identity, that they must not arbitrate in arguments on the national identities of specific ethnic groups, nor impose a national identity on any ethnic group. In this matter, the authorities of the Republic of Serbia are again explicitly determined not to participate in debates on the ethnicity of any national minority, including the Bunjevci, Croat, Vlach and Romanian national minorities. Starting with the Constitution and the laws of the Republic of Serbia, the state applies in practice the basic principle of the freedom of national affiliation and expression, and treats the above mentioned minorities as equal and separate identities. In this regard, the authorities of the Republic of Serbia welcome the recommendation of the Advisory Committee to continue to fully respect the right to free self-identification, as described in the Article 3, paragraph 1 of the Framework Convention, and on this occasion declare their readiness to do so.

With an utmost respect for the expert and unbiased role of the Advisory Committee in the monitoring process, as prescribed by the Framework Convention, the authorities are bringing particular attention to the indefensible and absolutely unacceptable emphasized equation of the Vlach and the Romanian national minority, which is found in the paragraphs 14 and 120 of the Third Opinion of the Advisory Committee, and which is contrary to the view of the Advisory Committee stated in paragraph 40 of the same Opinion.

With regard to the above stated, the authorities of the Republic of Serbia are asking the Committee of Ministers to, in accordance with its existing findings, acknowledge the essential importance of respecting the right of every person to freely choose to be treated as a member of a national minority. The use of the formulation "Vlach/Romanian minorities", as the Advisory Committee has done in the paragraphs 14 and 120 of the Third Opinion, implies the equivalence of the two national minorities, and does not follow the Article 3, paragraph 1 of the Framework Convention.

Census

Paragraph 48

In view of the extent of the boycott, the Advisory Committee observes that considerable flexibility may need to be applied in the analysis and processing of the census results with respect in particular to the Preševo, Bujanovac and Medveđa area, especially as regards the exercise of any rights based on the number of persons living in a given municipality. In

this respect, the Advisory Committee refers to the importance of additional data collected through independent surveys and research, which may provide crucial complementary information. Such data must of course be collected, processed and stored in full conformity with international and regional data protection standards.

The Coordination Body of the Government of the Republic of Serbia for the Preševo, Bujanovac and Medveđa municipalities and the Government of the Republic of Serbia have suggested that one of the topics included in the talks with the Albanian political leaders from the south of Serbia should be the census, i.e. the consequences of the census results from 2011, which do not reflect the realistic number of persons in said municipalities, due to the boycott of the population census by members of the Albanian national minority. However, these talks never took place, due to the decision by Albanian political leaders to suspend the talks in November 2013, as the Advisory Committee is aware.

The resolve of the Government and the Coordination Body to be flexible in treating the results of the census is visible in a constructive way. Namely, in the budget of the Office of the Coordination Body of the Government of the Republic of Serbia for the Preševo, Bujanovac and Medveđa municipalities for the year 2014, the transfer assets intended for infrastructure projects in the Preševo, Bujanovac and Medveđa municipalities have been increased by approximately 9%. The measure adopted by the Government is evidence of the State's determination to follow the relevant international standards through specific implementation measures.

Ethnic data protection

Paragraph 51

The Advisory Committee notes that a single body, the Commissioner for Information of Public Importance and Personal Data Protection, is still responsible for monitoring the implementation of both the Law on the Protection of Personal Data and the Law on Free Access to Information of Public Importance. According to this body, the number of complaints it receives regarding personal data protection is rapidly increasing and is likely to overtake the number of complaints under freedom of information legislation in the coming years. The Advisory Committee notes with concern that no regulations governing the methods and safeguards to be applied to the collection of particularly sensitive data, relating inter alia to individuals' ethnicity, language or religion, have yet been adopted. In addition, while budgetary appropriations allowing for the Commissioner's office to be fully staffed have been approved in the past, the Commissioner was for a long time unable to recruit the necessary staff, reportedly due to a lack of sufficient office space. Although the Advisory Committee has been given to understand that progress has recently been made on the latter issue, it notes that the lack of staff continues to significantly hamper the timely examination of complaints.

The then Minister of Justice and Public Administration formed an inter-sectoral working group, which has prepared a draft of the Law on the Amendments to the Law on the Protection of Personal Data. However, it is necessary to conduct an additional analysis of the compliance of both the current text of the Law on the Protection of Personal Data as well as the text prepared by the working group, with relevant European Union documents in this area. For that purpose, an appropriate expert on personal data protection is being enlisted, through the PLAC project, financed by the European Union, to conduct the necessary analysis of

compliance. After the analysis has been completed, the working group will continue their work and prepare the final text of the Law, which will be submitted for an expertise to the relevant international institutions. At the same time, a broad public debate will be organized in the Republic of Serbia in order to allow all interested entities to give an opinion on the proposed text, followed by a submission of the text to the legislative procedure. It shall be noted that this Law is scheduled to be adopted by the end of 2014 according to the Government's Agenda. By-laws can only be adopted after the above mentioned Law has been adopted as a systemic law.

Article 4 of the Framework Convention

Legislative framework for prohibiting discrimination

Paragraph 54

The Advisory Committee welcomes the enactment and entry into force in 2009 of the Law on the Prohibition of Discrimination, and notes with interest that ECRI has since found this Law to be largely in keeping with its General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination. The Advisory Committee notes that the Law prohibits discrimination on a wide variety of grounds including skin colour, citizenship, national affiliation or ethnic origin, language and religious beliefs. It also provides specifically that "[i]t is forbidden to discriminate against national minorities and their members on the grounds of religious affiliation, ethnic origin, religious beliefs and language. The manner of realising and protecting the rights of members of national minorities shall be regulated by a special law." The Advisory Committee regrets, however, that, in contrast with the provisions on the prohibition of discrimination in the field of labour, education and the provision of public services, this Law does not include detailed provisions with respect to discrimination in the areas of housing and social protection. The Advisory Committee observes in this regard that persons belonging to national minorities, who in many cases live in isolated areas that are at a relative socio-economic disadvantage, may be particularly affected by discrimination in these fields (see further below, Situation of the Roma). It is concerned that the lack of clarity of the Law in this regard may both deter individuals from bringing claims of discrimination in the fields of housing and social protection and, if any such claims are brought, result in their dismissal.

The Law on the Prohibition of Discrimination (2009) as an umbrella law, whose content was described in detail in the Third Report on the Implementation of the Framework Convention, regulates the general prohibition of discrimination, forms and cases of discrimination, and establishes the legal protection means for combating discrimination. However, its adoption has not removed the need to adopt other special laws that include norms relating to the prohibition of discrimination, such as the Law on Social Protection (2011), which specifies the prohibition of discrimination of social protection beneficiaries, to whom the means of legal protection defined by the umbrella law are still available, with a view of protecting them from discrimination. The provisions of the Article 25 of the Law on Social Protection clearly and unambiguously prohibit the discrimination of social protection beneficiaries on the grounds of race, sex, age, national affiliation, social background, sexual orientation, religious affiliation, political, union or other affiliation, property status, culture, language, disability, nature of social exclusion or another personal characteristic.

With regard to the above described solution in the Article 25 of the Law on Social Protection, the authorities of the Republic of Serbia are asking the Committee of Ministers not to accept the observation of the Advisory Committee about the alleged lack of precise provisions relating to the prohibition of discrimination in the area of social protection.

The situation of the Roma

Paragraph 73

The Advisory Committee acknowledges the efforts made by the Serbian authorities to improve the situation of Roma. In this regard it takes note of the adoption in 2009 of the Strategy for the Improvement of the Status of Roma and of the accompanying Action Plan for the Implementation of the Strategy for the period 2009-2011. The latter included revised action plans in the four priority fields identified in 2005, namely employment, housing, education and health, as well as additional measures concerning the social welfare of internally displaced persons, returnees under the readmission agreement, promotion of the position of women, media, culture and information in the mother tongue as well as discrimination and political participation. The Advisory Committee regrets, however, that the draft action plan for the implementation of the Strategy for the period 2012-2014, drawn up in 2011 by the then Ministry of Human and Minority Rights, Public Administration and Local Self-Government, was not approved by the government prior to the 2012 elections. The Advisory Committee emphasises the importance of defining timely, clear, coherent and targeted action plans, including measurable outcomes and supported by adequate human and financial resources, in order to ensure that the Strategy for the Improvement of the Status of Roma leads to improvements in practice. It notes that work on the 2012-2014 Action Plan was expected to be completed by the Office for Human and Minority Rights set up in 2012 under the new government, in consultation with other relevant authorities, the National Council of the Roma National Minority, Roma NGOs and international organisations, and that the Action Plan was approved by the government on 10 June 2013.

The Action Plan for the Implementation of the Strategy for the Improvement of the Status of Roma in the Republic of Serbia[1] (hereinafter: Action Plan) was adopted in accordance with the Strategy for the Improvement of the Status of Roma in the Republic of Serbia (hereinafter: Strategy), which was adopted by the Government in 2009. Although the Action Plan for the period 2012-2014 was adopted with a delay (2013), it did not have a larger effect on the undertaken measures or activities as defined by the recommendations and priorities prescribed in the Strategy.

The measures and activities defined in the Action Plan operationalize the recommendations and priorities prescribed in the Strategy, relating to the improvement of the status of Roman in the following fields: education, health care, employment, providing adequate housing conditions, issue of personal documents, social security and social welfare, gender equality, prohibition of discrimination, information, culture, displaced persons and returnees status in accordance with the Readmission Agreement. For each measure i.e. activity, an institution competent for its implementation has been defined, together with partners. The interconnectedness of the fields covered by the Strategy and the Action Plan requires a coordinated activity and cooperation of all institutions on the level of the Republic

1 Available at the website of the Office for Human and Minority Rights, www.ljudskaprava.gov.rs

of Serbia as well as the level of autonomous provinces, or local self-government units. The coordination of these tasks has been entrusted with the Office for Human and Minority Rights. Due to the complexity of most of the measures/activities prescribed by the Action Plan, their deadlines are intended for the period which the Plan was adopted for, i.e. up to January 1, 2015. The Action Plan contains the data on the amount of the necessary assets for the realization of measures/activities, as well as sources of financing: the budgets of the Republic of Serbia, the Autonomous Province of Vojvodina and local self-government units, donors, economic operators and international organizations.

Paragraph 74

The Advisory Committee welcomes the enactment in November 2011 of the Law on Permanent and Temporary Residence of Citizens, allowing citizens who could not register their residence on the basis of a property right (ownership, lease or other legal basis) to register their permanent residence using the address of their local social welfare centre. This was a useful step towards resolving problems faced by persons lacking identity documents, the majority of whom are Roma living in informal settlements, and who are deprived of access to other basic rights that cannot be exercised without the requisite identity documents. However, the Advisory Committee notes with regret that the regulation necessary to implement these new provisions was not adopted until a year later, on 30 November 2012. It is moreover concerned at reports that even now, despite the innovations contained in the above-mentioned Law, there are obstacles to its operation in practice, meaning that persons who cannot demonstrate that they have a place of permanent residence are still unable to obtain identity documents and are thus prevented from exercising other social rights.

Through the legal norms of the Law on Permanent and Temporary Residence of Citizens, the Rulebook on the form for registration of permanent residence at the address of an institution i.e. social welfare centre, as well as the Rulebook on the procedure of registration and cancellation of the permanent and temporary residence of citizens, registration of temporary presence abroad and return from abroad, registration of passive permanent and temporary residence, forms and manner of keeping records; mechanisms have been created to allow a facilitated approach to personal documents, including the registration of permanent residence at the address of a social welfare centre for citizens of the Republic of Serbia, mostly members of the Roma population, who do not have a registered permanent residence on some other legal basis, if the legally prescribed conditions are met. In order to more efficiently implement the procedure of registering the permanent residence using the address of the local social welfare centre, in the cooperation with the then Ministry of Labour, Employment and Social Policy, a practice has been established that allows a faster, simpler and more efficient registration of the permanent residence of citizens using the address of local social welfare centres. From December 8, 2012, when the Rulebook on the form for registration of permanent residence at the address of an institution i.e. social welfare centre entered into force, to March 20, 2014, the Ministry of Interior (MoI) issued decisions establishing that 565 persons, most of whom live in informal settlements with no street or number, can register permanent residence using the address of their local social welfare centre; this was followed by issuing their personal documents.

During the procedure of the registration of permanent residence of citizens on the territory of the Republic of Serbia and issue of personal documents, a prior issue arises of the registration in the Birth Registry of persons who have no legal personality. In this regard, in

accordance with the Memorandum of Understanding between the then Ministry for Human and Minority Rights, Public Administration and Local Self-government, the Ombudsman and the United Nations High Commissioner for Refugees - Office in Serbia, a decision was made on October 25, 2012 to establish the Technical Group, with the participation of the representatives of MoI, whose main objective was to realize the activities with a view of registration in the Birth Registry of members of the Roma national minority who had not been registered in these public records before. In 2013, as part of the implementation of the Memorandum of Understanding, meetings were held in Subotica, Niš, Kragujevac, Novi Sad and Belgrade with the topic of "News relating to the Registration in the Birth Registry and provision of personal documents", where representatives of Roma associations were informed on the change of legislation which enables the citizens of the Republic of Serbia whose legal personality was not acknowledged by a registration in the Birth Registry ("legally invisible persons"), most of them members of the Roma national minority, to perform the registration in a faster and simpler way, followed by admission to citizenship of the Republic of Serbia, registration of permanent residence on the territory of the Republic of Serbia and obtaining identity documents. A special emphasis was put on the new Law on Temporary and Permanent Residence of Citizens, which allows persons who live in informal settlements with no street or number to register a permanent residence using the address of the social welfare centre on the territory of the municipality in which they live, through a decision of the competent organizational unit of the Ministry of Interior.

Paragraph 75

As regards persons whose birth has not been officially registered ("legally invisible" persons), the Advisory Committee notes with interest the signing of a memorandum of understanding between key national and international actors involved in supporting the Roma in the process of late registration of births. It also welcomes the enactment in August 2012 of the Law on Additions to the Law on Extra-Judicial Proceedings, which establishes a simplified, non-contentious procedure for registering births outside the normal time-limits. However, it is regrettable that this Law expressly provides that the body competent to handle acquisition of citizenship procedures (the Ministry of the Interior) is not bound by the court decision determining the time and date of an individual's birth in accordance with this Law. This essentially negates the positive effects of the Law as regards overcoming statelessness, since it means that a judicial decision filling in key gaps in an individual's civil status, which is needed to acquire citizenship and is achieved through the application of this Law, can simply be ignored by the sole body able to grant citizenship. The Advisory Committee is also concerned at reports that restrictive interpretations applied by the Ministry of the Interior regarding the acquisition of citizenship by adults whose birth was not registered in a timely manner may leave these persons in a situation of statelessness even if they have subsequently been able to register their birth through the above-mentioned procedures. It is furthermore concerned that, because a birth can only be registered if the child's parents possess the necessary identity documents, the children of "legally invisible" persons are condemned to the same situation themselves.

It is in the interest of the State to determine the status of persons who have no legal personality and thus ensure the equality of all citizens, in both rights and obligations. The Law on Additions to the Law on Extra-Judicial Proceedings (2012) prescribes a solution which would allow these persons to be registered in the Birth Registry, and therefore obtain legal personality, as a precondition for admission to citizenship of the Republic of Serbia. A person

who has not been registered in the Birth Registry and is unable to prove the time and place of their birth in the manner prescribed by the legislation regulating the keeping of Birth Registry, can submit to the court a proposal for determining the date and place of birth (providing proof of birth). A decision determining the time and place of birth must include: name, surname, sex, day, month and year of birth, hour and place of birth, as well as data on the parents if available. If the court is unable to determine the time of birth of the person whose birth is to be proven, it will be considered that the person was born on January 1 at 00:01 a.m. of the year which can be considered the probable year of the person's birth, based on the available evidence. A final decision on the time and place of birth is submitted by the Court of First Instance to the competent registrar within eight days from the date of the decision, for the purpose of registration in the Birth Registry.

