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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN BOSNIA AND HERZEGOVINA

2nd monitoring cycle

A. Report of the Committee of Experts on the Charter

(adopted on 18 March 2016)

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Bosnia and Herzegovina

(adopted on 5 October 2016)

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in State Parties with a view to, where necessary, making recommendations for improving their legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned. The periodical report shall be made public by the State in accordance with Article 15, paragraph 2.

The Committee of Experts' role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee of Experts gathers information from the respective authorities and from independent sources within the State, in order to obtain a fair and just overview of the real language situation. After a preliminary examination of a periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an on-the-spot visit by a delegation of the Committee of Experts to the State in question. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. Once adopted by the Committee of Experts, this evaluation report is submitted to the authorities of the respective State Party for possible comments within a given deadline. Subsequently, the evaluation report is submitted to the Committee of Ministers, together with suggestions for recommendations that, once adopted by the latter, will be addressed to the State Party. The full report also contains the comments which the authorities of the State Party may have made.

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A. Report of the Committee of Experts on the application of the Charter in Bosnia and Herzegovina

adopted by the Committee of Experts on 18 March 2016
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Executive Summary

1. Given the small size of most of its minority language groups, Bosnia and Herzegovina has opted for a rather high level of undertakings in its instrument of ratification. These languages, on paper, enjoy a high level of recognition in the minority laws at both national and entity levels, which provide, in principle, for an ambitious scheme of protection. The complex government structure of Bosnia and Herzegovina, with its four levels of government (state; Federation of Bosnia and Herzegovina, Republika Srpska; cantons; municipalities), does not always facilitate the implementation of the Charter and gives rise to co-ordination problems. As part of the establishment of the legal basis for the protection and promotion of these languages, Bosnia and Herzegovina has also initiated the creation of Councils of National Minorities which have the status of consultative bodies to the parliaments at national level, in the Federation of Bosnia and Herzegovina and in the Republika Srpska as well as in some cantons. These councils are plagued by a number of problems related to their composition and operation.
2. The relevant legislation at state, entity and cantonal level works with very high thresholds for the official use of minority languages. In addition, the legislation on education sets quite demanding thresholds for teaching in minority languages, but also for offering teaching of minority languages. The statutory thresholds are practically never met. This makes the legal arrangements largely inoperative. As a result, the practical measures on the protection and promotion of minority languages are limited and often of an ad hoc nature. This results in non-fulfilment of most undertakings.
3. At present, the infrastructure necessary to ensure implementation of the Charter does not exist. The authorities should draw up a mid-term strategy on the implementation of the Charter in respect of the minority languages. In view of the present lack of implementation of many of the undertakings chosen, the authorities need to devise flexible and innovative measures.
4. The need for flexible and innovative measures is evident in the field of education, where, with the exception of the teaching of German, Italian, Turkish and Ukrainian at some levels, the minority languages are absent. There are neither trained teachers who would be able to teach the minority languages at all the levels relevant for the implementation of the Charter, nor teaching materials. The authorities, at present, largely limit themselves to supporting language courses initiated and organised by minority associations.
5. As far as the use of the minority languages before judicial authorities and by administrative authorities is concerned, the domestic legal set-up is not in conformity with the Charter. In addition, there is almost no practice in using minority languages before judicial and administrative authorities.
6. Television and radio programmes use the minority languages only to a very limited extent. There is a clear need to increase the use of the minority languages in broadcasting, ensuring the regularity of programmes in these languages.
7. A dedicated scheme providing regular and stable financial support to cultural activities and facilities relating to the minority languages does not exist either. The Committee of Experts has not been informed of any structured approach from the authorities or any established system to support cultural expressions and initiatives regarding works produced in the minority languages.
8. There have been no substantial changes since the first monitoring round. Therefore, the Committee of Experts proposes largely the same set of recommendations to the Committee of Ministers as in the first monitoring cycle.

Chapter 1 Background information

1.1. The Charter's ratification by Bosnia and Herzegovina

9. When acceding to the Council of Europe in 2002, Bosnia and Herzegovina committed itself to signing and ratifying the European Charter for Regional or Minority Languages (hereafter referred to as "the Charter"). Bosnia and Herzegovina signed the Charter on 7 September 2005 and deposited the instrument of ratification with the Council of Europe on 21 September 2010. The Charter entered into force in Bosnia and Herzegovina on 1 January 2011.

10. Article 15 (1) of the Charter requires States Parties to present periodical reports about the application of the Charter at three-yearly intervals, in a form prescribed by the Committee of Ministers.¹ The second periodical report by Bosnia and Herzegovina was submitted to the Secretary General of the Council of Europe on 31 August 2015. It appears that this report has not yet been made public by the authorities, as required by Article 15 (2).

1.2. The work of the Committee of Experts

11. This evaluation report is based on the information obtained by the Committee of Experts from the second periodical report of Bosnia and Herzegovina and through meetings held with representatives of the minority language speakers as well as the authorities of Bosnia and Herzegovina during the on-the-spot visit, which took place from 2-4 February 2016. The report reflects the policies, legislation and practice prevailing at the time of the on-the-spot visit. Any changes will be taken into account in the next report of the Committee of Experts concerning Bosnia and Herzegovina. The work of the Committee of Experts was hampered by the consistent lack of relevant information in the second periodical report.

12. This report was adopted by the Committee of Experts on 18 March 2016.

1.3. Presentation of the regional or minority language situation in Bosnia and Herzegovina

13. In the first evaluation report, the Committee of Experts asked the authorities to clarify whether Macedonian and Montenegrin were traditionally used in the country and consequently whether they could be recognised as "regional or minority languages" in the sense of the Charter.

14. In the second monitoring cycle, the authorities of Bosnia and Herzegovina confirmed that Macedonian and Montenegrin are not traditionally used in the country. This information has also been confirmed by representatives of the speakers who had been consulted by the authorities, and is also reflected in the second report by Bosnia and Herzegovina on the implementation of the Framework Convention for the Protection of National Minorities.² The presence of Macedonian and Montenegrin speakers in Bosnia and Herzegovina is a result of migration. In the case of Montenegrin, it must also be noted that the concept of "Montenegrin language" has been used in the legislation of Bosnia and Herzegovina only since 2010. Previously, the language concerned had been referred to as Serbian, which is an official language of Bosnia and Herzegovina and not a regional or minority language. In light of this information, the Committee of Experts notes that Macedonian and Montenegrin are not "traditionally used" in Bosnia and Herzegovina in conformity with the definition of a "regional or minority language" contained in Article 1.a of the Charter. Consequently, measures taken by Bosnia and Herzegovina to promote Macedonian and Montenegrin are not subject to the monitoring of the application of the Charter by the Committee of Experts.³ The Committee of Experts nonetheless welcomes such steps and encourages the authorities of Bosnia and Herzegovina to pursue them further, in co-operation with the speakers.

¹ MIN-LANG (98) 7, Outline periodical reports as adopted by the Committee of Ministers of the Council of Europe on 10 November 1998

² See ACFC/SR (2004) 001, p. 34

³ See 2nd Report of the Committee of Experts on Poland, ECRML(2015)7, paragraph 23; 3rd Report of the Committee of Experts on Montenegro, ECRML(2015)3, paragraph 15

1.4. General issues arising in the evaluation of the application of the Charter in Bosnia and Herzegovina

1.4.1 Structured approach and flexible measures implementing the Charter

15. In the first evaluation report, the Committee of Ministers and the Committee of Experts recommended to Bosnia and Herzegovina to **“establish a structured policy and take flexible measures facilitating the application of the Charter”**. Furthermore, the Committee of Experts considered that the authorities should draw up a mid-term strategy on the implementation of the Charter in respect of the minority languages.

16. In light of the second periodical report and the information obtained during the on-the-spot visit, it is evident that no structured policy for the implementation of the Charter has been established. The second periodical report clearly states that several undertakings are not fulfilled. Furthermore, it still largely focuses on the legislative framework and does not deal with the recommendations and questions regarding practical measures contained in the first evaluation report, although a preparatory meeting for the drafting of the periodical report was organised by the Council of Europe in 2015.

17. In addition, the national authorities have stated on several occasions that the implementation of certain Charter undertakings falls within the responsibility of entity, cantonal and local authorities. As far as local authorities are concerned, the Gradiška, Laktaši and Prnjavor municipalities (Republika Srpska) are particularly relevant for the implementation of the Charter as important parts of the traditional settlement areas of the users of Czech, German, Hungarian, Italian, Polish, Romani, Romanian, Ruthenian⁴, Slovak and Ukrainian are located on the territories of these municipalities. In 2015, the Gradiška and Prnjavor municipalities received EU funding in the framework of the joint programme “Promoting Human Rights and Minority Protection in South East Europe” which *inter alia* aims to contribute to the implementation of the Committee of Experts’ monitoring recommendations. However, both municipalities have so far refused to implement the Charter. The Committee of Experts wishes to underline the fact that the national authorities must ensure that all levels of administration implement the relevant undertakings in practice. Even if competences are assumed by entity, cantonal and local authorities, the State represented by the national authorities still has the final responsibility. Moreover, it is obvious that the national authorities have not sufficiently informed the relevant entity, cantonal and local authorities regarding the obligations arising from the Charter and the recommendations contained in the first evaluation report.

18. In light of its meetings with representatives of the minority language speakers during the on-the-spot visit, the Committee of Experts also notes that the authorities, at times, leave the implementation of their obligations under the Charter to the initiative of national minority associations and project applications. An important feature of the Charter is that it does not, as such, set out individual rights for users of minority languages whose implementation would largely depend on whether or not the users invoke such rights. Rather, the Charter places legal obligations on its States Parties which need to be implemented in practice. Implementation of the Charter’s legal obligations thus requires that its States Parties take positive measures, on their own initiative, with a view to protecting and promoting the minority languages.

19. Most linguistic minorities live in small local communities, with a relatively low number of language users. Furthermore, the infrastructure necessary to ensure implementation of the Charter does not exist at present. In such a situation, it is clear that individual and flexible measures need to be taken in order to make the provisions of Part III operational. The Committee of Experts therefore still considers that the authorities should draw up a mid-term strategy on the implementation of the Charter in respect of the minority languages.⁵

20. This strategy should firstly define the territories in which the languages concerned have their historical bases and where the Charter undertakings will be implemented as a matter of priority. For several languages, the defined territory would most likely comprise only a few local communities.

21. Furthermore, the authorities need to devise flexible and innovative measures for the actual application of the Charter undertakings. Such measures could comprise the establishment of one or several central educational institutions for each language, the use of the internet for the promotion of the language in the media and co-operation with the private sector in the municipalities concerned regarding the implementation of Article 13. The authorities can also benefit from the fact that in the case of some minority languages the number of people interested in learning and using them is larger than the number of people

⁴ Referred to as “Rysin” in the instrument of ratification

⁵ See for example 3rd Report of the Committee of Experts on Hungary, ECRML(2007)5, paragraph 17

belonging to the respective national minority and/or speaking the respective language as their mother tongue (e.g. the growing demand for learning Turkish). This aspect can facilitate the application of the Charter which promotes the use of the minority languages irrespective of the ethnicity of the speakers.

