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

**COMMENTS OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA
ON THE THIRD OPINION OF THE ADVISORY COMMITTEE
ON THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION
FOR THE PROTECTION OF NATIONAL MINORITIES
BY BOSNIA AND HERZEGOVINA**

(received on 18 March 2014)

Answers to the Third Opinion on Bosnia and Herzegovina by the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities

With regard to the recommendations above, we are giving the following information and an overview of the most important activities carried out by the government, the Councils of National Minorities at all levels of government in Bosnia and Herzegovina and associations of national minorities in the most recent past.

Note also that the Third Opinion on Bosnia and Herzegovina by the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities adopted on 7 March 2013 has been posted on the Website of the Ministry for Human Rights and Refugees of Bosnia and Herzegovina in Bosnian and English.

-Make all questions relating to ethnic or national affiliation in the forthcoming census optional; ensure, in consultation with national minorities, that the possibilities of self-identification allow clearly for the expression of multiple affiliations and for identification with groups other than one of the constituent peoples or national minorities; undertake awareness-raising measures among persons belonging to national minorities in advance of the census and pursue efforts to ensure their effective participation in the census process;

The Census of Population, Households and Dwellings in Bosnia and Herzegovina is one of the most important and complex projects which have been implemented over the last 22 years, which will benefit every citizen of Bosnia and Herzegovina.

The Census is the largest statistical research of a state that collects, processes and publishes data on population, households and dwellings. The goal of each census is to determine the population of the whole country, as well as of all territorial units. In addition to the number and territorial distribution, a census provides data on the demographic, ethnic, educational, economic, migration and other characteristics of the population, the number of households, families and their characteristics, as well as data on housing stock and its characteristics. The data is necessary for the implementation of economic and social development policies and scientific researches, the use of funds from the EU and other funds, as well as for other needs of the citizens, which means that the census is the most important source of statistical data on the population of a country. According to recommendations of the United Nations, population censuses are carried out every ten years. The last census in BiH was taken in 1991.

A census is organized and conducted by statistical institutions in BiH: the Agency for Statistics, Federal Bureau of Statistics and the Institute for Statistics of the Republika Srpska in cooperation with ministries and other institutions in charge of the census.

In order to carry out the Census the following necessary legislation was enacted:

- the Law on Census of Population, Households and Dwellings in Bosnia and Herzegovina in 2013 ("Official Gazette of Bosnia and Herzegovina" 10/12 and the Law on Amendments to the Law on Census -"Official Gazette of Bosnia and Herzegovina" 18/13);
- the Law on the Organization and Carrying Out of the Census of Population, Households and Dwellings in 2013 in the Republika Srpska ("Official Gazette" 70/12, 39/13),

- Recommendation of the UN Economic Commission for Europe and the Statistical Office of the European Union ("Recommendations for the 2010 Censuses of Population and Housing);
- Regulation (EC) no. 763/2008 of the European Parliament and Council.

Pursuant to the Law, the Census was carried out from **1 October 2013 to 15 October 2013**.

It is important to note the importance of the Census, which will be the first review of the economic and social data in Bosnia and Herzegovina since 1991, which will enable the following based on accurate data:

- planning and implementation of economic and social welfare development policies,
- scientific researches,
- designing of projects to apply for IPA funds,
- the Census will be carried out following the highest European and international standards,
- data will be internationally comparable and recognized.

The Census was carried out in the entire territory of Bosnia and Herzegovina. It covered all municipalities (142): the Federation of Bosnia and Herzegovina - 79 municipalities, the Republika Srpska - 62 municipalities and Brcko District.

It was carried out in the traditional way, through door-to-door interviews. The interviews of respondents were carried out by enumerators.

The way of enumeration is regulated and defined by the Law on the Census of Population, Households and Dwellings in Bosnia and Herzegovina in 2013, the Methodology for the Preparation, Organization and Carrying Out of the Census, the Instructions for the Enumerators and other instructions of the Agency, the Federation Statistics Institute and the Republika Srpska Statistics Institute.

Personal data collected in the Census is subject to special protection that is ensured at all stages of the Census (data collection, control and processing and publication of the results of the Census).

Enumerators and all other persons performing duties in connection with the Census are required to keep permanently the confidentiality of all data collected from individuals regarding their personal, family and financial circumstances.

Protection of personal data will be provided in accordance with the Law on Personal Data Protection and the Law on Statistics of Bosnia and Herzegovina.

The Census and census statistics are needed:

- to paint a realistic picture of the social and economic situation in Bosnia and Herzegovina;
- to provide a basis for governments at all levels to plan development in the country and each region and local communities;
- to facilitate domestic and foreign companies' planning of development and investments;
- to facilitate the work of the scientific and academic community;
- the Census is also a positive step towards European integration and the use of IPA funds;
- the Census is a powerful tool in the development of democracy and civil society because it measures the reality, not opinions;

- the collected data will be internationally recognized and comparable with data from other countries and it will allow us a better assessment of our own results.

An obligation of all citizens is to participate in the Census, as well as to provide complete and accurate information to fill out the census forms.

Pursuant to Article 43 of the Law on the Census and Article 18 of the Law on the Organization and Carrying Out of the Census of Population, Households and Dwellings in the Republika Srpska people who do not respond or give incorrect information are liable for a fine.

Special *ad hoc* bodies set forth in Articles 24, 25 and 26 of the Law are established for the specific purpose of preparing, conducting and processing of census data and they are:

- Census Bureaus: Central Census Bureau, Census Bureau of the Agency, the Census Bureaus of the Entity Institutes of Statistics and Census Bureau of Brcko District,
- Cantonal Census Commissions and
- Municipal Census Commissions.

About 21 000 people were hired on a temporary basis for the Census.

The Statistics Agency of BiH in cooperation with Entity statistical institutes determine census tables and publish census results.

Preliminary results of the Census will be published within 90 days after the end of the enumeration. Data on the number of registered persons, dwellings and households and the number of households engaged in agricultural production will be released.

The census results from a specific unique program for processing data will be published in the period from 1 July 2014 to 1 July 2016.

According to Article 38 of the Law on Census of Population, Households and Dwellings in Bosnia and Herzegovina in 2013, funds for activities and tasks of the Census are earmarked in the budgets of Bosnia and Herzegovina, Entities and Brcko District of BiH and provided by international donors and from other sources.

On the proposal of the Statistics Agency of Bosnia and Herzegovina, on 28 April 2013, the Council of Ministers adopted the financial plan for the Census of population, households and dwellings in Bosnia and Herzegovina in 2013.

According to the financial plan, the gross costs of the Census will amount to BAM **46.489.665**.

The European Union has provided the Statistics Agency with EUR 7.5 million in the form of a grant as additional support for the Census in BiH to directly support the census in the field, which will cover about 35 percent of the total estimated costs of the Census.