The data on the registered fact of birth from the birth certificate is considered by the Ministry of Interior to be established and legally relevant in the addressing of their requests for admission to citizenship of the Republic of Serbia.

With regard to the expressed concern of the Advisory Committee that a child of "legally invisible" persons will be condemned to the same situation, since the date of birth can only be registered if the child's parent owns the required personal documents, it shall be noted that such a possibility does not exist, considering the provisions of the Law on Registry Books and the Law on Additions to the Law on Extra-Judicial Proceedings. Namely, the Law on Registry Books and the by-laws adopted in accordance with this Law ensure the exercise of the right to registration in the Birth Registry irrespective of the fact that the child's parents are known or unknown, that the child is without parental care or that the child is adopted. The provisions of this Law may be described as a full implementation of the rights guaranteed by the UN Convention on the Rights of the Child, particularly the provisions allowing the entry of the fact of birth after the expiration of statutory deadline, i.e. the subsequent registration of the fact of birth into the Birth Registry. Also relevant in this context are the provisions of Articles 50 and 51 of the Law on Registry Books, which prescribe the entry of the fact of birth into the Birth Registry in accordance with the decision by the competent custody authority. In addition to this, the adoption of the Law on Additions to the Law on Extra-Judicial Proceedings, which prescribes the procedure of establishing the time and place of birth, has ensured the exercise of the right to registration in the Birth Registry of every child who is unable to exercise that right through the administrative procedure. With a view to improving the work of the bodies authorized to start the procedure to establish the time and place of birth (social welfare centres), the then Ministry of Justice and Public Administration, in cooperation with the Ombudsman and the UN High Commissioner for Refugees – Office in Serbia, prepared a Guidebook for the Implementation of the Law on Additions to the Law on Extra-Judicial Proceedings - Establishing the Time and Place of Birth, and in cooperation with the then Ministry of Labour, Employment and Social Policy, it also prepared a training programme for the employees of the social welfare centres who perform duties relating to the entry of facts and data into the Birth Registry. In addition to these trainings, there are ongoing improved trainings for judges who perform the judicial function in courts from the idea of the appellate courts in Belgrade, Novi Sad, Niš and Kragujevac. The planned trainings for registrars and deputy registrars keeping the registry books will certainly contribute to the exercise of the right to registration in the Birth Registry. Thus, the Republic of Serbia has fully regulated through its legislation the exercise of the right to registration in the Birth Registry, irrespective of the fact that parents have or do not have personal documents, and their full and uniform implementation in the practice of competent authorities has also been ensured.

With regard to the above described facts, the authorities are asking the Committee of Ministers to leave out from their Resolution any statements which refer to the opinion of the Advisory Committee about a limited interpretation used by the Ministry of Interior regarding the admission to citizenship of persons whose date of birth was not timely registered, as well as the opinion that a child of "legally invisible" persons can only be registered if the child's parents own the required personal documents.

Paragraph 77

The Advisory Committee is however deeply concerned that despite these steps forward, many Roma in Serbia still live in substandard living conditions, often in makeshift shacks and lacking access to drinking water, sewerage systems and electricity. There is reportedly no overall vision as to which settlements could be improved and legalised and which ultimately need to be replaced. Forced evictions continue to occur, including before the end of the school year and in bad weather conditions. Nineteen large-scale evictions of Roma reportedly occurred in Belgrade alone between 2009 and mid-2013, in the vast majority of cases without adequate prior consultation with the residents concerned and often at very short notice (less than three days, and sometimes less than 24 hours). Residents' property is destroyed and adequate alternative accommodation is not always found, with municipal authorities placing internally displaced families from Kosovo and residents registered in their municipalities in segregated container housing far from the city centre, and leaving persons not registered in their municipality with no accommodation at all. The Advisory Committee notes with particular concern that several of the 257 families evicted from the Belvil settlement in Belgrade in April 2012 were placed on buses to Niš (their registered place of residence) and then housed in a warehouse there, with no running water for three months and no electricity for a further six. The complex legal framework governing evictions combined with the lack of an express constitutional provision guaranteeing the right to adequate housing make it all the more necessary to harmonise domestic law with international standards in this field.*

The Housing Action Plan up to January 1, 2015 provides, among other things, the improvement of housing conditions in approximately 30 Roma settlements which will remain at the current location, establishing plans for resettlement of Roma families from the settlements that are to be resettled, as well as the solutions for housing needs for approximately 500 Roma families from the resettlement programme and returnees in accordance with the readmission agreements, through social housing programmes.

In accordance with the goals of the Strategy for the Improvement of the Status of Roma and the Action Plan for its implementation, the then Ministry of Construction and Urban Planning, as the competent state authority, was previously engaged in the preparation of laws and by-laws in the process of general legalization, and in particular the legalization of informal Roma settlements. Based on the available data, members of the Roma national minority have been observed to be insufficiently informed about the importance of the legalization procedure itself, namely, an insufficient number of requests or legalization has been noted, which is a precondition for encouraging the local self-government units to invest in the infrastructure of these settlements (water supply, sewage and distribution networks). The competent authorities shall work to improve the level of awareness of the members of the Roma national minority on the legalization procedure and educate them on the ways to implement this procedure in order to exercise their legal right as efficiently as possible.

With regard to the number of Roma settlements, the Ministry intends to, in cooperation with representatives of other public authorities and representatives of the civil society, consider the possibility that the legalization procedure for Roma settlements is resolved through the adoption of a special legal act (lex specialis).

Considering the fact that the new Law on Ministries assigns construction and urban planning to the competence of the Ministry of Construction, Transportation and Infrastructure, the coordination and provision of expert assistance to the local self-government units in informing members of the Roma national minority on the legalization procedure is expected to be enhanced in the next period, in accordance with the newly established competence, alongside an efficient and coordinated work, in accordance with the improved capacities, on educating the members of the Roma national minority on ways to implement this procedure in order to exercise their legal right as efficiently as possible.

Evidence on the living conditions of Roma is found, among other things, in the database of the Ministry of Health, which is based on the information collected by health mediators and public-health nurses in general hospitals in 60 cities and towns in Serbia on 1,111 Roma settlements and localities, inhabited by 36,424 families. The data were collected in accordance with the indicators of the World Health Organization.

The data show that asphalt roads are found in 63.55% of settlements, clay roads in 28.08% of settlements, and gravel roads in 3.33% of Roma settlements; 10.43% families from these settlements use drinking water from local sources, 10.15% from their own wells, and 68.67% from the local water supply; 62.30% of families disposes of their waste at city dumps; 57.64% of households have a toilet in the house; 78.06% of families live in houses built of solid material with glass windows, 2.18% in houses of solid material without glass windows, 13.65% in houses of mud/adobe with glass windows, 1.16% in houses of mud/adobe without glass windows; 2.86% in houses of planks/plywood with glass windows and 0.40% (146 houses) in houses of of planks/plywood without glass windows.

Paragraph 78

In the field of health, the continued support of the authorities to the employment of health mediators is welcome, with mediators employed inter alia to assist with registering Roma for health insurance purposes, vaccinations and ensuring access to health practitioners. The Advisory Committee notes with interest some reports suggesting that amendments aimed at allowing Roma without a registered residence to obtain health cards have been effective, and that it is planned to continue the activities of health mediators as well as awareness-raising activities for health professionals about the needs of Roma. It is concerned, however, that the overall health situation of Roma remains significantly worse than that of the majority population, with disproportionately high infant mortality rates, reports that many Roma women do not have access to hospitals during childbirth, and persisting difficulties in accessing health insurance despite the progress made in registering Roma for this purpose, referred to above.

In the field of health care, the Action Plan, whose implementation is ongoing, prescribes the following goals: monitoring the health status, improving accessibility, availability and quality of health care for Roma population, improving the work of health mediators, improving the health status of Roma population, especially women and children, and improving the living environment for this population. The above mentioned goals should

be achieved through a further development of a set of gender-sensitive indicators for monitoring the health status of Roma population and conducting periodic researches on the health status of Roma, enlisting the help of health mediators, developing a system for monitoring their work, involving Roma population in counselling centres in general hospitals, as well as the implementation of other measures and activities. The Ministry of Health has been established as the main implementer of activities and measures for achieving the above mentioned goals, with the participation of other competent public authorities. Within the main programme "Preventive health protection", the Ministry of Health finances from its budget for the year 2014, among other things, the implementation of the action plan on health care for Roma, in the amount of 34,131,000.00 dinars. This activity is aimed at improving the health care for Roma population and enhancing the living conditions of the living environment for this population. This activity was financed by the Ministry of Heath in 2012 with the amount of 21,000,000.00 dinars, and in 2013 with 33,280,000.00 dinars.

During the period after the submittal of the Third Report on the Implementation of the Framework Convention, health mediators continued their work and contributed through their activities to the improvement not only of the health of Roma population, but also of other aspects of their lives. Up to and including March 31, 2014, they registered 138,477 persons of Roma nationality, out of which 45,812 women and 50,064 children in 1,111 Roma settlements and localities, i.e. 60 cities and towns. Health insurance and personal documents were provided for 15,341 persons (11,163 health cards and 4,178 identity cards). 96.22% of children, 98, 48% of women and 98.62% of men have been registered in the Birth Registry. 96.24% of children, 98.37% of women and 98.51% of men have been registered in the citizenship registry books of the Republic of Serbia. Personal documents have been issued to 87.86% of adult Roma. 26,660 of Roma have their personal physician; 10,661 of Roma women have chosen a gynaecology specialist, and systematic controls were performed for 12.089 women (13.69% of Roma women were previously undertaking medical examinations, and now 33.16% of Roma women undertakes medical examinations with the help of health mediators); 1,052 mammographies have been performed; 4,229 of pregnant women and women about to give birth were undertaking medical examinations (with the help of health mediators, 44.78% of pregnant women are now undertaking medical examinations, while the previous percentage of pregnant women who were undertaking medical examinations was just 7.52%). According to the records kept by health mediators in 2013, four women gave birth at home (as they did not want to give birth in hospital). All of them were taken to maternity centres in ambulance cars and taken care of.

69.73% of children previously had a chosen paediatrician, and now, with the help of health mediators, the percentage is 89%; 88.91% of children previously had a health card, while 98.8% have it now; 28.473 of children have been vaccinated, which has exceeded the plan by 132.33%; systematic control has been performed for 7,072 children at the chosen specialist paediatrician before they were enrolled in school; 3.88% of children go to special schools, 95.61% of enrolled children go to regular schools, and 0.51% (64 children) attend part-time education.

Workshops were conducted for 24,043 Roma and lectures were held for 5,714 Roma. Aid provided to families includes: material aid for 3,120 persons, one-time aid for 4,547 persons; scholarships have been provided for 214 students; child-care allowance was provided for 4,986 children; aid for the care and assistance of another person for 497 persons, and Red Cross aid for 6,146 Roma.

In the cooperation with the UN international agency UNFPA, 24 health mediators were educated on reproductive health in 2011 and went on to conduct trainings for 89 young Roma aged 14 to 18 in five cities and towns in the Republic of Serbia. In 2012, 50 health mediators were educated on the improvement of reproductive health in young Roma, and went on to conduct 11 trainings for 166 Roma girls and boys aged 14 to 18 on the topic of preservation and improvement of reproductive health. In 2013, 18 workshops and a theatre performance called "Family Planning without Violence" were held by 12 health mediators for 578 young persons including young Roma. Heath mediators have a Handbook, which includes a section on the preservation and improvement of reproductive health, with a special focus on adolescents.

The Ministry of Health conducted 10 education events for 750 health workers with the aim of combating the discrimination of Roma, in partnership with UNICEF as a part of the PBILD programme. In addition to this, as a part of the project by the Ministry of Health "Delivery of Improved Local Services"(DILS), 488 health workers in 42 general hospitals were educated on the needs of vulnerable population groups, with a view of combating the discrimination of Roma.

The authorities of the Republic of Serbia invite the Committee of Ministers to take into consideration the above mentioned data when adopting the Resolution.

Article 5 of the Framework Convention

Policy of support for minority cultures

Paragraph 86

The Advisory Committee welcomes these developments and takes note with interest of the comprehensive information provided by the authorities about funding attributed since 2007 to activities and projects in the field of preservation of national cultures. However, it notes that the systems for allocating funds set up at both state and provincial levels provide that, while 30% of the available funds are divided equally between all the relevant national minority councils, 70% of funds awarded to national minority councils are distributed based partly on the number of persons represented by the national minority council concerned and partly on the number of institutions run by the national minority council. This weakens the situation of numerically smaller and more recently recognised minorities such as the Bunjevci and Macedonians, who had no pre-existing institutions at the time of adoption of these criteria: because their funding remains by definition lower than that of better established minorities, they remain in practice unable to break out of this situation, since they do not have access to public funding in amounts that would enable them to set up their own institutions and receive the concomitant funding. The Association of Jewish Municipalities has also indicated that the nature of its activities as a religious minority association are not adequately taken into account under the system of awarding state funds to national minority councils.

Cultural activities of members of national minorities are financed from a number of public sources. Taking into account the provisions of the Law on Culture (2009), in addition to financing or co-financing cultural programmes of institutions whose founders were the Republic of Serbia, an autonomous province, or a local self-government unit from the budget of the founder, cultural projects as well as as projects of artistic, or expert and scientific

research in culture, are financed or co-financed through annual open competitions, on all levels of government. The main financiers of cultural activities are the Ministry of Culture and Information, the Provincial Secretariat for Culture and Public Information, as well as local self-government units.

In allocating public funds from the budget of the Republic, the Ministry of Culture and Information allocates special funds for projects relating to cultural activities of national minorities in the Republic of Serbia. Projects submitted to the open competition are reviewed by an expert committee which includes representatives of national minorities. Through giving opinions on these projects, national councils of the national minorities that have submitted projects to the open competition are involved in the decision making process. The procedure of the open competition obliges the committee to respect the criteria prescribed in the Rulebook of the method and criteria for choosing cultural projects that are to be financed and co-financed from the budget of the Republic of Serbia. The decision on the allocation of funds takes into account the specific characteristics of the national minority, such as: numerousness, existence of other sources of funds (such as the Autonomous Province of Vojvodina or local self-government), support provided by the mother country to its countrymen in Serbia, etc.

A similar procedure for the allocation of funds from the budget of the AP Vojvodina is conducted by the Provincial Secretariat for Culture and Public Information, which announces an open competition for co-financing programmes and projects for the preservation, improvement and development of the traditional and contemporary cultural and artistic creation of national minorities in AP Vojvodina. As an illustration, in 2014, the Secretariat co-financed, through open competitions, programmes/projects of legal entities whose head offices were on the territory of AP Vojvodina and whose predominant activity was culture, namely, the following: registered professional and amateur institutions, cultural institutions and associations which were not founded by AP Vojvodina and which significantly contribute through its creative work to the development and promotion of contemporary artistic creation of the national minorities in AP Vojvodina, the Republic of Serbia and abroad, or contribute through its scientific research and cultural and artistic activities to the research, preservation, cultivation, presentation and development of the traditional folk creativity of the national minorities in AP Vojvodina, thereby contributing to the preservation of their national identities.