22. In addition, the Committee of Experts considers that the application of the Charter by Bosnia and Herzegovina could benefit from co-operation with kin-states of minority languages in Bosnia and Herzegovina, or with other states where the same or similar languages are used. In cases where the setting up of a completely new infrastructure in the media, education or culture represents a major challenge for Bosnia and Herzegovina, it could be envisaged that the respective minority language users in Bosnia and Herzegovina benefit, with the necessary adaptation, from the already existing infrastructure for the same language in a neighbouring country (e.g. regarding teacher and journalist training/exchanges, import of textbooks, exchange of cultural works, retransmission of television and radio programmes). In other cases, neighbouring states of Bosnia and Herzegovina may currently be in a process of setting up an infrastructure for certain languages in specific fields, for example launching television programmes or newspapers. Such measures could be jointly implemented.

23. The Committee of Experts also points to the 2008 Law on Protection of Rights of Members of National Minorities in the Federation of Bosnia and Herzegovina (Article 6) and the 2005 Law on Protection of Rights of National Minorities of the Republika Srpska (Article 5) according to which the respective authorities shall facilitate and financially assist relations between the national minorities in their respective entity and the same national minorities in other countries as well as relations of the national minorities with their kin-states.

1.4.2 Percentage thresholds potentially hampering the application of the Charter

24. In the first evaluation report, the Committee of Experts encouraged the authorities of Bosnia and Herzegovina to ensure that the undertakings chosen are implemented, even if the thresholds in domestic legislation are not met. Furthermore, in order to ensure the implementation of the Charter in practice, the Committee of Experts encouraged the authorities to lower the thresholds stipulated in the minority laws and to encourage local authorities to apply the Charter irrespective of thresholds.

25. The second periodical report does not provide any information concerning these issues. During the on-the-spot visit, the Committee of Experts was given confirmation that the situation has not changed. According to provisions of the 2003 Law on Rights of National Minorities of Bosnia and Herzegovina, the 2005 Law on Protection of Rights of National Minorities of the Republika Srpska and the 2008 Law on Protection of Rights of Members of National Minorities in the Federation of Bosnia and Herzegovina, several linguistic rights in the fields of administrative authorities, education and cultural activities depend on whether persons belonging to a national minority make up a certain share of the population of a city, municipality or local community. The thresholds applied are: "a majority of the population", "an absolute or relative majority of the population", "at least one third of the population", "more than one third of the population", "a considerable number of the population", "one fifth [of the pupils of a school combined with] the majority of parents".

26. In its instrument of ratification, Bosnia and Herzegovina made the following declaration: "In accordance with Article 1, paragraph b, of the Charter, Bosnia and Herzegovina declares that the term 'territory in which the regional or minority languages are used' refers to areas in which regional or minority languages are in official use in accordance with the laws of Bosnia and Herzegovina."

27. The Committee of Experts repeats that this declaration, if interpreted literally, would amount to a territorial reservation which is incompatible with the Charter and, unless changes are made in the legal set-up, the implementation of the Charter provisions seems impossible. Therefore, it concludes that the provisions of the Charter apply also to those municipalities where the minority languages are not in official use, but where there are a sufficient number of users for the purpose of the Charter provisions.⁶

28. Given that most minority languages covered by the Charter have a low number of speakers and/or low degree of local concentration of these speakers, the aforementioned thresholds are not reached. However, the ratification means that each undertaking shall be implemented for each language, in at least one administrative unit.

29. The Committee of Experts urges the authorities to ensure that the undertakings chosen are implemented, even if the thresholds in domestic legislation are not met.

⁶ See for example 2nd Report of the Committee of Experts on Slovakia, ECRML(2009)8, paragraph 12

30. The Charter is directly applicable in Bosnia and Herzegovina and has precedence over domestic legislation, in this case the minority laws. However, the Committee of Experts is nonetheless concerned that the conflicting provisions of the minority laws and the Charter could, in administrative practice, lead to a situation where local authorities do not apply the Charter provisions, or are not aware of them.

31. In order to ensure the implementation of the Charter in practice, the Committee of Experts urges the authorities to lower the thresholds stipulated in the minority laws and to encourage local authorities to apply the Charter irrespective of thresholds.⁷

1.4.3 *Census*

32. In the first evaluation report, the Committee of Experts encouraged the authorities of Bosnia and Herzegovina to take steps to collect, in co-operation with the representatives of the national minorities, reliable data concerning the number of users of the minority languages and their geographical distribution.

33. Bosnia and Herzegovina conducted a census in 2013 which also contained questions about the respondents' affiliation with national minorities. This was the first census organised in Bosnia and Herzegovina since 1991. However, the results were not yet public at the time of the on-the-spot visit. Furthermore, the second periodical report does not provide any information about steps taken by the authorities to collect other data about the number of minority language users, for example scientific estimates.

34. During the on-the-spot visit, the Committee of Experts was informed by representatives of the authorities that many persons belonging to national minorities, as a result of historical experience, were reluctant to state their minority affiliation. Furthermore, representatives of the minority language speakers informed the Committee of Experts that almost all minority language users are bilingual and since they could only choose one language, many of them chose the majority language instead of their minority language. As a result, the census results are likely to be inaccurate. Consequently, it will limit the possibilities of the authorities to plan and take consistent and constant action for the protection and the promotion of the minority languages.⁸

35. The Committee of Experts therefore urges the authorities to take steps to collect, in co-operation with the representatives of the national minorities, reliable data concerning the number of users of the minority languages and their geographical distribution.

1.4.4 *Application of the Charter to Ladino and Yiddish*

36. In the first evaluation report, the Committee of Experts encouraged the authorities of Bosnia and Herzegovina to support the Jewish minority in its efforts to raise the awareness about its languages and culture among the younger generation.

37. The authorities have informed the Committee of Experts that the Jewish national minority is supported with an annual amount of 15,000 BAM (about 7,500 €). However, it is not clear to what extent activities related to the Ladino and Yiddish languages are supported. There are only about a dozen people who are able to speak Ladino. In addition, Yiddish appears to no longer be spoken in Bosnia and Herzegovina at all. This raises the question of how Bosnia and Herzegovina will apply the Charter to Ladino and Yiddish.

⁷ See 1st Report of the Committee of Experts on Romania, ECRML(2012)3, paragraph 37

⁸ See for example 1st Report of the Committee of Experts on the Slovak Republic, ECRML(2007)1, paragraph 45

Chapter 2 Conclusions of the Committee of Experts on how the authorities of Bosnia and Herzegovina have reacted to the recommendations of the Committee of Ministers

Recommendation no. 1:

“establish a structured policy and take flexible measures facilitating the application of the Charter;”

The relevant legislation at state, entity and cantonal levels contains high thresholds concerning the protection and promotion of minority languages as a result of which measures envisaged by statutory law are practically never applicable. Consequently, the infrastructure necessary to ensure the implementation of the Charter does not exist. Accordingly, a mid-term strategy on the protection and promotion of the minority languages in Bosnia and Herzegovina is needed. The resulting need to devise flexible and innovative measures has not, as yet, been addressed by the authorities.

Recommendation no. 2:

“provide appropriate forms and means for the teaching of the minority languages in co-operation with the speakers;”

There is some limited teaching of Italian and Ukrainian in local communities and of German and Turkish as foreign languages. The other minority languages are completely absent from the regular educational system. There are neither trained teachers who would be able to teach the minority languages at all the levels relevant for the implementation of the Charter, nor teaching materials.

Recommendation no. 3:

“establish a scheme for financing cultural activities and facilities relating to the minority languages;”

A dedicated scheme providing regular and stable financial support to cultural activities and facilities relating to the minority languages does not exist. The Committee of Experts has not been informed of any structured approach from the authorities or any established system to support cultural expressions and initiatives regarding works produced in the minority languages.

Recommendation no. 4:

“make adequate provision so that public broadcasters offer programmes in the minority languages;”

Television and radio programmes use the minority languages only to a very limited extent. There is a clear need to increase the use of the minority languages in broadcasting, ensuring the regularity of programmes in these languages. The statutory requirements set up for public as well as private broadcasters to dedicate a certain amount of programming time to minority programmes are not enforced.

Recommendation no. 5:

“use traditional forms of place names in the minority languages.”

Traditional place names exist in some minority languages covered by the Charter. There is, however, no official use of such place names.

Chapter 3 The Committee of Experts' evaluation in respect of Part II and Part III of the Charter

3.1. Evaluation in respect of Part II of the Charter

38. The Committee of Experts will concentrate its examination of Part II to those provisions which do not correspond to undertakings chosen under Part III for these languages.

Article 7

Paragraph 1

In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

a the recognition of the regional or minority languages as an expression of cultural wealth;

39. In the first evaluation report, the Committee of Experts asked the authorities of Bosnia and Herzegovina to provide specific information about the cantonal minority laws in the next periodical report.

40. The second periodical report does not provide the requested information.

41. The minority laws applicable at national and entity levels explicitly mention and recognise the national minorities using the languages covered by the Charter and set out similar linguistic rights in the fields of administrative authorities, education, media, culture, economic and social rights. The Committee of Experts commends the authorities for this high level of recognition for the national minorities and their languages. The Cantons of Sarajevo and Tuzla have also adopted minority laws. In the Bosnian-Podrinje Canton Goražde, such a law is currently under preparation.

42. The Committee of Experts asks the authorities to provide specific information about these cantonal minority laws in the next periodical report.

b the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;

43. The Committee of Experts has not been informed of cases where existing or new administrative divisions would constitute an obstacle to the promotion of the minority languages.

c the need for resolute action to promote regional or minority languages in order to safeguard them;

44. In the first evaluation report, the Committee of Experts encouraged the authorities of Bosnia and Herzegovina to clarify the concrete administrative responsibilities for implementing the Charter to all the minority languages, and to adopt an action plan in order for the relevant undertakings to be implemented. Furthermore, the Committee of Experts encouraged the authorities to significantly increase the financial support for the promotion of the minority languages and to provide a comprehensive overview of the financial means available for the implementation of the Charter in the next periodical report.

45. In the second periodical report, the authorities do not provide the relevant information. According to the statement by the Office of the Ombudsman of Bosnia and Herzegovina contained in the second periodical report, the authorities have failed to implement a structured policy regarding the application of the Charter. Although there are local examples that show willingness on the part of the authorities to take measures aimed at promoting minority languages, co-ordination of such activities as well as an overall plan for such measures are missing.

46. The Committee of Experts underlines that resolute action to promote minority languages in order to safeguard them may cover, among other things, the following aspects: the creation of a legal framework for the promotion of minority languages, the establishment of bodies which are responsible for the promotion of these languages, and the provision of financial resources.⁹

⁹ See for example 2nd Report of the Committee of Experts on Germany, ECRML(2006)1, paragraph 24; 2nd Report of the Committee of Experts on Sweden, ECRML(2006)4, paragraph 28; 3rd Report of the Committee of Experts on Norway, ECRML (2007) 3, paragraph 34; 2nd Report of the Committee of Experts on Spain, ECRML(2008)5, paragraph 103

47. As regards the creation of a legal framework, the Committee of Experts refers to its examination of Article 7(1)a, underlining a high level of recognition for national minorities and their languages in Bosnia and Herzegovina.

48. As regards administrative responsibilities, measures promoting minority languages are currently mainly carried out by the authorities of the entities, but without an overall co-ordination. Given that a proactive and structured approach is necessary to implement the undertakings under the Charter, the central authorities should provide the necessary guidance in this respect.

