



Strasbourg, 30 July 2012

MIN-LANG/PR (2012) 5

**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**Initial periodical report  
presented to the Secretary General of the Council of Europe  
in accordance with Article 15 of the Charter**

**BOSNIA AND HERZEGOVINA**

At the 13<sup>th</sup> meeting held on 12 July 2012, pursuant to Article 25 of the European Charter of Regional and Minority Languages ("BiH Official Gazette - Treaties" No 9/10 of 25 August 2010), as proposed by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina adopted

**THE FIRST REPORT  
OF BOSNIA AND HERZEGOVINA ON THE  
IMPLEMENTATION OF MEASURES AND PRINCIPLES SET FORTH IN THE  
EUROPEAN CHARTER FOR REGIONAL AND MINORITY LANGUAGES**

I- INTRODUCTION

1. In order to implement the 2011 program tasks of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, the Department for the Protection of Rights of and Cooperation with National and Other Minorities, Religious Groups and Nongovernmental Organizations, which operates within the MHRR as a separate organizational unit, prepared **The First Report of Bosnia And Herzegovina On The Implementation of Measures And Principles Set FORTH In The European Charter for Regional And Minority Languages** (hereafter: the First Report). The report has been prepared in the format as cited in the relevant Committee's recommendations with a view to informing relevant local and international institutions and the general public about achievements and examples of "good practice" by Bosnia and Herzegovina (during the reporting period: from January to December 2011) in terms of enhancement and furtherance of the status of national minorities in Bosnia and Herzegovina in the use of regional and minority languages.

2. Bosnia and Herzegovina signed the European Charter for Regional or Minority Languages on 7 September 2005 and officially ratified it on 21 September 2010. The first reporting period is 2011, which is covered by this report.

3. Ratifying the European Charter for Regional or Minority Languages, Bosnia and Herzegovina committed to protect rights of members of national minorities. The obligation was established in the Law on the Protection of National Minorities (passed in May 2003) and afterwards the Entities: the Republika Srpska (2005) and the Federation of Bosnia and Herzegovina (2008) enacted their own laws on the protection of national minorities.

4. In order to prepare the first transparent and comprehensive report, the Ministry of Human Rights and Refugees of BiH, as the leading agency, cooperated with appropriate ministries and institutions and **the Council of National Minorities while** drafting the First Report. Taking into account that the reporting period is short and deals only with the implementation of the European Charter in one year, i.e. 2011, a number of institutions could not provide complete information about activities carried out and their progress in the implementation, if any.

5. We will start from the fact that in 2011 Bosnia and Herzegovina paid special attention to Roma, as the largest and most vulnerable national minority in Bosnia and Herzegovina. The implementation of the "Action Plan of Bosnia and Herzegovina in Roma Housing,

Employment, Health Care” was intensified. Action Plan on the Educational Needs of Roma was revised and the implementation started in 2011.

6. Signing the Declaration on Bosnia and Herzegovina Joining the Decade of Roma Inclusion 2005 -2015, the Council of Ministers of BiH and Bosnia and Herzegovina authorities committed themselves to regular planning of solving Roma issues, which resulted in a progress in Roma housing, employment, health care and education.

7. Bosnia and Herzegovina appointed an expert of Bosnia and Herzegovina in the Council of Europe Committee of Experts for the Protection of National Minorities (DH-MIN) and continuously maintained good cooperation with the Council of Europe Advisory Committee and the Secretariat for national minorities. Unfortunately, Bosnia and Herzegovina has not appointed a Bosnia and Herzegovina representative on the Committee of Experts for the

Charter for Regional or Minority Languages yet. The Ministry of Human Rights and Refugees

of Bosnia and Herzegovina has initiated the Decision on the Procedure of Nomination of Bosnia and Herzegovina Representatives in Human Rights Committees, Boards And Other International Bodies, which was adopted by the Council of Ministers and published in " BiH Official Gazette" 18/08. MHRR also conducted the appointment process of representatives to international human rights bodies in cooperation with the civil society of Bosnia and Herzegovina.

8. The Ministry of Foreign Affairs of Bosnia and Herzegovina is in charge of the nomination of Bosnia and Herzegovina representatives to international human rights bodies and the Presidency of Bosnia and Herzegovina has issued a decision abrogating all previous decisions on the election and appointment of Bosnia and Herzegovina representatives to international human rights bodies on the grounds that foreign policy is a responsibility of the Presidency of Bosnia and Herzegovina and the Ministry of Foreign Affairs of Bosnia and Herzegovina. This matter is still being deliberated by the Presidency of Bosnia and Herzegovina and the Ministry of Foreign Affairs of Bosnia and Herzegovina.

9. In order to prepare the first report, the Ministry of Human Rights and Refugees of BiH asked the relevant ministries, institutions and relevant bodies, whose opinions were included in the First Report, to participate in drafting the report. It also developed partnership with representatives of minority associations, who responded in writing, although some felt that a period of one year was too short for any significant reporting in this area.

10. While drafting this report, the authorities of Bosnia and Herzegovina still faced difficulties that were primarily related to a lack of valid data on demographic, social, economic and educational structure of national minorities in BiH. The problems arose from the fact that the last census in Bosnia and Herzegovina was in 1991 and the next one will be organized in the coming period because in the meantime, on 3 February 2012, the Parliamentary Assembly adopted the Law on 2013 Census of Population, Households and Dwellings in BiH, which was published in BiH Official Gazette 10/12 dated 7 February 2012.

## II- REPORT ON ACTIVITIES BY AREAS

11. According to the instructions for submitting the first report and the available data, the First Report contains information and indicators in the following areas:

- a) Presentation of regional or minority communities in Bosnia and Herzegovina
- b) Education
- c) Judiciary - Administration
- d) The media
- e) Cultural activities.

### a) **PRESENTATION OF REGIONAL OR MINORITY COMMUNITIES IN BOSNIA AND HERZEGOVINA**

12. The Law on the Protection of National Minorities recognizes and protects the position of 17 national minorities in Bosnia and Herzegovina. They are: Albanians, Montenegrins, Czechs, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Roma, Slovaks, Slovenians and Ukrainians. The Law ensures that, besides enjoying the rights that all other citizens of Bosnia and Herzegovina enjoy, the minorities enjoy extra protection and rights in

the fields of history, culture, customs, tradition, languages, script, education and religious freedom.

13. According to this Law, a national minority shall be a part of the population-citizens of BiH that does not belong to any of three constituent peoples and it shall include people of the same or similar ethnic origin, same or similar tradition, customs, religion, language, culture, and spirituality and close or related history and other characteristics.

14. National minorities have the right to use their language, to exercise their religious and cultural rights, the right to education and information, social welfare rights and other rights in accordance with the law.

15. Using information from existing documents and sources, we are able to give the following background information about all national minorities recognized by law:

**Albanians came to** Bosnia and Herzegovina as early as during Ottoman rule and settled across the country. They came mostly from the northern part of Albania. The number of Albanians reduced under Austro-Hungarian rule, probably due to emigration and subsequent fusion with the Bosnian population. According to the last census, 1991, the total number of Albanians increased to 4.922. Today, most Albanians live in Sarajevo, Zenica, Tuzla, Mostar, etc.

**Italians settled in** Bosnia and Herzegovina mainly in the Austro-Hungarian period, seeking a better life. In 1910 there were a bit less than 2,500 Italians in BiH. They settled mostly in

towns, such as Banja Luka, Konjic, Tuzla, Prnjavor, especially in Štivor. According to 1991 census, there were 732 Italians in BiH.

**Jews came to** Bosnia and Herzegovina in the early 16th century and the country was under the Ottoman Empire at that time. When, in the late 19th century, Austria-Hungarian Empire started ruling over Bosnia and Herzegovina the position of the Jews improved. This was the impetus for new Jewish immigration in BiH. The number of Jews reduced during the Second World War. According to the 1991 census, 426 people identified themselves as Jews. There are Jewish Communities in Sarajevo, Tuzla, Zenica, Doboje, Mostar and Banja Luka.

**Hungarians arrived** in Bosnia and Herzegovina in the 13th century. The most intense immigration of Hungarians in BiH was recorded in the period from 1900 to 1910. Today, few traces remained of the immigration because the Hungarians did not settle with a plan. They settled across the country and very quickly merged with the local population. According to the 1991 census, 893 citizens declared themselves as Hungarians and it is estimated that now somewhere around 1,500 Hungarians are living in BiH. Most of them are in Sarajevo and Banja Luka, where their associations actively operate.