Regarding issues related to ethnicity or national origin in relation to the census carried out, at the 46th meeting the Council of Ministers formulated questions relating to nationality, ethnicity, religion and mother tongue (questions 24, 25 and 26). In

accordance with the formulation there is an option and a possibility of expression of belonging and identification with other groups except for the constituent peoples.

For questions relating to **nationality, ethnicity, religion and mother tongue**, citizens have full freedom of expression. Enumerators were not allowed to suggest any answer to citizens so that they could declare as they wished. The enumerators recorded all answers and statistical institutions will assign codes and enter them into the database.

Members of national minorities in Bosnia and Herzegovina were consulted at all stages of the preparation of legislation relating to this area and all questionnaires and forms had been translated and made available in the languages of statutory national minorities in Bosnia and Herzegovina. Some associations of national minorities in BiH had an information campaign about the census of the population.

The information paper that we received from the BiH Institution of Ombudsman reveals that they were not consulted or involved in the preparation of the census. The BiH Institution of Ombudsman also issued a press release regarding the census, which specifically referred to the enumeration of persons who are in custodial care facilities. They also noted that there were reports indicating that sufficient quality preparations had not been made before the Census.

-Move forward rapidly – and in time for the amendments to apply to the 2014 elections – towards amending the Constitution and other relevant legal provisions so as to eliminate the exclusion of “Others”, including persons belonging to national minorities, from running for presidential office and for office as a member of the House of Peoples of Bosnia and Herzegovina, adopting an approach that enhances the participation of all without further entrenching divisions and ensuring that persons belonging to national minorities are directly involved and adequately consulted in this process;

On 22 December 2009 the Grand Chamber of the Court of Human Rights in Strasbourg rendered judgment No. 27996/06, for a violation of the right to elect and to be elected and for discrimination against "Others", who are not members of any of the constituent peoples of BiH as stated in the Constitution of Bosnia and Herzegovina, in favour of the applicants, ordering BiH to refund the legal costs of applicants and to amend the Constitution of BiH so as to make it compliant with the European Convention on Human Rights and Fundamental Freedoms. Those are cases of Dervo Sejdić and Jakob Finci against Bosnia and Herzegovina, representatives of Roma and Jewish people.

In order to enact the relevant constitutional and legislative amendments, the BiH Council of Ministers adopted an action plan on 4 March 2010 and appointed a working group to draft them. The Central Election Commission adopted an action plan on 18 February 2010, presenting in detail the provisions which should be adopted and the possible steps to be taken if the amendments were not adopted before the scheduled general election by the end of May of the same year.

Afterwards, on 22 April 2010, the Council of Ministers considered a report of the Working Group responsible for the preparation of constitutional and legislative amendments and set a new deadline for the completion of the task.

Despite these efforts Bosnia and Herzegovina has not enforced the judgment to date because the Provisional Commission has not reached such a degree of agreement that is required for proposing amendments to the Constitution of BiH, but continues finding solutions necessary to enforce the judgment in accordance with suggestions and decisions of the Houses of the Parliamentary Assembly of Bosnia and Herzegovina.

And **The Institution of Ombudsman** has noted on several occasions the need to amend the Constitution of Bosnia and Herzegovina and other relevant statutory provisions in order to allow the participation of all citizens in political life, including members of ethnic minorities and to enforce the *Sejdic-Finci* judgment of the European Court of Human Rights.

Regarding the direct engagement of members of national minorities in the process, the position of the Ombudsman Institution is that, in the decision-making process in the legislative and representative bodies and the policy-making and implementation process, the executive authorities should include as far as possible all consulted groups covered by these measures and processes.

-Take as a matter of priority all necessary steps to eliminate segregation in education, in particular through accelerating the work to abolish all remaining cases of “two schools under one roof” and replace them with integrated education, as well as through working to avoid the development of mono-ethnic schools in areas inhabited by a mixed population, drawing in this context on the experiences of areas where successful integrated education is in place;

-Ensure that the existing common core curriculum is applied in every school in Bosnia and Herzegovina and extend the subjects it covers to include history, geography and religion; introduce inclusive and multi-perspective teaching of these subjects;

On 15 October 2013 **the Ministry for Human Rights and Refugees of Bosnia and Herzegovina** sent to cantonal, Entity and Brcko District governments in BiH an information paper on the presentation of the Combined Second, Third and Fourth Periodic Reports of Bosnia and Herzegovina on the Implementation of the UN Convention on the Rights of the Child together with conclusions and final observations and recommendations of the Committee on the Rights of the Child UN, which the Council of Ministers considered and adopted at the 63rd meeting held on 11 September 2013.

In accordance with the conclusions adopted by the Council of Ministers of Bosnia and Herzegovina at the meeting above that refer to the segment of education, the governments in Bosnia and Herzegovina are urged to act in order to fulfil their responsibilities and make a plan of implementation of the recommendations of the Committee on the Rights of the Child.

Information from the Ministry of Civil Affairs of Bosnia and Herzegovina:

The field of education

In terms of segregation and respect for human rights, at several meetings of the Conference of Education Ministers of Bosnia and Herzegovina, the Ministry of Civil Affairs pointed within its competences to the need to address these issues. The most recent meeting of the Conference -the 3rd meeting held on 24 September 2013 -condemned every possible form of discrimination, segregation, assimilation and politicization of education in Bosnia and

Herzegovina, on any basis, because the right to education is the right of every individual child. It was pointed out that obligations of educational authorities are to follow the framework of international commitments of Bosnia and Herzegovina, the Constitution and national laws and to ensure equal access and equal opportunity to participate in appropriate education for each child, without discrimination on any grounds.

MoCA constantly urges the full implementation of the Law on Primary and Secondary Education in Bosnia and Herzegovina, as well as other relevant laws and regulations at the Entity, cantonal and the Brcko District of Bosnia and Herzegovina levels, especially in the part relating to respect for human rights and fundamental freedoms. In addition, it is recommended to educational authorities of Entities, cantons and Brcko District of Bosnia and Herzegovina that, in accordance with international obligations, the Revised Strategy of Bosnia and Herzegovina for the Implementation of Annex VII to the Framework Peace Agreement, as well as the obligations defined in the laws and regulations, they should make a review of the application of these laws in all schools in BiH with regard to possible discrimination, segregation, assimilation and politicization and that they should remedy them and apply these laws and regulations immediately and without delay.