49. The Committee of Experts urges the authorities to clarify the concrete administrative responsibilities for implementing the Charter to all the minority languages, and to adopt an action plan in order for the relevant undertakings to be implemented.

50. In light of the information that the Committee of Experts received during the on-the-spot visit, the authorities do not provide regular and stable financial support to the promotion of the minority languages. Rather, minority associations have to apply for projects. Support concerns usually only the field of culture or extra-curricular educational activities.

51. While the Committee of Experts acknowledges the difficult economic situation of Bosnia and Herzegovina, it urges the authorities to significantly increase the financial support for the promotion of the minority languages and to provide a comprehensive overview of the financial means available for the implementation of the Charter in the next periodical report.

d the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;

52. The Committee of Experts refers to its evaluation of Part III.

e the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;

53. According to the minority laws of the Federation of Bosnia and Herzegovina (Article 6) and the Republika Srpska (Article 5), the respective authorities shall facilitate and financially assist the maintenance and development of relations between the national minorities in their respective entity and the same national minorities in other parts of Bosnia and Herzegovina and in other countries as well as with the kin-states. In the first evaluation report, the Committee of Experts asked the authorities to provide information about the practical implementation with regard to each minority language.

54. As already observed in the first evaluation report, the Councils of National Minorities, which comprise representatives of several national minorities (see under Article 7.4), contribute to the establishment of cultural relations between different linguistic groups within the country. However, the Committee of Experts asks the authorities to also provide information in the next periodical report about how they support links, in the fields covered by the Charter, between groups using the same minority language.

f the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;

55. The provision of appropriate forms and means for the teaching of the minority languages at pre-school, primary and secondary levels is regulated in the minority laws of Bosnia and Herzegovina (Article 14), the Federation of Bosnia and Herzegovina (Article 10), and the Republika Srpska (Article 11), including the provision of textbooks. These laws do not deal with technical, vocational and higher education. With the exception of teaching German, Italian and Ukrainian at some levels of education (see under Article 8), however, the minority languages of Bosnia and Herzegovina remain absent from ordinary education. There are neither trained teachers who would be able to teach the minority languages at all the levels relevant for the implementation of the Charter, nor textbooks for these levels. The authorities at present largely limit themselves to supporting language courses initiated and organised by minority associations. However, the Committee of Experts underlines that the Charter puts obligations on its States Parties to organise minority language education within the ordinary education system. While language courses organised by

associations may complement the offer in ordinary education, they usually do not meet the pedagogical standards required by the Charter for minority language education.¹⁰

Organisation of minority language education

56. In the first evaluation report, the Committee of Experts encouraged the authorities of Bosnia and Herzegovina to develop a strategy for the implementation of the obligations under the Charter in the field of education (offer preceding demand, teacher training, curricula development, textbook production or import, a stable financial framework and the selection of schools where the languages will be taught, organisation of transport for pupils/students to and from the schools, continuity from one level of education to the next one in the geographical areas concerned, co-operation with other countries/kin-states of the national minorities).

57. The second periodical report does not provide any information concerning these matters. During the on-the-spot visit, the Committee of Experts was informed that in the Republika Srpska, Ukrainian is taught in several primary schools (Prijedor municipality). Romani is taught in one primary school, Italian in one primary school for 15 pupils and Slovenian in one primary school. During recent years, the only primary school teaching Czech stopped offering lessons in that language due to a lack in demand. Another primary school in Banja Luka recently ceased teaching Ukrainian for the same reason.

58. The provision of minority language teaching in conformity with the obligations under the Charter requires the educational offer to precede the demand, i.e. that the education has to be organised before the authorities are approached by parents or pupils. Such organisational measures comprise teacher training, curricula development, textbook production or import, a stable financial framework and the selection of schools where the languages will be taught. In addition, the authorities refer in the periodical report to the need to organise transport for pupils/students to and from the schools. The educational offer also needs to ensure continuity from one level of education to the next in the geographical areas concerned. The Committee of Experts is aware that the development of minority language education will constitute a major medium-term task. It is therefore all the more important that, in the meantime, Bosnia and Herzegovina co-operates closely with other countries, including the kin-states of the national minorities concerned, with a view to gradually complying with its undertakings under the Charter.

Awareness-raising

59. In the first evaluation report, the Committee of Experts encouraged the authorities of Bosnia and Herzegovina to inform the local population about the possibilities of learning the minority languages.

60. According to the periodical report, persons belonging to the national minorities are often not familiar with the possibility of obtaining minority language education and the procedures to apply for it. During the on-the-spot visit, both the representatives of the authorities and the speakers informed the Committee of Experts that no awareness-raising measures are currently in place, except for some media coverage regularly (yearly/quarterly/monthly) portraying minority folklore. The problem is confirmed by the Advisory Committee of the Framework Convention for the Protection of National Minorities in its third opinion on Bosnia and Herzegovina of 2013, which states that in the current situation national minorities in Bosnia and Herzegovina are virtually invisible.¹¹

61. It is important that the authorities inform the local population about the future possibilities of learning the minority languages and that some information on the history, culture and traditions of the minorities is provided in mainstream education. The Committee of Experts urges the authorities to carry out awareness-raising about the virtues of, and opportunities for, minority language education.

German and Italian

62. In the first evaluation report, the Committee of Experts encouraged the authorities of Bosnia and Herzegovina to develop and implement educational models for German and Italian as minority languages which take into account the traditional character of these languages, in particular the local history and cultures of both national minorities.

63. During the second monitoring cycle no information was provided concerning these matters.

64. German is taught as a foreign language in Bosnia and Herzegovina. As part of the teaching of German, the history and culture of Germany is taught. In addition, Italian is taught as a foreign language

¹⁰ See for example 2nd Report of the Committee of Experts on Hungary, ECRML(2004)5, paragraph 27

¹¹ See the Third opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Bosnia and Herzegovina of 2013, paragraph 127.

mainly in Banja Luka. The Committee of Experts urges the authorities to develop and implement educational models for German and Italian as minority languages which take into account the traditional character of these languages, in particular the local history and cultures of both national minorities. The implementation of such models is particularly relevant in the Republika Srpska.

Romani

65. In the first evaluation report, the Committee of Experts encouraged the authorities of Bosnia and Herzegovina to adopt an appropriate approach to teach the Romani varieties used on the territory of Bosnia and Herzegovina at all levels of education for which the Charter has been ratified.

66. The second periodical report does not provide any information concerning these matters. Romani is taught in the framework of some local NGO initiatives. The Committee of Experts urges the authorities to develop an appropriate approach to teach Romani used on the territory of Bosnia and Herzegovina at all relevant levels of regular education.

g *the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;*

67. In the first evaluation report, the Committee of Experts asked the authorities of Bosnia and Herzegovina to provide information about the existence of courses for Albanian, German, Romani, Romanian, Ruthenian, Slovak and Turkish and any financial support to them by the authorities.

68. The second periodical report does not provide any information concerning such courses. During the on-the-spot visit, the Committee of Experts was informed that several associations of national minorities continue to offer language courses for all ages which are often also attended by persons who do not belong to the given minority.

69. The Committee of Experts is pleased to observe a wide offer of courses of minority languages. On the other hand, this offer seems to be limited to the Republika Srpska. In addition, according to information received, it depends almost exclusively on support provided by the kin-states of the national minorities concerned, and it is not in all cases clear to what extent the authorities of Bosnia and Herzegovina contribute to this offer. In addition, there is no information about the application of this provision to the Albanian, German, Romani, Romanian, Ruthenian, Slovak and Turkish languages. The Committee of Experts therefore reiterates its request to the authorities to provide information in their next periodical report about the existence of such courses and any financial support to them by the authorities.

h *the promotion of study and research on regional or minority languages at universities or equivalent institutions;*

70. In the first evaluation report, the Committee of Experts asked the authorities of Bosnia and Herzegovina to provide information about how they promote study and research on the minority languages other than Romani.

71. The authorities of Bosnia and Herzegovina have informed the Committee of Experts that, apart from work on the codification of Romani, no measures relevant for this Charter provision have been taken.

72. The Committee of Experts encourages the authorities to promote study and research on the minority languages other than Romani at universities or equivalent institutions.

i *the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.*

73. In the first evaluation report, the Committee of Experts asked the authorities of Bosnia and Herzegovina to provide information about how they apply this provision to all minority languages.

74. The second periodical report does not contain any information concerning this provision.

75. The Committee of Experts again asks the authorities to provide, in their next periodical report, information about how they apply this provision to all minority languages.

Paragraph 2

The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or

development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

76. In the first evaluation report, the Committee of Experts encouraged the authorities of Bosnia and Herzegovina to eliminate any discrimination related to the use of minority languages from legislation or any other regulation, if such exists.

77. The second periodical report does not contain information concerning this provision. During the on-the-spot visit, the authorities informed the Committee of Experts about the prohibition of discrimination in different legal provisions of Bosnia and Herzegovina.

Paragraph 3

The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

78. In the first evaluation report, the Committee of Experts asked the authorities of Bosnia and Herzegovina to provide information about whether the promotion of tolerance, respect and understanding in relation to minority languages is included among the objectives of education.

79. The Committee of Experts has not received any relevant information during the second monitoring cycle in relation to this undertaking. Therefore, it again asks the authorities of Bosnia and Herzegovina to provide information in the next periodical report.

Paragraph 4

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

80. In the first evaluation report, the Committee of Experts encouraged the authorities of Bosnia and Herzegovina to take all the necessary measures ensuring that representatives of the users of all minority languages are represented in the Councils of National Minorities.

81. The second periodical report does not provide any information concerning this issue. During the on-the-spot visit, the Committee of Experts was informed that the authorities did not consult the Alliance of National Minorities when preparing their periodical report. The Alliance is an umbrella organisation of the Czech, German, Hungarian, Italian, Jewish, Polish, Roma, Slovak, Slovenian and Ukrainian national minorities.

82. The Committee of Experts considers that the system of Councils of National Minorities can provide a suitable framework for the implementation of the present provision. However, this presupposes that all groups using the minority languages covered by the Charter are actually represented in such councils. There seem to exist severe problems with the composition of these councils as well as with the way they are operating.¹² During the on-the-spot visit, the Committee of Experts was informed that the Romanian and Ruthenian national minorities have neither an association representing them, nor any other representative in the Councils of National Minorities. The Committee of Experts wishes to underline that a dialogue between the authorities and the associations representing the users of the minority language about the application of the Charter is indispensable for a state in determining its policy regarding minority languages. Consequently, the Committee of Experts urges the authorities to take steps to ensure that representatives of the users of all minority languages are represented in the Councils of National Minorities.

¹² See the Third opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Bosnia and Herzegovina, paragraphs 156-160

3.2. Evaluation in respect of Part III of the Charter

83. Bosnia and Herzegovina has ratified 39 undertakings for Romani and 35 undertakings for Albanian, Czech, German, Hungarian, Italian, Ladino, Polish, Romanian, Ruthenian, Slovak, Slovenian, Turkish, Ukrainian and Yiddish. Four undertakings apply to Romani only, which the Committee of Experts will specifically indicate under each of them (Articles 8.1.eiii, fiii; 11.1.d, g). Since the situation in most cases is the same for all minority languages in relation to compliance with the undertakings chosen, the Committee of Experts will deal with all languages under each undertaking. If one or more languages are in a different position than the others, or where there is specific information, this will be mentioned explicitly.