The other source for allocation of budgetary funds of the AP Vojvodina that can be allocated for co-financing cultural activities of national minorities is the budget of the Provincial Secretariat for Regulations, Administration and National Minorities, which subsidizes organizations of ethnic communities on the territory of the province through an annual open competition. Funds are allocated for co-financing of regular activities, purchase of equipment, projects and organizing manifestations of minority organizations, and especially for: creating conditions for the development of culture, science and arts; cultivating and encouraging folk creativity, programmes and projects of multicultural nature with a view to developing a spirit of tolerance; presentation of cultural goods of great significance; preservation and cultivation of languages, folk customs and old crafts; protection and presentation of folklore heritage; literary, dramatic, performing, musical and visual arts creativity, memorials, festivals, jubilees, art colonies, camps; cultivating and developing amateur activities, guest performances by folk ensembles; scientific research; cooperation with mother countries and other forms of international cooperation; and other programmes and projects aimed at exercising the rights of national minorities.

The support to national minority cultures from public sources is provided exclusively based on co-financing projects through open competitions, as described in detail in the Section 3.2 of the Third Report on the Implementation of the Framework Convention.

The second part of the findings of the Advisory Committee refers to the co-financing of national councils of national minorities, and, according to the belief of the authorities of the Republic of Serbia, it cannot be directly linked to the support for minority cultures. As described in the Section 12.3.1 of the Third Report on the Implementation of the Framework Convention, funds for the activities of national councils are provided from the budgets at all levels of governance (republic, provincial and local) in accordance with the Law on National Councils of National Minorities (2009). These funds, which national councils have autonomous access to, may be used for financing the costs of activities of national councils, which include, among other, financing or co-financing programmes and projects in the areas that national councils are competent for (education, culture, information and official use of languages and scripts), as well as for financing of activities of institutions, foundations, companies and organizations whose founding rights have been partially or fully transferred to national councils, including cultural ones. Depending on their priorities, national councils may allocate a part of the subsidized funds from public revenues to the development and improvement of their culture.

The percentages supplied by the Advisory Committee refer to the procedure of individual allocation to each national council, conducted by the Office for Human and Minority Rights every year for the following budgetary year. In addition to the part that each national council receives in the equal amount (30%), the majority of subsidized funds (70%) depends on the number of members of the national minority that the national council represents, as established by the latest population census and the number and activities of institutions of each national minority in the areas in which national councils exercise their right to self-government. Thus, it is based on the percentages of members of a national minority relative to the total number of members of the national minorities that have a registered national council, and based on the participation of the institutions of each national minority in the field of culture, education, information and official use of languages and scripts (regardless of who is their founder) relative to the total number of the institutions of national minorities who have registered national councils,[2] that the amounts of subsidized funds allocated for the activities of national councils are determined. Establishing this solution, the legislator took into consideration that the number of persons belonging to a national minority must be one of the bases for subsidizing budgetary funds, because the scope of obligations of each national council varies.[3] With regard to the number and activities of institutions of national minorities as a basis for subsidizing budgetary funds, the intention was to motivate the national councils to be active and contribute through their activities to the improvement of the existing situation (e.g. by founding or lobbying for the foundation of new institutions which will contribute to protection, preservation and improvement of their own culture, or for the introduction of an education in their own language or studies of their language, or for the introduction of their own language into official use without the fulfilment

[2] The participation of each individual national minority is established through a scoring system which includes criteria relating to culture, education, information and official use of languages and scripts. The scoring system is an integral part of the Regulation on the Procedure of Allocation of Funds from the Budget of the Republic of Serbia for the Financing of Activities of National Councils of National Minorities.

[3] The existing national councils represent the national minorities whose number in the latest population census varies from 253,899 to 725.

of the legal requirements, etc.). Thus, one can deduce from the above stated facts that the percentages of institutions of each national minority in the total number of institutions of all national minorities in the field of culture is just one of the criteria for the distribution of funds to each national council. Based on the above stated facts, the authorities of the Republic of Serbia are noting the incorrect interpretation of the legal framework and its practical implementation. The co-financing of activities of members of national minorities in the field of culture is not linked in any way to the public sources financing of national councils of national minorities, as special bodies that allow members of national minorities to exercise their collective rights in the field of culture, among other fields.

Therefore, the authorities suggest to the Committee of Ministers to leave out from their recommendations the findings and opinions of the Advisory Committee that refer to the availability of funds to specific national minorities for cultural needs.

Paragraph 87

*Moreover, the Advisory Committee notes with regret that the State Fund for National Minorities is still not operative. This means that the decisions of national minority councils on the management of the funds awarded to them may tend to have a disproportionate impact on the manner in which national minorities' cultural activities are supported. It also means that the activities supported tend to be minority-specific, focusing on a single minority, and rarely include intercultural activities bringing together a number of national minorities and seeking to create transversal dynamics – a trend that is accentuated by the fact that the overarching Council of the Republic of Serbia for National Minorities has not been operating. The Advisory Committee understands that funding that is provided through the Ministry of Culture to the cultural and artistic activities of national minorities is moreover primarily project-based, which according to some interlocutors hampers the financing of long-term activities and precludes covering the material running costs of cultural institutions. Some minority representatives also indicate that the criteria for the award of such funds are insufficiently transparent***.**

The Section 3.3 of the Third Report on the Implementation of the Framework Convention contains a detailed explanation of the reasons why the Budgetary Fund is still not functional, even though funds have been allocated for its activities from the budget of the Republic of Serbia since 2010. We remind you that the Law on National Councils of National Minorities (2009) prescribes that national councils participate in the distribution of the funds from the Budgetary Fund for National Minorities, which are allocated through an open competition for financing programmes and projects in the fields of competence of the national councils - culture, education, information and official use of languages and scripts. The support for cultural activities of national minorities from the Budgetary Fund would be another source of public funds which would finance these activities, in addition to the existing sources of public funds, described in the comment on Article 86 of the Third Opinion of the Advisory Committee.

Regarding the statement that the granted funds for cultural activities of national minorities *rarely include intercultural activities*, the authorities point out that, as already explained, budgetary funds on all levels of governance are allocated for projects, and exclusively through an open competition. Depending on the number of submitted projects which promote multiculturalism and inter-cultural dialogue, the competent authorities of the Republic and the province allocate funds for their realization. Data on co-financing such

projects in the period 2007-2011 are included in Chapters 3.2.1 and 3.2.2 of the Third Report on the Implementation of the Framework Convention. The co-financing of multicultural projects continues each year.

Article 6 of the Framework Convention

Inter-ethnic relations

Paragraph 93

It is moreover striking that in areas where minorities live compactly - particularly those farthest from the capital and that are in an unfavourable socio-economic situation, such as the Preševo valley and the Sandžak region – minorities express a lack of trust in, and a sense of abandonment by, the central authorities. This is heightened by government policies that are perceived by minorities as inhibiting their expression of their identities, such as the destruction in early 2013 of (illegally built) monuments to Albanian "war heroes" in the Preševo area, prosecutions of persons displaying the national symbols of Albania (even when the Serbian flag was flown alongside), a certain tendency in some circles to portray the Bosniac national minority as "only" a religious community with no other specific identifying characteristics, or the authorities' intervention as regards the National Council of the Bosniac National Minority.

In the process of building a democratic state based on the rule of law, the Republic of Serbia generally implements a policy toward national minorities whose ultimate goal is their full integration in the social life, with a further preservation and development of their national and cultural specificity. The authorities of the Republic of Serbia are determined to continue creating conditions for the integration of national minorities into the society through a constant reconsideration of the existing solutions, improvement of legal and institutional frameworks, as well as their implementation in practice. Such efforts by the state, which apply not only to the institutional and legal level but also to the political and strategic level, have been positively assessed by the Advisory Committee and described in many of the findings of its Third Opinion. Therefore the authorities express astonishment that the Advisory Committee has, on the basis of individual events, made a general statement that *a lack of trust in (...) the central authorities (...) is heightened by government policies that are perceived by minorities as inhibiting their expression of their identities*. This statement is unacceptable and has no basis in facts, all the more if given reasons for such an assessment are taken into consideration, namely, the following two events. The first of those events concerns a monument in Preševo, which was built without observing the legal procedure. Moreover, the public authorities have not "destroyed" this monument, but have rather removed it without destroying it, in accordance with the decision and based on the verdict on the approval of the implementation of the decision by the then Ministry of Justice and Public Administration – the Administrative Inspectorate of Niš, without disturbing public order. The authorities of the Republic of Serbia find the use of the term "Albanian war heroes" unacceptable, and therefore suggest that, instead of the quoted term, the sentence "persons of Albanian nationality who were died during an assault on representatives of state bodies of the Republic of Serbia".

With regard to the other mentioned event which is "perceived by the Albanian minority as inhibiting their expression of their identity", the relevant state bodies point out that public gatherings were held in the municipalities Preševo and Bujanovac on November 27 and 28,

2012, and November 28, 2013, on the occasion of the Statehood Day of the Republic of Albania, also known as "Flag Day". Flags of the Republic of Albania were displayed at these gatherings. Displaying the coat of arms or flag of a foreign country is regulated by the Law on the Look and Use of the Coat of Arms, Flag and Anthem of the Republic of Serbia, which prescribes that symbols of a foreign state may be displayed in Serbia only alongside the coat of arms or flag of the Republic of Serbia, unless it is differently prescribed by a ratified international agreement. For a violation of the above mentioned provision, criminal responsibility is prescribed only for a legal person and the responsible person in the legal person, but not for a natural person.

In October 2011, the National Council of the Albanian National Minority issued the Decision on the Look and Use of the Flag of the Albanians on the Territory of the Republic of Serbia, and it informed the Ministry of Human and Minority Rights, Public Administration and Local Self-Government about it. The National Council chose a flag identical to the flag of the Republic of Albania as the flag of the Albanians in the Republic of Serbia. The use of national symbols of national minorities is regulated by the Law on the Protection of Rights and Freedoms of National Minorities (2002), which prescribes that members of national minorities have the right to choose and use national symbols and emblems, and that a national symbol or emblem of a national minority may not be identical to the symbol or emblem of another country. The legislator's intention was to find symbols which would represent entire national minorities, not their mother countries. Such a legal solution does not prevent the possibility of choice and the use of traditional symbols which can be similar to symbols and emblems of other countries, but must not be identical to them. The law prescribes a special procedure for establishing national symbols, holidays and emblems, suggested by their national councils and approved by the Council for National Minorities. The Law on National Councils of National Minorities has prescribed that a national council, in accordance with the law and its statute, shall independently, through its bodies, determine proposals for national symbols, emblems and holidays of the national minority. The then Ministry informed the National Council of the Albanian National Minority that the determined look of the national flag was in violation of the regulations of the Republic of Serbia, and suggested to the National Council to determine a new look for the flag, different from the flag of the Republic of Albania, and to submit it to the Council for National Minorities for approval, which would allow this symbol to be officially displayed on the territory of the Republic of Serbia. The National Council of the Albanian National Minority is yet to submit a new proposal.

With regard to the statement that there is a tendency in certain circles *to portray the Bosniac national minority as "only" a religious community with no other specific identifying characteristics*, the authorities point to the fact that, through the establishment of the National Council of Bosnian National Minority, the State has acknowledged a separate national identity and all the autochthonous traits and characteristics it entails, such as language, culture, origin or religion, and enabled its members to enjoy all the rights guaranteed by the Constitution, laws of the Republic of Serbia and ratified international agreements.

The Advisory Committee is hereby asked not to use the term "Preševo valley",[4] as this term is not traditionally used by members of the Albanian national minority, nor is it in

[4] The use of this term originated during the conflicts at the south of Serbia, in the municipalities of Preševo, Bujanovac and Medveđa, in late 1999. The above term is mostly used by representatives of the Albanian national minority in order to present the territory of the above mentioned municipalities as a cultural, historical and political unit.

official use in state bodies of the Republic of Serbia, not does it exist as a geographical term. Instead of this term, the geographical names and official names of the municipalities in the south of Serbia (Bujanovac, Medveđa and Preševo) should be used, and these are also the traditional names used by members of the Albanian national minority. In order to avoid any doubts that this is exclusively an area on the territory of the Republic of Serbia, instead of the term "Sandžak",[5] which is not in official use in state bodies of the Republic of Serbia and which does not refer exclusively to the territory of the Republic of Serbia, the term "Raška area" should be used, as it is in the spirit of the Law on the Territorial Organisation of the Republic of Serbia and which refers exclusively to an area within the Republic of Serbia. The authorities of the Republic of Serbia are bringing special attention of the Advisory Committee to a concern that the use of the above mentioned terms, especially by the Advisory Committee, may mean, for the above stated reasons, that the Committee, in its assessment of the measures undertaken by the Republic of Serbia in the implementation of the Convention, has not sufficiently taken into consideration the Article 21 of the Convention, especially regarding sovereign equality and territorial integrity of the States Parties. Moreover, the use of the above mentioned terms by the Advisory Committee, even though the authorities of the Republic of Serbia are aware that the Committee had no such intent, may be interpreted by certain supporters of the use of the above mentioned terms as a recognition of the legitimacy of the above mentioned terms, and consequently a support for the undertaking of certain activities which are in violation of the territorial integrity and sovereign equality of the State Parties.

With regard to the stated explanations, the authorities of the Republic of Serbia are asking the Committee of Ministers not to take into consideration the statements and views of the Advisory Committee that are described in paragraph 93 of the Third Opinion.

Hate crimes and the role of law-enforcement bodies

Paragraph 100

The Advisory Committee observes that while the numbers of hate-motivated incidents reported appear overall to have dropped in the last few years (from 354 in 2007 to 242 in 2011), racist attacks against persons belonging to national minorities and their property (including religious property) continue to occur, with Roma frequently the target. Monuments of or honouring individuals belonging to national minorities, such as the monument to Roma singer Šaban Bajramović in Niš, as well as Jewish, Bosniac and Albanian monuments, have also been repeatedly defaced with racist graffiti.

The inter-ethnic relations in the Republic of Serbia are characterized by a constant reduction of the number of inter-ethnic incidents. Compared to the year 2011, the number of incidents in 2012 was reduced by 34.7%, and in 2013 by 35.1%. In 2012 and 2013, the Ministry of Interior recorded a total of 315 incidents (in 2012 – 158, and in 2013 - 157) which can be classified as inter-ethnic or inter-confessional in the broadest sense, i.e. which are

[5] This term mostly refers to the area which contains several border municipalities which belong to the Republic of Serbia, the Republic of Montenegro and Bosnia and Herzegovina, and which is located on the crossroads of these three countries. The term is of Turkish origin, and it referred to an administrative-territorial unit in the Ottoman Empire. Lately, the terms has been used by some persons of Bosniac nationality who live in the above mentioned countries and who support a certain political-territorial entity of the Bosniac community in this part of the world, on the basis of the common cultural, historical and political heritage of the population who lives in that area.

assumed to have been motivated by ethnic, racial or religious intolerance. The structure of incidents is as follows: physical assaults – 34[6]; brawls between persons of different national affiliations – 5; anonymous threats – 5; verbal conflicts – 61; damaging of religious facilities – 53; damaging and desecration of cemeteries and memorials – 3; damaging of facilities owned by persons of Albanian, Turkish and Gorani nationality – 20; damaging of facilities owned by persons of Roma nationality – 4; damaging of other facilities – 5; writing slogans or graffiti or drawing symbols - 119, and other incidents – 6.

Of the total number of incidents, criminal charges were filed for 114 criminal offences, while requests for initiation of offence proceedings were filed for 28. Requests for initiation of offence proceedings included 45 persons from different national affiliation. Out of a total of 114 criminal offences, 75 or 65.5% offences were solved and criminal charges were filed against 146 persons (91 Serbs, 17 Muslims, 14 Hungarians, a group of 14 persons of mixed national structure, 6 Roma and one Albanian, one Macedonian, one Bosniac and one citizen of Montenegro).

