

Resolution CM/ResCMN(2019)8 on the implementation of the Framework Convention for the Protection of National Minorities by Bosnia and Herzegovina

*(Adopted by the Committee of Ministers on 12 June 2019
at the 1349th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”),

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;¹

Having regard to the instrument of ratification deposited by Bosnia and Herzegovina on 24 February 2000;

Recalling that the Government of Bosnia and Herzegovina transmitted its State report in respect of the fourth monitoring cycle under the Framework Convention on 22 December 2016;

Having examined the Advisory Committee's fourth opinion on Bosnia and Herzegovina adopted on 9 November 2017,

Adopts the following conclusions in respect of Bosnia and Herzegovina:

The authorities are invited to take account of the observations and recommendations contained in Sections I and II of the Advisory Committee's fourth opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action:²

- amend without any further delay the constitution and other relevant legal provisions to eliminate the exclusion of “Others”, including persons belonging to national minorities, and of “constituent peoples” whose ethnic affiliation does not match their place of residency, from running for and holding public offices;
- unequivocally condemn public statements of politicians and other public figures that incite ethnic hatred or discord and take resolute measures to promote intercultural dialogue and mutual understanding between the different ethnic and religious communities;
- take, as a matter of priority, all necessary steps to eliminate segregation in education in all forms, in particular by abolishing all remaining cases of “two schools under one roof” and replacing them with integrated education based on the common core curriculum covering history and geography that would be taught following an inclusive and multiperspective approach;
- ensure adequate access of Roma* to housing, employment, health services and education; increase efforts to remedy shortcomings faced by Roma children in accessing education.

¹ In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

* The term “Roma and Travellers” is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan

Further recommendations:

- publish without any further delay census results relating to the ethnic breakdown of the persons included in the “Others”; review in advance of the next census the methodology of the census, the wording of the questions asked and the safeguards for voluntary and informed answers; ensure that the respondents are given the possibility to indicate multiple ethnic affiliations;
- continue to support the Institution of Human Rights Ombudsman of Bosnia and Herzegovina in particular as regards the enforcement of the ombudspersons’ recommendations and consider expanding the powers of the ombudspersons;
- adopt without any further delay the Action Plan for Roma 2017-2020; regularly evaluate and review the implementation of the Strategy for Addressing the Issues of Roma in Bosnia and Herzegovina and accompanying action plans for the inclusion of Roma; make specific budgetary provision allowing the implementation of the measures for the inclusion of Roma;
- provide more structured, substantial and regular support for cultural projects of national minorities; ensure that public radio and television stations fulfil their legal obligations regarding the inclusion of programmes for national minorities in their programming schedules; take determined measures to stimulate broadcasting and publications in minority languages;
- prevent, identify, investigate, prosecute and sanction effectively all racially or ethnically motivated acts; take into account local sensitivities when naming streets, schools and other toponyms;
- take more proactive measures in order to ensure that the provisions for the use of minority languages in dealings with the administrative authorities and for topographical indications are effectively implemented in municipalities inhabited traditionally or in substantial numbers by persons belonging to national minorities;
- address comprehensively the continued obstacles to equal access to education experienced by Roma children including through the employment of adequately trained educational assistants, and by ensuring access to preschool facilities for all Roma children, whilst also guaranteeing that the curriculum in such kindergartens corresponds to the diverse needs and multilingual composition of the groups concerned;
- take a more proactive approach to develop teaching in and of minority languages in areas where persons belonging to national minorities are settled traditionally or in substantial numbers; provide increased and more active support to the development of school textbooks and other materials designed specifically for the teaching of minority languages;
- review the provisions governing the membership of the State Council for National Minorities and other similar councils in order to ensure that minorities themselves designate their representatives; consider expanding the councils’ mandates, to allow them to influence decision making on issues affecting the rights of persons belonging to national minorities.