84. Based on the findings in paragraph 37, the Committee of Experts will not evaluate the Part III undertakings applying to Ladino and Yiddish, which are not fulfilled.

Article 8 – Education

85. The Committee of Experts notes that Article 8 applies also on the territory of those local authorities where the number of persons belonging to a national minority does not reach the thresholds contained in the minority laws (see under 1.4.2 above), but represent nevertheless a sufficient number for the purpose of the respective undertakings.¹³

86. In the first monitoring cycle, the Committee of Ministers recommended Bosnia and Herzegovina to **“provide appropriate forms and means for the teaching of the minority languages”**. Moreover, the Committee of Experts encouraged the authorities to provide appropriate forms and means for the teaching of the minority languages at all stages concerned by the ratification and to inform pupils/students and parents actively about the offer and encourage them to make use of it.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

Pre-school education

- a*
 - i* to make available pre-school education in the relevant regional or minority languages; or
 - ii* to make available a substantial part of pre-school education in the relevant regional or minority languages; or
 - iii* **to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or**

87. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to make available a substantial part of pre-school education in all minority languages.

88. According to both the authorities and representatives of minority associations, no minority language in Bosnia and Herzegovina is used in pre-school education. There are no pre-school teachers who could use minority languages, and no relevant curricula have been established.

89. During the on-the-spot visit, the Committee of Experts was informed that there is demand for a bilingual school teaching in German at pre-school, primary and secondary levels in Sarajevo. The Committee of Experts encourages the authorities to provide for bilingual education in German in Sarajevo and to explore possibilities for bilingual education also in Banja Luka.

90. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to make available a substantial part of pre-school education in all minority languages and to inform the users about this possibility.

Primary education

- b*
 - i* to make available primary education in the relevant regional or minority languages; or
 - ii* to make available a substantial part of primary education in the relevant regional or minority languages; or
 - iii* to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv* **to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;**

¹³ See for example 1st Report of the Committee of Experts on the Slovak Republic, ECRML(2007)1, paragraphs 592-593

91. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled for Ukrainian, partly fulfilled for Italian and not fulfilled for Albanian, Czech, German, Hungarian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian and Turkish. The Committee of Experts encouraged the authorities to make available teaching of Albanian, Czech, German, Hungarian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian and Turkish in primary education.

92. The thresholds for teaching *in* minority languages set in the legislation of Bosnia and Herzegovina are so high that the requirements are not met anywhere. The statutory thresholds for the teaching of minority languages are a bit lower, but, at least in the case of the state and federation minority laws, are still so high that they are not fulfilled in any municipality. The legislation of the Republika Srpska is a bit more flexible in this regard, but only a very limited number of cases exist where minority languages are taught in the regular education system. There is a need to revise the relevant legislation if the undertakings of Article 8 (1) b and c are to be fulfilled.¹⁴

Italian

93. In the first evaluation report, the Committee of Experts asked the authorities to provide, in the next periodical report, more specific information about the teaching of Italian in primary education, including an overview of the available textbooks for the different grades and the organisation of teacher training.

94. The second periodical report does not provide any information concerning this aspect. According to the information received during the on-the-spot visit, the primary school in Šibovska/Schibowska, which is attended by most of the primary school pupils of the Italian minority, teaches Italian as an optional subject from the third grade onwards. However, Italian is taught as a foreign language rather than as a minority language.

95. The Committee of Experts urges the authorities to take the traditional character of the Italian language into account (see under Article 7.1.f above). Furthermore, it again asks the authorities to provide, in the next periodical report, more specific information about the teaching of Italian in primary education, including an overview of the available textbooks for the different grades and the organisation of teacher training.

Turkish

96. Turkish is taught at the private Sarajevo College which is financed by a business foundation from Turkey. The authorities neither contribute financially to this college, nor do they provide the teaching of Turkish in regular primary education, or facilitate the education in any other way. In the first evaluation report, the Committee of Experts encouraged the authorities to assess how they could contribute to the teaching of Turkish in primary education in conformity with their undertaking under the Charter.

97. According to the second periodical report, Turkish is taught in schools in Una-Sana Canton, Bosnia-Podrinje Canton, Goražde Canton and Sarajevo Canton, all in the Federation of Bosnia and Herzegovina. It will be introduced in Tuzla Canton, responding to the great interest of pupils. The curriculum for Turkish has been elaborated by the Yunus Emri Cultural Centre, member of a worldwide network financed by the government of Turkey. There is no information about how the authorities of Bosnia and Herzegovina contributed to this educational offer.

98. During the on-the-spot visit, the Committee of Experts was informed that Turkish has been introduced in schools in two municipalities of Tuzla canton in 2015. However, it is taught as second foreign language and not as a minority language. The Committee of Experts has not received information as to whether the authorities of Bosnia and Herzegovina contribute to this offer. Therefore, it asks the authorities of Bosnia and Herzegovina to provide relevant information regarding the models and localities where Turkish is taught and to what degree it is integrated into the regular system of education.

Ukrainian

99. In the first evaluation report, the Committee of Experts asked the authorities to provide, in their next periodical report, more specific information about the teaching of Ukrainian in primary education, including the number of pupils enrolled, an overview of the available textbooks for the different grades, and the organisation of teacher training.

¹⁴ See the Third opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Bosnia and Herzegovina of 2013, paragraphs 141-144.

100. According to the second periodical report, three primary schools teach Ukrainian as a national minority language two hours per week. These schools are in the Republika Srpska, where 54 pupils are taught Ukrainian. During the on-the-spot visit, the Committee of Experts learned that the primary school in Banja Luka offering lessons of Ukrainian recently stopped teaching that language due to a lack in demand.

101. The Committee of Experts welcomes the fact that Ukrainian is taught in various places in the Republika Srpska, and asks the authorities to provide, in the next periodical report, information about the available textbooks and the organisation of teacher training.

Other languages

102. The Albanian, Czech, German, Hungarian, Polish, Romani, Romanian, Ruthenian, Slovak and Slovenian languages are not taught in primary education. In addition, there seem to be no teachers who could teach the aforementioned languages in primary education.

103. The Committee of Experts considers this undertaking fulfilled for Ukrainian, partly fulfilled for Italian and Turkish, and not fulfilled for Albanian, Czech, German, Hungarian, Polish, Romani, Romanian, Ruthenian, Slovak and Slovenian.

Secondary education

- c**
 - i* to make available secondary education in the relevant regional or minority languages; or
 - ii* to make available a substantial part of secondary education in the relevant regional or minority languages; or
 - iii* to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv** **to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;**

104. The thresholds for teaching *in* minority languages set in the legislation of Bosnia and Herzegovina are so high that the requirements are not met anywhere. The statutory thresholds for the teaching of minority languages are a bit lower, but, at least in the case of the state and federation minority laws, are still so high that they are not fulfilled in any municipality. The legislation of the Republika Srpska is a bit more flexible in this regard, but only a very limited number of cases exist where minority languages are taught in the regular education system. There is a need to revise the relevant legislation if the undertakings of Article 8 (1) b and c are to be fulfilled.¹⁵

105. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled for Czech, German and Italian and not fulfilled for Albanian, Hungarian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian, Turkish and Ukrainian. The Committee of Experts encouraged the authorities to make available teaching of Albanian, Hungarian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian, Turkish and Ukrainian in secondary education.

106. The second periodical report does not provide any information concerning this matter. During the on-the-spot visit, the Committee of Experts was informed that none of these languages is currently taught as a minority language at secondary education level.

107. In the first evaluation report, the Committee of Experts asked the authorities to provide more comprehensive information about the teaching of German and Italian in secondary education, including the number of students enrolled, an overview of the available textbooks for the different grades and the organisation of teacher training.

108. German and Italian continue to be taught as first or second (optional) foreign languages rather than as minority languages. The Committee of Experts refers in this context to its observations and recommendations made above (see under Article 7.1.f).

109. The Committee of Experts again asks the authorities to provide, in the next periodical report, information about the teaching of German and Italian in secondary education, including the number of pupils enrolled, an overview of the available textbooks for the different grades and the organisation of teacher training.

¹⁵ See the Third opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Bosnia and Herzegovina of 2013, paragraphs 141-144.

110. Some teaching of Turkish as an optional foreign language seems to exist. The Committee of Experts has not been informed, however, of the details of these teaching offers. It asks the authorities to provide, in the next periodical report, more detailed information on the teaching of Turkish as a foreign language in secondary education.

111. Albanian, Hungarian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian, Turkish and Ukrainian are not taught in secondary education. In addition, there seems to be no teachers who could teach the aforementioned languages in secondary education.

112. The Committee of Experts considers this undertaking partly fulfilled for German and Italian and not fulfilled for Albanian, Czech, Hungarian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian, Turkish and Ukrainian.

113. The Committee of Experts urges the authorities to make available teaching of Albanian, Hungarian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian, Turkish and Ukrainian in secondary education. It, furthermore, asks the authorities to provide specific information regarding the teaching of German and Italian.

The Committee of Experts urges the authorities:

- to provide appropriate forms and means for the teaching of Albanian, German, Hungarian, Italian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian, Turkish and Ukrainian at all stages concerned by the ratification;

- to inform pupils/students and parents actively about the offer and encourage them to make use of it.

Technical and vocational education

- d***
 - i* to make available technical and vocational education in the relevant regional or minority languages; or
 - ii* to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
 - iii* to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv* to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;**

114. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled for Italian and not fulfilled for Albanian, Czech, German, Hungarian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian, Turkish and Ukrainian. The Committee of Experts encouraged the authorities to provide, within technical and vocational education, at least for the teaching of Albanian, Czech, German, Hungarian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian, Turkish and Ukrainian as an integral part of the curriculum.

115. According to the first periodical report, the Framework Law On Secondary Vocational Education and Training of Bosnia and Herzegovina foresees in Article 8 that the education of a child belonging to a national minority shall be carried out in the language and script of that minority. The second periodical report does not provide any information concerning this matter. During the on-the-spot visit, the Committee of Experts learned that Italian is taught at vocational schools specialising in music and tourism in the Republika Srpska. No other minority language is used in technical and vocational education.

116. The Committee of Experts considers this undertaking fulfilled for Italian and not fulfilled for Albanian, Czech, German, Hungarian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian, Turkish and Ukrainian.

University and higher education

- e***
 - i* to make available university and other higher education in regional or minority languages; or
 - ii* to provide facilities for the study of these languages as university and higher education subjects; or
 - iii* if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;**

117. This undertaking, which applies only to Romani, was considered fulfilled in the first monitoring cycle. The Committee of Experts nonetheless asked the authorities to provide information about the number of Romani students.

118. The second periodical report does not provide any information concerning this matter. During the on-the-spot visit, the Committee of Experts was informed that this undertaking is no longer implemented for Romani.

119. Therefore, the Committee of Experts revises its previous conclusion and considers this undertaking not fulfilled.

Adult and continuing education

f ...

iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

120. This undertaking, which applies only to Romani, was considered fulfilled in the first monitoring cycle. The Committee of Experts nonetheless asked the authorities to provide information about the approximate number of persons attending Romani courses in adult and continuing education.

121. The second periodical report does not provide the requested information. During the on-the-spot visit, the Committee of Experts was informed that this undertaking is no longer implemented for Romani.