The structure of criminal offences is as follows: one criminal offence of attempted aggravated murder (of a Gorani, which was solved); 56 criminal offences of inciting national, racial and religious hatred and intolerance (44 were solved); one criminal offence of light bodily injury (solved), one criminal offence of brawling (solved); two criminal offences of threat by dangerous implement in brawl or quarrel (solved); 9 criminal offences of violent behaviour (8 solved); two criminal offences of violent behaviour at sporting events or public gatherings (one solved); one criminal offence of causing general danger (unsolved); four criminal offences of endangering the safety (all solved); three criminal offences of injury to reputation due to racial, religious, ethnic or other affiliation (two solved); two criminal offences of ruining the reputation of a foreign state or international organisation (one solved); one criminal offence of ill-treatment and torture (solved); one criminal offence of unlawful manufacture, possession, carrying, and sale of firearms and explosives (solved); one criminal offence of preventing an official in discharging duties of public or state security or keeping of public peace and order (solved) and 29 criminal offences of destruction or damage of another's object (7 solved).

Paragraph 101

The Advisory Committee is deeply concerned that, after a lull of several years, a series of inter-ethnic incidents between Serbian and Hungarian youths, involving physical and verbal assaults, nationalist graffiti and posters and the destruction of religious property, occurred in Temerin in late 2011 and early 2012. It also remains deeply worrying that Roma families who have been resettled following eviction have again been the subject of sustained and violent racist attacks. These attacks follow on from sometimes violent protests against the decision to settle the families in their new location.

With a view to preventing inter-ethnic and inter-confessional incidents in the area of the Autonomous Province of Vojvodina, a special focus is put on the joint action of the Ministry of Interior, provincial institutions and local self-governments with the goal of preserving public order, safety, good inter-ethnic relations and mutual respect. With regard to the ethnic-

[6] Out of the total of 34 physical assaults, 19 were committed against Roma, 7 against persons of Hungarian nationality, 3 against Serbs. 2 against Jehovah witnesses, and one each against persons of Slovakian, Muslim and Gorani nationality.

based incidents in the area of the Autonomous Province of Vojvodina, in agreement between the officials of the Ministry of Interior and the Assembly of AP Vojvodina, measures and activities have been implemented with a view to reducing incidents and strengthening citizens' trust in the State's willingness and ability to guard their personal safety and the safety of their property by involving all competent bodies. These activities by the police significantly contributed to the reduction of the number of inter-ethnic incidents in 2013 in the area of AP Vojvodina - by 27.3% compared to 2012, i.e. by 39.4% compared to 2011. The number of incidents in which the victims were members of the Hungarian national minority was reduced by 43.7% compared to 2012, i.e. by 67.8% compared to 2011. With regard to the most severe forms of ethnically or religiously motivated intolerance, physical assaults on persons belonging to the Hungarian national minority, were reduced in 2013 compared to 2012 (from 5 to 2), and verbal conflicts were also reduced (from 4 to 1). The number of hate graffiti against members of the Hungarian national minority in 2013 was similar to 2012 (4:3), but was significantly reduced compared to 2011 (from 15 to 3).

In 2012 and 2013, the total number of incidents in which the victims were members of the Hungarian national minority was 25 (16 in 2012 and 9 in 2013). Regarding serious incidents against members of the Hungarian national minority, 7 physical assaults and 3 brawls were reported. In these incidents, one person belonging to the Hungarian national minority suffered a serious physical injury, and 9 suffered light physical injuries. Criminal charges were filed for 15 criminal offences: in the jurisdiction of the Police Administration in Novi Sad (6), Police Administration in Sombor (4), Police Administration in Subotica (2) and one each in the jurisdiction of the Police Administration of the City of Belgrade, Police Administration in Kikinda and Police Administration in Zrenjanin. The structure of criminal offences is as follows: light physical injury (1), instigating national, racial or religious hatred or intolerance (8), violent behaviour (2), brawling (1), and destruction or damage of another's object (3). 12 criminal offence cases were solved and criminal charges were filed against 36 persons (28 Serbs and 8 Hungarians), as well as against a group of 14 persons of mixed national structure. In addition, requests for initiation of offence proceedings were filed for two offences (against 5 Serbs and 2 Hungarians) and criminal charges were filed against unknown persons for the criminal offence of destruction or damage of another's object, in a private prosecution procedure.

A certain amount of media attention was drawn by the incidents whose perpetrators were members of the "64 Counties" Youth Movement. Two such cases were reported, both in the jurisdiction of the Police Administration in Novi Sad, one in September 2012 (in Bečej) and the other in October 2012 (in Temerin). Members of this movement were disturbing the public order in hospitality facilities by insulting the guests on basis of ethnicity, physically assaulting Serbs and provoking them with Nazi salutes. Four persons of Serbian nationality suffered light physical injuries. Criminal charges were filed against 8 members of this group (out of whom, two persons of Hungarian nationality participated in both incidents) and 3 persons of Serbian nationality (who entered into a physical fight with members of this movement) because of suspected criminal offences: violent behaviour (2), instigating national, racial or religious hatred or intolerance (1), and unlawful manufacture, possession, carrying and sale of firearms and explosives (1).

Paragraph 102

Despite the broad arsenal available in the Criminal Code for prosecuting hate-motivated offences, the Advisory Committee is concerned that few prosecutions are brought in practice

and, when investigations are carried out, minorities and their representatives indicate that they are frequently slow and ineffective, failing to identify the perpetrators, or that when the latter are found, the offences are prosecuted as minor or less serious offences that expose the perpetrators to less severe sanctions.

According to the data of the Ministry of Interior, regarding inter-ethnic and inter-confessional incidents in 2012 and 2013, there were 56 reported criminal offences of instigating national, racial or religious hatred or intolerance from Article 317 of the Criminal Code, 33 in 2012 and 23 in 2013, as well as three criminal offences injury to reputation due to racial, religious, ethnic, or other affiliation from Article 174 of the Criminal Code, two in 2012 and one in 2013.

The criminal offences of instigating national, racial or religious hatred or intolerance were committed in 14 cases, which were cases of physical assaults against Roma (8), Hungarians (3) and 1 each against a person of Serbian, Muslim and Slovakian nationality. In the other cases, criminal charges were filed for the following offences: one brawl between a Serb and a Muslim, two anonymous threats against persons of Serbian and Muslim nationality, 19 verbal conflicts, 16 hate graffiti, one desecration of gravestones at the Jewish cemetery and three other cases of instigating inter-ethnic intolerance. 44 cases of criminal offences from Article 317 of the Criminal Code were solved. 92 persons were identified as perpetrators (52 Serbs, 13 Muslims, 10 Hungarians, 1 Albanian, Roma and Bosniac, and 14 of mixed ethnic structure).

Regarding other criminal offences, there were 3 reported criminal offences of injury to reputation due to racial, religious, ethnic, or other affiliation from Article 174 of the Criminal Code (insulting persons of Muslim and Serbian nationality, and drawing a Nazi symbol on a building owned by the president of the Association of Roma in Southern Banat). Two cases of criminal offences were solved, and criminal charges were filed against one person of Serbian nationality and one person of Roma nationality.

During the above mentioned period, there were no reported criminal offences from Article 128 (violation of equality), 129 (violation of the right to use a language and script), 130 (violation of the right to expression of national or ethnic affiliation), 131 (violation of the freedom of religion and performing religious service) or 387 (racial and other discrimination) of the Criminal Code.

On the basis of the data presented above, it can be noted that the number of solved cases of hate crimes, as well as the number of filed criminal charges against the perpetrators, is constantly on the rise; therefore the authorities of the Republic of Serbia suggest to the Committee of Ministers to take into account these facts in its assessment of the situation.

Paragraph 104

Welcome initiatives have been taken to train the police and judiciary on discrimination issues and tolerance, to promote the learning of minority languages by police officers in some multilingual areas in Vojvodina and to improve communication between the police and particularly marginalised groups. Police officers are also supposed to be familiar with the OSCE Recommendations on Policing in Multi-Ethnic Societies. The Advisory Committee is concerned, however, that there continue to be occasional reports of police brutality against persons belonging to national minorities, which moreover are not adequately

followed up through disciplinary procedures or in the courts. Such acts are not only clearly in breach of the human rights of the victims but also feed distrust of minorities towards the police, which is compounded by the continued under-representation of national minorities in the police force. While the Advisory Committee has been informed of promising results from specific projects conducted to increase the representation of national minorities in the police forces in South Serbia as well as, in 2012, in Novi Pazar and Prijepolje, efforts in this field need to be both sustained in time and expanded in scope.

During the period after the submittal of the Third Report on the Implementation of the Framework Convention, the Ministry of Interior continued to pay special attention to the integration of persons, especially women, belonging to national minorities, in the police force of the Republic of Serbia. The Basic Police Training Centre conducts a number of activities whose objective is promotion and professional information, relating to a public call for inscription of trainees, as well as to regular promotional activities and cooperation with the community. Many of these activities have been implemented due to the support of the international partners - OSCE Mission in Serbia, Embassy of the United Kingdom with British Council, and Embassy of the Federal Republic of Germany. The support was logistic, expert and financial - from the funds of the OSCE Mission in Serbia or through donations. The activities in the previous period include: organizing manifestations in which the Centre presented itself to the students of primary and secondary schools in multi-ethnic environments (Rumenka, Kikinda, Subotica and Kanjiža) as a part of the project "Professional Orientation in Serbia - Secondary Schools Fair"; realization of the project Support to the inclusion of national minorities in the police force of the Republic of Serbia, through the implementation of a multi-lingual information campaign about the inclusion of minorities in the police force; organizing promotional forums in environments where members of national minorities are numerous, in order to encourage them to apply for the admission, etc.

With regard to the statement that the Advisory Committee *is concerned... that there continue to be occasional reports of police brutality against persons belonging to national minorities, which moreover are not adequately followed up through disciplinary procedures or in the courts*, it shall be noted that every individual's complaint against the conduct of police officers is handled responsibly and in accordance with the regulations. The procedure of resolving complaints against the conduct of police officers is conducted in accordance with the Law on Police and the Rulebook on the Procedure of Resolving Complaints, and it is a two-step procedure with the participation of the complainant. In the second step, representatives of the public participate in the decision making. The procedure in the first step is conducted by the head of the organisational unit where the implicated officer is employed, and the procedure in the second step by a three-member committee in all jurisdictional police administrations and one in the seat of the Ministry. Such a procedure allows, above all, the respect of the two-step approach principle in assessing the regularity of the conduct of police officers, and thereby a stronger protection of the rights and freedoms of all persons, including persons belonging to national minorities, who can be endangered by such a conduct. On the other hand, the participation of the complainant and representatives of the public makes such a procedure democratic and open. From the beginning of the application of such a complaints procedure, one of the two available representatives of the public in the Commission for resolving complaints at the seat of the Ministry is a Roma. The decentralisation of the procedure ensures its efficiency and effectiveness, and the deadlines allow the possibility to, when the responsibility of a police officer is established, undertake appropriate disciplinary measures in a timely manner, as well as measures for eliminating the consequences of the committed failures, which is the ultimate goal of the complaints procedure.

A complaint may be filed by any individual (citizen or representative of a legal person) who believes that his or her rights or freedoms were violated through an illegal or irregular action or failure of a police officer in a discharge of official duty. Complaints can be filed in written form, or in spoken form for the records, or in electronic form, to the Ministry or the organisational unit of the Ministry which has the jurisdiction according to the place of permanent or temporary residence of the complainant. The police does not start a complaints procedure for anonymous complaints, as this procedure requires the participation of the complainant. Anonymous complaints are transferred to the Internal Affairs Sector of the police and other organisational units of the Ministry. If it is determined that an anonymous complaint is justified, appropriate measures are taken against the police officers.

Considering the fact that the methods of recording complaints and informing about the complaints has not been established by the regulations prescribing the complaints procedure, the Ministry of Interior does not possess the data on the number of complaints which refer to endangering of rights of the national minorities, as there are no separate records on this subject. With regard to the complaints procedure, members of national minorities receive the same treatment and have equal rights as other citizens, including the right to a procedure conducted in their mother tongue, through an authorised interpreter. The annual report on resolving of complaints is published on the website of the Ministry of Interior.

In 2013, the Ministry received 1,948 complaints, which is lower by 14.4% compared to the previous year, 2012. The total number of resolved complaints is 1,685, out of which 1,285 (76.3%) were resolved in the first step. Compared to the year 2012, the number of justified complaints was lower by 1.2%, which means that the percentage of justified complaints has continued to decrease. Compared to the total number of resolved complaints, 7.6% of complaints have been justified or partially justified. In 2012 and 2013, the Internal Affairs Sector did not file any criminal charges against police officers because of a reasonable suspicion that they had committed criminal offences for which there are indications that they were committed out of national hatred or intolerance.

Discharging duties from its competence, the Ministry of Interior ensures an equal protection of personal safety and safety of property to all citizens of the Republic of Serbia, regardless of their national or ethnic affiliation. One of the priorities in the actions of the Ministry are the activities of protection of persons belonging to national minorities, or solving cases of criminal offences and other incidents committed against persons belonging to national minorities. In this context, the Internal Affair Sector of the police performs a detailed check of claims from all grievances, complaints and other information which include allegations of possible misuse and overstepping of powers by the police at the expense of persons belonging to national minorities. In the observed period, after completed verifications of the allegations from the grievances in which citizens claimed that their national affiliation was the reason and cause of the hatred, intolerance and misuse by police officers, the Sector did not establish the existence of failures or irregularities in the conduct of police officers in any of the cases.

The national affiliations of grievants cannot be determined with absolute precision because legal regulations guarantee the freedom of expression of national affiliation and prohibit every kind of pressure or influence on the citizens' identification and expression of ethnic affiliation. Therefore, the above mentioned statement by the Advisory Committee refers only to the grievances by those grievants who, in their appeals to the Sector, explicitly

noted that they belonged to specific national minorities, and who emphasized on that occasion that it was because of their national affiliation that they had been victims of unprofessional and illegal conduct by police officers, etc.

Going by the stated information that, in the previous period, the Internal Affairs Sector of the police did not in any of the cases establish the existence of failures or irregularities in the conduct of police officers caused by the national affiliation of the complainant, the statements by the Advisory Committee on this issue are not grounded in facts. Therefore, the alleged failures and irregularities in conduct of police officers cannot *feed distrust of minorities towards the police, which is compounded by the continued under-representation of national minorities in the police force.* It is obvious that this problem is much more complex and that it requires a deeper analysis of the causes of the under-representation of national minorities in the police force. It is an irrefutable fact that the authorities of the Republic of Serbia are constantly and continuously undertaking measures to integrate members of national minorities in the police force[7].

Article 8 of the Framework Convention

Freedom of religion

Paragraph 118

The Advisory Committee regrets that no changes have been made since its previous Opinion to the 2006 Law on Churches and Religious Communities, despite widespread criticism of certain of its provisions by both domestic and international actors. None of the recommendations of the Ombudsman aimed at improving the legal position of churches and religious communities as well as ensuring legal certainty have been followed up. Moreover, on 16 January 2013, the Constitutional Court rejected a request for the assessment of the constitutionality of a number of provisions of the above Law.

The decision on the Constitutional Court (2013) refused the proposals for the assessment of the constitutionality of the Law on Churches and Religious Communities and its compliance with the ratified international agreements, and rejected the proposals for establishing the unconstitutionality of the Law as a whole. Prior to the decision of the Constitutional Court, a public debate was held, with the participation, among others, of the Ombudsman and the Commissioner for Information of Public Importance and Personal Data Protection, and their opinions and recommendations were taken into consideration in making the above mentioned decision. The Constitutional Court maintains in its decision, among other things, that the legal difference between the traditional churches/religious communities and other religious organizations is not discriminatory, and that the prohibition of discrimination does not imply that every legal difference between individuals and collectives is prohibited. Certain differences between individuals and groups are legitimate, sometimes even necessary, in order to rectify the existing inequalities. In reaching such a viewpoint, the Constitutional Court took into consideration the Guidelines for Review of Legislation Pertaining to Religion or Belief OSCE & European Commission for Democracy Through Law/Venice Commission. In this regard, it is especially emphasized that, in accordance with

[7] For further information on activities aimed at the integration of members of national minorities in the police force, see the comment on paragraph 185 of the Third Opinion of the Advisory Committee.

the Article 7, paragraph 1 of the Law on Constitutional Court, decisions of the Constitutional Court are final, executive and binding.