The Conference of Education Ministers of Bosnia and Herzegovina meetings devoted considerable attention to the development of the common core curriculum (CCC) in primary and secondary schools. At the initiative of the Ministry of Civil Affairs and the relevant educational authorities, in 2009 and 2010, the EU-funded Quality Assurance in Education Project was implemented and resulted in the adoption of the following documents: "A Report on the Review of Existing CCC and Curricula for Nine-Year Primary School", "A Report on the Curricula for Nine-Year Primary School in Bosnia and Herzegovina", "Recommendations for the Modernization of the Common Core Curriculum in Bosnia and Herzegovina" and "A Comparative Review of CCC Programmes Inclusion in the Curricula for Nine-Year Primary Education in Bosnia and Herzegovina" with recommendations contained in these materials. The Agency for Pre-primary, Primary and Secondary Education has the task to continue to work within its competences on the design, implementation and modernization of the common core curricula. In this regard, the Agency has stepped up its activities in this area. In the period 2011- 2013, financially supported by UNICEF, the Agency finalized the Methodology for Drafting the Common Core Curriculum (CCC) for Nine-Year Primary School and Defining the Educational Objectives and Learning Outcomes for the First, Third, Sixth and Ninth Grade in Nine-Year Compulsory Primary Education by Educational Fields. To cover all levels of education, it defines outcomes at the end of preschool education, the end of third grade (8/9 years old), the end of sixth grade (11/12 years old), the end of ninth grade (14/15 years old) of primary education and at the end of secondary education (18/19 years old).

Eight educational fields were defined and they are: linguistic communication, mathematics, natural sciences, social sciences and humanities, engineering and information technology, arts, physical health and cross-curricular field. The methodology established for linguistic communication will be applied to all remaining fields.

Accordingly, the Common Core Curriculum (CCC) was developed for the mother tongue, defining learning outcomes, and CCC in other above-mentioned fields will be developed, too, and all of which will necessarily lead to the continuing professional development of teachers.

As for ensuring the implementation of the Revised Action Plan on the Educational Needs of Roma (RAP), the Ministry of Civil Affairs has appointed a representative to the expert team (based on the conclusions of the Council of Ministers, the Minister of Human Rights and Refugees of Bosnia and Herzegovina issued a decision on the establishment of an expert team to monitor the implementation of the RAP („Official Gazette of BiH" No. 5 /11). Essentially, the task of the expert team is regular monitoring of the RAP implementation with all indicators, monitoring of basic indicators, the establishment of a system to collect and submit information from all relevant institutions on the implementation of the RAP and, if necessary, carrying out other activities related to the implementation of the RAP, such as the organization of round tables, seminars and the like. The expert team reports to the Council of Ministers on the RAP implementation at least once a year - through the Ministry of Human Rights and Refugees Herzegovina - as it is under jurisdiction of the Ministry.

In order to obtain adequate responses to the questions above we have asked for information from the competent cantonal ministries of education and received from them the following information:

The Ministry of Education, Youth, Science, Culture and Sports of Bosnia-Drina Canton has reported that there are no "two schools under one roof" or any such kind of segregation in education in Bosnia-Drina Canton (Gorazde). The common core curriculum is applied in all schools in their Canton.

There are only three Roma students who regularly attend classes in their Canton. Enrolment of children in school has never been called into question.

The Ministry of Education, Science, Culture and Sports – Siroki Brijeg has reported that, in Western Herzegovina Canton, there is no discrimination of any kind, including "two schools under one roof", separate curricula or discrimination in education of Roma.

The Ministry of Science, Education, Culture and Sports – Livno has reported that, in Herzeg-Bosnia Canton, there is no discrimination of any kind or establishment of mono-ethnic schools, so there are no problems with "two schools under one roof", separate curricula or discrimination in education of Roma.

Every year the Ministry appropriates in the Budget substantial funds for the improvement of education of children with special needs and funds" Nova Nada - A New Hope" Centre for Education of Children and Youth with Developmental Disabilities of Tomislavgrad. They have reported that there are no Roma students in this Canton.

The Ministry of Education, Science, Culture and Sports of Tuzla Canton has reported that, in Tuzla Canton, Tuzla, there is no segregation in education or cases of "two schools under one roof" or cases of mono-ethnic schools in communities where the structure of population is multi-ethnic. The common core curriculum, including history and geography, is applied in all schools in Tuzla Canton.

The Ministry of Education, Science, Culture and Sports of Tuzla Canton strives to fully implement the Action Plan for Educational Needs of Roma and Other National Minorities in BiH. Roma children are allowed to enrol in primary schools even without identification documents.

The Ministry hired for an indefinite period of time a Roma mediator who helps in developing cooperation between parents of Roma children and school.

The Ministry of Education, Science, Culture and Sports – Orašje has reported that in Posavina Canton, there has been no practice of "two schools under one roof" and that all students, regardless of where they come from, have equal access to education, be it primary or secondary education.

60% of the curricula used in their schools are curricula that were developed in the EU VET projects where the common core curriculum was applied and workshops are in progress, where teachers from this Canton, as members of the working groups, give inputs to preparations for geography, foreign languages and classroom teaching, and they are organized by the Agency for Pre-primary, Primary and Secondary Education.

The Strategy for the Development of the Educational System in Posavina Canton defines that everyone must have an equal right to education, training and development in accordance with his personal abilities and that special attention should be paid to early intervention for individuals with learning disabilities. The new curriculum of Croatian language for the nine-year primary school has created a good basis for the integration of children with disabilities and learning difficulties and has defined full and partial integration.

Further, they have reported that no Roma children have been enrolled in any of the schools or none of the children have declared to be a Roma.

The Ministry of Education, Science, Culture and Sports of Zenica- Dobož Canton has reported that, since 2005 no "two schools under one roof" have been in Zenica -Dobož Canton, Zenica.

Pursuant to the Agreement on the Common Core Curriculum, signed on 4 July 2003, the Ministry of Education, Science, Sports and Culture of Zenica - Dobož Canton has been implementing educational reforms (nine-year school and secondary schools) implemented the Plan of Implementation of the Common Core Curriculum in all areas ever since.

Primary education is compulsory and free for all children and it begins in the calendar year in which the child turns five years and six months of age until 1 March and lasts without interruption for a period which is not less than 9 years. Children may not be discriminated against or segregated in school enrolment or attendance, the use of language or the culture of the constituent peoples or national minorities living in BiH. In this sense, primary schools in Zenica - Dobož Canton have 417 Roma students, who enjoy the same and equal rights to education.

The rights of the child relating to secondary education are the same for all students, regardless of sex, race, colour or national origin. In this context, secondary schools in Zenica - Dobož Canton are attended by 42 pupils of Roma ethnicity.

The Government of Zenica-Dobož Canton has carried a resolution on establishing elements of the enrolment policy at the University of Zenica, a scholarship policy for students residing in the Canton and a placement policy for students residing in the Canton and living in students' dormitories (Student Centres) in the Federation. The documents also include measures under the revised Action Plan on the Educational Needs of Roma and thereby give Roma students

an unconditional entitlement to admission to University at the expense of the University's founder, an unconditional entitlement to scholarships awarded from the budget and an unconditional entitlement to accommodation in students' dormitories (Student Centres) in the Federation of Bosnia and Herzegovina.