122. Therefore, the Committee of Experts revises its previous conclusion and considers this undertaking not fulfilled.

g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

123. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to make arrangements to ensure, in a structured way, the teaching of the history and the culture which is reflected by the minority languages.

124. The second periodical report does not provide any information concerning this issue. During the on-the-spot visit, representatives of several national minorities stated that the history and the culture which is reflected by their minority languages is not taught. This is confirmed by the Third opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Bosnia and Herzegovina of 2013 which also states that there is no teaching of the culture and history of the national minorities.¹⁶ The history of the Ukrainian national minority is only occasionally taught during language classes, depending on initiatives of teachers.

125. The authorities, with support from the OSCE, have published a textbook¹⁷ portraying the culture, history, customs, traditions and contributions of each national minority in the country. The Committee of Experts considers that this textbook constitutes best practice in the context of the implementation of this undertaking. It, therefore, all the more regrets that this book is still not systematically used.

126. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to make arrangements to ensure, in a structured way, the teaching of the history and the culture which is reflected by the minority languages.

Article 9 – Judicial authorities

127. The relevant legislation on official use of minority languages in essence sets so high thresholds that there is practically no possibility for the use of minority languages before courts. There is a need to revise that legislation.¹⁸

¹⁶ See the Third opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Bosnia and Herzegovina, paragraphs 25-28

¹⁷ Valenta Leonard: Upoznajmo se: nacionalne manjine u Bosni i Hercegovini ("Let's Get to Know Each Other - National Minorities in Bosnia and Herzegovina"), Sarajevo 2009

¹⁸ See the Third opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Bosnia and Herzegovina, paragraphs 110-111

Implementation in practice

128. In the first evaluation report, the Committee of Experts encouraged the authorities of Bosnia and Herzegovina to ensure that minority language users have the possibility to use their language in court proceedings in accordance with the undertakings chosen, either by ensuring that the court officials master the minority language, or by ensuring that court interpreters are available. Furthermore, the Committee of Experts encouraged the authorities to inform the minority language users of their right to use minority languages before judicial authorities.

129. The second periodical report does not provide any information concerning this matter. Practically no usage of minority languages before judicial authorities, according to the information received during the on-the-spot visit, seems to exist.

130. In light of the above, the Committee of Experts is of the view that the authorities should ensure that minority language users have the possibility to use their language in court proceedings in accordance with the undertakings chosen, either by ensuring that the court officials master the minority language, or by ensuring that court interpreters are available. It also urges the authorities to inform the minority language users of their right to use minority languages before judicial authorities. For example, the judicial staff could encourage the use of minority languages through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or court forms.¹⁹

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

...

ii to guarantee the accused the right to use his/her regional or minority language;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

131. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to amend the existing legislation with the aim of bringing it into harmony with the Charter undertaking (i.e. guaranteeing the accused the right to use his/her minority language in criminal proceedings irrespective of whether or not he/she understands one of the official languages). The Committee of Experts also asked for information as to whether the cost for interpretation was covered by the authorities.

132. The second periodical report does not provide any information concerning this issue. During the on-the-spot visit, both the representatives of the authorities and the speakers informed the Committee of Experts that there is only sporadic demand for the use of minority languages at courts.

133. While the legislation of Bosnia and Herzegovina creates an individual right to use the mother tongue or the language he or she understands (for example a minority language), interpretation and translation will only be available if the person concerned does not understand one of the official languages. The Committee of Experts reiterates that according to the undertaking the accused has the right to use his/her minority language during criminal proceedings, irrespective of whether or not she or he masters one of the official languages. Considering that the overwhelming majority of persons belonging to national minorities in Bosnia and Herzegovina master one of the official languages, the current regulation is not in conformity with the undertakings chosen.

134. Furthermore, the Committee of Experts observes that the accused are charged the expense of translations. This is incompatible with this undertaking, according to which interpretation and translation shall not involve extra expense for the persons concerned.

¹⁹ See for example 4th Report of the Committee of Experts on Hungary, ECRML(2009)13, paragraph 112

135. The Committee of Experts has received information that the costs of interpretation are covered by the authorities if the accused does not master the official language. Since practically all the minority language users in Bosnia and Herzegovina are bilingual and are fluent in the official languages, this option referred to by the authorities is largely irrelevant for the fulfilment of the undertaking. It seems clear that, in the case of an accused being bilingual, the costs of interpretation from the minority language are not covered by the authorities.

136. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to amend the existing legislation with the aim of bringing it into harmony with the Charter undertaking. This means guaranteeing the accused the right to use his/her minority language in criminal proceedings irrespective of whether or not he/she understands one of the official languages, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned.

iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

137. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to provide that in criminal proceedings, requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a minority language, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned.

138. The second periodical report did not provide any specific information concerning this issue.

139. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to provide that in criminal proceedings, requests and evidence, whether written or oral, shall neither be considered inadmissible solely because they are formulated in a minority language nor involve extra expense for interpretation or translation.

b in civil proceedings:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;

if necessary by the use of interpreters and translations;

140. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to amend the existing legislation so as to allow, whenever a litigant has to appear in person in civil proceedings, that he or she may use his or her minority language without thereby incurring additional expense.

141. The second periodical report does not provide any information concerning this aspect.

142. The national legislation is not in conformity with Article 9 (1) b ii as it does not guarantee the use of a minority language irrespective of whether or not the person concerned masters an official language. Furthermore, the cost of the use of interpreters and translators is not covered by the State.

143. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities of Bosnia and Herzegovina to amend the existing legislation so as to allow, whenever a litigant has to appear in person in civil proceedings, that he or she may use his or her minority language without thereby incurring additional expense.

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

144. In the first evaluation report, the Committee of Experts was not in a position to conclude on this undertaking and asked the authorities to provide information about whether there were interpreters or translators for all languages covered by the Charter.

145. The second periodical report did not provide any specific information concerning this issue.

146. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to provide that in civil proceedings documents and evidence may be produced in the minority languages, if necessary by the use of interpreters and translations.

c in proceedings before courts concerning administrative matters:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;

if necessary by the use of interpreters and translations;

147. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to amend the existing legislation so as to allow, whenever a litigant has to appear in person before a court concerning administrative matters, that he or she may use his or her minority language without thereby incurring additional expense.

148. The second periodical report did not provide any specific information concerning this issue.

149. The relevant legal provisions of Bosnia and Herzegovina (see under Article 9(1)b.ii) are not in conformity with Article 9(1)c.ii either as they do not guarantee the use of a minority language irrespective of whether or not the person concerned masters an official language. Furthermore, the cost of the use of interpreters and translators is not covered by the State.

150. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities of Bosnia and Herzegovina to amend the existing legislation so as to allow, whenever a litigant has to appear in person before a court concerning administrative matters, that he or she may use his or her minority language without thereby incurring additional expense.

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

151. In the first evaluation report, the Committee of Experts was not in a position to conclude on this undertaking and asked the authorities to provide information about whether there were interpreters or translators for all languages covered by the Charter.

152. The second periodical report did not provide any specific information concerning this issue.

153. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to provide that in administrative proceedings documents and evidence may be produced in the minority languages, if necessary by the use of interpreters and translations.

Paragraph 2

The Parties undertake:

c not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language.

154. In the first evaluation report, the Committee of Experts was not in a position to conclude on this undertaking and asked the authorities to provide more specific information.

155. The information provided in the periodical report about this undertaking is not sufficiently clear. During the on-the-spot visit, the Committee of Experts did not receive any additional information on this matter.

156. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the authorities to submit more specific information in the next periodical report.

Article 10 – Administrative authorities and public services

157. The relevant legislation on the official use of minority languages in essence sets thresholds so high that there is practically no possibility for the use of minority languages before administrative authorities. There is a need to revise this legislation.²⁰

Implementation in practice

158. In the first evaluation report, the Committee of Experts encouraged the authorities of Bosnia and Herzegovina to take concrete measures to promote the use of minority languages by local and regional authorities and to create favourable conditions for minority language users to use their language in dealings with those authorities (recruitment and training, translating official documents and publishing them on websites, information in minority languages about the Charter, signs on/in administrative buildings in minority languages), especially in the area north of Banja Luka.

159. The second periodical report does not provide any relevant information. During the on-the-spot visit, representatives of several national minorities informed the Committee of Experts that their languages are not used in practice by administrative authorities, or in contacts with them. The use in practice of a minority language by administrative authorities internally and in contacts with the public requires both organisational measures such as ensuring that public service employees have a sufficient knowledge of the given minority language (as provided by Article 10(4)c) and measures encouraging the minority language users to avail themselves of the possibility to use their language in contacts with the authorities. Measures of encouragement are particularly needed where minority language users are not accustomed to using their language in dealings with the authorities. Such measures could avoid the assumption on the part of the users that they might be perceived as “trouble-makers” when using their language.

160. The Committee of Experts urges the authorities to take concrete measures to promote the use of minority languages by local and regional authorities and to create favourable conditions for the population to use minority languages in dealings with those authorities.

Paragraph 1

161. In light of the administrative structure of Bosnia and Herzegovina and in line with the Committee of Experts’ practice regarding federal states parties, the administrative authorities in Bosnia and Herzegovina which are relevant for the application of Article 10(1) are the local branches of the State administration as well as the authorities of the Federation of Bosnia and Herzegovina, the Republika Srpska, and the Brčko District.²¹

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

a ...

iv to ensure that users of regional or minority languages may submit oral or written applications in these languages;

162. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to ensure that users of all minority languages may validly submit oral or written applications in these languages to State authorities. Moreover, the Committee of Experts encouraged the authorities to harmonise the domestic legislation with the chosen Charter undertakings and to specifically inform the relevant State authorities at national and entity levels of this undertaking.

163. The second periodical report does not provide any information concerning this matter.

164. The minority laws of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska concern the use of minority languages in contacts between minority language users and *local* authorities; State authorities are not covered by the three laws. The Law on Organisation of the Administration of the Federation of Bosnia and Herzegovina (Article 6) states that minority languages can be used during administrative proceedings at all levels of government in the Federation if the person concerned

²⁰ See the Third opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Bosnia and Herzegovina, paragraphs 110-111

²¹ See for example 2nd Report of the Committee of Experts on Switzerland, ECRML(2004)6, paragraphs 90-93

cannot speak any of the official languages. However, the Committee of Experts observes that this undertaking applies irrespective of whether or not the person concerned speaks an official language (see in this context the evaluation regarding Article 9). The Committee of Experts has no information as to whether there are other laws at national or entity levels relating to the matter dealt with in this Charter undertaking.

165. As mentioned above, there seems to be no practice regarding the submission of oral or written applications in minority languages to State authorities.

166. Considering the contradictions between the domestic legislation and the scope of this undertaking as well as the absence of practical implementation, the Committee of Experts urges the authorities to harmonise the domestic legislation with the chosen Charter undertakings. In addition, the relevant State authorities at national and entity levels as well as the minority language users should be specifically informed of this undertaking.

167. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to ensure that users of all minority languages may validly submit oral or written applications in these languages to State authorities.

c to allow the administrative authorities to draft documents in a regional or minority language.

168. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to allow the State authorities to draft documents in all minority languages and to ensure that the undertaking is implemented in practice.

169. The second periodical report does not provide any information concerning this issue. In light of the information obtained during the on-the-spot visit, the State authorities do not, in practice, draft documents in the minority languages. The Committee of Experts has no information as to whether there are legal provisions at national or entity levels relating to the matter dealt with in this undertaking.

170. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to allow the State authorities to draft documents in all minority languages and to ensure that the undertaking is implemented in practice.

171. Paragraph 2

172. In its evaluation of the implementation of Article 10 (2), the Committee of Experts considers the cantons to be the regional authorities referred to by this paragraph and municipalities to be the local authorities.

173. The Committee of Experts notes that Article 10 (2) also applies to those local authorities where persons belonging to the national minorities represent a sufficient number for the purpose of the respective undertakings²² even if they do not reach the thresholds contained in the minority laws (see under 1.4.2 above).

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

a the use of regional or minority languages within the framework of the regional or local authority;

174. The use of minority languages within the framework of the regional or local authority covers the communication between the public service employees of a given authority as well as the external communication of that authority.²³

175. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to take active steps encouraging the use of Albanian, Czech, German, Hungarian, Italian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian, Turkish and Ukrainian within the framework of regional or local authorities.

176. The second periodical report does not provide any information concerning this aspect.

²² See for example 1st Report of the Committee of Experts on the Slovak Republic, ECRML(2007)1, paragraphs 592-593

²³ See for example 2nd Report of the Committee of Experts on Ukraine, paragraph 190

177. The minority laws of Bosnia and Herzegovina (Article 12), the Federation of Bosnia and Herzegovina (Article 9) and the Republika Srpska (Article 12) stipulate that local authorities “shall ensure that the minority language is used between such members and the authorities” [where the minority languages are in official use]. The Law on the Protection of Members of National Minorities of Sarajevo Canton (Article 9) 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. The aforementioned legal provisions concern only the external communication of local authorities and the regional authorities of Sarajevo canton, but not the internal communication of local and regional authorities as well as the external communication of other cantons. The Committee of Experts has no information as to whether there are other legal provisions in cantonal laws or local statutes relating to the matter dealt with in this undertaking.

178. There are at present no cantonal and local authorities in Bosnia and Herzegovina that regularly use minority languages in the framework of their work. A very limited level of practical implementation seems to exist with regard to Italian which is, according to representatives of the Italian national minority, occasionally used in bilingual documents (Serbian/Italian), for example birth certificates.

179. The Committee of Experts considers that the competent authorities should address relevant cantonal and local authorities on whose territory minority languages have a traditional presence, and encourage them to use the minority languages in the framework of their work. These measures should be co-ordinated at national level and, if necessary, be facilitated through financial assistance. The Gradiška, Laktaši and Prnjavor municipalities²⁴ are, among others, particularly relevant for the implementation of this undertaking as important parts of the traditional settlement areas of the users of Czech, German, Hungarian, Italian, Polish, Romani, Romanian, Ruthenian, Slovak and Ukrainian are located on the territories of these municipalities. The Gradiška municipality uses several minority languages, namely German, Italian, Polish, Romani and Ukrainian, on its official website.

180. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to take active steps to encourage the use of Albanian, Czech, German, Hungarian, Italian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian, Turkish and Ukrainian within the framework of regional or local authorities covering their traditional settlements.

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

181. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to encourage the possibility for users of all minority languages to submit oral or written applications in these languages.

182. The second periodical report does not provide any information concerning this issue. As mentioned under the previous undertaking, the minority laws of Bosnia and Herzegovina (Article 12), the Federation of Bosnia and Herzegovina (Article 9) and the Republika Srpska (Article 12) stipulate that local authorities “shall ensure that the minority language is used between such members and the authorities.” As regards regional authorities, the periodical report states that the Law on the Protection of Members of National Minorities of Sarajevo Canton 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. The right to have an interpreter is also guaranteed by the Law on Administrative Procedure of the Federation of Bosnia and Herzegovina (Article 16). The Committee of Experts has no information on whether there are other legal provisions in cantonal laws or local statutes relating to the matter dealt with in this undertaking.

183. In light of the information obtained during the on-the-spot visit, this undertaking does not seem to be implemented in practice.

184. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to encourage the possibility for users of all minority languages to submit oral or written applications in these languages.

g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place names in regional or minority languages

²⁴ See also Advisory Committee of the Framework Convention for the Protection of National Minorities, Opinion on Bosnia and Herzegovina, ACFC/INF/OP/I(2005)003, paragraph 58

185. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled for Italian and only formally fulfilled for Albanian, Czech, German, Hungarian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian, Turkish and Ukrainian. The Committee of Ministers and the Committee of Experts recommended Bosnia and Herzegovina to **adopt and use traditional forms of place names in the minority languages**.²⁵ Furthermore, it asked the authorities to clarify if there were traditional place names in Albanian, Romani, Romanian, Ruthenian, Slovak, Slovenian and Turkish in Bosnia and Herzegovina, making the undertaking applicable to these languages.

186. Bosnia and Herzegovina has not taken any steps to implement these recommendations.²⁶ The national authorities should therefore address such municipalities and local communities for which there are traditional place names in the minority languages (e.g. in the Gradiška, Laktaši and Prnjavor municipalities) and facilitate the implementation of this undertaking. It should be borne in mind that the use of place names in minority languages is a relatively simple promotional measure with a nevertheless considerable impact for the public awareness and prestige of minority languages.²⁷ Apart from official place name signs, the authorities may also consider promoting place names in minority languages by displaying them on public signs for touristic or information purposes (e.g. welcome and farewell signs at the entrance and exit of a municipality).²⁸

187. In light of the information obtained in the first and second monitoring cycles, there seem to be no traditional place names in Albanian, Romani, Romanian, Ruthenian, Slovak, Slovenian and Turkish.

188. The Committee of Experts considers this undertaking partly fulfilled for Italian and not fulfilled for Czech, German, Hungarian, Polish and Ukrainian. The undertaking is not applicable to Albanian, Romani, Romanian, Ruthenian, Slovak, Slovenian and Turkish.

Paragraph 3

With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

...

c to allow users of regional or minority languages to submit a request in these languages.

189. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to allow users of minority languages to submit a request in all minority languages to public service providers and to ensure that the undertaking is implemented in practice.

190. The second periodical report does not provide any information concerning this aspect. During the on-the-spot visit, the representatives of the authorities and the speakers informed the Committee of Experts that there was only an occasional demand for the use of minority languages in relations with public service providers.

191. The Law on the Protection of Members of National Minorities of Sarajevo Canton (Article 9) provides for an obligation of all 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. The Committee of Experts has no information on whether there are other legal provisions in cantonal laws or local statutes relating to the matter dealt with in this undertaking.

192. In light of the available information, this undertaking seems not to be implemented in practice.

²⁵ The traditional place names identified by the Committee of Experts are: Czech: Nová Ves (in Serbian: Nova Ves; located in Srbac municipality), Mačino Brdo (Mačino Brdo; Prnjavor municipality); Hungarian: Vucsiják (Vučijak, Prnjavor municipality); German: (Ober-, Mittel-, Unter-)Windthorst (Nova Topola, Rovine), Troschelje (Trošeljji), Karlsdorf (Vrbaška), Königsfeld (Dubrave), Hohenberg (Jelići; all in Gradiška municipality), Rudolfstal (Aleksandrovac; Laktaši), Schutzberg/Dornenberg (Glogovac), Schibowska (Šibovska; Prnjavor), Franzosefsfeld (Novo Selo; Bijeljina), Franzferdinandshöhe (Ularice; Usora); historical street names in German in Sarajevo; Polish: Ćelinovac/Celinowacz (Gradiška municipality); Ukrainian: Прњавор (Prnjavor), Брезік (Brezik), Бошковиці (Boškovići), Гаєва (Gajeva; all in Prnjavor municipality), Девятина (Devetina), Яблан (Jablan; Laktaši municipality), Церовляни (Cеровljani), Кам'яниця (Kamenica), Лужани (Lužani; all in Gradiška municipality).

²⁶ See the Third opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Bosnia and Herzegovina, paragraphs 114-116

²⁷ See for example 2nd Report of the Committee of Experts on Croatia, ECRML(2005)3, paragraph 152

²⁸ See for example 1st Report of the Committee of Experts on Poland, ECRML(2011)5, paragraph 588

193. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to allow users of minority languages to submit a request in all minority languages to public service providers and to ensure that the undertaking is implemented in practice.

Paragraph 4

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

...

- c** *compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

194. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to create the possibility for public bodies to comply as far as possible with requests from public service employees who have a knowledge of minority languages to be appointed in the territory in which these languages are used, and to ensure that this possibility is used in practice.

195. The second periodical report does not provide any information concerning this issue. During the on-the-spot visit, the Committee of Experts was not made aware of any scheme ensuring the implementation of this undertaking by the authorities.

196. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to create the possibility for public bodies to comply as far as possible with requests from public service employees who have a knowledge of minority languages to be appointed in the territory in which these languages are used, and to ensure that this possibility is used in practice.

Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

197. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to take practical measures facilitating the use or adoption of family names in the minority languages in conformity with the orthography of the languages concerned and to raise awareness among responsible civil servants and the public that family names in minority languages must be used or adopted at the request of those concerned.

198. The second periodical report does not provide any information concerning this matter. The minority laws of Bosnia and Herzegovina (Article 11), the Federation of Bosnia and Herzegovina (Article 8) and the Republika Srpska (Article 8) guarantee the right of a person belonging to a national minority to use his/her name in the minority language and to request it to be used as such in public. It seems that family names in minority languages can be adopted and used in practice. However, the procedure for changing a family name is relatively cumbersome and requires the payment of a fee. Also, many persons belonging to national minorities refrain from re-adopting a family name in a minority language as this would reveal their ethnic affiliation.

199. The Committee of Experts is aware that practical difficulties (e.g. software not adapted to diacritics) may render the use of minority language names in documents difficult. It nevertheless considers that the correct use of names is a basic aspect of the protection of minority languages which directly affects their users. It is therefore necessary to take practical measures allowing the use of family names in conformity with the tradition and orthography of the languages concerned.²⁹ Furthermore, the authorities should raise awareness among responsible civil servants (e.g. through internal circulars) that family names in minority languages must be used or adopted at the request of those concerned. The relevant public should also be made aware of this possibility (for example by informing minority associations) so as to encourage the implementation of this undertaking in practice.

²⁹ See 1st Report of the Committee of Experts on Norway, ECRML(2001)6, paragraph 79; 2nd Report of the Committee of Experts on Norway, ECRML(2003)2, paragraphs 129-130

200. The Committee of Experts considers this undertaking partly fulfilled. It urges the authorities to take practical measures facilitating the use or adoption of family names in the minority languages in conformity with the orthography of the languages concerned.

Article 11 – Media

Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a to the extent that radio and television carry out a public service mission:

...

iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

201. In the first monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers recommended Bosnia and Herzegovina to “**make adequate provision so that public broadcasters offer programmes in the minority languages**”. Furthermore, the Committee of Experts encouraged the authorities “to make adequate provision ... [for] programmes for children.”

202. The second periodical report does not provide precise information about programmes broadcast in minority languages.

203. The minority laws of Bosnia and Herzegovina (Article 16), the Federation of Bosnia and Herzegovina (Article 12), and the Republika Srpska (Article 13) foresee that public service broadcasters shall offer television and radio programmes in the minority languages at least once a week.