Paragraph 119

The Advisory Committee recalls the concerns already raised in its previous Opinion regarding the need for religious organisations that are not among the seven "traditional churches and religious communities" and that wish to benefit from certain rights, such as the right to acquire legal personality or to construct religious buildings, to re-register following a procedure requiring them to submit the names and signatures of at least 100 members of the organisation, and notes that there have been no significant developments in this regard. It remains concerned that this situation may raise issues of compatibility with the principle of free self-identification contained in Article 3 and the right to establish religious institutions enshrined in Article 8 of the Framework Convention.

The Republic of Serbia is a State Party of all relevant international agreements relating to human and minority rights, which, among other things, regulate and guarantee the freedom of religious affiliation and undisturbed activities of all churches and religious communities, right to acquire a legal personality, establish religious institutions, organizations and associations, construct religious buildings, and all other rights, regardless of whether it refers to a majority or minority religion among the citizens of the Republic of Serbia.

The Law on Churches and Religious Communities does not distinguish between the legal status of churches and religious communities, nor does it distinguish between the rights of traditional churches and religious communities on one side and other religious organizations on the other, relating to autonomy, property and financing, worship, educational and cultural activities of churches and religious communities.

In this regard, the Law on Churches and Religious Communities is in full compliance with the principles and terms included in the General Comment no. 22 of the UN Human Rights Committee (1993). According to this Comment, the Article 18 of the International Covenant on Civil and Political Rights, which guarantees the freedom of thought, conscience and religion, is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions (paragraph 2). Thus, according to the view of the UN Human Rights Committee, the fact that a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant, including articles 18 and 27, nor in any discrimination against adherents to other religions or non-believers (paragraph 9), which is enabled by the provisions of the Law on Churches and Religious Communities.

In addition to this, with regard to the legal status of churches and religious communities, the Law regulates their autonomy which, among others, includes the possibility that churches and religious communities may change or eliminate their organizational units, bodies and institutions which have the capacity of legal persons.

Paragraph 120

It further observes that the Montenegrin Orthodox Church has still not been able to register, essentially on the grounds that, under Orthodox canon law, territorial overlapping

between dioceses has to be avoided. It also notes that, again due to issues relating to the (absence of a) right of the Romanian Orthodox church to operate in certain parts of Serbian territory, persons belonging to the Vlach/Romanian minority/minorities do not always have access to worship in the language of their choice. It further notes that members of the Bulgarian national minority have also requested access to worship in their mother tongue.

The Republic Serbia would like to remind the Advisory Committee that the comments on paragraph 143 of the Second Opinion of the Advisory Committee on the implementation of the Framework Convention for the protection of national minorities in the Republic of Serbia include detailed explanations of the reasons why the then Ministry of Religion refused to register the Montenegrin Orthodox Church. The request of the Montenegrin Orthodox Church to register was refused out of substantive law reasons prescribed by the Law, thus the opinion of the Advisory Committee that the Montenegrin Orthodox Church has still not been able to register cannot be accepted, because, in accordance with the Orthodox canon law, overlapping of eparchies must be avoided.[8] Unsatisfied with the decision of the Ministry of Religion, the Montenegrin Orthodox Church filed a complaint, which the Constitutional Court rejected as unfounded in 2012, based on the Law on General Administrative Procedure, Law on Churches and Religious Communities and Law on Associations.

The authorities of the Republic of Serbia also cannot accept the statement of the Committee that persons who belong to the "Vlach/Romanian minority/minorities" do not always have access to worship "in the language of their choice" due to problems relating to the right (or lack of it) of the Romanian Orthodox Church to conduct activities in certain parts of Serbia. The organization of certain Orthodox churches is based on the Orthodox autonomous law, which the State does not interfere with. In case of the Romanian Orthodox Church, the State registered in 2009 an organizational form which, in compliance with this law, was determined by the Romanian Orthodox Church itself - and based on its request, the Eparchy Dacia Felix with its seat in Vršac was registered. Thus, representatives of the Romanian Orthodox Church respected the autonomous law of the confession they belong to, i.e. Orthodox autonomous law, and the State did not interfere with the determination of the appropriate organizational form of the Romanian Orthodox Church in the Republic of Serbia, its character and territorial jurisdiction. The authorities of the Republic of Serbia are using this opportunity to emphasize again that the State, just as it consistently respects the freedom of national affiliation and does not interfere with the issues of ethnic autochthony, also consistently respects the autonomy of churches and religious communities and their self-identification. With regard to the registration of other organizational forms of the Romanian Orthodox Church in Serbia, the competent authorities have received a request to register one

[8] The competent authorities remind that the administrative procedure of registration which was conducted at the time established, among other things, that the request to register the Montenegrin Orthodox Church was filed by a person who did not have a valid power of attorney, nor was it authorized by the founder; that the founding decision which was submitted with the request was not made by the required, prescribed by Law number of citizens with permanent residence in Serbia, but by associations of citizens of Montenegro; that the Statute was adopted with a delay of six months from the date of the founding decision; that the documentation supplied with the request used four different names, which made it impossible to determine which type of organizations it was; and that the request made it clear that the registration would allow the activity of a legal person whose name was interchangeable with the name of another legal person, i.e. whose name could cause confusion about its goals of about the type of organization it was, or even allow misappropriation of assets and legal identity of a church which has already been registered, among other things because the supplied documentation included a designation of the title of the head of the church as "Archbishop of Cetinje and Metropolitan of Montenegro", which is identical to the title of one of the eparchies of the Serbian Orthodox Church.

such organizational unit,[9] but the procedure was suspended because the applicants ignored the request of the state bodies to organize and supplement the request with additional documentation, in order to make it intelligible. In this regard, the failure to act on the part of the applications in the administrative procedure of the registration of organizational forms of the Romanian Orthodox Church *a priori* cannot be termed a violation of the religous rights of members of a certain minority in Serbia, and thus the competent bodies of the Republic of Serbia cannot accept the finding of the Advisory Committee that there are allegedly problems relating to the right of the Romanian Orthodox Church to operate in certain parts of Serbia.

The view that the alleged problems relating to the right of the Romanian Orthodox Church to operate in certain parts of Serbia (which, as noted above, do not actually exist) could negatively affect the exercise of the religious rights of members of the Vlach national minority, is absolutely unacceptable to the Republic of Serbia. This view by the Advisory Committee implies that the Vlachs are a part of the Romanian national minority, which contradicts their free national identification as well as the existing findings and opinions of the Advisory Committee itself.[10] In this regard, the authorities of the Republic of Serbia, in their consistent respect of national identification and autonomy of churches, could not and must not impose worship in the Romanian language on members of the Vlach national minority, because Romanian is not the mother tongue of the Vlachs, and because such actions by the authorities of the Republic of Serbia would, due to their nature, represent not only a violation of individual rights and a Romanization of the Vlach population of sorts, but also a violation of the autonomy of churches. The Advisory Committee is aware of the fact that the National Council of Vlach National Minority adopted the view, in the alternative report on the implementation of the Framework Convention for the protection of national minorities in the Republic of Serbia, that "The popular speech of the Vlachs of north-eastern Serbia... by its characteristics differs from the Romanian literary language",[11] i.e. that "most Vlachs do not use contemporary Romanian language".[12] Moreover, any kind of interference of the State in the issue of the language of worship, in any church of religious community, could constitute a severe violation of the principle of the separation between the State and religion, which is a democratic standard in a number of secular states, including the Republic of Serbia.

The competent bodies of the Republic of Serbia also emphasize the delicacy of the issue from the part of the findings of the Advisory Committee that refer to persons who identify as members of the Romanian minority. Namely, such a finding implies, or could imply, a view that the right to worship in the Romanian language can be exercised by a member of the Romanian national minority only within the Romanian Orthodox Church, which could lead to very complex questions such as whether the State, as a guarantor of minority rights and a State Party of the Framework Convention, but also as a guarantor of the

[9] Protopresbyterate Dacia Ripensis

[10] ACFC/INF/OP/I(2004)002 – *The Advisory Committee notes that there have been debates in Serbia on the inter-relation between Romanian and Vlach identities... The Advisory Committee underlines that this issue should be approached with full respect to the principles contained in Article 3 of the Framework Convention, and that there should be no attempts to impose one or the other identity on the persons concerned. In this respect, the Advisory Committee welcomes the fact that the census of 2002 in Serbia recognised the identities concerned on an equal footing.*

[11] "*The popular speech of the Vlachs of north-eastern Serbia ... by its characteristics differs from the Romanian literary language*" - NGO Report (by Network of Committees for Human Rights in Serbia – CHRIS), 2007. p. 5

[12] "*most Vlachs do not use contemporary Romanian language*" - NGO Report (by Network of Committees for Human Rights in Serbia – CHRIS), 2007. p. 83

freedom of religion, whose essential element is the respect of the autonomy of churches and religious communities, should be allowed to interfere with the question of the language of church service in certain churches which include persons belonging to the Romanian national minority (i.e. not only within the Serbian Orthodox Church and the Romanian Orthodox Church, but also within the Roman Catholic Church, which includes a part of the members of the Romanian national minority in Serbia), of whether the religious rights of the member of the Romanian national minority are consistently exercised only if they belong to the Romanian Orthodox Church, as well as when and under which conditions certain churches and religious communities should ensure worship in specific languages.[13] The competent bodies of the Republic of Serbia are bringing special attention to the fact that none of the international instruments of human rights guarantees the "right of believers to worship in the mother tongue" or "right to worship in the language of own choice" and openly express doubts in the capacities and adequacy of such a broad interpretation of the freedom of religion and minority rights. Namely, it is an open question whether recognizing the rights of believers to worship in the mother tongue/chosen language would even be possible, not only because it would deeply involve issues which belong to the domain of the autonomous law of churches and religious communities and it would require a certain amount of state intervention, but also because ethnic, linguistic and religious identities of persons could be different/overlapping, rendering absurd any attempt to effectuate such a concept in practice. One can only imagine the challenges and problems a church or religious community, as well as the State itself, would face if it was faced with different requests relating to the language or worship in the same church buildings or in the same area. The competent bodies of the Republic of Serbia maintain that priests and church clerks are not hired and paid performers of worship which meets the linguistic preferences of believers, but persons who freely and independently perform the church service within the existing churches and religious communities, in accordance with their autonomous law. This is, in the opinion of the competent bodies of Serbia, the only way to balance the potentially conflicting legal interpretations, a broad concept of the rights of members of national minorities relating to the freedom of religion, on one hand, and autonomous existence of churches and religious communities as a segment of the freedom of religion, on the other hand.

The authorities of the Republic of Serbia are using this opportunity to inform the Advisory Committee that the Serbian Orthodox Church has not yet received any requests to perform the worship in its churches in Bulgarian, although, in principle, the Constitution of the Serbian Orthodox Church allows the possibility of using languages other than Serbian. We would like to bring attention to the fact the worship in churches of the Serbian Orthodox Church is partially performed in the Church Slavonic language, which members of the Bulgarian national minority can understand.

Paragraph 121

The Advisory Committee acknowledges that there are complex issues of Orthodox canon law at stake in this area and that the constitutional principle of separation between the State and religion makes interference by the authorities in such matters exceptionally sensitive. However, it notes that in practice, the absence of action by the state authorities in this field may ultimately give rise to issues of compatibility with international standards

[13] Whether it should be done with regard to the specific number of believers or their expressed needs and wishes, whether it is an individual right, whether the right implies an appropriate national/linguistic structure of the clergy, and whether, in order to exercise this right, public aid, especially financial aid, should be ensured for the arrival of priests from the mother countries, etc.

on freedom of religion. The Advisory Committee observes that pragmatic solutions could be found and could go a significant way towards meeting the demands of the national minorities concerned regarding adequate conditions for worship.

Starting with all that was described in the comment to the paragraph 120 of the Third Opinion of the Advisory Committee, the authorities of the Republic of Serbia cannot fully accept the view of the Committee which is stated in paragraph 121, according to which, the absence of action by the state authorities in this field may ultimately give rise to issues of compatibility with international standards on freedom of religion. Namely, an interference of the State in the issues of worship and the language it is performed in certain churches and religious communities, as an arbitrary action, would contradict the international standards on the freedom of religion, and would violate the very foundations of this freedom. Article 23 prescribes that the rights and freedoms which arise from the principles included in the Framework Convention, to the extent that they are the subject of the European Convention on Human Rights and Fundamental Freedoms and the accompanying protocols, shall be interpreted in accordance with the provisions of that Convention. Taking into account that the freedom of religion is guaranteed by the Article 9 of the European Convention, it is clear that the provisions of the Framework Convention must be interpreted in accordance with the provisions of the European Convention on Human Rights and Fundamental Freedoms. In this regard, the authorities of the Republic of Serbia would like to remind the Advisory Committee that the European Court for Human Rights in one case adopted the view that „since religious communities traditionally exist in the form of organised structures, Article 9 must be interpreted in the light of Article 11 of the Convention, which safeguards... against unjustified State interference", and that „the autonomous existence of religious communities is... an issue at the very heart of the protection which Article 9 affords".[14] Having regard to the fact that Article 9 of the European Convention on Human Rights and Fundamental Freedoms is interpreted in Court practice in such a manner that, in case that a conflict may arise between the individual and the collective aspect of Article 9, it is desirable for the collective expression of belief to be given precedence over the individual one, because "a church is an organised religious community based on identical or at least substantially similar views" and thus "itself is protected in its rights to manifest its religion, to organise and carry out worship, teaching, practice and observance, and it is free to act out and enforce uniformity in these matters", it is clear that it is the absence of any interference by the State in the matter of the language of worship that is fully in accordance with the international standards of the freedom of religion.

With regard to the above described comments to paragraphs 120 and 121 of the Third Opinion of the Advisory Committee, the authorities of the Republic of Serbia request that the Resolution of the Committee of Ministers leaves out the opinions of the Advisory Committee that refer to problems in the exercise of the freedom of religion.

Article 9 of the Framework Convention

Legislative framework relating to minority media

Paragraph 126

While proposals to amend media laws being drawn up as part of the media privatisation

[14] *Metropolitan Church of Bessarabia v. Moldova*, no. 45701/99

process – aiming at the privatisation of local rather than state-level or provincial media services – may provide a valuable opportunity to define the notion of public interest in this field and include provisions on information in national minority languages and intercultural broadcasting, representatives of national minorities have also expressed considerable concerns in this context. In particular, proposals to abolish television licence fees and to require media outlets to bid for public funding in future are seen by some as a serious threat to the independence of the media; there are also concerns that reduced funding at local level may threaten the continued existence of some minority media. It has moreover been pointed out that in the case of numerically smaller minorities that are dispersed across various parts of the territory, such as Ukrainians and Macedonians, few private media companies would consider it commercially viable to broadcast in their languages and existing programmes may therefore be lost as a direct result of the privatisation process.

The new media laws prescribe the privatisation of all public enterprises that operate in the field of public information, on all levels, from local to republic level. These laws also specify the exceptions to the privatisation process, cases in which the State remains or could be a founder of the media. Such is the case with public services at the republic and provincial level, and the institution which will be the founder of media for the area of Kosovo and Metohija. The new legal solutions leave the possibility for national councils of national minorities to be founders of media, regardless of the fact that they are funded by public revenues.