**Macedonians are one of the national minorities that begun to settle in** Bosnia and Herzegovina in the early 20th century. After the Second World War there was a new wave of immigration in BiH and the Macedonians mostly inhabited larger urban centers, such as: Banja Luka, Sarajevo, Zenica, Bijeljina, Doboje, Derventa, Mostar, Zvornik, Prijedor and other towns. According to the latest population census in BiH, 1991, 1596 citizens declared themselves as Macedonians. The number of Macedonians is not known today and two largest associations are in Sarajevo and Banja Luka.

**Germans began to settle in** BiH after 1878 with the arrival of the Austro-Hungarian Empire. In 1910, there were 1277 Germans in BiH, but after the Second World War the number of Germans decreased in BiH. Today there is still an association of Germans in Banja Luka, with the main task to preserve German culture, language and customs. According to the 1991 census, 470 people identified themselves as Germans.

**Poles began to settle in** BiH under Austro-Hungarian rule. They came mainly from Galicia and worked in agriculture, which was the reason why they inhabited lowland regions of the Bosnian Krajina and Posavina. They settled in areas around Derventa, Prnjavor, Bosanska Gradiska, Banja Luka, Prijedor and Bosanski Novi. In 1930, the number of Poles was about 30,000. Later, that number declined and according to the last census, 1991, 526 people in Bosnia and Herzegovina declared themselves as Poles.

**Roma in** BiH probably came under Ottoman rule. Roma are socially most vulnerable and the largest national minority in BiH. According to 1991 census, 8864 people identified themselves as Roma. The Ministry of Human Rights and Refugees conducted the process of recording the Roma and their needs in late 2009 and early 2010. The process was carried out by 10 operational teams in the field, on the whole territory of BiH. After the process of recording and keeping in mind that a number of Roma families did not record, now we are estimating that between 25 000 -30 000 Roma live in Bosnia and Herzegovina.

**Romanians, like most other peoples that are now minorities in** Bosnia and Herzegovina, began to settle under Austro-Hungarian rule. According to the 1991 census, only 162 people declared themselves as Romanians. Today in BiH there is no association that would take care

of the Romanians and the preservation of their culture, language and customs, which are slowly disappearing.

**The Russians began to settle** in Bosnia and Herzegovina after the October Revolution in Russia after the First World War and the fall of Austro-Hungarian Empire. In 1921, 2636 Russians were registered in Bosnia and Herzegovina and according to the 1991 census, there were 297 registered members of the Russian minority. Today there is no association of Russians in BiH.

**Ruthenians began to settle in the Balkans 250 years ago. Most Ruthenians** came to Bosnia and Herzegovina in the 19th and early 20th centuries. They settled in the area between Derventa and Banja Luka, as well as in the area around Prnjavor. After the Second World War 7883 Ruthenians were registered in Bosnia and Herzegovina and according to the last census, 1991, there were 133 Ruthenians living in BiH.

**Slovaks began to settle in** Bosnia and Herzegovina in the late 19th century. They mainly settled in the area of Semberija, i.e. around Bijeljina and Brcko. According to 1991 census, only 297 people identified themselves as Slovaks.

**Slovenians began to settle in** Bosnia and Herzegovina in the mid-19th century. They mainly inhabited larger towns, like Sarajevo, Banja Luka, Prijedor, Sarajevo, Mostar etc. According to the 1991 census, 2190 citizens declared themselves as Slovenians.

**The Turks are the oldest national minority in** Bosnia and Herzegovina, because they settled in Bosnia and Herzegovina in the 15th century under Ottoman rule. A lot of Turks emigrated under Austro-Hungarian rule. According to the last census, 1991, there were 267 registered members of the Turkish minority in BH.

**Ukrainians immigrated** in Bosnia and Herzegovina under Austro-Hungarian rule. They lived mainly in lowland areas, such as Derventa, Prnjavor, Čelinac, Srbac, Prijedor, Gradiska etc. According to 1991 census, 3929 people identified themselves as Ukrainians.

**Montenegrins settled in** Bosnia and Herzegovina due to the fact that they are neighbors and that their history has constantly intertwined with BiH's history. They mainly inhabited parts of eastern BiH and larger cities. According to the last census, 1991, there were 10,048 Montenegrins.

**Czechs settled in** Bosnia and Herzegovina in the 19th century. According to the 1991 census, 590 people identified themselves as Czechs.

## **b) EDUCATION**

16. At the state level the Ministry of Civil Affairs of Bosnia and Herzegovina is responsible for coordinating activities in education, coordination of plans of entity bodies and defining a strategy at the international level in the field of education. In accordance with the statutory mandate, the Ministry sent a reply on the principles established by the European Charter for

Regional or Minority Languages incorporated in the framework laws at all levels of

education in BiH.

In accordance with the organization and constitutional responsibilities of institutions in Bosnia and Herzegovina, the education system is organized at the levels of entities (RS and FBiH), ten cantons in the FBiH entity and Brcko District of BiH and their legislation has to be harmonized with the Framework Law on Education of BiH, as follows:

17. The Framework Law on Preschool Upbringing and Education of Bosnia and Herzegovina („BiH Official Gazette“ 88/07) regulates matters that are important for the rights of minorities such as:

Article 10 (The right to language)

The languages and cultures of all constitutive peoples and each ethnic minority living in Bosnia and Herzegovina shall be respected and integrated into the preschool institutions in accordance with the Constitution of Bosnia and Herzegovina, the European Convention on Protection of Human Rights and Fundamental Freedoms, the Framework Convention for Protection of Ethnic Minorities, and the Convention on the Rights of the Child.

Article 11 (Respect for religious freedoms)

Preschool institutions shall develop, promote and respect ethnic and religious freedoms, customs, tolerance and the culture of dialogue, pursuant to Article 10 of this Law.

18. The Framework Law On Primary And Secondary Education of Bosnia and Herzegovina („BiH Official Gazette“ 18/03) also deals with the matter of equal treatment of minorities in primary and secondary education, such as:

Article 3 (General objectives of education)

General objectives of education are:

promoting respect for human rights and fundamental liberties, and preparing each person for a life in a society which respects the principles of democracy and the rule of law (point c), ensuring equal possibilities for education and the possibility to choose in all levels of education, regardless of gender, race, nationality, social and cultural background and status, family status, religion, psycho-physical and other personal characteristics (point e).

Article 4 (Right of a child to education)

Every child has a right of access and equal possibility to participate in appropriate educational process, without discrimination on whatever grounds (point 1).

Article 6 (Enhancing respect for human rights)

School has the responsibility to contribute to the creation of a culture, which respects human rights and fundamental liberties of all citizens in own areas, as set forth in the Constitution and other international documents from the human rights field, signed by Bosnia and Herzegovina.

Article 8 (Enhancing respect for human rights)

The language and culture of any significant minority in BiH shall be respected and accommodated within the school to the greatest extent practicable., in accordance with the Framework Convention for Protection of National Minorities.

Article 9 (Enhancing respect for human rights)

Schools shall promote and protect religious freedom, tolerance and dialogue in BiH (para. 1)

Article 10 (Enhancing respect for human rights)

During educational or other activities in school, didactic or other material must not be used or exposed, nor teachers and other school personnel are allowed to give any statements that could reasonably be rendered offensive to the language, culture and religion of students that belong to any ethnic, national or religious group (para 1).

Article 34 (The Role And Obligations of School)

School implements its role and functions in a motivating environment for acquiring knowledge; respectful and supportive towards the individuality of every student, as well as towards his or her cultural and national identity, language and religion; safe and free of any form of intimidation and abuse, physical punishment, insults, humiliation and degradation and damage to health including damage caused by smoking, or by the use of any other intoxicating or illegal substances (para. 2).

Article 35 (The Role And Obligations of School)

School shall not discriminate children in access to education or their participation in educational process on the grounds of race, color, gender, language, religion, political or other belief, national or social origin, on the grounds of special needs status or on any other grounds (para 1).

Article 36 (The Role And Obligations of School)

The school promotes equal opportunities for all its students, teachers and other employees, taking into consideration and at the same time promoting the right for differences among them. With this aim, the school shall establish and carry out its own programs that support and promote different cultures, languages, and religions of its students and staff.

19. The Framework Law On Secondary Vocational Education and Training of Bosnia and Herzegovina („BiH Official Gazette“ 63/08) also contains similar provisions such as:

Article 8 (Curriculum development and content)

Education of a child member of national minorities shall be carried out in accordance with provisions of the Law on the Protection of Members of National Minorities of Bosnia and Herzegovina („BiH Official Gazette“ 12/03) in the language and script of national minorities, in accordance with provisions of this Law and other laws governing the education system in Bosnia and Herzegovina (point 6).

20. The Framework Law on Higher Education of Bosnia and Herzegovina („BiH Official Gazette“ 59/07). This law contains anti-discrimination provisions protecting rights of national manorities, such as:

Article 4 Higher education shall be based on:

Respect for human rights and civic freedoms, including prohibition of all forms of discrimination (para. 2, point 5).