The Ministry of Education, Science and Youth of Sarajevo Canton has informed us that in Sarajevo Canton, there are no "two schools under one roof" or mono-ethnic schools.

Curricula for all types of schools (primary and secondary) in Sarajevo Canton are adopted by the Minister of Education, Science and Youth of Sarajevo Canton, in accordance with the common core curriculum, adopted by the Agency for Pre-primary, Primary and Secondary Education.

Jurisdiction of the Ministry of Education, Science and Youth of Sarajevo Canton stems from the constitutional powers and authorities contained in the Constitution of Bosnia and Herzegovina, the Federation Constitution and the Constitution of Sarajevo Canton.

The Law on Primary Education of Sarajevo Canton and the Law on Secondary Education of Sarajevo Canton were passed following the usual procedure on the basis of positive opinion, obtained from the Ministry of Justice and Administration and the Legislative Office.

Students Roma are enrolled in all primary schools in Sarajevo Canton. Integration of Roma children into the mainstream educational system is one of the strategic tasks of the Ministry.

Further, each school year the Ministry implements a project entitled "Distribution of Free Textbooks to Primary School Students in Sarajevo Canton", which covers all Roma children who attend mainstream schools from the 1st to 9th grade in Sarajevo Canton. In this way, additional assumptions are created for regular attendance in primary school.

The Ministry implements a lot of different projects that primarily aim at increasing the number of Roma children included in the educational system and social and economic support to Roma families.

The Institution of Ombudsman of Bosnia and Herzegovina has provided the following information:

The Institution of the Ombudsman, as the central authority in the enforcement of the prohibition of discrimination, advocates takes all measures within its competence to eliminate all forms of discrimination in education and to ensure all other rights guaranteed by the Constitution of Bosnia and Herzegovina, various international instruments and national legislation.

Regarding activities taken in order to avoid mono-ethnic schools in areas where there is a mixed population, we must point out that since 2009 the Ombudsman Institution has been recognizing the importance of overcoming divisions and establishing trust between different groups in Bosnia and Herzegovina. Besides other activities, the Ombudsman Institution supports, in the scope of its competences, and participate in various activities related to transitional justice and addressing the issues of missing persons, civilian war victims and victims of torture and inhuman treatment.

Recognizing the importance of the first issue, within which we can examine the issue of formation of mono-ethnic schools, as part of their regular work or various project activities, the Ombudsman of Bosnia and Herzegovina and the staff of the Ombudsman Institution have visited several places in Bosnia and Herzegovina, where a number of persons belonging to at least two ethnic groups live. As part of these visits, they held meetings with government officials, representatives of different communities and groups, civil society organizations and school students.

The above mentioned visits and daily work are aimed at fixing the problem in these places, the establishment of mutual trust, which would indirectly lead to the removal of all divisions, including those in education.

Considering the importance of this process and required funds, the Ombudsman Institution has repeatedly called on the authorities in Bosnia and Herzegovina to take measures that will enable the enjoyment of all rights in the educational process.

Using available financial resources the Ombudsman Institution *inter alia* has presented its activities at various events held for children from Bosnia and Herzegovina (Examples include organizing a promotional stand at the Kid's Festival in Sarajevo), but because of reduction in funding the Institution will not do it anymore.

Recognizing the importance of meeting of and maintaining contacts and communication between students from different parts of Bosnia and Herzegovina and getting them to know the values of a democratic and multicultural society, we have participated in a number of workshops and debates in which students discuss the topics listed.

The Institution of Ombudsman supports all activities that lead to greater familiarization of students in Bosnia and Herzegovina with cultures and values of other people and groups in Bosnia and Herzegovina. The Ombudsmen has taken a position that it is necessary to ensure the full enforcement of the Framework Law on Primary and Secondary Education and the relevant institutions' compliance with provisions of the law, primarily compliance of the Ministry of Civil Affairs of Bosnia and Herzegovina, which has a duty of supervision over the enforcement of laws under Article 56.

-Ensure that the implementation of the Action Plan on the Educational Needs of Roma and Other National Minorities is adequately funded and evaluated; ensure that Roma children are not prevented from enrolling in school because they lack identity papers; develop further practices that strengthen the link between Roma families and schools; take resolute measures to improve the implementation of the Action Plans for Roma Employment, Health and Housing and address the situation of Roma living in informal settlements;

The revised Action Plan of Bosnia and Herzegovina on the educational needs of Roma was adopted at the 128th meeting of the Council of Ministers of Bosnia and Herzegovina.

The four goals of the Action Plan are the following goals:

- Ensuring that children belonging to the Roma minority are included in the compulsory primary education (a special objective is inclusion of Roma children of both sexes in pre-school programmes)

- Encouraging Roma to continue secondary and higher education and to be trained for the first occupation;
- Preservation and promotion of the Romani language, culture and history;
- Development of systemic solutions that will lead to meeting the educational needs of Roma.

In order to monitor the implementation of the RAP, a decision was issued by the Minister of Human Rights (2011) to establish a team of experts at the state level that is obliged to annually submit a report to the Council of Ministers. The expert team has prepared a report on the implementation of the RAP for 2011 and school year 2012/2013. When it comes to funding of the implementation of the Action Plan, the situation is as follows:

The total amount of budget appropriations in academic year 2012 / 2013 was BAM 326.000,00. The appropriations are still not sufficient to meet all needs of Roma children for the full equality of access to education because of hidden costs of education.

For the full implementation of all measures planned in the revised BiH Action Plan for Educational Needs of Roma requires a high degree of economic development of the state and a high degree of state intervention, which is not the case in Bosnia and Herzegovina.

Roma children are not prevented from enrolling in school even when they do not have identity documents.

When it comes to developing practices that strengthen the relationship between Roma families and schools, the report shows that, in academic year 2012/2013, the focus was on training of Roma parents in compulsory primary education, in the importance of programmes related to early childhood development, training of teachers, on training of parents and students in human rights and the rights of the child as well as in stereotypes and discrimination against Roma in education and in overcoming them.

No progress has been made in providing funds for hiring Roma assistants/mediators in schools. It is only project activities of NGOs that enable additional classes to help children in learning (examples: Caritas Switzerland in Sarajevo Canton, UG Otaharin in Bijeljina and Živinice). These projects fund hiring Roma assistants/mediators that help children in learning and visit their families.

In order to better implement action plans for these areas, the **Ombudsman Institution** participated in several meetings and round tables on the above-mentioned subject, issued a recommendation in order to provide better and more efficient health care to Roma women, opened *ex officio* a case and conducted an investigation into allegations involving distribution of free textbooks to Roma children and acted in other cases related to this area of work.