Article 10 of the Framework Convention

Use of minority language in relations with authorities at local level

Paragraph 138

Nonetheless, the Advisory Committee observes that the implementation of the right to use minority languages in contacts with authorities at local level remains uneven across Serbia. Progress in introducing minority languages as languages in official use remains generally slower outside Vojvodina, where a more flexible approach is taken. While it is highly welcome that Bosnian has now been introduced as an official language in Prijepolje, the Advisory Committee notes with concern that the municipality of Priboj has refused to introduce Bosnian in official use, although the legal requirements were met, and in spite of a recommendation by the Ombudsman that the municipality take the necessary steps to enable the exercise of the right to official use of the Bosnian language and script as well as the introduction by the Ministry of Human and Minority Rights of proceedings to investigate the constitutionality and legality of this situation. Similar difficulties have been reported in eastern Serbia, for example as regards the introduction of Vlach as an official language in Bor, a case which is complicated by the ongoing disputes as to whether a distinct Vlach identity and language exist.

In 2013, the Office for Human and Minority Rights collected data on the use of the languages of national minorities which are in official use in local self-government units in central Serbia[15], using similar methods as the then Provincial Secretariat for Regulations, Administration and National Minorities did in 2010 for the area of local self-government units

[15] The term "central Serbia" refers to the territory of the Republic of Serbia which is not a part of the territories of the autonomous provinces.

in AP Vojvodina.[16] *The Information on the official use of languages of national minorities in local self-government units in central Serbia*[17] includes data on the use of minority languages in nine local self-government units where a minority language has been in official use (Albanian in Bujanovac, Medveđa and Preševo; Bosnian in Novi Pazar, Prijepolje, Sjenica and Tutin, and Bulgarian in Bosilegrad and Dimitrovgrad). From the data presented in the above mentioned Information, it can be noted that the practice of exercising the rights to use minority languages in communication with local bodies in central Serbia is almost identical to the practice of communication of citizens with the administrations of local self-government units in AP Vojvodina.

Regarding the observations of the Advisory Committee on the difficulties of introducing the Vlach language in official use in Bor, the authorities of the Republic of Serbia point out that it was only the adoption of the Vlach script by the National Council of Vlach National Minority (2012) that created not only a precondition for the representation of the richness of the Vlach spoken language, but also opportunities for its use in all spheres of social life, which had previously been inaccessible to speakers of the Vlach language due to the lack of a written form of the language; from education in the mother tongue, to publishing activities and presentation of their tradition, culture, heritage in the written form, to its official use in local self-government units. Viewed in context of the above presented facts, the statement of the Advisory Committee that there are difficulties in the introduction of Vlach as an official language in Bor is incorrect, because the National Council of Vlach National Minority, as the only legally authorized agent, still has not suggested the introduction of the Vlach language and script in official use in any of the local self-government units, including the municipality of Bor. The National Council of Vlach National Minority has announced that, in accordance with its competences, it will suggest establishing the Vlach language and script as an official language and script in the local self-government units which fulfil the legally prescribed conditions.

The authorities of the Republic of Serbia also cannot agree with the opinion of the Advisory Committee that the introduction of Vlach as an official language in Bor *is complicated by the ongoing disputes as to whether a distinct Vlach identity and language exist.* The Advisory Committee is well aware of the complex and specific problem of the self-identification of persons who identify as Vlachs and of the debates, primarily among that population, about their identity, which the Republic of Serbia has not participated in, nor does it intend to. With regard to the existence of the Vlach national minority and Vlach language, it is noted again that the State respects the basic right of the freedom of national affiliation and expression from Article 3, paragraph 1 of the Framework Convention, and in that context, it treats the Vlach minority as a unique national identity, and the Vlach language as a separate language spoken by the majority of Vlachs. In this manner, the Republic of Serbia has taken into consideration all autochthonous characteristics included in the identity of a member of a national minority on the basis of their free will, expressed in a population census. At the population census in 2011, 35,330 persons identified as Vlachs, and 43,095 persons identified their mother tongue as Vlach.

[16] The data are presented in the Section 8.1.2 of the Third Report on the Implementation of the Framework Convention.

[17] *The Information on the official use of languages of national minorities in local self-government units in central Serbia* is available at the website of the Office for Human and Minority Rights, www.ljudskaprava.gov.rs

With regard to the above described facts, the authorities of the Republic of Serbia are asking the Committee of Ministers not to take into consideration the statements and views of the Advisory Committee relating to the introduction of Vlach as an official language.

Paragraph 139

The Advisory Committee observes that where a minority language is in official use, lack of staff proficient in the relevant languages and/or a lack of resources for the translation of official documents are reportedly cited by the local authorities as reasons for not fulfilling the obligations laid down by law. The reform of the judicial system in 2010, which led to smaller local courts being closed and transferred to larger urban centres, has also aggravated difficulties in access to justice in national minority languages, notably in municipalities in southern Serbia where Albanian is in official use, although this is provided for under the Law on Official Use of Language and Script. The Advisory Committee notes with interest in this context that reforms of the court network are under way and observes that the needs of persons belonging to national minorities should be fully taken into account in all such reforms. Representatives of national minorities also indicate that many persons belonging to national minorities do not exercise their rights in this field because they are unaware of them.

The established legal framework in the Republic of Serbia allows many possibilities for the use of minority languages in relations between members of national minorities and administrative bodies on the local level, and not only in the local self-government units where the minority language is in official use, as detailed in section 8.1 of the Third Report on the Implementation of the Framework Convention. However, certain local self-government units lack expert staff that could ensure, in full capacity, the application of legal obligations relating to the use of minority languages, as has been noted by the Advisory Committee. Hiring expert personnel for the translation of the documentation to minority languages, as well as for the communication of administrative bodies with members of national minorities on the local level, requires increased financial means, which some of the local self-government units are unable to provide due to their insufficient economic strength. In such conditions, a certain number of local self-government units relies on its employees who are speakers of certain minority languages.

On the basis of an analysis of the collected data on the mother tongue of the employees in the administrations of local self-government units in central Serbia[18], it is possible to envision the number of speakers of specific minority languages, either as a mother tongue or as a second language, as a precondition for the communication of members of national minorities with local administrative bodies in their own language. Although the data are incomplete due to having been collected from employees on a voluntary and anonymous basis, the above mentioned analysis shows that administrations include a certain number of

[18] The Office for Human and Minority Rights collected data on the participation of persons belonging to national minorities and the mother tongues of employees in the administration of local self-government units in central Serbia, as similar data for the territory of AP Vojvodina were collected in 2010 by the then Provincial Secretariat for Regulations, Administration and National Minorities. The analysis *National affiliation and mother tongue of employees in the administrations of local self-government units in central Serbia* summed up the data obtained from all 124 administrations of local self-government units (including the administrations of urban municipalities), which had conducted surveys among their employees in the period from May to August 2013. This analysis is available at the website of the Office for Human and Minority Rights. www.ljudskaprava.gov.rs

speakers of minority languages who can maintain communication with members of national minorities in their language. The data collected from administrations were also used for the preparation of the Information on Official Use of National Minority Languages in Administrations of Local Self-government Units in Serbia.

Based on the analysis on the supplied data, it can be concluded that all administrations of local self-government units where the mother tongue was made an official language possess the staff capacity for its use, since it is the mother tongue of a large number of employees and familiar as a second language to the majority of employees. This allows the communication of citizens with the staff in administrations, spoken as well as written, in the minority language which is in official use. In addition to the fact that all 9 administrations of local self-government units where a minority language was made an official language possess the staff capacity for its use, since it is the mother tongue of a large number of employees and familiar as a second language to the majority of employees, the analysis of the supplied data has shown that communication, not just spoken but written as well, between members of national minorities and the administration is conducted in the minority language which is in official use.

In accordance with the new Law on Seats and Territorial Jurisdictions of Courts and Public Prosecutor's Offices (2013), which entered into force on January 1, 2014, instead of 34 existing basic courts, a number of courts and public prosecutor's offices have been established, a new network of court units has been put into place, and the jurisdictions of high courts and public prosecutor's offices have been expanded. The Law, among other things, established 67 basic courts, including the Basic Court in Bujanovac, for the territory of the Bujanovac and Preševo municipalities, where Albanian is in official use; the Basic Court in Dimitrovgrad, for the territory of the Dimitrovgrad municipality, where Bulgarian is in official use; and the Basic Court in Sjenica, for the territory of the Sjenica municipality, where Bosnian is in official use. The basic criteria in establishing a new network of courts included the distance of the previous court seats, as well as opportunities for an access to justice for all citizens, which, for members of national minorities, implied a facilitated access to justice in minority languages. The new territorial organization of the justice network will allow an establishment of an efficient and economic network of courts in order to ensure that the right to fair trial and trial within a reasonable time is respected, to ensure a better organization of activities and reduction of judicial costs, harmonization of court practice and achieving equality of citizens, and raised quality of decisions. In addition to this, an equal, simple and facilitated access to justice will be allowed to citizens in that jurisdiction, which will include members of national minorities.

With a view to improving the access to justice for citizens of Bujanovac and its surroundings, even before the new network of courts was established, the pilot project "Free Legal Aid in the municipality of Bujanovac" had enabled the provision of free legal aid which referred to, among other things, the use of languages in legal proceedings. The project was implemented by Partners for Democratic Change - Serbia in cooperation with the municipality of Bujanovac and the Bar Association of Niš. The Free Legal Aid Service started its operations on December 5, 2012 in the seat building of the Municipality Bujanovac, and the free legal aid was provided by lawyers from the area of Bujanovac and Preševo who were inscribed in the directory of the Bar Association of Niš, including three lawyers of Albanian nationality. Since the establishment of the FLA Service, on March 31, 2013, it was approached by 142 citizens from the areas of Bujanovac, Preševo, Vranje and their

surroundings, out of which 56 members of the Albanian national minority and 35 members of the Roma national minority.

The State will continue to make efforts to improve the rights of members of national minorities to the use of minority languages in relations to courts and other state authorities, having regard to the international instruments and the Serbian legal framework.

Article 11 of the Framework Convention

Names and surnames in minority languages

Paragraph 144

The Advisory Committee regrets, however, that problems with the exercise of this right continue to arise in practice. It has been reported that some offices of the Registrar of births, marriages and deaths fail to make available adequate information to persons belonging to national minorities about the possibilities of registering names in their language and script, and that the possibility of registering a name in a minority language subsequent to the original birth registration is not applied uniformly throughout Serbia, creating uncertainty and inequality between citizens. Representatives of national minorities have also indicated that in practice – despite the fact that the law no longer contains any territorial limitations - it is still only possible to obtain identity documents in their minority language in municipalities where this language is in official use. Moreover, they report that names in minority languages containing letters that do not exist in Cyrillic are deformed when transcribed into Cyrillic script, which is particularly problematic for persons who have not been able to obtain documents in their mother tongue.

The exercise of the right to register a name of a person belonging to a national minority is prescribed in detail by the Law on Registry Books from 2009 and the Instruction on Keeping Registry Books and the Forms of Registry Books. Namely, Article 17 paragraph 1 of the Law on Registry Books prescribes that the name of a child, parent, spouse and deceased is registered in registry books in Serbian, in Cyrillic letters, and persons belonging to national minorities have the right to register their name in the language and script of members of their national minority, which does not exclude a parallel registration of the name in Serbian, in Cyrillic letters. This practically means that there are legal prerequisites for registering the name of a person belonging to a national minority in registry books on the entire territory of the Republic of Serbia, not just in the self-government units where the official use of the language of a specific national minority is prescribed by statute. Also, point 15a of the Instruction on Keeping Registry Books and the Forms of Registry Books prescribes that the name of a child, parent, spouse and deceased member of a national minority is registered in the registry books in the language and script of the national minority after it has been registered in Serbian in Cyrillic letters and below it, in the same letter shape and size.

In order to inform persons belonging to national minorities on their right to register the name of a member of a national minority in their own language and script, the competent Ministry has prepared an example of the Information on the Procedure and Manner of Registration of the Name of a member of a National Minority in the Registry Books. This information has been delivered to all competent bodies with a view to advertising it on the advertising board of the city or municipal administration, as well as all registration areas of local self-government units that registry books are kept for. In addition to this, the municipal or city administrations advertise this information in the language and script of the national minority or minorities as well, in the self-

government units where the official use of the language of members of a national minority or national minorities is prescribed by statute. In addition to the above mentioned, all bodies responsible for keeping registry books have been reminded of the provision of the Article 15 of the Law on General Administrative Procedure, which prescribes that a body conducting the procedure is responsible for ensuring that a lack of knowledge and education by a party and other participants in the procedure does not hinder the exercise of their legal rights; therefore, they have the obligation to inform a party in a procedure of registering certain facts (birth, marriage, death) in registry books on the procedure and manner of exercising their right to register the name of a member of a national minority in registry books in the language and script of members of their national minority. Simultaneously, in accordance with the Article 26 of the Law on Registry Books, a member of a national minority may, after basic registration in registry books (with the name of the member of a national minority not being registered in the language and of the script of persons belonging to the national minority) has been completed, file a request to also register their name in the language and script of persons belonging to the national minority, and a subsequent registration of these data in registry books is conducted on the basis of a decision by a competent authority.

The Administrative Inspectorate that supervises the implementation of the Law on Registry Books has not received any complaints by persons belonging to national minorities relating to an inability to exercise this right.

With regard to identity documents, we would like to point out that the form of the biometric identity card, its appearance and content are prescribed by the Law on Identity Card and the Rulebook on Identity Card. The Ministry of Interior, in accordance with the provisions of the Article 9 of the Law on Identity Card, issues an identity card in a form printed in Serbian in Cyrillic letters and in English, as well as in languages and scripts of national minorities at the request of the party in question, if their official use is established by the statute of the municipality where the party has filed the request for issuing an identity card. In that case, the Ministry issues identity cards in multiple forms, namely: in Albanian, Bosnian, Bulgarian, Croatian, Czech, Hungarian, Romanian, Ruthenian, Slovakian and Turkish language. If the applicant - member of a national minority chooses to have the data on the name and surname in the form for issuing a biometric identity card written in the language and script of the national minority he/she belongs to, the data on the name and surname are written in the identity card form in the same way they were originally written in the birth certificate, in accordance with the regulations.

Therefore, it is clear that the Ministry of Interior does not transcribe the surnames and names of applicants for issuing identity cards, but registers the surname and name in the identity card form in the same way they were originally written in the birth certificate.

Artic1e 12 of the Framework Convention

Situation of the Roma in the educational sphere

Paragraph 160

The Advisory Committee is deeply concerned at reports that segregation of Roma children in schools continues to occur, with some schools being almost exclusively attended by Roma pupils. Cases have also been reported where Roma pupils from displaced families attend separate classes in a different building from the other pupils, and the Advisory Committee has received reports that Roma children are still over-represented in over twenty special

primary schools across Serbia. It remains concerned that poverty and the poor housing situation of Roma also continue to adversely affect the access to education of Roma children.

The Action Plan for the Implementation of the Strategy for the Improvement of the Status of Roma prescribes the implementation of a number of measures and activities in order to accomplish goals relating to the inclusion of Roman into the educational system and to ensure the continuity in education, especially in creating systemic conditions for education of children who are not in the system of education and .pedagogy (children who have left the system, overgrown primary school students, young and adult, unregistered children, children of returnees/deported persons). One of the goals refers to providing support for the inclusion of children from special schools into regular primary schools. The Action Plan includes measures and activities relating to the desegregation, prohibition and combating segregation in education, and monitoring the process of desegregation in education on the basis of prepared indicators. The main agent of these measures and activities is the Ministry of Education, Science and Technological Development, which, in cooperation with the relevant institutions, implements a non-discriminatory policy of enrolment and syllabus.

The Section 10.2 of the Third Report on the Implementation of the Framework Convention includes a detailed description of the measures and activities undertaken by the State with a view to improving the quality and accessibility of education for Roma, and which it has continued to undertake after the end of the period that the above mentioned report refers to.