#### Article 7 (Access to higher education)

Access to higher education carried out by licensed higher education institutions in Bosnia and Herzegovina shall not be restricted, directly or indirectly, on any actual or presumed ground such as sex, race, sexual orientation, physical, or other impairment, marital status, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth, age or other status (para. 2).

#### Article 38 ( Student Rights and Obligations)

The statute or equivalent constitutional document of every higher education institution shall contain provisions which: Protect students against discrimination on any ground such as sex, race, sexual orientation, marital status, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or other status (point 3).

### **A Report of the Federation Ministry of Education and Sciences**

21. Constitutional and legal provisions of Bosnia and Herzegovina (The Framework Law on Preschool Upbringing and Education of Bosnia and Herzegovina, „BiH Official Gazette“ 88/07) *de iure* enables the implementation of a significant portion of preschool programs in the relevant regional or minority languages, at least for those pupils whose families so request and whose number is sufficient.

22. The matter of education of national minorities is regulated by the Law on the Protection of Members of National Minorities u Bosnia and Herzegovina ("BiH Official Gazette " 12/03). Article 14 of the Law reads: “Entities and cantons in F BiH shall be obliged to secure within their educational system (pre-school, primary, secondary) that the members of national minorities shall be enabled to have education in the minority language in the cities, municipalities, and inhabited areas in which the members of national minorities represent an absolute or relative minority. Regardless of the number of members of national minorities the entities and cantons shall be bound to secure that the members of national minority, if they request so, may have instructions on their language, literature, history, and culture in the language of minority they belong to as additional classes.”

23. The Constitution of the Federation of Bosnia and Herzegovina (III. 4b) provides that education in the Federation of BiH is under jurisdiction of cantons.

24. The Framework Laws on Primary and Secondary Education provide for all legal obligations with a view to respecting the European Charter for Regional or Minority Languages.

As for the university and other tertiary education in the relevant regional or minority languages, the Framework Law on Higher Education in Bosnia and Herzegovina („BiH Official Gazette“ 59/07) reads:

«Access to higher education carried out by licensed higher education institutions in Bosnia and Herzegovina shall not be restricted, directly or indirectly, on any actual or presumed ground such as sex, race, sexual orientation, physical, or other impairment, marital status, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth, age or other status.»

25. Courses for adults and supplemental education mainly or wholly held in the regional or minority languages are provided for in the Framework Law On Secondary Vocational

Education and Training of Bosnia and Herzegovina, Article 4, which reads: «(3) Laws and by-laws particularly include conditions for adult education and training for the purpose of professional training, additional training, retraining and other activities ensuring life long learning, also including rules of the establishment of an official register of diplomas and certificates issued.»

26. Education in the Federation of Bosnia and Herzegovina is under jurisdiction of cantonal education authorities, with the common core curriculum covering general education subjects having been determined, but the possibility of studying of meaning and significance of regional or minority languages having been left open.

27. **Legal provisions** (The Framework Law on Higher Education in Bosnia and Herzegovina, „BiH Official Gazette“ 59/07) and financial support provided to the Roma people has enabled studying of the Romany language as a subject at universities.

28. Legal provisions (The Framework Law on Secondary Vocational Education and Training of Bosnia and Herzegovina, „ BiH Official Gazette“ 63/08) and financial support provided to the Roma people has enabled the introduction of the Romany language as a subject in supplementing classes and adult education.

29. As regards the measures taken, adequate legislation enabled the use of regional or minority languages in the educational system of Bosnia and Herzegovina. Laws that enable it are the following:

Framework Law on Preschool Upbringing and Education of Bosnia and Herzegovina („BiH Official Gazette“ 88/07);

Framework Law on Primary and Secondary Education of Bosnia and Herzegovina („BiH Official Gazette“ 18/03);

The Framework Law on Secondary Vocational Education and Training of Bosnia and Herzegovina („BiH Official Gazette“ 63/08 );

Framework Law on Higher Education in Bosnia and Herzegovina („BiH Official Gazette“ 59/07).

30. In addition to the above-mentioned legislation that enables the use and development of regional and minority languages, the Republika Srpska, cantons of the Federation of Bosnia and Herzegovina and Brcko District were required to harmonize their education-related legislation with the framework laws.

On the other hand, in 2011 the Federation Ministry of Education and Sciences appropriated BAM 95,000.00 and one-time financial assistance of BAM 2,000 for Roma students with a view to improving the quality of education of the Roma population. In addition, in 2010 the Ministry issued a Romany-Bosnian and Bosnian-Romany dictionary written by Hedina Tahirović – Sijerčić.

#### **Activities of the Union of National Minorities of Republika Srpska:**

31. The Union of National Minorities of Republika Srpska (hereafter: the RS UoNM) has been a voluntary, open and non-party association of citizens of public interest in the Republika Srpska since 4 November 2010 in accordance with a decision issued on the 196th meeting of RS Government.

32. It was established in pursuance of the Law on the Associations and Foundations of Republika Srpska on 30 January 2003 voluntarily joined by members of national minorities and their associations in order to exercise rights provided for in the constitutions of Bosnia and Herzegovina and Republika Srpska and the Law on the Protection of Members of National Minorities.

33. The RS UoNM is an umbrella organizations of all national minorities in the Republika Srpska uniting about 35 associations (11 national minorities out of 17 legally recognized ones) from the entire territory of the Republika Srpska and as such it is unique.

34. All associations that are members of RS UoNM are independent in their work, operation and program activities, and as an umbrella organization it often takes initiatives involving its member associations, which justifies the role of this organization.

The RS UoNM is based in Banja Luka and operates in the territory of Republika Srpska.

#### *Languages of national minorities (2011 statistics of the RS UoNM)*

35. In addition to various activities carried out by associations of national minorities, learning the language of national minority is the most important task and activity with a view to preserving identity of national minorities.

The language learning is based on different grounds in accordance with applicable laws. Comparing the 2011 situation to previous years, various activities were carried out and various practice from previous years continued with a view to organizing classes, courses and language schools.

36. Information on teaching and the use of languages of national minorities are aggregated according to the type of teaching and educational levels.

37. In the discussion below, only information about places, incidence and type of classes taught to members of national minorities are cited while numbers of individuals who attend this type of classes are not available.

#### *Pre-school education*

38. For the time being the RS UoNM has no information about any form of structured language instructions in preschool institutions of the Republika Srpska. Appropriate events, which are not rare in these institutions, are organized so that children belonging to national minorities have an opportunity to show a little bit of their culture through joint activities and events.

39. Children of pre-school age attend language classes and particular attention should be paid to junior children of preschool age who prepare for school. Younger children have an opportunity to learn the language within the family. At this age, the burden is certainly on the parents who want their children to learn the minority language.

40. Here are some examples from the field:

- Language learning within the association: the Association of Slovenians in Republika Srpska has had a program for language learning for the youngest members for many years now;
- Language learning within the family: in those cases where the minority is still speaking its own language, e.g. Italian and Ukrainian communities in Prnjavor are certainly good examples, but certainly other individuals and families do not outdo the youngest members learning the minority language at an early stage;

41. The 2011 data on the number of children - members of national minorities which are covered by preschool education in the Republika Srpska is not available to the RS UoNM.

#### *Primary education*

42. Primary schools of the Republika Srpska currently teach only two languages of national minorities. They are the Ukrainian and Italian languages, which are taught along with regular classes in supplemental classes for children from ethnic minorities such as:

***The Italian language*** has been taught in the municipality of Prnjavor, in Šibovska - Štivor primary school without interruption since 1968.

***The Ukrainian language*** is taught in:

The Ukrainian language is taught in: "Desanka Maksimovic" Primary Schools in Trn (Laktaši Municipality) – the classes began in the second half of school year 2010/2011, as an initiative by "Taras Shevchenko" Cultural and Folklore Association of Banja Luka, in cooperation with the Ministry of Education and Culture of the Republika Srpska and Ukrainian Embassy in Sarajevo.

Classes are taught in the Ukrainian language in primary schools in Prnjavor and satellite schools in the Municipality of Prnjavor - Hrvačani, Potočani, Lišnja and the village of Trnopolje near Kozarac, which belongs to the Municipality of Prijedor.

In 2011 the introduction of classes in the Ukrainian language in a local school in Banja Luka was initiated, but they have not been held yet.

As for other languages, no initiative for organizing such courses has been recorded.

#### *Secondary education*

43. No initiative for organizing teaching of minority languages in secondary schools in the Republika Srpska has been taken.

Minority languages that are taught as the first or second (optional) foreign language are the Italian and German languages. Here we note that national minorities did not initiate the introduction of these languages, but they had been taught earlier or were subsequently introduced as part of the structure of education, schools and classes.