Currently, the Ombudsman Institution is taking part in the development of anti-discrimination programmes in Sarajevo Canton and preparing the Special Report on the Rights of Roma in Bosnia and Herzegovina.

-Provide the Institution of Human Rights Ombudsman with all the necessary financial and human resources to carry out its functions effectively and efficiently; support awareness-raising activities about discrimination and the available remedies, with a particular focus on reaching persons belonging to national minorities;

The Institution of Ombudsman, as the central authority in the implementation of anti-discrimination law in Bosnia and Herzegovina, advocates and takes all measures within its competence focused on the Elimination of all forms of discrimination in education, as well as provides the exercise of all other rights guaranteed by the Constitution of Bosnia and Herzegovina, various international documents and national legislation.

The Department for the Rights of Ethnic, Religious and Other Minorities of the Institution of Ombudsman for Human Rights in Bosnia and Herzegovina receives and registers complaints about violations of the rights and freedoms of persons belonging to ethnic, religious and other minorities, and acts upon these complaints, prepares a report on the rights of ethnic, religious and other minorities, timely reports to the Ombudsman of the problems identified in the implementation and protection of human rights and freedoms of national, religious and other minorities, follows the functionality of the legislative, executive and judicial branches of importance for the exercise of rights of national, religious and other minorities, as well as collaborates with other departments.

The Department for the Rights of Ethnic, Religious and Other Minorities pays special attention to:

- Promotion of the rights under the Convention on the Protection of National Minorities and other international standards governing the rights of minorities;
- Analysis of the legislation governing minority rights and the situation on the ground in order to initiate amending of pieces of legislation and their compliance with international human rights standards;
- Protection of national minorities: Albanians, Montenegrins, Czechs, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks, Ukrainians and others as defined in Article 3(1) of the Law on the Protection of National Minorities;
- Removing barriers to consistent implementation of the international conventions ratified by BiH;

The Institution of Ombudsman in his annual reports and other documents has been informing authorities about the difficulties faced because of inadequate budget, which affects the activities aimed at promoting and raising awareness of these difficulties.

However, the Ombudsman Institution, in cooperation with international organizations, primarily with the OSCE Mission in Bosnia and Herzegovina, has managed to carry out certain promotional activities, such as publication of promotional materials and so on.

-Complete the process of civil registration of Roma rapidly and introduce free and universal birth registration to ensure that especially vulnerable children are in all cases registered;

There is an evident progress in Bosnia and Herzegovina in the area of registration of births and provision of civil documentation after the adoption of the 2011 Zagreb Declaration.

When you look back at the period prior to the 2011 Zagreb Declaration 2011, we can see that there were a lot of positive developments in Bosnia and Herzegovina. Since the Regional

Conference on the provision of civil documentation and registration in South-Eastern Europe held in 2011 in Zagreb the following has been enhanced:

- 1) the new Law on Civil Registers of the Federation of Bosnia and Herzegovina was passed and entered into force in May 2012,
- 2) 8 pieces of delegated legislation for the enforcement of the Law,
- 3) a number of basic objectives related to the enforcement of the law and they are: a) to ensure public document security, i.e. birth certificates as the first documents which is the basis for identity documents. Upgrading technological security features prevents documents from being forged/counterfeited and identity thefts, b) provides documents with no expiration date, c) establishes a central civil registry of citizens so that every citizen can get civil documentation in their place of residence and d) sensitises the public on minorities and vulnerable categories when the municipality is obliged to organize free professional help with birth registration to people who have the status of disadvantaged people or minority members.
- 4) The new Law on Personal Name imposing new administrative measures and improving government's activities related to civil registration and establishment of individual legal identity was passed.
- 5) The Law on Civil Registers of Brcko District of BiH was passed and published in the "Official Gazette of Brcko District of BiH", No. 58, 30 December 2011, and has been applied since 1 April 2012. The following delegated legislation was enacted: Rulebook on the Formats of Civil Registers, Register of Civil Registers and Certificates Issued from the Civil Registers ("Official Gazette of Brcko District of BiH", No. 37, 3 September 2012) and the Rulebook on Keeping the Registers ("Official Gazette of Brcko District of BiH", No. 44, 5 December 2012).

In addition to the fact that the Republika Srpska passed the Law on Civil Registers - Official Gazette of the Republika Srpska, No. 111/09, and the Law on Personal Name - Official Gazette of RS, No. 27/93, 15/00), the Guidelines on Keeping of Civil Registers - Official Gazette, No. 55/10 made a comprehensive reform of the Law and brought the Law in line with the European Convention on the Rights of the Child, Article 7(1) and Article 8(2) of the Convention. The results that have been achieved in the Federation of BiH are gaining in importance particularly in terms of the fact that the largest group of the stateless in BiH are unregistered Roma, an estimate (we have not census results) is that approximately 80% of Roma live in the Federation of BiH and the remaining 20% live in the Republika Srpska and Brcko District.

Considering the above, there is an undeniable progress in Bosnia and Herzegovina, which completed the legal framework largely implementing proposed recommendations from the Zagreb Declaration and rounded up the legislation in this field. Effective standardization and cooperation of the competent authorities of the Entities and Brcko District and local communities with the support by international organizations have led to the situation that solving most cases of subsequent registration runs fast and without any problems. A case rarely appears where the resolution includes the Ministry of Civil Affairs, as it is a specific situation, such as when a birth register in one Entity was kept for the territory that falls within the jurisdiction of the other Entity, casting doubt on the entity citizenship entered during registration.

Of course the legal framework itself, without training of administrative personnel, adequate equipment and resources for the work, without raising awareness and standards of the personnel performing civil registrations, will not give results.

In addition to the legislative and executive authorities in the Federation of BiH and the Brcko District of BiH, the BiH Ministry of Human Rights, all this has been contributed to by a partnership with international organizations, led by UNHCR, OSCE and UNICEF.

Great efforts have been made to establish an electronic database of registers and records of citizens of BiH and there will be no unregistered persons soon.

Information from the Ministry of Civil Affairs of Bosnia and Herzegovina:

Citizenship and travel documents

The Department of Citizenship and Travel Documents of BiH and its representatives have actively participated in the working groups dealing with the problem of birth registration in Bosnia and Herzegovina and the representatives of the Ministry, together with other relevant ministries, participated in several meetings specifically focused on birth registration of the Roma minority.

Among others, the Deputy Minister of the Department of Citizenship and Travel Documents participated in the regional conference in Zagreb in 2011, which adopted the Zagreb Declaration on identity documents and civil registration in South-Eastern Europe.

We note that the Department has jurisdiction over issues related to citizenship, passport, identity card, personal identification and residence and stay of citizens of BiH, which are uniformly regulated for all citizens of Bosnia and Herzegovina and in that sense there is no need for the enactment of special regulations that specifically relate to national minorities.