204. The Committee of Experts notes that this undertaking requires the authorities to make adequate provisions so that broadcasters offer programmes in the minority languages. However, the television and radio programmes referred to above use the minority languages only to some extent, have a relatively short duration, and are not broadcast at regular intervals. In their current format, these programmes are unlikely to make an impact on the situation of the minority languages and are rather a measure for raising awareness of the existence of minority languages. Such awareness-raising, however, is relevant under Article 7 (3). In order to fulfil this present undertaking, it is important to use the language in the programmes, ensure an adequate broadcasting time and content, as well as frequency of timeslots. In addition, the Committee of Experts underlines the importance of programmes for children in minority languages to support language maintenance.

205. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts urges the authorities to make adequate provision so that public broadcasters offer programmes in the minority languages, including programmes for children.

b i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages;

206. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to strengthen the presence of the minority languages in private radio broadcasting.

207. The second periodical report does not provide any information concerning this aspect. During the on-the-spot visit, the Committee of Experts was informed by representatives of the authorities that there are private radio programmes in Turkish. However, the authorities do not support these programmes. In addition, the present undertaking concerns the creation of at least one radio *station* in the minority languages whereas the current offer is limited to a programme.

208. Legislation has been in place since 2009 to provide for the setting up of a radio station intended, *inter alia*, for persons belonging to national minorities. No use has been made of this possibility. In addition, the communication to regulatory agency, which regulates in detail the issuing of permits for non-profit radio

stations, has issued a rule, according to which local public stations are required to devote 10% of the total weekly time slots to news and other information and educational programmes relating to national minorities. It seems however, that these provisions are not monitored and enforced by the communications regulatory agency.³⁰

209. No private radio station uses Albanian, German, Hungarian, Italian, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian and Ukrainian.

210. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to facilitate the broadcasting of radio programmes in the minority languages on a regular basis.

c ...

ii *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

211. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to strengthen the presence of the minority languages in private television broadcasting.

212. The second periodical report does not provide any information concerning this matter. There are no private television programmes in the minority languages.

213. The Committee of Experts considers this undertaking not fulfilled. It encourages the authorities of Bosnia and Herzegovina to facilitate the broadcasting of television programmes in the minority languages on a regular basis.

d *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

214. This undertaking applies only to Romani.

215. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfillment and asked the authorities to provide relevant information.

216. The second periodical report does not provide any information concerning this undertaking. During the on-the-spot visit, the Committee of Experts was informed that there are no audiovisual productions in Romani.

217. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities of Bosnia and Herzegovina to facilitate the production and distribution of audio and audiovisual works in Romani.

e ...

ii *to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;*

218. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to facilitate the publication of newspaper articles in the minority languages on a regular basis.

219. The second periodical report does not provide any information concerning this undertaking. At present, there are no newspapers publishing articles in the minority languages. Nevertheless, several national minority associations publish bulletins which also use the respective minority languages. The publications which the Committee of Experts is aware of appear monthly (Romani), bi-monthly (Italian), quarterly (Czech) and yearly (Hungarian, Slovenian).

220. The Committee of Experts underlines that, in conformity with its regular interpretation, a "newspaper" in the sense of this undertaking has to be published at least weekly.³¹ While the aforementioned publications

³⁰ See the Third opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Bosnia and Herzegovina of 2013, paragraphs 103-104.

³¹ See, for example, 1st Report of the Committee of Experts on Romania, ECRML(2012)3, paragraph 174

do not appear sufficiently frequently in order to qualify as a “newspaper” in the sense of the Charter, the Committee of Experts notes that they could form the basis of the production of newspaper articles in the respective minority languages. In the opinion of the Committee of Experts, the authorities should take measures to encourage existing newspapers to include, on a regular basis, articles in the respective minority languages that are used in their areas of distribution.

221. The Committee of Experts considers this undertaking not fulfilled.

g to support the training of journalists and other staff for media using regional or minority languages

222. This undertaking applies only to Romani.

223. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities of Bosnia and Herzegovina to support the training of journalists and other staff in media using Romani.

224. The periodical report does not contain any information concerning this undertaking. During the on-the-spot visit, the representatives of the speakers stated that no training in Romani for media workers is currently offered.

225. The Committee of Experts considers this undertaking not fulfilled. It urges the authorities to support the training of journalists and other staff for media using Romani.

Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

226. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. It asked the authorities of Bosnia and Herzegovina to provide specific information regarding the reception of broadcasts in Romani.

227. The second periodical report does not provide any information concerning this aspect. It seems that terrestrial broadcasts partly in Romani can be received from Serbia.

228. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

229. In the first evaluation report, the Committee of Experts was not in a position to conclude and asked the authorities to provide specific information about the implementation of this undertaking.

230. The second periodical report does not provide the requested information. During the on-the-spot visit, both central and entity authorities underlined the role of National Minority Councils. However, according to the information received from the representatives of the speakers, these bodies are rarely consulted on specific issues in practice. In addition, the National Minority Council of the Federation of Bosnia and Herzegovina (entity level) has not been active for several years.

231. The Committee of Experts considers the undertaking not fulfilled. Therefore, it encourages the authorities of Bosnia and Herzegovina to ensure that the interests of the users of minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

Article 12 – Cultural activities and facilities

232. The Committee of Experts notes that Article 12 also applies on the territory of those local authorities where users of minority languages represent a sufficient number for the purpose of the respective undertaking, even if they do not reach the threshold contained in the minority laws (see under 1.4.2 above).³²

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a *to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

233. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled for Romani, but was not in a position to conclude on the fulfillment of this undertaking for the other minority languages. The Committee of Ministers recommended Bosnia and Herzegovina to “**establish a scheme for financing cultural activities and facilities relating to the minority languages**”. Furthermore, the Committee of Experts encouraged the authorities to encourage types of expression and initiative specific to minority languages and to foster the different means of access to works produced in these languages.

234. The various laws in force require the state, entities, cantons and municipalities to earmark funds in their budget to support the activity of minority associations. In practice, however, few minority associations receive support from the state, and the amount of support remains very low. Most financing seems to be awarded to ad hoc activities as part of budgetary envelopes, for which minority organisations have to bid on a project-by-project basis.³³

235. The public service broadcaster “Republika Srpska Radio-Television” has organised international events promoting songs of national minorities (Dukat fest, international folk festivals and festivals of choirs). However, the languages that have benefited from these measures are not specified. The authorities have also supported the publication of fairy tales and poems in Romani. Furthermore, a Turkish Cultural Centre exists in Sarajevo which is financed by Turkey. The Committee of Experts is not aware of support by the authorities of Bosnia and Herzegovina to this institution.

236. In general, a dedicated scheme providing regular and stable financial support to cultural activities and facilities using the minority languages does not exist. Rather, minority associations have to apply for each project. The Committee of Experts has not been informed of any structured approach from the authorities or any established system to support cultural expressions and initiatives regarding works produced in minority languages and asks the authorities to provide information in this respect in the next periodical report.

237. The Committee of Experts considers this undertaking partly fulfilled for Romani and not fulfilled for the other minority languages. It urges the authorities to develop and implement a structured approach and a scheme to support cultural expressions and initiatives regarding works produced in the minority languages.

The Committee of Experts urges the authorities to establish a scheme for financing cultural activities and facilities relating to the minority languages.

- e *to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

238. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfillment of this undertaking. It asked the authorities to provide specific information about the implementation of this undertaking to all minority languages.

239. The second periodical report did not provide any information concerning this matter.

³² See for example 1st Report of the Committee of Experts on the Slovak Republic, ECRML(2007)1, paragraphs 592-593

³³ See the Third opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Bosnia and Herzegovina, paragraph 81

240. The Committee of Experts is not in a position to conclude on this issue. It asks the authorities to provide specific information about the implementation of this undertaking to all minority languages.

f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

241. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfillment of this undertaking. It asked the authorities to provide specific information about the implementation of this undertaking to all minority languages.

242. The second periodical report did not provide any specific information concerning this matter.

243. The Committee of Experts is not in a position to conclude on this issue. It asks the authorities to provide specific information about the implementation of this undertaking to all minority languages.

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

244. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfillment of this undertaking. It asked the authorities to provide specific information about the implementation of this undertaking to all minority languages.

245. The second periodical report does not provide any information concerning this aspect. The Committee of Experts has not received any information about bodies responsible for collecting, keeping a copy of and presenting or publishing works other than books produced in Albanian, Czech and Polish. With regard to the other minority languages, the Committee of Experts has not received any information.

246. The Committee of Experts is not in a position to conclude on this issue and asks the authorities to provide specific information about the implementation of this undertaking regarding all minority languages in the next periodical report.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

247. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfillment of this undertaking. It asked the authorities to provide specific information about the implementation of this undertaking to all minority languages.

248. The second periodical report did not provide any specific information concerning this aspect.

249. The Committee of Experts is not in a position to conclude on this issue and asks the authorities to provide specific information about the implementation of this undertaking regarding all minority languages in the next periodical report.

Article 13 – Economic and social life

Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

...

c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;

250. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfillment of this undertaking. It asked the authorities to provide specific information about the implementation of this undertaking to all minority languages.

251. The second periodical report does not provide any information concerning this issue.

252. The Committee of Experts is not in a position to conclude on this issue and asks the authorities to provide specific information about the implementation of this undertaking regarding all minority languages in the next periodical report.

d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

253. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfillment of this undertaking. It asked the authorities to provide specific information about the implementation of this undertaking to all minority languages.

254. The authorities informed the Committee of Experts that German is used in economic life without specifying in which fields. However, the authorities are not contributing to the promotion of the use of German in economic life. With regard to the other languages, no information is available.

255. The Committee of Experts is not in a position to conclude on this issue and asks the authorities to provide specific information about the implementation of this undertaking regarding all minority languages in the next periodical report.

Article 14 – Transfrontier exchanges

The Parties undertake:

a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;

256. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfillment of this undertaking. It asked the authorities to provide specific information about the implementation of this undertaking to all minority languages.

257. The second periodical report does not provide any information concerning this aspect. In light of the information that the Committee of Experts received during the on-the-spot visit, the authorities do not promote the minority languages in the framework of cross-border contacts. Minority associations sporadically have links to kin-state organisations and benefit from their financial or cultural support, albeit without any contributions from local, entity level or central authorities of Bosnia and Herzegovina. The Committee of Experts has not received any information about agreements with other states that could be used in cross-border contacts.

258. The Committee of Experts is not in a position to conclude on this issue and asks the authorities to provide specific information about the implementation of this undertaking regarding all minority languages in the next periodical report.

b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

259. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfillment of this undertaking. It asked the authorities to provide specific information about the implementation of this undertaking to all minority languages.

260. The second periodical report does not provide any information concerning this aspect. During the on-the-spot visit, the Committee of Experts was informed by the representatives of the speakers about the absence of such co-operation.

261. The Committee of Experts considers the undertaking not fulfilled. Therefore, it encourages the authorities of Bosnia and Herzegovina to facilitate and/or promote co-operation across borders, for the benefit of minority languages, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

Chapter 4 Findings of the Committee of Experts in the second monitoring cycle

A. Bosnia and Herzegovina has, through its ratification, decided to protect and promote a high number of minority languages, which constitutes an ambitious political objective. The languages covered by the ratification enjoy a high level of recognition in the minority laws at national and entity levels. As part of the establishment of the legal basis for the protection and promotion of these languages, Bosnia and Herzegovina has also initiated the creation of Councils of National Minorities which have the status of consultative bodies to the parliaments at national level, in the Federation of Bosnia and Herzegovina and in the Republika Srpska as well as in some cantons.