44. Secondary school children also have an opportunity to learn the particular language in the associations of national minorities; for more information about these activities, please see section titled "Other forms of organization of teaching".

#### *Higher education*

45. Classes in two-year university programmes of the Republika Srpska are taught in the Serbian language. No separately organized courses for members of national minorities have

been recorded at this level of education either, nor have there been classes for this group of students in their mother tongues.

#### *Faculty education*

46. Classes in four-year university programmes of the Republika Srpska are taught in the Serbian language. As for languages of national minorities included in study programmes we surely should note that there are departments of the Italian language and literature and the German language and literature.

47. In past years there were initiatives in the cooperation of associations of national minorities and the University of Banja Luka to open a department of the Czech and Slovenian languages, but they have not been realized yet.

#### *Other forms of organization of teaching*

48. The associations of national minorities mostly have some or other form of classes for their members that include all ages, from preschool and school age students to older members of the associations. Such classes are often attended by other citizens because the schools and courses are open.

In 2011 the associations of national minorities organized classes of the following languages:

##### ***The Czech language***

Until 2011 a total of 12 courses of the Czech language were held by "Češka Besjeda" Czechs' Association of the Republika Srpska, Banja Luka. Since 2006 courses of the Czech language have been organized at the Philological Faculty of the University of Banja Luka as the second language (optional language). They can be attended by students and other citizens free of charge. After the introduction of these courses at the University, the Association of Czechs stopped organizing them. The courses are held by a Czech lecturer who is paid by the Czech Government and the University of Banja Luka.

##### ***The Italian language***

Organized as language school - courses in the Association of Italians of Banja Luka. This type of teaching has been in place since 2008 with minor interruptions. The classes are attended by members of all ages. Help in organizing these courses has been provided by the City of Banja Luka. The classes have been held by an Italian teacher.

##### ***The Hungarian language***

In 2011 the courses were organized for all age groups - members of the "Magyar Szo" Association of Hungarians of Banja Luka. Of course, assistance in organizing these courses has been provided by the Hungarian Embassy, which provided books and teaching aids, and the City of Banja Luka.

##### ***The Macedonian language***

The courses were organized by the Association of Macedonians of Banja Luka for members and other citizens. Of course, assistance in organizing these courses has been provided by the Macedonian Embassy and the City of Banja Luka.

##### ***The Polish language***

The courses were organized by the Association of Poles of Banja Luka for members and other citizens. Of course, assistance in organizing these courses has been provided by the Polish Embassy and the City of Banja Luka.

### ***The Slovenian language***

This is an example of the best courses and activities in terms of language learning. The Associations of Slovenians of the Republika Srpska (Banja Luka, Prijedor and Doboj-Teslić) have been organizing supplemental classes for their members in the premises of the associations for many years. Since 1998 supplemental classes of the Slovenian language have been organized and funded without interruption by the Ministry of Education and Sports of the Republic of Slovenia.

There is also an example that classes are organized in several groups. The classes are held under a program prescribed by the competent ministries of the Republic of Slovenia by a teacher of the Slovenian language certified by the Republic of Slovenia. In 2011 there were on average 60 students and classes were organized for adults in Banja Luka, which are held in "Ivo Andrić" Primary School, due to limited capacity of the Club of National Minorities.

These classes included the following additional activities:

1. Summer School of Slovenian Language, which is organized in Slovenia, attended also by students of Slovenian language school of the Republika Srpska.
2. An assembly of Slovenian language schools of Bosnia and Herzegovina is organized together by all associations of Slovenians in Bosnia and Herzegovina.

### ***The Ukrainian language***

Members of this community have the opportunity to be taught and to learn the Ukrainian language from the early childhood as the Ukrainian language is still spoken in almost all Ukrainian families.

Apart from supplemental classes in primary schools, the Ukrainian language classes are not organized as separate courses in the associations in 2011.

Of course, events such as the Summer School of the Ukrainian language are traditionally organized in Ukraine for children and students from the Diaspora.

### ***Funding and supporting the organization of teaching***

49. Funding and co-funding of activities for learning and promotion of minority languages are provided in several ways:

- Obtaining funds on the basis of project proposals by the Ministry of Education and Culture of Republika Srpska;
- Co-funding by local communities - municipalities and cities where there are associations of national minorities;
- Co-funding by the parent state and embassies;
- Private funds - through membership fees;

Further, the associations ask parent countries to purchase appropriate books and teaching aids to enhance teaching.

### ***Problems and obstacles to teaching***

50. The main problem and obstacle to organizing teaching is the number of children interested that is usually low and assimilation affects the potential number of children interested in

learning languages. We face the problem of constant decline in the number of children in certain national minorities.

51. Another problem is that children interested are not concentrated in just one place or in just one school, which brings about difficulties in organizing transport, hiring teachers and the like.

52. An additional difficulty is the provision of adequate teaching staff for this kind of teaching because a teacher should have a university degree in the field of language and the language itself so that he could teach.

53. A teacher as an individual cannot get proficient in this kind of teaching, because it incurred additional costs and more frequent stays in the parent country, which requires financial resources that are in many cases difficult to provide.

54. The problem of standardization of the Romany language.

55. It sure is that members of the minorities are not familiar with the legal grounds on the manner, rules and capabilities for carrying out such classes.

56. In 2012 teaching of members of national minorities in the form and through activities that are mentioned in the previous section will be continued in accordance with financial, office and other conditions. We note that there are more and more people interested to learn some of the minority language, although they are not members of national minorities, and those who wish to renew the language skills with a view to preserving the identity of national minority which they belong to.

The Union of National Minorities of the Republika Srpska will continue to take all kinds of activities in terms of learning and the introduction of language, and certainly will continue to regularly communicate with relevant authorities dealing with this matter and they are the Ministry of Education and Culture of the Republika Srpska and Education Institute of the Republika Srpska.

### **A Report of the Council of National Minorities of the Federation Parliament**

57. Education and thereby rights relating to minority languages in the Federation are under jurisdiction of cantons. Only Tuzla Canton and Sarajevo Canton adopted the Law on the Protection of Members of National Minorities, which regulates the right to use and be educated in the minority language.

A more detailed analysis and information on the implementation of the European Charter on Minority Languages in the Federation could not be provided because representatives of the Roma were appointed to the Council only in July 2012.

### **Activities in Roma education**

58. The Action Plan on Educational Needs of Roma and Other National Minorities of BiH was adopted in 2004 and the revised Action Plan of Bosnia and Herzegovina on Educational Needs of Roma (hereafter: RAP) was adopted at the 128<sup>th</sup> meeting of the Council of Ministers of Bosnia and Herzegovina held on 14 July 2010. This document defines four goals and 47 measures so that this marginalized group of children could have equal access to high-

quality education and acquire necessary skills to later better integrate into society. Quality education for Roma is the only way out of the circle of marginalization and social isolation.

59. In accordance with a conclusion of the Council of Ministers, the Minister of Human Rights and Refugees of BiH issued a decision on the establishment of an expert team to monitor the implementation of the Revised Action Plan of BiH on Educational Needs of Roma ("Official Gazette of BiH", No. 5/11). The expert team consists of representatives from relevant State and Entity Ministries of Education and Education Department of Brcko District and two representatives of the Roma Board within the Council of Ministers (eight members).

60. Tasks of the Expert Team were:

- a) regular monitoring of the implementation of the Revised Action Plan of BiH on Educational Needs of Roma (hereafter: the Revised Action Plan) with all indicators and monitoring of basic indicators;
- b) establishment of a system to collect and provide information from all relevant institutions for the implementation of the Revised Action Plan;
- c) initiation of the adoption of the annual operating program of activities of the relevant institutions on the implementation of the Revised Action Plan;
- d) initiation of activities to ensure appropriation of funds in the budgets for the implementation of the Revised Action Plan;
- e) making contacts with potential donors and coordination of activities of donors and stakeholders in the implementation of the Revised Action Plan;
- f) determining a schedule of spending of funds appropriated in the budgets for the implementation of activities under the Revised Action Plan;
- g) establishment of expert groups for the implementation of the Revised Action Plan;
- h) preparation of quarterly and annual reports on progress in the implementation of the Revised Action Plan;
- i) preparation of reports and other documents in connection with the implementation of the Revised Action Plan and exchange of experiences with other stakeholders in the Decade of Roma Inclusion;
- j) proposing of amendments to enhance the Revised Action Plan;
- k) carrying out other activities related to the implementation of the Revised Action Plan, as appropriate.