With regard to the inscription of Roma children into special schools, the competent state and provincial bodies are monitoring the situation in these institutions, and, if necessary, suggest or undertake necessary measures. A practice has been established that all Roma children who were inscribed into special schools without a decision by the Inter-sectoral commission shall be included in regular classes, and programmes of special additional educational support, with monitoring of progress, are prepared for them. The special schools are obliged to create special support programmes with additional content for students of later years, in order to prepare the student for the final examination and inscription into regular secondary schools. Regarding the occurrence of segregation in schools, it is noted that the legal framework ensures the preconditions for a non-segregated inclusion of children into the educational system.

The authorities of the Republic of Serbia share the opinion of the Advisory Committee that poverty and the poor housing situation of Roma have an adverse effect on the accessibility of education for Roma, but they also note the existence of a strong political will by the competent authorities to continue resolving the problems that were pointed out by the Advisory Committee. In this regard, the authorities of the Republic of Serbia will continue, in a planned and continuous manner, to undertake measures that will improve the situation of Roma.

Recognition of diplomas and equal opportunities in access to higher education

Paragraph 166

The Advisory Committee welcomes these developments as the culmination of long-term efforts by the Coordination Body for Preševo, Bujanovac and Medveđa and other involved partners. It notes that some teething problems have been encountered in the first few years

of operation of these structures, including difficulties in implementing simultaneous interpretation into Albanian in Medveđa and the lack of adequate premises in Bujanovac, and hopes that these issues can rapidly be resolved. It underlines in this context the importance of making quality higher education available in this region, as a means of ensuring that the local population is able both to acquire high-level competencies and to use them in employment without having to leave the region.

The improvement of quality and accessibility of the higher education to the population in the municipalities at the south of Serbia is one of the strategic interests of the Republic of Serbia. After the opening of a division of the Faculty of Economy and Faculty of Law in Medveđa (University of Niš) in 2011, a division of the Faculty of Economy in Subotica was open in Bujanovac. For ensuring the conditions for the operations of this unit of higher education, the most important upcoming activity refers to the realization of the construction project of a building where this division of the Faculty of Economy will be located. At the session held on August 25, 2013, the Government of the Republic of Serbia adopted a decision which determines the public interest for the parcel of land where the construction of a division building is planned to take place, and which the design-technical documentation has been created. The procedure of the expropriation of the above mentioned parcel of land has been completed, and the works are expected to begin in the second half of 2014. Until then, additional premises have been provided for lectures at the Division of the Faculty of Economy in Bujanovac.

Article 14 of the Framework Convention

Teaching in and of minority languages

Paragraph 170

The Advisory Committee notes that Article 13 of the 2009 Law on National Councils of National Minorities regulates the competences of national minority councils in the field of education and defines their scope as regards curricula in national minority languages, notably for the teaching of minority languages themselves and teaching about the history, music and art of national minorities. National minority councils are moreover given overall responsibility for the education of persons belonging to national minorities in their mother tongue. Under Article 9 of the Law on the Fundamentals of the Educational System, also enacted in 2009, education is provided in Serbian; for persons belonging to national minorities it is provided in their mother tongue, or exceptionally in Serbian or bilingually. This overarching provision is applied differently at different levels of schooling. At pre-school level, education is provided in the mother tongue, and may be in Serbian or bilingual with the consent of 50% of the parents; at primary and secondary levels, 15 first-grade pupils are required for education to be provided in the minority language or bilingually, but this requirement may be waived by the Minister of Education. Where pupils belonging to national minorities receive instruction through the medium of Serbian, the subject "mother tongue with elements of the national culture" is available to them. The Advisory Committee understands however that work on revising the Laws on Primary and Secondary Education is presently under way.

During 2013, new laws on the primary and secondary education and upbringing were adopted, representing an elaboration of the basic orientations contained in the Law on Foundations of the Education and Pedagogy System as the umbrella law.

The Law on Primary Education and Pedagogy[19] prescribes in Article 12 that the educational-pedagogic work in primary school is conducted in Serbian. For persons belonging to a national minority, the educational-pedagogic work is conducted in the language and script of the national minority, or bilingually, if at least 15 students choose that option when enrolling in the first grade. A school can also conduct the educational-pedagogic work in the language and script of the national minority, or bilingually, for less than 15 students who have enrolled in the first grade, with the approval of the ministry competent for educational activities (hereinafter: Ministry), in accordance with the law. An approval for the implementation of a curriculum in languages of national minorities for less than 15 students is given by the Ministry after it has obtained an opinion of the appropriate national council of a national minority in accordance with the law that prescribes the competence of national councils of national minorities. If a national council of a national minority does not submit an opinion within 15 days since the date when the request was received, it shall be considered that the opinion has been given. When the educational-pedagogic work is conducted in the language and script of the national minority, the school is obliged to organize classes in Serbian. When the educational-pedagogic work is conducted in Serbian, classes in the language and script of the national minority with elements of the national culture are organized as an elective subject.

The Law on Secondary Education and Pedagogy[20] regulates the educational-pedagogic work in secondary school in Article 5, in a manner analogous to the method prescribed in the Law on Primary Education and Pedagogy. The educational-pedagogic work is conducted in Serbian. For persons belonging to a national minority, the educational-pedagogic work is conducted in the language and script of the national minority, or bilingually, if at least 15 students choose that option when enrolling in the first grade. A school can also conduct the educational-pedagogic work in the language and script of the national minority, or bilingually, for less than 15 students who have enrolled in the first grade, with the approval of the ministry competent for educational activities (hereinafter: Ministry), in accordance with the law. An approval for the implementation of a curriculum in languages of national minorities for less than 15 students is given by the Ministry after it has obtained an opinion of the appropriate national council of a national minority in accordance with the law that prescribes the competence of national councils of national minorities. If a national council of a national minority does not submit an opinion within 15 days since the date when the request was received, it shall be considered that the opinion has been given. When the educational-pedagogic work is conducted in the language and script of the national minority, the school is obliged to organize classes in Serbian. When the educational-pedagogic work is conducted in Serbian, classes in the language and script of the national minority with elements of the national culture are organized for students belonging to national minorities.

Paragraph 172

The Advisory Committee welcomes the broad offer of teaching in and of minority languages available in Serbia. It observes, however, that a number of obstacles prevent the greater use of these opportunities by pupils belonging to national minorities. In particular, representatives of national minorities point to the need for formal surveys to be carried out in order to determine the number of pupils wishing to receive instruction in their mother tongue, a lack of political will to apply the law at local level as well as continued resistance

[19] See "The Official Gazette of RS", no. 55/13.

[20] Ibid.

in this respect by some school principals (expressed inter alia through delays in conducting the necessary surveys or their incomplete character when conducted), and the organisation of optional mother tongue classes at inconvenient times and in inconvenient locations. The lack of adequate textbooks also hampers the provision of teaching in minority languages.

According to the Law on the Fundamentals of the Education and Pedagogy System, school subjects include: 1) mandatory subjects; 2) elective subjects prescribed in the Law and in the syllabus and curriculum; and 3) facultative subjects, in accordance with the curriculum. Parents' council, which exists in every school, participates in the procedure of suggesting elective subjects and choosing textbooks. In an institution where persons belonging to national minorities/ethnic groups are educated, national minorities/ethnic groups are proportionally represented in the parents' council. The school conducts a poll among the parents on the elective subjects their children will study during the school year. At least 15 students have to apply for a subject for the classes to be organized, and in case that the number of applied students is lower, the Ministry must give its approval for the classes to be held. A list of suggested elective subjects depends on various factors, for instance, the interest of the students, or resources of the school (i.e. whether the school has the necessary personnel for teaching a certain subject, or available financial means, etc.).

The Ministry of Education, Science and Technological Development consistently applies the laws relating to the education in schools on the entire territory of the Republic of Serbia. Classes in the language of a national minority or the subject Mother Tongue with Elements of National Culture are within the competence of the Ministry. Classes are conducted exclusively on school premises and in regular working hours of the educational institution; therefore, the statement that classes are conducted "at inconvenient times and in inconvenient locations" is incorrect. The Ministry is not competent for the optional classes in minority languages.

Further information on the lack of adequate textbooks for classes in minority languages or the subject Mother Tongue with Elements of National Culture for persons belonging to national minorities, and on ways to obtain them, are contained in the section 10.2.1 of the Third Report on the Implementation of the Framework Convention.

Article 15 of the Framework Convention

Participation in public administration and in the judiciary

Paragraph 183

According to the information received by the Advisory Committee, there are relatively few problems with the participation of persons belonging to national minorities in administrative bodies at local level in areas where persons belonging to national minorities live compactly. However, national minorities remain significantly under-represented in state-level public administrations and public enterprises. There are reportedly hardly any Roma employed in the public sector (see further below, Participation in socio-economic life). Albanians and Bosniacs remain almost entirely absent from state-level administrations even in the areas where they are the majority population at local level – a fact that accentuates their sense that they are ignored, or considered only as a problem, by the State. Croatians and Ruthenians have also signalled

*some problems of insufficient participation in public bodies***.**

The Section 12.6 of the Third Report on the Implementation of the Framework Convention states that the Constitution of the Republic of Serbia is not a sufficient guarantee of equal opportunity employment of persons belonging to national minorities in state bodies, public offices, autonomous province bodies and self-government units, and emphasizes the need to upgrade the regulations which would regulate this guaranteed right. In this regard, an initiative was formulated to change the laws which would allow the collection of data on national affiliation of public administration employees, considering the fact that the existing personnel records do not include this type of data, which have been characterized by the Law on the Protection of Personal Data as especially sensitive.

With regard to the fact that the State does not possess the data on the ethnic structure of the employees as a basis for establishing the representation of persons belonging to national minorities in the public administration, every claim of their insufficient representation is arbitrary considering the lack of data, and in this regard, the findings of the Advisory Committee that *national minorities remain significantly under-represented in state-level public administrations and public enterprises* are considered by the authorities of the Republic of Serbia to be just an estimation based on information that is not based on empirical evidence.

Starting with the recommendation of the Advisory Committee that the authorities should undertake measures to collect all-inclusive information on the participation of national minorities in the public administration on all levels,[21] the Office for Human and Minority Rights has, within its scope, undertaken activities to collect data on the representation of national minorities in the administrations of local self-government units in central Serbia.[22] The national affiliation of employees has primarily been analysed by comparing the participation of employees in administrations to the participation of persons belonging to national minorities in the total population number on the territory of a local self-government unit. The analysis includes aggregate results of a survey on participants of specific nationalities and the percentage in the total number of persons who participated in the survey was compared with their participation in the total population of central Serbia. Although the analysis does not provide a complete picture on the national structure of employees, as the data were collected from the employees in local self-government units on the voluntary basis (out of the total number of 16,583 employees, 6,813 i.e. 41.08% participated in the survey), the empirical date that have been collected in fieldwork allow, at least partially, to analyse whether and to which extent the national structure of the population is taken into consideration during employment in local self-government units. The Office for Human and Minority Rights, as an expert government office, will continue to make an effort to monitor the representation of persons belonging o national minorities in the public administration on all level of governance, through the implementation of similar activities, and it will also make an effort to consider, together with the competent authorities, the possibility of collecting data on the national affiliation in the public sector.

[21] ACFC/OP/II (2009) 001 par. 242.

[22] See the explanation included in the footnote no. 18, in the comment on the paragraph 139 of the Third Opinion of the Advisory Committee.

Paragraph 184

The Advisory Committee notes with interest that according to a study conducted by the Ministry of Justice, the presence of persons belonging to national minorities in appellate courts is highest in areas where national minorities live most compactly. The Ministry also keeps records of the languages in which judges can work, which may provide some indications as to the extent to which persons belonging to national minorities are employed in the judicial system. Nonetheless, it continues to be the case that very few Albanians and Bosniacs are employed in the court system, which not only leads to problems in access to justice in minority languages in areas where this should be possible but also contributes to a lack of confidence of these minorities in the judicial system.

The legal framework for the election and nomination of judges in the Republic of Serbia has been explained in detail in section 12.2 of the Third Report on the Implementation of the Framework Convention. In practice, legal provisions are implemented that prescribe that, in addition to the prohibition of discrimination on any grounds, the national structure, adequate representation of persons belonging to national minorities and knowledge of the expert legal terminology in the language of the national minority which is in official use in court, should also be taken into consideration during the election and nomination of judges.

There are 2,849 judges in courts in the Republic of Serbia[23], 10,352 civil servants and state employees, and 2,907 lay judges.[24] According to the date of the then Ministry of Justice and Public Administration dated March 2014, the numbers of persons belonging to national minorities who were employed at courts were the following: 133 judges, or 4.69% of the total number of judges; 648 civil servants and state employees, or 6.36% of the total number of civil servants and state employees, and 120 lay judges, or 4.13 % of the total number of lay judges.

The following table contains a review of the number of judges, employees and lay judges, classified by nationality, and their participation in the total number of judges, civil servants and state employees, and lay judges who are persons belonging to national minorities.

National affiliation	Judges		Employees		Lay judges	
	Number	%	Number	%	Number	%
Albanians	5	3.76	41	6.33	-	-
Bosniacs	34	25.56	120	18.52	28	23.33
Bulgarians	4	3.01	7	1.08	3	2.50
Bunjevci	4	3.01	20	3.09	11	9.17
Vlachs	4	3.01	8	1.23	3	2.50
Gorani	1	0.75	-	-	-	-
Yugoslavs	1	0.75	2	0.31	-	-
Hungarians	44	33.08	223	34.41	33	27.50
Macedonians	1	0.75	9	1.39	2	1.67
Germans	-	-	7	1.08	-	-
Poles	-	-	1	0.15	-	-
Roma	1	0.75	13	2.01	1	0.83
Romanians	6	4.51	38	5.86	4	3.33
Russians	2	1.50	2	0.31	-	-

[23] According to the data of the High Judicial Council dated April 2014.

[24] Ibid.

Ruthenians	3	2.26	21	3.24	2	1.67
Slovaks	8	6.02	58	8.95	11	9.17
Slovenians	-	-	3	0.46	-	-
Ukrainians	-	-	3	0.46	-	-
Croats	6	4.51	55	8.49	22	18.33
Montenegrins	7	5.26	13	2.01	-	-
Czechs	2	1.50	4	0.62	-	-
Total	**133**	**100.00**	**648**	**100.00**	**120**	**100.00**

The authorities of the Republic of Serbia share the opinion of the Advisory Committee stated in paragraph 139 of the Third Opinion that the reform of the judicial system in 2010, which caused smaller local courts to close, aggravated the access to justice in languages of national minorities. A new territorial organization of the judicial network[25] which has been implemented since 2014 is aimed, among other things, at removing this flaw and allowing an easier access to justice for all citizens, including persons belonging to national minorities, especially access to courts where one of the minority languages is in official use.

However, the authorities do not accept the conclusion of th Advisory Committee that the small number of persons belonging to national minorities who are employed in the judiciary (specifically Albanians and Bosniacs) *not only leads to problems in access to justice in minority languages, but also contributes to a lack of confidence of these minorities in the judicial system*. The legal framework provides sufficient guarantees for the use of minority languages in the judicial procedure by every person belonging to a national minority, and in certain courts where the minority language is in official use, the judicial procedure itself may be conducted in the minority language, regardless of the national affiliations of the court employees. It is certain that the judicial process in which a minority language is used will be more efficient if, for instance, the judge is very well versed in the minority language, especially the expert legal terminology, but this does not necessarily mean that the judge must belong to a specific national minority, just as the participation of persons belonging to national minorities is not, nor it should be in the rule of law, be the crucial factor in establishing trust in the judiciary system. The authorities of the Republic of Serbia maintain that in Serbia, as well as in any other country, regardless of the ethnic structure of its population, the trust in the judiciary system is built through a consistent observance of the rule of law and the principle of constitutionality and legality, and through their activities, they make an effort to respect, affirm and promote these values.