B. The relevant legislation at state, entity and cantonal level contains very high thresholds for the official use of minority languages. In addition, the legislation on education sets quite demanding thresholds for teaching in minority languages, but also for offering teaching of minority languages. The statutory thresholds are practically never met. This makes the legal arrangements largely inoperative. As a result, the practical measures towards the protection and promotion of minority languages are limited and often of an ad hoc nature. This results in the non-fulfilment of most undertakings.

C. The infrastructure necessary to ensure the implementation of the undertakings chosen does not exist at present. There is a clear need for the authorities to draw up a mid-term strategy on the implementation of the Charter in respect of the minority languages. In view of the present lack of implementation of many of the undertakings chosen, the authorities need to devise flexible and innovative measures.

D. With the exception of the teaching of German, Italian, Turkish and Ukrainian at some levels of education, the minority languages of Bosnia and Herzegovina are largely absent from the regular educational system. There are neither trained teachers who would be able to teach the minority languages at all the levels relevant for the implementation of the Charter, nor teaching materials. The authorities at present largely limit themselves to supporting language courses initiated and organised by minority associations.

E. As far as the use of the minority languages before judicial authorities and by administrative authorities is concerned, the domestic legal set-up is not in conformity with the Charter. In addition, there is, in practice, almost no use of minority languages before judicial and administrative authorities.

F. Traditional place names exist in some minority languages covered by the Charter. There is, however, no official use of such place names. The public use of place names in minority languages is a relatively simple promotional measure with a considerable impact on the prestige of minority languages. Therefore, it deserves special attention from the authorities.

G. Television and radio programmes use the minority languages only to a very limited extent. There is a clear need to increase the use of the minority languages in broadcasting, ensuring the regularity of programmes in these languages. In addition, there seem to be no newspapers publishing articles in minority languages. Active measures by the authorities of Bosnia and Herzegovina are needed with a view to ensuring the use of minority languages in newspapers.

H. A dedicated scheme providing regular and stable financial support to cultural activities and facilities relating to the minority languages does not exist. The Committee of Experts has not been informed of any structured approach from the authorities or any established system to support cultural expressions and initiatives regarding works produced in the minority languages.

I. Regarding cross-border co-operation, the protection and promotion of the minority languages would benefit from further co-operation with the kin-states of the minority languages in Bosnia and Herzegovina, or with other states where the respective minority language is used. In cases where the setting up of a completely new infrastructure in the media, education or culture represents a major challenge for Bosnia and Herzegovina because of the very low number of users of the language concerned, it could be envisaged that the respective minority language users in Bosnia and Herzegovina benefit, with the necessary adaptation, from the already existing infrastructure for the same language in a neighbouring country, or from the joint development of infrastructure for certain languages in specific fields.

The government of Bosnia and Herzegovina was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings, the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Bosnia and Herzegovina. At the same time it emphasised the need for the authorities of Bosnia and Herzegovina to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1267th meeting on 5 October 2016, the Committee of Ministers adopted its Recommendation addressed to Bosnia and Herzegovina, which is set out in Part B of this document.

Appendix I: Instrument of ratification



Bosnia and Herzegovina:

Declaration contained in the instrument of ratification deposited on 21 September 2010 - Or. Engl.

In accordance with Article 1, paragraph b, of the Charter, Bosnia and Herzegovina declares that the term 'territory in which the regional or minority languages are used' refers to areas in which regional or minority languages are in official use in accordance with the laws of Bosnia and Herzegovina.

Period covered: 1/1/2011 -

The preceding statement concerns Article(s): 1

Declaration contained in the instrument of ratification deposited on 21 September 2010 - Or. Engl.

In accordance with Article 2, paragraph 2, of the Charter, Bosnia and Herzegovina declares that, the following provisions shall apply to the Albanian, Montenegrin, Czech, Italian, Hungarian, Macedonian, German, Polish, Romanian, Rysin, Slovak, Slovene, Turkish, Ukrainian and Jewish (Yiddish and Ladino) languages:

Article 8, paragraph 1 a (iii), b (iv), c (iv), d (iv), g;
 Article 9, paragraph 1 a (ii), (iii), b (ii) (iii), c (ii), (iii); paragraph 2 c;
 Article 10, paragraph 1 a (iv), c; paragraph 2 a, b, g; paragraph 3 c; paragraph 4 c; paragraph 5;
 Article 11, paragraph 1 a (iii), b (i), c (ii), e (ii); paragraph 2; paragraph 3;
 Article 12, paragraph 1 a, e, f, g; paragraph 2,
 Article 13, paragraph 1 c, d;
 Article 14, paragraphs a, b.

The following articles, paragraphs and sub-paragraphs shall apply to the Romani language:

Article 8, paragraph 1 a (iii), b (iv), c (iv), d (iv), e (iii), f (iii), g;
 Article 9, paragraph 1 a (ii), (iii), b (ii) (iii), c (ii), (iii); paragraph 2 c;
 Article 10, paragraph 1 a (iv), c; paragraph 2 a, b, g; paragraph 3 c; paragraph 4 c; paragraph 5;
 Article 11, paragraph 1 a (iii), b (i), c (ii), d, e (ii), g; paragraph 2; paragraph 3;
 Article 12, paragraph 1 a, e, f, g; paragraph 2;
 Article 13, paragraph 1 c, d;
 Article 14, paragraphs a, b.

Period covered: 1/1/2011 -

The preceding statement concerns Article(s): 2

Declaration contained in the instrument of ratification deposited on 21 September 2010 - Or. Engl.

In accordance with Article 3, paragraph 1, of the Charter, Bosnia and Herzegovina declares that, it shall apply the Provisions of Part III of the Charter in relation to the following languages: Albanian, Montenegrin, Czech, Italian, Hungarian, Macedonian, German, Polish, Romani, Romanian, Rysin, Slovak, Slovene, Turkish, Ukrainian and Jewish (Yiddish and Ladino).

Period covered: 1/1/2011 -

The preceding statement concerns Article(s): 3

Appendix II: Comments from the authorities of Bosnia and Herzegovina

Subject: Comments on the Second Report of the Committee of Experts of the Council of Europe Committee of Ministers pursuant to Article 19 of the European Charter for Regional or Minority Languages

Dear

The Secretariat General, the Directorate of Human Dignity and Equality, the Committee of Experts adopted the Second Report on the implementation of the European Charter for Regional or Minority Languages in Bosnia and Herzegovina on 18 March 2016 at its 53rd meeting and made a report, which elaborates on the state of implementation and application of the provisions of the Charter for Regional or Minority Languages with a special emphasis on Chapter 4. The Committee of Experts invited us to give views, considerations and comments, if we so wish, on the conclusions and proposals for recommendations of the report.

The European Charter for Regional or Minority Languages entered into force in respect of Bosnia and Herzegovina on 1 January 2011. Bosnia and Herzegovina presented its second periodical report on the implementation of the Charter to the Secretary General of the Council of Europe in August 2015.

Pursuant to Article 16 of the Charter, the Committee of Experts examined the above-mentioned report, as well as other relevant information obtained from the authorities and from bodies and associations legally established in the country and gathered during the on-the-spot visit of the Committee of Experts delegation to Bosnia and Herzegovina in February this year. In accordance with Article 16, paragraph 3 of the Charter, the Committee of Experts invited the authorities of Bosnia and Herzegovina to comment, if they so wish, on the contents of the attached document, which the authorities in Bosnia and Herzegovina accepted with the following statement:

- The authorities in Bosnia and Herzegovina accepted **the Second Report** on the implementation of the European Charter for Regional Or Minority Languages in Bosnia and Herzegovina on 18 March 2016 at its 53rd meeting;
- The authorities in Bosnia and Herzegovina, in principle, accepted all five recommendations given by the Committee of Experts in Chapter 4.2, provided that we take into account the following facts:

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Сарајево, Трг Босне и Херцеговине бр. 3, Тел/Факс: 033/206-655



- a) Bosnia and Herzegovina continuously monitors, changes and improves legal conditions for successful fulfilment of obligations under the Charter. Planned activities in 2016 are the following: the adoption of strategic platform to address the issue of national minorities in BiH, development and adoption of amendments to the Law on National Minorities and the development and adoption of the Action Plan to address the issue of Roma in employment, housing and health care for the period 2017- 2020.
- b) In the future it is necessary to properly size the use of minority or regional languages in all spheres of life, given that the official 2013 Census shows that in Bosnia and Herzegovina only 2.73% of the population belong to „Others“, of which the largest number belong to national minorities.
- c) There are certain forms of teaching of the minority languages, usually as an extracurricular activity, additional training or courses organized by the associations of national minorities in some parts of the country where the number of minority members is slightly higher than elsewhere (Prnjavor, Gradiska etc.). Further, teaching of the Roma language is reported, most often organized by Roma NGOs.
- d) With regard to a scheme for financing, authorities of Bosnia and Herzegovina annually appropriate certain funds in support of cultural activities and promotion of minority languages. In 2016, BAM 40,000.00 have been appropriated for educational needs through Roma NGOs, which includes the affirmation of the culture of national minorities and teaching of minority languages.
- e) So far, authorities of Bosnia and Herzegovina have not received any requests for the use of traditional forms of place names in the minority languages, but still there are cases where this has been done and affirmed as, for example, in Gradiska.
- f) With regard to institutional capacities, in addition to the already mentioned Council of National Minorities of the Parliamentary Assembly of Bosnia and Herzegovina, the Council of National Minorities of the National Assembly of the Republika Srpska, three cantonal councils of national minorities (Sarajevo, Tuzla and Bihać), the Council of National Minorities of FBiH was reconstituted to begin its work earlier this year, which provides better conditions that the commitments under the European Charter will be fulfilled even faster and better.

Finally, we point out that, according to obligations under the European Charter for Regional or Minority Languages, which was ratified on 21 September 2010, the authorities of Bosnia and Herzegovina continues to create the legal, financial, material and other conditions for the protection, improvement and promotion of the large number of minority languages in Bosnia and Herzegovina.

Sincerely yours,



MINISTER
Semih Borovac

Semih Borovac

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Bosnia and Herzegovina

Recommendation CM/RecChL(2016)4 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Bosnia and Herzegovina

*(Adopted by the Committee of Ministers on 5 October 2016
at the 1267th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Bosnia and Herzegovina on 21 September 2010;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Bosnia and Herzegovina;

Bearing in mind that this evaluation is based on information submitted by Bosnia and Herzegovina in its second periodical report, supplementary information given by the authorities of Bosnia and Herzegovina, information submitted by bodies and associations legally established in Bosnia and Herzegovina and information obtained by the Committee of Experts during its on-the-spot visit;

Having taken note of the comments made by the authorities of Bosnia and Herzegovina on the contents of the Committee of Experts' report;

Recommends that the authorities of Bosnia and Herzegovina take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. establish a structured policy and take flexible measures facilitating the application of the Charter, including any necessary adaptations of the legislation;
2. provide appropriate forms and means for the teaching of the minority languages;
3. establish a scheme for financing cultural activities and facilities relating to the minority languages;
4. make adequate provision so that public broadcasters offer programmes in the minority languages;
5. adopt and use traditional forms of place names in the minority languages.