61. Following appointments to the expert team, the Ministry of Human Rights set up a wide network in support of the expert team with a view to establishing a system of information provision to the expert team. The wide network was established on the basis of nominations by the relevant Ministries of Education: Republika Srpska, Cantons and Education Department of Brcko District (currently 15 members). Two cantonal ministries of education have not nominated their representatives yet. In addition to members of the network consisting of representatives of educational authorities, the network will include representatives of Roma NGOs, who will be nominated in a manner that will be suggested by members of the expert team on behalf of the Roma Board.

The expert team has held three meetings at which a methodology of data collection was developed, a preliminary report and the first report on monitoring the implementation of the Revised Action Plan of BiH on the Educational Needs of Roma were drafted. The expert team's meetings were held with support from UNICEF.

62. Two seminars of members of the wide support network were held. The first seminar (held in Sarajevo on 3 - 4 March 2011) was about promoting RAP and familiarization with the

methodology of data collection. The second seminar (held in Sarajevo on 8 June 2011) was about training of members of the wide network in budget planning at all levels of government for the purpose of implementation of RAP. Further, training was focused on project activities supported by donors. The UNICEF-supported "Improving Access to Preschool Education by Roma Children" project implemented by MHRR was presented. The seminar presented preliminary results of the implementation of RAP and difficulties in drafting the report due to the failure of a number of members of the wide network to provide the data. Both above-mentioned seminars were supported by the OSCE.

The establishment of the expert team and the wide network launched the implementation of RAP and measures 4.6 and 4.7 specified in Objective 4: Development of system solutions that will lead to meeting of the Roma educational needs.

### 63. II Preliminary Report

In preparing the preliminary report the expert team faced a lack of comprehensive indicators for the entire territory of BiH. Following the methodology of data collection prepared by the expert team, data was provided by some members of the wide network: RS Principals, Education Department of Brcko District and a canton from the Federation of Bosnia and Herzegovina (Zenica-Doboj Canton). Data from seven cantons was lacking. At the second meeting of the wide network, members of the expert team presented partial results and requested submission of data according to the established methodology by 30 June 2011 in order to make the first reports.

We note that two cantons do not have their representatives in the wide network as there are no Roma communities in these cantons (Herzeg-Bosnia Canton and West Herzegovina Canton). Bearing in mind that despite the deadlines set the cantons did not provide information (except Tuzla Canton that provided partial data), the report could not be completed by the deadline.

64. In order to draft reports on human rights in BiH for the period 2005-2010, the Ministry of Human Rights and Refugees of BiH requested in writing from all relevant education authorities to submit information about the field of education with a special focus on Roma children in education system. The required information was submitted by five cantons in June and July 2011, based on which the expert team made the first report.

### 65. III Report

The data submitted to the Ministry for Human Rights and Refugees of BiH, which were used for this report by the expert team were not fully consistent with the methodology designed for data collection. Furthermore, the data was not provided by Posavina Canton (a total of 29 Roma). The Bosnia-Drina Canton registered only 2 Roma individuals without children. The failure to provide the data, due to the small number of Roma living in Bosnia-Drina Canton, would have virtually no impact on the report on the implementation of RAP of BiH on the Educational Needs of Roma.

66. An analysis of the implementation of RAP of BiH on the Educational Needs of Roma  
Goal 1: Ensuring that children members of the Roma national minority are involved in the system of compulsory primary education

Analyzing data provided, we can see that the competent education authorities implemented three measures out of 16 planned measures.

Implemented measures:

- Measure 4: Continuous increase in the number of Roma children included in the compulsory primary education

-Measure 5: Ensure regular and systematic collection of data on school enrollment and completion by Roma children

- Measure 8: Enable the inclusion of Roma in the mainstream education system without regular attendance of classes, that is, enable taking examinations free of charge

67. The indicators are as follows:

The total number of Roma children included in primary education in 2010/2011 was 2770.

68. Disaggregated statistics from an Analysis of the Recorded Needs of Roma in BiH (MHRR, 2011), which showed that in Bosnia and Herzegovina there were **16,771 Roma recorded**, showed that the number of Roma persons who were under age was 42.2%, which would mean that there were 7077 minors (Roma children under 18).

Guided by the data the expert team calculated the number of children that needed to be included in primary education (children from 6 to 16 years old), which meant 56% of 7077 children and this would be 3963 children.

69. If a ratio of the estimated number of Roma children of 3963 and 2770 as the total number of children enrolled in primary school is calculated, the percentage of 69.89% was the percent of Roma children included in primary education in Bosnia and Herzegovina.

Following this methodology, according to the data provided by the competent educational authority, we can work out the percentage of participation of Roma children in primary education as follows:

- District of Brcko 71% (139 children attended primary school)
- RS 72% (507 children attended primary school)
- Tuzla Canton 83% (766 children attended primary school)
- Zenica-Doboj Canton 48% (397 children attended primary school)
- Sarajevo Canton 58% (356 children attended primary school)
- Canton 92% (371 children attended primary school)
- Una-Sana Canton - 64% (104 children attended primary school)
- Herzegovina-Neretva Canton 113% (130 children attended primary school)
- Posavina Canton - has not provided information (a total of 29 Roma in 11 households were recorded)
- Bosnia-Podrinje - no Roma children (a total of 2 Roma in 1 household were recorded)
- Western Herzegovina Canton (no registered Roma)
- Canton No. 10 (no registered Roma)

70. The report could not disaggregate the statistics by gender and grade, as required by the methodology, because individual cantons did not submit data in this way. Furthermore, the number of Roma children who dropped out of school in this school year was 81 with a note that only Sarajevo and Una-Sana Cantons provided the information for the F BiH. Based on this data we can conclude that the education authorities undertook the necessary activities in order to prevent Roma children from dropping out of education system.

According to the data submitted, the number of male and female children in primary education is the same.

71. Examples of good practice are in the RS and the Brcko District of Bosnia and Herzegovina, where professional school teams and centers for social welfare have excellent cooperation with families of Roma children. In Sarajevo Canton, this kind of cooperation is supported by a project funded by Caritas Switzerland, which is implemented by "Be My Friend" NGO.

According to the collected (incomplete, as stated above) data, 94 Roma children are included in extra-mural education (Measure 8).

72. Goal 1 particularly singles out objective 1.1. Inclusion of the Roma Children of Both Sexes in Preschool Programs. According to the submitted data, the number of Roma children enrolled in preschool programs was 13 (the Zenica-Doboj (8 in kindergarten) and Sarajevo Canton (5 in preschool programs). It can be concluded from the above that educational authorities did not implement any of the six measures under this objective, except through a project titled: Improved Access to Preschool Education for Children from The Roma Community, which is implemented by BiH MHRR in collaboration with the Ministries of Education of Tuzla and Zenica-Doboj Cantons, the Ministry of Education and Culture of RS, the Education Department of Brcko District and the Agency for Preschool, Primary and Secondary Education of Bosnia and Herzegovina.

73. In order to implement the measures provided above in goal 1 and objective 1.1., in early 2011, the Ministry of Human Rights and Refugees of BiH launched a UNICEF-supported project titled "Improving Access to Preschool Education for Children from The Roma Community" in 11 municipalities including 237 Roma children in preschool programs customized to them, which should have an impact and increase the number of enrollments of Roma children in the first grade in 2011/2012.

74. This project supported directly objective 1.1. Inclusion of the Roma Children of Both Sexes in Preschool Programs and the following measures:

- 1.1.1. Continuous increasing of the number of Roma children enrolled in preschool institutions and education;
- 1.1.2. Informing parents of Roma children about the need to include children in preschool education;
- 1.1.3. In order to prepare Roma children for school, they should be included in preschool education as much as possible;
- 1.1.4. Providing funds for the inclusion of children in preschool programs;
- 1.1.5. Through projects, enable short day-care programs for Roma children before they start primary school;
- 1.1.6. Additional training for staff working with children from socially and economically disadvantaged backgrounds and Roma assistant teachers (Roma staff having completed secondary school who help teachers) and indirectly measure 2: Training and raising awareness of the Roma community and Roma activists about the importance of projects involving early child development;

75. Goal 2: Encouraging the Roma people to continue secondary education and university education and training to qualify for the first occupation and objective 2.1. Increasing the enrollment of Roma students of both sexes in secondary school, which provides for 7 measures, and, according to the data provide, the situation was as follows:

The system of secondary education included 143 Roma students (RS 74, BD 1, FBiH 68). According to the data, eight students received scholarships for secondary education from local authorities, including five in Banja Luka and three in Bijeljina.

76. Measure 2.1.2. Ensuring the quota for enrollment of Roma children in secondary schools  
Good examples were the RS and BD.

The Minister of Education and Culture of Republika Srpska gave written approval for the enrollment of six Roma children in secondary school, directly invoking the RAP as they did

not have enough points for admission. The Head of the BD Department of Education sent a letter to BD secondary schools requiring mandatory enrolment of Roma children in secondary school who applied for enrolment and he also invoked the RAP.