Paragraph 185

The Advisory Committee welcomes the fact that there have been successful efforts to promote a more multi-ethnic police force in southern Serbia: approximately two-thirds of recruitments made as part of these efforts have been Albanian and one-third Serb, and the force is reportedly functioning well. However, these efforts have not been renewed in southern Serbia or followed up by other ministries, and have rarely been replicated in other regions. The Advisory Committee notes however with interest that, following a recommendation from the Ombudsman indicating that more persons belonging to national minorities should be employed in the police forces in Novi Pazar and Prijepolje, a project was run from March 2012 to March 2013 in which 67% of candidates belonged to national minorities from Novi Sad, Novi Pazar and Prijepolje.

[25] See comment on the paragraph 139 of the Third Opinion of the Advisory Committee.

As previously described, the Ministry of Interior pays special attention to the integration of persons belonging to national minorities into the police force. Simultaneously with the reform of police education in 2005, a campaign was launched to promote a new model of police training and professional information, which is conducted throughout the year and intensified during the period of public call for inscription to the training. The Basic Police Training Centre, since it was established in 2007, has, among other things, conducted activities for promotion of and professional information for police work in areas where members of national minorities are numerous. Thus, during 2013, public forums were conducted in multinational environments (Bujanovac, Vranje, Surdulica, Vladičin Han, Sremska Mitrovica, Sombor, Subotica, Kikinda, Pančevo, Zrenjanin and Bor), and in 2014, a promotional forum was implemented for the inscription of potential candidates of Roma nationality into the Basic Police Training Centre (in Subotica, Bujanovac, Preševo, Sremska Mitrovica, Užice, Valjevo, Bor, Kladovo, Požarevac, Kinkinda and in the Police Administration for the City of Belgrade), with almost 1,000 candidates. The goal of these forums was introducing potential applicants with the traits and challenges of the profession, informing them on the place, duration and characteristic of the training, familiarizing them with the requirements of the public competition (the competition documentation has been translated into 9 languages of national minorities in Serbia) and detailed information on the selection procedure (duration, segments of selection, possibilities of a preparation for the entrance examination). A special focus is placed on encouraging Roma, Albanians, Romanians, Hungarians and women to apply for the admission into the Centre.

During 2012, a manifestation called "Open Door Day" was organized, young people - members of national minorities from AP Vojvodina and members of the Albanian national minority from Preševo, Bujanovac and Medveđa - visited the Centre in order to personally inform themselves on the requirements of the open competition, the selection of candidates, the qualifying examination as well as the training and conditions of living and working in the Centre.

In the evaluation of the selection of the first and second class of trainees at the Centre, it was noted that candidates from most of the areas where members of national minorities are numerous have a lower success rate of passing the qualifying examination relative to the average success rate, and that this proportionally lower success is not caused by relatively less developed basic abilities, but by a lack of experience in examination situations, as well as the fact that the candidates who were members of national minorities have largely received education in their own language and have an insufficient command of the Serbian language. The latest of such programmes - Training Course in Serbian Language and General Knowledge - was implemented during 2012 in Preševo and Bujanovac. A similar programme will be implemented in April 2014, considering the fact that a Public Competition has been announced for the admission of trainees in the Basic Police Training Centre for the area of the Police Administration in Vranje.

With the desire to alleviate the aggravating factors and ensure the guaranteed equal conditions for all candidates for selection, members of national minorities were allowed to take the psychological test and the general knowledge test in their mother tongue. These two tests have been translated in eight languages of national minorities (Albanian, Hungarian, Slovakian, Romani, Romanian, Ruthenian, Ukrainian and Croatian).

Councils of National Minorities

Paragraph 190

Overall, the Law sets up a generous system in favour of national minority councils, covering a range of fields and granting the councils very wide-ranging competences. It must however be noted from the outset that flaws in the drafting and conception of the Law on national Councils of national Minorities, as well as conflicts with provisions of other laws, have led to serious problems regarding its implementation in practice. Moreover, at least eight initiatives for constitutional review of the Law, each contesting several of its provisions, were lodged between May 2010 and October 2011; this appears to reflect significant dissatisfaction with the contents of the Law and creates uncertainty as to the effects of decisions made by some councils on the basis of the impugned provisions.

The finding of the Advisory Committee that the situation *creates uncertainty as to the effects of decisions made by some councils on the basis of the impugned provisions*, may predominantly refer to the decisions of the national councils relating to the transfer of founding rights over certain institutions. In this regard, the authorities of the Republic of Serbia notes that the Constitutional Court has in its decision rejected the Article 24 of the Law, which essentially prescribed that founding rights of cultural, information and educational institutions may be transferred not only in the legally prescribed cases, but also automatically and relating to every institution which is defined by a national council as an institution of special significance for a national minority, even though the Law does not establish clear criteria for such decisions of national councils. In the explanation of its decision, the Constitutional Court noted, among other things, that a transfer of founding rights of educational and cultural institutions is still legally possible after the rejection of the Article 24[26] and that this decision does not reduce the attained and realized rights of persons belonging to minorities. The Law on the Constitutional Court legally prescribes the issue of the fate of individual legal acts adopted in accordance with the law which the Constitutional Court has declared to be not compliant with the Constitution, which means that there is no legal uncertainty in the legal system of the Republic of Serbia in terms of the effects of decisions on transfers of founding rights.

According to the assessment of the Constitutional Court, the legal framework of the media legislation does not allow for the State and the territorial autonomy to appear as founders of media (the public service broadcasting was founded by the law itself), therefore there can be no transfer of founding rights in this area, which does not in any way impede on the rights of national minorities that are guaranteed by the Constitution, as the rights to preserve specificity as described in the Constitution include the right of founding their own public media. Although the Court has determined that the provision of Article 19 paragraph 2 - which prescribes that the State, autonomous province or local self-government unit, as a founder of public enterprises and institutions of public information, may, in agreement with a national council, fully or partially transfer the founding right to the national council - is not in compliance with the Constitution, it has clearly indicated that this does not call into question a previous transfer of founding rights over certain media.

[26] In accordance with the Article 11, paragraph 3 and Article 16, paragraph 3 of the Law on National Councils of National Minorities.

Paragraph 193

The National Councils of the Ashkali, Bunjevci and Slovenian national minorities that were elected in 2010 were subsequently dissolved due to their failure to carry out certain basic activities provided for by law. No provision is made in the Law for new elections to be held in such cases – an omission that needs to be rectified, in particular taking into account the specific situations of numerically smaller minorities.

The national councils of the Ashkali, Bunjevac and Slovenian national minority, which were elected in 2010, have been dissolved due to their failure to carry out procedural activities explicitly prescribed by the law. After their dissolution, temporary governing bodies of the national council were established, which have continued to perform regular activities from their scope of competence, and which are financed from the budgetary funds prescribed by the Law. The temporary governing bodies will operate until the election of new national councils, which should be held in the second half of 2014.

Since the Law on National Councils of National Minorities does not prescribe early elections until the next election cycle, this issue has been regulated by the Proposal of the Law on Amendments on the Law on National Councils of National Minorities, which was created in late 2013.

Paragraph 196

The Advisory Committee notes that in accordance with the system set up by the Law on National Councils of National Minorities, a single Council is elected by each national minority to exercise the autonomy of persons belonging to that national minority throughout Serbia. No equivalent bodies exist at the local level, although many decisions concerning the exercise of minority rights (such as changes to municipal statutes to bring a minority language into official use) are made at local level. In practice, national minority councils play an overwhelmingly dominant role in the realisation of minority rights in Serbia, having in effect become the main channel of participation for national minorities. Coupled with their political role, this makes it difficult to find common positions within national minority councils. In this regard, the Advisory Committee notes with regret that the establishment of the Vlach National Minority Council has not created a forum in which the holders of differing views on Vlach identity have been able to find common ground and work towards shared goals, but has instead become the object of a power struggle between different groups within the Vlach minority. The Advisory Committee is also concerned that the national minority council system, as it is presently conceived, may lead to fragmentation in the representation of minorities, in so far as each council represents only the interests of a single national minority and little has been done to encourage co-operation between the various councils. Long-lasting problems between the Romanian and Vlach national minority councils, even on issues where there may be common interests, are particularly illustrative of this difficulty.

In order to adjust and improve common interests, national councils of national minorities have self-organized and established an informal body - Coordination of National Councils of National Minorities in the Republic of Serbia. Every national council is able to coordinate the work of this body, considering the fact that it the presidency of the Coordination is prescribed to rotate once a year. The position of the chairperson is conferred upon the president of the national council which coordinates the work of the body and which,

among other things, represents the Coordination, signs acts adopted by the Coordination, and calls its meetings. The body adopts views, plans activities and operates with the goal of resolving the issues of the status of national minorities in the Republic of Serbia which are of interest to all national councils. Clearly, national councils cooperate in the above mentioned manner on the issues of common interest, depending on the level of their individual interest.

The authorities accept this informal body of all established national councils as a competent partner in the consideration of the issues relating to the status of national minorities, as seen in the respect to the proposals of the Coordination, such as the recent acceptance of the proposal to name two members of the working group that was established with the purpose of preparing amendments to the Law on National Councils of National Minorities. Allowing the Coordination to act as a co-organizer of numerous meetings with state bodies can be considered a way to encourage cooperation between different councils and an expression of the awareness about the need for joint consideration of certain problems. There are numerous examples of joint conferences, round tables, work meetings where the Coordination was one of the organizers. Thus, in the interest of improving the cooperation between state bodies and national councils of national minorities, the Office for Human and Minority Rights, in cooperation with the Coordination of National Councils of National Minorities in the Republic of Serbia, organized a conference in 2013, where representatives of national councils and competent ministries and provincial secretariats, through a constructive dialogue, agreed on further activities for a faster resolution of unresolved issues of the exercise of the rights of national minorities relating to culture, education, information and official use of languages and scripts. On the basis of the conclusions of this conference, four work meetings have been held, dedicated to each of the fields in which national councils exercise their right to self-government: adoption of new media laws, improvement of the education of members of national minorities, improvement of the cooperation between state bodies and national councils in the field of culture and official use of languages and scripts of national minorities in practice. Representatives of the Coordination appeared at these work meetings and spoke on the behalf of all national councils about the situation, problems and suggestions for their quick resolution. This kind of cooperation of the national councils with state bodies through the Coordination has proven to be effective, as many issues discussed in these meetings have found a satisfactory resolution in practice. The State will continue to encourage all kinds of cooperation between national councils in the next period, particularly through the work of the Coordination of National Councils of National Minorities in the Republic of Serbia.

The authorities of the Republic of Serbia are asking the Committee of Ministers not to take into consideration the statements of the Advisory Committee on *long-lasting problems between the Romanian and Vlach national minority councils. Long-lasting problems*, noted by the Advisory Committee as an illustration of the insufficient cooperation of national councils, do not exist to the knowledge of the authorities or according to the information from these two national councils, or from the Coordination of National Councils of National Minorities in the Republic of Serbia.

Paragraph 199

The Advisory Committee welcomes the authorities' recognition that amendments to the Law on national Councils of national Minorities are needed and notes with interest that a working group including representatives of all key ministries was set up in June 2013 to prepare draft amendments to this Law. However, only two representatives of national

minorities (compared with nineteen national minorities having elected national minority councils in 2010) have been appointed to participate in this working group. The Advisory Committee acknowledges that these representatives have been designated to act in this context for all national minorities. Nonetheless, given the wide variations between the situations of the numerous national minorities present in Serbia, it finds regrettable that there is not broader direct participation of representatives of national minorities in such a working group.

A special working group, established by the then Minister of Justice and Public Administration, prepared the text of the Draft Law on Amendments on the Law on National Councils of National Minorities, in accordance with the recommendations of independent state bodies which referred to the procedure of election and establishment of national councils. Representatives of ministries, special organizations, the National Assembly and the representatives of national councils of national minorities who were chosen by the Coordination of National Councils were all appointed to the working group, with the participation of representatives of international organizations (Council of Europe and OSCE Mission).

The public debate on the Draft Law started with a publication of a public call that was posted on the website of the Ministry of Justice and Public Administration and the eGovernment portal, with the agenda of the public discussion and the text of the Draft of the Law. The Public Debate, held on December 1, 2013 in Vršac, where the text of the Draft Law was presented, was attended by over 100 participants - representatives of relevant state bodies and public administration bodies, independent state bodies- Ombudsman and the Commissioner for Protection of Equality, OSCE Mission in Serbia, Council of Europe, non-governmental sector, as well as other interested parties. Representatives of all 19 national councils of national minorities and the Executive Board of the Association of Jewish Municipalities in Serbia, which, in accordance with the Law on National Councils of National Minorities operates as a national council, were invited to attend the public debate and make their comments and suggestions. At the meeting, the text of the Draft Law was met with approval, and constructive proposals and suggestions were made referring to a specification of certain provisions which regulate the internal organization of national councils, the procedure of election and the decision making by the national councils. The proposals and suggestions which aimed to improve the proposed text and were in the spirit of the concept that the Law is based on, were accepted by the Ministry of Justice and Public Administration and incorporated into the text of the Draft Law.

On the meeting held on May 6, 2014, the Government determined the Proposal of the Law on Amendments on the Law on National Councils of National Minorities and submitted it to the National Assembly for consideration in an urgent procedure.

Participation in socio-economic life

Paragraph 204

The Advisory Committee welcomes the continued efforts of the Coordination Body for Preševo, Bujanovac and Medveđa, working together with these three municipalities to improve the situation in a variety of fields, including as regards education, strengthening civil society, infrastructure and economic development. It understands that the Coordination Body and representatives of the Albanian national minority reached agreement in early 2013 on the issues that should be on the agenda for improving the

situation in this region, and hopes that this shared understanding will accelerate positive processes that are already under way and provide new impetus for overcoming the socio-economic disadvantages experienced in this region. The Advisory Committee notes with regret, however, reports that leaders of ethnic Albanian parties from southern Serbia decided in late November 2013 to suspend talks with the central authorities, following the rejection of amendments to the Courts Network Bill that had been proposed by an ethnic Albanian MP.

Having adopted the report from the meeting between the President of the Coordination Body of the Government of the Republic of Serbia for the Preševo, Bujanovac and Medveđa municipalities and representatives of the Preševo, Bujanovac and Medveđa municipalities, the Government of the Republic of Serbia agreed in June 2013 to talks about seven topics suggested by Albanian leaders: *representation/integration into state institutions, economic recovery, official use of the language and script, decentralization in the judiciary, education, culture and media, health and social insurance, security and measures for establishing trust*. The Government gave its full support to the Coordination Body to conduct the talks and perform coordination between Albanian leaders and 13 ministries that were intended as participants in the talks.

The senior members of the Government talked to representatives of the Albanian political parties, fulfilling the requests of the Albanian leaders, as well as confirming the dedication of the Government to solving problems at the south of Serbia.

Since it had been agreed that the first meeting would feature a discussion on the health and social security issues, the Coordination Body organized a visit of the Minister of Health to Preševo in October 2013. At the meeting with Albanian political leaders, it was agreed that the construction of an out-patient maternity centre in Preševo would be completed by April 2014, which had been one of the main Albanian requests since 1989, as well as to implement other requests from the competence of the Ministry. The meeting was constructive and highly positively rated by all participants, including the representatives of the international community. The works on the out-patient maternity centre in Preševo were completed in late January, and this institution is expected to open in May 2014.

As previously noted, in November 2013 Albanian political leaders decided to suspend talks on the previously announced topics, in spite of the Coordination Body's request for a continuation of talks with the Government of the Republic of Serbia as the only way to solve problems in accordance with democratic principles and the rule of law, i.e. on the basic of the constitutional and legal system of the Republic of Serbia. The talks are yet to be continued.