The Ombudsman Institution took in the past and will take in the future necessary actions in individual cases and will indicate to the authorities in Bosnia and Herzegovina that there is a need for all children in Bosnia and Herzegovina to be registered and have all necessary identification documents.

-Strengthen coordination between the relevant authorities to ensure that legislation on national minorities is fully and consistently implemented; provide regular and more substantial support to national minorities in order for them to maintain and develop their cultural heritage and languages;

Having ratified the Framework Convention for the Protection of National Minorities of the Council of Europe (2000), Bosnia and Herzegovina committed to protect the rights of persons belonging to national minorities who lived in it. The valid legislation relating to national minorities in BiH, namely the Law on the Protection of National Minorities (2003), the Laws on the Protection of National Minorities of the Federation and the Republika Srpska, is fully and consistently implemented. Two cantons (Tuzla and Sarajevo) have their own laws in this area.

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

Despite the adoption of the aforementioned law, members of national minorities in BiH are still categorized as "Others". The fact is that they do not enjoy the same political rights as members of the three constituent peoples and that they are on the margins of public life because the constitutional organization is focused on the interests of the three constituent peoples. Enforcement of judgments of the European Court of Human Rights in Strasbourg (*Sejdic and Finci*) will enable persons belonging to national minorities in BiH to have equal rights as persons belonging to the three constituent nations when it comes to participation in public and political life.

At the initiative of the Council of National Minorities, associations of national minorities and the OSCE Mission to BiH, the **Strategy to Address Issues of National Minorities in BiH** is being designed and now, at the request of representatives of the Working Group from the Republika Srpska, it is supposed to be titled **the Strategic Platform to Address Issues of National Minorities in BiH**. The Ministry for Human Rights and Refugees of Bosnia and Herzegovina with the technical support of the OSCE Mission to BiH is the coordinator. The deadlock was caused by the refusal of the representatives of the Government of RS in the working groups for the strategy to adopt the proposed concept.

The passage of laws and the establishment of bodies within the legislative authorities, i.e. Councils of National Minorities at the state and entity levels, created institutionally and legally the necessary conditions that enable national minorities to preserve and develop their ethnic, national, religious and cultural identity and integrate into Bosnia and Herzegovina. Previous experience in the operation and activities of the bodies concerned have pointed to the need for their important roles in decision-making and strengthening their own capacity and the need for substantial financial support from the state, which is the recommendation of the Advisory Committee on the Framework Convention of the Council of Europe. An important role in addressing systemic problems of the Roma population is played by the Roma Board, an advisory body of the Council of Ministers of Bosnia and Herzegovina.

-Specific position of Roma

Recognizing the national minority status to Roma and respecting the fact that the Roma in BiH, are, by all indicators, the most vulnerable and the largest national group, Bosnia and Herzegovina has taken concrete actions and made significant positive progress in solving the problems of the Roma.

The very act of joining the "2005- 2015 Decade of Roma Inclusion" committed Bosnia and Herzegovina to provide annually throughout the Decade the funds necessary for the implementation of the Action Plan in addressing Roma basic needs such as housing, employment, health care and education.

Bosnia and Herzegovina accepted as an obligation to develop appropriate standards, methodologies and mutual cooperation among countries and international organizations and institutions in the fight against poverty of the Roma population, their exclusion and discrimination in a regional framework. One of the obligations of the Decade implemented by agencies and institutions in BiH is to strengthen the non-governmental sector and its effective participation in the achievement of the goals and objectives of the Action Plan.

The competent authorities of Bosnia and Herzegovina have been implementing the Action Plan for Solving Problems of Roma in the areas of: employment, housing and health care for five year now.

For the successful implementation of the above Action Plan, the Ministry, in cooperation with local authorities and Roma NGOs, implemented the Programme of Recording of Roma Needs in certain areas, allowing more realistic look at the social needs of the Roma population in BiH in all the three areas of the Action Plan.

Funds for the implementation of the areas covered by the Action Plan have been appropriated in the Budget of BiH institutions since 2009 in the amount of approximately **BAM 3,000,000**. The Ministry, as the coordinator of activities in the implementation of this Action Plan, has achieve the necessary cooperation with the competent authorities of the State and the Entities, Roma NGOs and international organizations and institutions that financially supported projects, particularly in the area of Roma housing. Results are measurable in improvements of housing conditions, employment, health care and education. The Ministry for Human Rights and Refugees of Bosnia and Herzegovina, as the competent authority, informs the Council of Ministers regularly, in the form of reports, about the results of implementation of the Roma Action Plan.

At the 20th meeting held on 18 September 2012, the Council of Ministers of Bosnia and Herzegovina issued a decision on the allocation of budgetary resources for Roma in employment, housing and health care in 2012. According to the Decision the funds were distributed as follows: Roma housing - BAM 2,000,000.00, Roma employment – BAM 710,000.00, Roma health care – BAM 210,000.00 and activities on updating the needs of Roma in Bosnia and Herzegovina - BAM 30,000.00.

A public call for selection of priority projects in the field of Roma housing in BiH, which was to be funded in 2012, was published on 25 September and closed on 22 October 2012. Funds for housing increased by BAM 150,000.00 as funds pooled by the Ministry of Urban Planning of the Federation and intended for projects in the Federation of BiH. Based on the public invitation the Federation selected 10 projects for housing and 6 projects were selected for infrastructure. The total amount that would be allocated to the Federation of Bosnia and Herzegovina was BAM 1,403,200.00. The Republika Srpska selected six projects for housing and 2 projects for infrastructure, the total allocated amount being BAM 626,800.00. Brcko District allocated an amount of BAM 120,000.00 for housing. An agreement on the funds transfer and the Memorandum of Understanding were signed on 20 December 2012.

The Memorandum of Understanding on the Implementation of the Action Plan for Solving Roma Employment in 2012 was signed on 20 December 2012 between the Ministry for Human Rights and Refugees and the Federation Employment Institute, the Employment Institute of the Republika Srpska and the Employment Institute of BD. The MoU stipulates that the funds will be allocated in the following manner: for employment of Roma in FBiH - BAM 450,000.00, for employment of Roma in the RS – BAM 220,000.00 and for employment of Roma in BD – BAM 40,000.00.

The Memorandum of Understanding on the Implementation of the Action Plan for Solving Roma Health Care in 2012 was signed on 20 December 2012 between the Ministry for Human Rights and Refugees and the Institute of Public Health of Entities and Brcko District. The MoU stipulates that the funds will be allocated in the following manner: health care of

Roma in FBiH - BAM 128,320.00, health care of Roma in the RS – BAM 69,680.00 and health care of Roma in BD – BAM 12,000.00.