77. Objective 2.2 "Encouraging Roma students to acquire university education". According to the data, there were only 14 Roma students at universities in BiH (RS 9, BD 1, FBiH 4.)

The project titled "Improving Access to Preschool Education for Children from the Roma Community", which was implemented by MHRR, 6 Roma were provided scholarships to study at the Faculty of Education. However, two Roma girls dropped out of university and two Roma were not admitted at the University of Tuzla (despite interventions and requests by the BiH MHRR and the Ministry of Education of Tuzla Canton, the management of the Pedagogical Faculty of Tuzla had no understanding). This project provides scholarships to two Roma students from the territory of Zenica-Doboj Canton.

78. The above-mentioned activities promoted the support of the following measures:

2.2.2. Ensuring the quota for enrollment in universities

2.2.3. Ensuring scholarships for full-time studying at universities.

79. Goal 3: Preservation and promotion of the Romani language, culture and history

For nine measures envisaged for the achievement of this goal, which were mainly envisaged in 2011 and 2012), there is no information that the education authorities took any actions. According to the data, 90 Roma children were included in primary education and spoke the Romani language.

(Standardization of the Romany language has been dealt with through regional initiatives by NGO.)

80. Goal 4: Development of systemic solutions that will lead to meeting the needs of Roma

According to the data, out of 7 measures envisaged, the education authorities implemented Measure 4.3. Municipal and educational institutions should grant the required number of scholarships for secondary school and university Roma students within the existing system of secondary and higher education, with regular attendance being their obligation.

The competent authorities of the Republika Srpska provided scholarships to eight Roma secondary school students and three Roma university students. In the Federation of Bosnia and Herzegovina, 1 student receives a scholarship from the competent authorities in Una-Sana Canton.

81. Note:

According to the data, a total of five Roma children attended special educational institutions. 33 Roma children with special needs were included in streamline primary education.

82. Standardization of the Romani language has been dealt with through regional initiatives by NGO. It is an ongoing process.

83. It is obvious that the position of Roma as the largest national minority in Bosnia and Herzegovina in the field of education required a different approach and involvement of government, appreciating the fact that a quality education for Roma is the only way out of the circle of marginalization and social isolation.

84. In 2011 the Ministry of Human Rights placed an emphasis on monitoring the application of the Revised Action Plan of BiH on Educational Needs of Roma, but also on improvement of access to preschool education for children from the Roma community, which was carried out by a UNICEF- supported project with the same name. This project was implemented at 11 locations in BH and included 240 Roma children which resulted in increased enrollment of Roma children in the first grade of primary school in 2011/2012.

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

### **c) JUSTICE (JUDICIARY - ADMINISTRATION)**

#### **A Report by the Ministry of Justice of BiH**

85. The official languages of Bosnia and Herzegovina - Bosnian, Croatian and Serbian language and both alphabets - Cyrillic and Latin are equally used in criminal proceedings in Bosnia and Herzegovina.

Parties, witnesses and other participants in proceedings have the right to use their mother tongue or the language they understand. If one does not understand one of the official

languages, interpretation of what he or any other person states and written translation of

documents and other written evidence will be provided.

86. The Council of Ministers of Bosnia and Herzegovina issued a decision on reimbursement of costs of criminal proceedings under the Criminal Procedure Code of Bosnia and Herecgovine, which *inter alia* regulates the payment of costs of translation into the language of the parties, witnesses or other persons participating in criminal proceedings. These costs are paid in advance from the Prosecutor or the Court, and later are collected from individuals who are required to make compensation under the provisions of the Criminal Procedure Code of Bosnia and Herzegovina.

87. According to the Criminal Procedure Code of Bosnia and Herzegovina, parties, witnesses and other participants in criminal proceedings have the right to use the mother tongue or the language they understand. If one does not understand one of the official languages, interpretation of what he or any other person states and written translation of documents and other written evidence will be provided.

88. Article 11 of the Law of Civil Procedure before the Court Bosnia and Herzegovina provides that civil proceedings are conducted in one of the languages in official use in Bosnia and Herzegovina and official alphabets are Latin and Cyrillic.

Article 254 of the Law of Civil Procedure before the Court Bosnia and Herzegovina provides that parties and other participants in proceedings use one of the languages under Article 11 of this Law in the course of proceedings.

Furthermore, Article 255 provides that parties and intervenors who do not know any of the languages under Article 11 of this Law shall provide at their expense orally or in writing,

translation of procedural actions undertaken and other oral and written translation for their own purposes. The parties and intervenors shall ensure translation relating to examination of evidence they are presenting. The translation is performed by certified translators.

89. Proceedings before courts adjudicating administrative matters is regulated by the Law on Administrative Disputes of Bosnia and Herzegovina, with the proviso that relevant provisions of the law regulating civil action are applied to matters that are not regulated by the Law on Administrative Procedure, so the provisions of use of language and alphabets mentioned in the answer given in relation to civil proceedings apply to proceedings before the courts adjudicating administrative matters.

90. An answer to the question whether the validity of legal documents exchanged between the parties in the country is challenged solely because they are made in a regional or minority

language is contained in earlier mentioned legal provisions and answers given in the earlier discussion.

#### **91. *Cross-border exchange***

Within its competence, the Sector for International and Inter-Entity Legal Assistance and Cooperation, follows the statutory procedure of concluding international bilateral and multilateral agreements regulating international assistance and cooperation and participates in the execution thereof. In fact, in accordance with the statutory definition, the mutual legal assistance means "providing assistance to courts and other competent state authorities that request legal assistance by appropriate authorities and courts of the requested state." Essentially, it is assistance that courts and other competent authorities of a State provide to courts and other competent authorities of another State, in charge of the due process in criminal and civil matters.

92. Bosnia and Herzegovina has concluded a number of bilateral agreements, regulating international assistance and cooperation, of which the most important agreements were concluded with countries in the region. These agreements provided that "the courts and other competent authorities of States Parties acting under the agreements communicate in their own language." Therefore, a letter of request and documents submitted with the letter of request (including the documents whose service is required) are provided in the official language of the requesting State and any response to the request shall be submitted in the official language of the requested State.

93. There are also different legal solutions, so certain agreements provide that a letter of request is written in the language of requesting Party attaching therewith a certified translation into the language of requested Party or that documents supporting a letter of request must be accompanied by a certified translation into the language of requested Party.

94. Thus, the provisions of agreements make it possible for documents and evidence submitted in court proceedings to be written in the language of the party that submits the documents and evidence. In addition, most agreements contain a standard provision that documents issued or certified in the prescribed form by a court or other competent authority and signed and sealed by the competent authority of a Contracting State are not required to be subsequently certified for the use in the territory of the other Contracting States. The term documents imply transcripts and copies of documents certified by a court or other competent authority.

95. Further, it is important to note that in general provisions all bilateral agreements guarantee equal protection of rights of natural and legal persons of both Contracting States in proceedings before courts and other competent authorities.

96. At the same time, we want to emphasize that, while preparing a draft bilateral agreement and concluding the agreement eventually, the Department of International and Inter-Entity Legal Assistance and Cooperation of the Ministry of Justice of Bosnia and Herzegovina takes into account provisions of conventions which Bosnia and Herzegovina is a party to, trying to get articles of agreement in line with provisions of the conventions.

Therefore, when entering into agreements governing international assistance and cooperation, rights that are set forth in the European Charter for Regional or Minority Languages are taken into account.

### **A Report of the Ministry of Justice and Administration of the Canton Sarajevo**

97. Sarajevo Canton passed the Law on the Protection of Members of National Minorities of Sarajevo Canton ("Sarajevo Canton Official Gazette" No. 27/11), which entered into force on 31 October 2011.

98. The Law on the Protection of Members of National Minorities of Sarajevo Canton defines in details the mode, dynamics and institutions for the exercise of rights and obligations of members of national minorities in Sarajevo Canton and an obligation of authorities of Sarajevo Canton to honor and protect, preserve and develop ethnic, cultural, linguistic and religious identity of each and every member of national minorities in Sarajevo Canton, who is a citizen of Bosnia and Herzegovina and a resident of Sarajevo Canton, with the proviso that the Laws on the Protection of National Minorities of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina apply to matters not governed by this Law.

99. The Law on the Protection of Members of National Minorities of Sarajevo Canton does not provide for an obligation of authorities to use minority languages in the sense that the staff can speak and write them, but it provides for an obligation of all cantonal authorities, public institutions and public companies to take all necessary measures and actions to hire an interpreter, as required, in order to ensure the exercise of the right of members of national minorities to use their own language.

Article 9 (Protection of the Linguistic Rights of National Minorities) of the Law provides:

(1) Cantonal authorities, public institutions and public companies of Sarajevo Canton shall recognize and protect the right of each member of a national minority to use his/her language freely and without any hold-ups, both in private and in public, both orally and in writing and the right to use his/her name in the language of minority and to request it to be used as such in public.

(2) In order to guarantee the rights of national minorities under paragraph (1) of this Article, the cantonal authorities, civil service and other cantonal institutions and public services are obliged to take all necessary measures and actions and hire an interpreter for the language of national minorities, as required.

100. The Law on the Protection of Members of National Minorities of Sarajevo Canton ensures the right of persons belonging to national minorities to file oral or written applications in these languages.

Namely, Article 9 of the Law provides for the right of any member of a national minority to use his/her language freely and without any hold-ups, both in private and in public, both orally and in writing and for an obligation of Sarajevo Canton authorities and institutions to protect the right taking all necessary measures and actions and hiring an interpreter for the language of national minorities, as required.

101. Provisions of Article 23 Law on the Protection of National Minorities in the Federation of Bosnia and Herzegovina ("Federation of Bosnia and Herzegovina Official Gazette" No. 56/08) provide for an obligation of cantons, cities and municipalities to define in details in their legislation rights of national minorities set forth in this Law within six months of its entry into force. So Sarajevo Canton fulfilled its obligations by passing the Law on Rights of National Minorities Members of Sarajevo Canton, which applies to cantonal administrative bodies, public companies, cantonal public companies and cantonal institutions.

The passage of this cantonal law will be an incentive for the City of Sarajevo and municipalities in the territory of Sarajevo Canton to regulate these issues for their bodies and organizations, i.e. local authorities, in accordance with the obligation under the Federation Law on the Protection of Members of National Minorities.

As regards the use of languages in administrative proceedings before local administrative authorities, provisions of Article 16 of the Law on Administrative Procedure of BiH Federation relating to the use of language and script in administrative proceedings (right to have an interpreter).

102. Article 9 of the Law on the Protection of Members of National Minorities of Sarajevo Canton provides for the right of each member of a national minority to use his/her language freely and without any hold-ups, both in private and in public, both orally and in writing and the right to use his/her name in the language of minority and to request it to be used as such in public and for an obligation of Sarajevo Canton authorities and institutions to protect the right taking all necessary measures and actions and hiring an interpreter for the language of national minorities, as required.

103. Article 10 (Giving Names To Streets And Other Topographical Indications In Minority

Languages) of the Law on the Protection of Members of National Minorities of Sarajevo

Canton determines that authorities of Sarajevo Canton shall ensure that names of streets and other topographical indications posted by Sarajevo Canton shall be written and displayed also in the language of the minority requesting it and constituting a majority of population in the area indicated and in the language of the minority that does not constitute a majority of population but its request having been found justified instead.

104. Article 9 of the Law on the Protection of Members of National Minorities of Sarajevo Canton guarantees to any member of national minority the right to use his/her first name and surname in the language of the national minority.

Given the Law has been passed only recently, it is not known whether any such requests or objections to the application of Article 9 of the Law have been made or not.

#### **A Report of the Judicial Commission of Brcko District**

105. If the parties do not understand one of the official languages of Bosnia and Herzegovina, they will be enabled to exercise the right to use their language in a manner that is regulated by valid legislation of the Brcko District, as follows:

- pursuant to Article 185(5) of the Criminal Procedure Code of Brčko District of BiH (Brčko District of BiH Official Gazette 10/03, 6/05): "Costs of translation into the language of the parties, witnesses or other persons participating in criminal proceedings, which are incurred by application of this Code, shall not be collected from individuals who are required under the provisions of the Criminal Procedure Code of Bosnia and Herzegovina to compensate for the costs of criminal proceedings.";

- pursuant to Article 64 of the Law of Civil Procedure of Brčko District of BiH (Brčko District of BiH Official Gazette 8/09, 52/10) „(1) Parties and intervenors who do not know any of the languages under Article 6 of this Law shall provide at their expense orally or in writing, translation of procedural actions undertaken and other oral and written translation for their own purposes. (2) The parties and intervenors shall ensure translation relating to examination of evidence they are presenting."

#### **A Report of the Ministry of Justice and Administration of Middle Bosnia Canton**

106. Languages of constituent peoples are equal in their use. They have not had any requests for the use of regional or minority languages and they are willing to ensure it if the need arises.

A certain number members of minorities, mostly Roma, are living in a few municipalities of the Canton and they speak the languages of constituent peoples, so they have not indicated the need to use regional or minority languages.

Several associations are entered in the Register of Associations and they file their applications in the official languages, but the names of the associations are in the Romany language.

#### **A Report of the Ombudsman for Human Rights of Bosnia and Herzegovina**

107. After examining the database of the Ombudsman Institution, we could see that none complaint involving the application of the European Charter for Regional or Minority Languages was registered in 2011.

In order to ensure efficient monitoring and protection of minority rights, including the right to language, the A status accredited Institution of Ombudsman established the Department to Monitor the Rights of Ethnic, Religious and Other Minorities.. Within its activities for protection of rights of minorities the Department acts primarily upon individual complaints, which relate to the violation of rights guaranteed by international conventions and charters, constitution and law.

108. It is especially important to emphasize that the passage of the Anti-Discrimination Law promoted a legislative framework that provides effective protection against discrimination.

The Ombudsmen of Bosnia and Herzegovina indicate a low level of public awareness of the Charter which can be linked to the fact that the Charter has been in force for only one year. The public is still not sufficiently familiar with this document to its full extent and this could be the reason why citizens, NGOs and citizens' associations have not filed complaints concerning the application of the Charter with the Institution of Ombudsman.

#### **A Report of the Ministry of Justice and Administration of the Canton Tuzla**

109. From the point of legislation, the use of regional or minority languages in the work of administrative bodies at all levels of government in the Federation of Bosnia and Herzegovina is regulated and thereby guaranteed by provisions of Article 6 of the Law on Organization of the Administration of the Federation of Bosnia and Herzegovina (Federation of BiH Official Gazette 35/05) so that citizens in proceedings before administrative bodies can use another language if they cannot speak any of the official languages.

110. Further, pursuant to Article 16 of the Law on Administrative Procedures (Federation of BiH Official Gazette 2/98, 48/99), besides the official languages, other languages can be used in administrative proceedings, as a means of communication between authorities and parties and the language which must allow the party to follow the course of proceedings.

The Ministry and other administrative bodies in the territory of Tuzla Canton comply with these statutory provisions and the cantonal inspector has not received any complaint on these grounds.

#### **Information by the Ministry of Justice, Administration and Labour Relations of Bosnia-Drina Canton –Goražde**

111. The European Charter for Regional or Minority Languages is directly applicable and is an integral part of the legal system of the Canton along with the Laws on the Protection of Members of National Minorities Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina.

In this regard, in the second half of 2011 the Ministry of Justice, Administration and Labor Relations of BDC Gorazde proposed to the cantonal government a draft Law on the Protection of Members of National Minorities in Bosnia-Drina Canton Gorazde, which the Government submitted to Parliament of the Canton for further action and the Parliament confirmed the draft law and submitted it for public consultations.

The passage of this law will significantly enhance the enforcement of measures and principles set forth in the European Charter for Regional or Minority Languages and general protection of all other rights of national minorities in the Canton.

#### **Information of the Ministry of Justice, Administration and Local Self-Government of Herzegovina-Nertva Canton**

112. Administrative proceedings under jurisdiction of the Ministry are conducted in accordance with the Law on Administrative Procedure of the Federation of Bosnia and Herzegovina, i.e. Article 16 of the Law which provides that a party in administrative proceedings is entitled to use his/her own language and has the right to be informed about facts relevant to these proceedings in the language.

This helps to prevent ignorance of the language used in the administrative procedure from being an obstacle to the party to exercise his/her rights and legal interests. Any violation of this right is grounds for a renewal of administrative proceedings.

113. The Ministry's 2012 work program includes the passage of the Law on the Protection of Members of National Minorities, which will regulate the matter of the right to use regional or minority languages in more details.

#### **d) THE MEDIA**

##### **A Report of the Republika Srpska Radio-Television**

114. The Republika Srpska Radio-Television, as a public broadcasting service within the public broadcasting system of BiH, works in accordance with authorities and program policies regulated by the Law on RSRT (RS Official Gazette 49/06) and the Law on Public Broadcasting System of BiH (BiH Official Gazette no. 78/05) and certainly supports the application of all valid laws and regulations and provisions of the European Charter for

Regional Or Minority Languages as well.

To this end, in 2011, the RSRT has taken steps to include certain shows in the radio and television programs in accordance with the above-mentioned European Charter.