In November, the Ministry of Human Rights and Refugees signed a cooperation agreement with additional 23 centres for social welfare. The agreement regulates the way of cooperation between the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, the Federation appropriate ministries, competent services in cantons, the Republika Srpska and Brcko District Government - Department of Health and other services and centres for social work/welfare, respecting activities on database development, management and updating of data on the needs of Roma households in Bosnia and Herzegovina. An amount of BAM 30,000.00 was transferred to centres for the purchase of technical equipment and early next year new employees will be trained in handling the Roma database. Following the adoption of the decision on the allocation of budgetary funds in 2013, the Ministry sent the Agreement on Cooperation to the remaining municipalities where Roma were recorded for giving approval for the signing and transfer of money for the purchase of technical equipment.

Persistent insistence on the submission of data required for the application of indicators resulted in the First Report on the Implementation of the 2011 Revised Action Plan of Bosnia and Herzegovina on the Educational Needs of Roma that was considered and approved by the Council of Ministers at the 18th meeting held on 30 August 2012. The Report on the Implementation of the Revised Action Plan of BiH on the Educational Needs of Roma in School Year 2012/2013 is currently being prepared.

At the 56th meeting of the Council of Ministers held on 10 July 2013, the Council of Ministers Decision issued a decision to appropriate an amount of BAM 2.950.000 for the implementation of existing action plans in 2013.

In late November a public invitation to tender for grants to Roma non-governmental organizations whose activities are focused on the preservation of ethnic, cultural and linguistic identity of Roma of Bosnia and Herzegovina. The total grant amounting to BAM 75.000 was allocated to three NGOs to spend the funds on the Roma Board and marking of St. George's Day, the International Roma Day and the Holocaust.

At the fourth meeting the Roma Board set the criteria for calling new tenders for help to Roma NGO sector in 2013 and on 13 May 2013 a public invitation to tender for grant funds to help Roma NGOs was published. The purpose of the applications was to encourage the Roma population to declare themselves as Roma in the upcoming census and to support the Roma Board. BAM 50,000 are earmarked to motivate the Roma population and BAM 25,000 are earmarked for the Roma Board. The public invitation was open until 11 June, followed by opening of applications received by a panel appointed by the Minister of Human Rights and consisting of six members: four representatives of the Roma Board and two representatives of the Ministry of Human Rights and Refugees. After opening the applications, the panel evaluated them, ranked them and issued a decision on the allocation of funds. A notification of the conclusions reached by the panel was sent to all Roma non-governmental organizations having applied. NGOs were given 8 days to appeal the panel's decision, after which the panel re-convened and discussed complaints received and make a final decision on the award of grant funds that would be signed by the Minister of Human Rights and Refugees. The panel had another meeting and gave a proposal for award of the grant to the Minister of Human Rights, who issued a decision on the award of grant funds. The Ministry for Human Rights and Refugees has signed a cooperation agreement with six Roma non-governmental

organizations which received funds in the amount of BAM 75.000 to motivate Roma to declare themselves as Roma and to support the Roma Board within the Council of Ministers.

The Action Plan on the Educational Needs of Roma and Members of Other National Minorities (2004) was revised in the portion respecting education of the Roma population and was adopted by the Council of Ministers in 2010. Bosnia and Herzegovina ratified the European Charter for Regional or Minority Languages, as a Council of Europe post-accession commitment, and wrote the first initial report on its implementation.

According to the findings on the number of Roma population, the real possibilities of the State to allocate funds planned, ambitious objectives and measures contained therein, the current Action Plan for Solving Roma Issues in Employment, Housing and Health Care should be revised. Representatives of institutions and representatives of non-government sector are engaged in drafting the document. The Ministry has organized four presentations to which they invited all the registered Roma associations in Bosnia and Herzegovina. The text of the revised Action Plan is electronically sent to all associations regardless of whether they attended the presentation or not. In accordance with the Rules of Procedure of the Council of Ministers, the procedure of obtaining opinions of revised Action Plan and adoption procedure was followed. After getting positive opinions, the Ministry sent the text of the Revised Action Plan to the Council of Ministers for adoption. On the proposal of the Ministry of Human Rights and Refugees, the Council of Ministers considered and approved the 2013-2016 Revised Action Plan for Bosnia and Herzegovina for Roma in Employment, Housing and Health Care, issuing the **Conclusion** at the 75th meeting held on 11 December 2013.

At the 57th meeting held on 17 July 2013 the Council of Ministers issued a decision on the appointment of a National Coordinator for Roma in Bosnia and Herzegovina. In the period 2013-2015 the coordinator is Damir Ljubic, the Minister for Human Rights and Refugees of Bosnia and Herzegovina.

Further, the Guidelines on Improving the Situation of Roma Children in Social Welfare Scheme is being finalized.

We believe that we are in this reporting / reference period unable to reach you at all levels of organization of Bosnia and Herzegovina to provide substantial and regular support and other national minorities in BiH in order to preserve and develop their cultural heritage and language.

State, entity, cantonal and local communities (municipalities) at all levels provide immediate funding (depending on their capabilities), providing office space, donations and grants for capacity building and the associations of national minorities in Bosnia and Herzegovina, and the preservation and development of their cultural heritage, language, traditions and customs. This should be especially noted strong support for the last few years by the local communities of the municipality / municipalities in all aspects of life, work and activities of the national minorities in Bosnia and Herzegovina.

From the Information Paper of the Federation Ministry of Culture and Sports:

The Federation Ministry of Culture and Sports informed us that in 2012 and 2013 they continued to support cultural and sports projects of national minorities in the Federation of

Bosnia and Herzegovina. In this sense, an amount of BAM 15,000 was appropriated in the two years for cultural projects of the Roma population in the Federation of BiH.

They point out that they recognize the importance of cultural diversity, intercultural dialogue and mutual understanding among different ethnic and religious groups in Bosnia and Herzegovina and believe that the cultural development of BiH citizens and nations is a source of improving their quality of life.

In a number of its recommendations and special reports the Institution of Ombudsman has indicated the need for a higher degree of coordination of all levels of government in Bosnia and Herzegovina in all areas, including in matters of national minorities, which it will continue to do so in the future.

From the Information Paper of the Federation Ministry of Labour and Social Policy:

The Federation Ministry of Labour and Social Affairs informed us that within their responsibilities, in 2013, this Ministry appropriated financial resources in the amount of BAM 90,000 for employment and self-employment in the budget of the Federation of Bosnia and Herzegovina.