115. We note that the RSRT is not in charge of for certain matters related to the periodic report and the implementation of the European Charter for Regional or Minority Languages, but other authorities and institutions (e.g. pursuant to Article 9 of the Law on Public Broadcasting Service of BiH, the BiH Council of Ministers is entitled to initiate procedures for establishing new channels in the System).

Considering the above, we believe that certain framework understandings about the implementation of the European Charter for Regional or Minority Languages should be reached at the level of BiH authorities and the Board of Directors of the System.

116. Enclosed herewith, please find the information about program contents concerning regional or minority languages, which were broadcast on radio and television in 2011.

When it comes to respecting for and promoting rights of national minorities in the Republika Srpska, the Republika Srpska Radio Television strives to discharge tasks in all aspects that are its duties as a public broadcaster.

117. In the programme of the RSRT, "In Focus" TV show features twice a month guests who are representatives of national minorities in Republika Srpska, who have the opportunity to promote their own language and culture. The show featured Roma people, Czechs, Ukrainians, Jews, Montenegrins, Slovenes, Romanians and Germans in 2011.

Activities related to education in mother tongue for pupils belonging to national minorities in primary and secondary schools in BiH were supported and promoted.

Activities and the program prepared on the occasion of International Human Rights Day (Human Rights Fair), organized by the OSCE Mission in Banja Luka, were covered.

The morning program, as well as other news programs, covered all events, exhibitions, folklore evenings, poetry evenings of national minorities in contributions or by guests. The

RSRT gladly responded to all invitations by national minorities associations and supported the projects they organized.

118. On the occasion of the World Day of Languages, the morning program promoted the right of national minorities to their mother tongue and culture. The "Challenges and Identity" multicultural project was covered in reportage. Representatives of all national minorities in RS were invited into the open program for the Republika's day.

"Banjaluka Panorama" show discussed the position of national minorities in Banja Luka, with an emphasis on the languages of national minorities and the influence of Czech culture in the development of the city. The "Sviraj nešto narodno" (Play Some Folk Music) show featured some popular singers who sang the songs in their native language (Angel Dimov, Selimova –Želčevski duet, Usnija Redjepova, Ljuba Alicic ...).

RSRT covered and organized international events promoting songs and dances of the peoples (and minorities): Dukat fest, international folk festivals and festivals of choirs ... The "Ognjišta" (Hearths) documentary chronicled villages where national minorities in the RS lived (e.g. the Village of Štivor with Italian minority). Minority languages are promoted through appropriate musical programs, documentary programme (Knjiga rekorda Šutke -The Shutka Book of Records, U društvu bavarskih vitezova - Accompanied by Bavarian Knights).

119. For 6 years now Republika Srpska Radio has been airing "Korijeni" (Roots) show about national minorities which often discusses the application of the European Charter for Regional or Minority Languages in practice. The show also had a feature in the Ukrainian language, a feature about school of Romani language and the show promoted the use of languages of national minorities.

In addition to the foregoing, RSRT is interested to further enhance cooperation with minority associations and is open to quality programs and projects that promote languages of national minorities.

### **Activities of the Radio and Television of the Federation of Bosnia and Herzegovina**

120. Documentary and Educational Department made a series of FTV programs on national minorities in BiH in 2011 with the consent and support of the Ministry for Human Rights and Refugees of Bosnia and Herzegovina. The series made an immeasurable contribution to exploring the culture, traditions, customs, status and rights of national minorities living in the country. The series contributed to breaking the stereotypes, better understanding and acceptance of national minorities, acceptance of diversity and raising the level of tolerance. The program was meant for all ages, educational and national groups, having educational and social significance, that is, it enabled members of national minorities to exercise their right to be presented in the media.

The series consisted of 17 thematic shows (one show featured one of the statutory minorities in BiH), each lasting about 30 minutes.

The shows included the following themes on national minorities: who they are, their origin, distribution, tradition and culture, organized activities aimed at preserving tradition, prominent representatives, the attitude of the state and society, relations with compatriots from other countries and prospects of the future.

### **Activities of the BHT and other media outlets**

121. The State Television of Bosnia and Herzegovina frequently broadcast documentaries on national minorities, bearing in mind that the democratization of a society is reflected in the position and rights of the smallest groups of citizens. The level of civilization of a majority nation or nations is expressed through appreciation of minority nations, that is, by respecting rights of national minorities. Special attention was paid to Roma, as the largest minority, their tradition and the current situation in BiH.

122. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina supported making of a documentary film dedicated to the housing conditions of Roma and newly built housing for Roma families that are built each year from the state budget. The documentary was realized through Sen-Servis –Multimedia News Network.

### **A Report of the Ombudsman Institution for Human Rights of Bosnia and Herzegovina**

123. In early 2012, based on information from the media (primarily about a round table titled "National Minorities in the BiH Public", organized by Sara Kali-Roma Information Center in cooperation with BH Radio 1 and the OSCE) opened *ex officio* a case in which it has been investigating how much programs intended for national minorities are represented in the public service's programmes. It refers, above all, to Article 11 of the Charter concerning the media.

## **e) CULTURE**

### **A Report of the Ombudsman Institution for Human Rights of Bosnia and Herzegovina**

124. With regard to Article 12 of the Charter concerning cultural activities and institutions, the Institution of Ombudsman monitored cultural activities of various associations of national minorities through the media in the past year. Reports from the media and public perceptions are indicators that the Bosnia and Herzegovina Ombudsmen used in the planning of their activities (opening cases *ex officio*, making special reports, paying visits etc.) and determine the level of respect for human rights in Bosnia and Herzegovina.

125. The Ombudsmen noted that the associations of national minorities in cultural activities relied mainly on funding from local governments, cantons and entities. An example that we can cite is the publication of fairy tales in the Romany language, which was funded by the Municipality of Zenica and Zenica-Doboj Canton and a folklore fair where a number of national minorities associations took part, which was held in Banja Luka.

The Ombudsmen of Bosnia and Herzegovina points out setting up of manjina.ba website as a good example, which regularly reports on the activities and problems of minorities in Bosnia and Herzegovina, which is a very positive step given the matter will get closer to young people, as part of the population that uses Internet mostly.

### **A Report of the Federation Ministry of Culture and Sports**

126. Freedom of expression is one of the most important factors of social capital, which allows individuals in the society to express their opinions and viewpoints.

Article 1 of the European Charter for Regional or Minority Languages reads that “regional or minority languages” means languages that are traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population” and that ”it does not include the languages of migrants”. If we take into

account these parameters, we do not know any regional or minority languages in Bosnia and

Herzegovina.

In any case, we encourage all forms of expression and initiative, as well as direct participation of speakers of regional or minority languages in the planning of cultural activities. Please note that, in the Federation of BiH, the promotion of regional or minority languages, with a view to their preserving, falls within the competence of the cantonal ministries of education, science, culture and sports.

### **III- SUMARRY**

127. The exercise of national minorities’ rights in education provided for in the laws of Bosnia and Herzegovina, entities and cantons can be viewed in two segments:

- the right to education of other ethnic communities in Bosnia and Herzegovina and
- the right to education of Roma as the largest minority.

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

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

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

130. The main problem and obstacle to organizing a number of interested teaching children who are usually low, and that assimilation affects the potential number of children interested in learning languages. We are faced with problems in certain ethnic minorities, about the constant decline in the number of children - members of national minorities.

131. The Ministry has accomplished the necessary cooperation with other national minorities living in Bosnia and Herzegovina, which has been specifically expressed through program cooperation with the Council of National Minorities within the BiH Parliamentary Assembly. In cooperation with the OSCE Mission to BiH, BiH made a program of activities to design the Strategy for Solving Problems of National Minorities in Bosnia and Herzegovina in BiH as an obligation under the Law on the Protection of Members of National Minorities.

132. We emphasize that a census has not been conducted since 1991 and, therefore, interests and demands of minorities have not been identified for the purpose of the Law on the Protection of Members of National Minorities.

133. In the field of education the position of Roma as the most numerous national minority in Bosnia and Herzegovina required a different approach and involvement of government, considering the fact that a high-quality education for Roma is the only way out of the circle of marginalization and social isolation. That is why Bosnia and Herzegovina authorities paid special attention to this matter.

134. The fact is that Bosnia and Herzegovina has made a progress in improving the status of minorities, especially Roma in BiH. A census is expected to be conducted in 2012, which will provide indicators of where people belonging to national minorities live and what their numbers are. This will enable better assessment of the needs of national minorities, including the use of minority languages in BiH.

135. We expect to have more information on the application of the European Charter for

Regional or Minority Languages in the next report, which is due in four years, as a period of

one year is too short to report on any significant progress.