-Promote intercultural dialogue and mutual understanding between the different ethnic and religious groups in Bosnia and Herzegovina; condemn all manifestations of intolerance and ethnically motivated hostility in the political sphere and intensify efforts to combat all forms of hostility directed at minority groups;

The enforcement of the 2009 Law against Discrimination ("Official Gazette of BiH" No. 59 / 09) continued. The Law was based and designed on European standards. The Anti-Discrimination Law has been harmonized with the European Union directives and they are: Council Directive 2000/43/EC implementing the principle of equal treatment between persons, regardless of their racial or ethnic origin and Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation. The Law against Discrimination protects BiH citizens from discrimination in all areas of life such as work and employment, social security and healthcare, judiciary and administration, housing, public information, education, sport, culture, science and economy. Further, the Law prohibits sexual or any other form of harassment, mobbing, segregation and incitement to discrimination. The Law provides that any person who believes that she was discriminated against may seek protection of their rights in judicial and administrative proceedings. The burden of proof lies with the defendant, who is required to prove that he has not violated the principle of equal treatment and the prohibition of discrimination. The passage of the Anti-Discrimination Law put a domestic legal framework for the exercise of equal rights and opportunities for all persons in Bosnia and Herzegovina in place. The central institution for the protection against discrimination is the Institution of Ombudsman for Human Rights of Bosnia and Herzegovina which is vested with broad powers in order to protect individuals and groups from actions that the Law defines as discriminatory. The Ombudsman Institution for Human Rights of BiH established the Department for the Elimination of All Forms of Discrimination and introduced an electronic case management system whereby a discrimination case database was established in the Ombudsman for Human Rights. The Ministry for Human Rights and Refugees monitors the enforcement of the Law against Discrimination, preparing reports for the Council of Ministers and the Parliamentary Assembly of Bosnia and Herzegovina on discrimination and in this connection proposes

specific legislative or other measures and established the Central Discrimination Case Database.

The Rulebook on the Method of Collecting Data on Discrimination Cases in Bosnia and Herzegovina ("Official Gazette of BiH", No. 27/13) is a delegated piece of legislation for enforcement of the Anti-Discrimination Law. The Rulebook provides for the format and content of a questionnaire collecting data on discrimination cases, methods of data collection, establishment and maintenance of a central discrimination case database at the Ministry for Human Rights and Refugees, the forms of cooperation between relevant institutions in the process of information exchange on discrimination cases kept in the database and other issues related to the process of collecting data on discrimination cases in Bosnia and Herzegovina.

In order to fully enforce the Law on Prohibition of Discrimination (Anti-Discrimination Law) the BiH Parliamentary Assembly started its activities on harmonization of legislation with the Anti-Discrimination Law. The Ministry for Human Rights and Refugees of Bosnia and Herzegovina has designed an action plan to ensure a strategic approach to combating discrimination in BiH.

Further, **the Ombudsman Institution** supports intercultural dialogue and mutual understanding between different ethnic and religious groups.

Furthermore, in accordance with the Anti-Discrimination Law, the Ombudsman Institution acts in cases involving hate speech, which is defined as a form of discrimination in the Anti-Discrimination Law. For this purpose, the Ombudsman Institution takes measures aimed at anti-discrimination capacity-building and training of employees.

-Step up efforts to ensure that persons belonging to national minorities have effective access to the media; evaluate needs and demands regarding the use of minority languages in relations with the administrative authorities and for the display of topographical and other signs; fully apply the existing provisions of Entity legislation in this field;

In Bosnia and Herzegovina there are all necessary pieces of legislation ensuring that persons belonging to national minorities have effective access to the media at all levels of government in Bosnia and Herzegovina (from the state level to the entity level).

Since 2009 the **Communications Regulatory Agency** has all pieces of legislation needed to run a radio intended for, *inter alia*, persons belonging to national minorities. In accordance with CRA Rule 58/2011 on the provision of media services by radio, CRA issue a licence for a non-profit radio, which is awarded on a non-exclusive basis and is intended for non-profit organizations established to protect and promote rights and interests of certain social groups. In addition, CRA Rules 57/2011 on public radio and television stations provides for an obligation of local public stations to dedicate 10% of their weekly programme to news and other informative and educational programmes to, *inter alia*, matters relating to ethnic minorities.

However, the Communications Regulatory Agency does not have data on the number of TV and radio programmes that have dealt with the promotion and protection of national minorities in Bosnia and Herzegovina and, according to our information, no complaints from individuals, relevant institutions or civil society organizations or *ex officio* complaints relating

to inappropriate content on the members of national minorities in Bosnia and Herzegovina have been received.

The Ombudsman Institution has opened *ex officio* a case concerning a larger portion of programmes for minorities in public broadcasters' programmes in Bosnia and Herzegovina and, after examining the results of the Census, it will carry out an investigation into the use of minority languages in administrative bodies, as well as into topographic and other signs display.

With regard to the use of minority languages in administrative bodies and representation of topographic and other signs display we can say the following:

The prevailing specific current political climate in Bosnia and Herzegovina concerning relations between the three constituent peoples (Bosniaks, Croats and Serbs) and the use of the official languages (Croatian, Serbian and Bosnian) has turned attention of the authorities and organized minority representatives from rights of persons belonging to minorities under the Framework Convention and the Law in respect of the use of language. **Owing to a lack of adequate information from the Census** and identification of cities and towns where the enforcement of cited provisions of the Law would be considered, no minority group has requested anything in this regard yet. Requests for minority languages have mainly involved the field of education only in asking for help to minority communities with additional classes of minority languages. According to our information, requests for the use of minority languages in public sector services, social and health services and other institutions have not been made yet.

Article 8 of the Criminal Procedure Code of Bosnia and Herzegovina guarantees the right to language and alphabet in the following way: "Parties, witnesses and other participants in the proceedings shall have the right to use their own language in the course of the proceedings. If such a participant does not understand one of the official languages of Bosnia and Herzegovina, provisions shall be made for oral interpretation of the testimony of that person and other persons and interpretation of official documents and identifications and other written pieces of evidence. "

The Decision on Costs of Criminal Proceedings under the Criminal Procedure Code of Bosnia and Herzegovina is in effect and it regulates *inter alia* payment of the costs of translation into the languages of the parties, witnesses or other persons participating in criminal proceedings. Such expenses are paid in advance from the Prosecutor or Court's budget and later on are charged from the persons who are required to compensate them under the Criminal Procedure Code of Bosnia and Herzegovina.

Further, the Law on Administrative Procedure Code of Bosnia and Herzegovina guarantees the right to use the language and alphabet in the following way: " If the procedure is not conducted in the language of the parties or other participants in the procedure, they shall be provided with the translation of the procedure into their language by an interpreter and shall be served summons and other documents in their own language and alphabet. The authority shall advise a party or another participant of the possibility to use his language in the procedure and it shall be entered in the record that the party or another participant has been advised of this right, as well as his statement related to the given advice."

Further, Article 8, Paragraphs 1 and 2 of the Criminal Procedure Code of Bosnia and Herzegovina give a possibility to use one's own native language in court proceedings.

-Step up efforts to develop the teaching in and of minority languages in areas where persons belonging to national minorities are settled traditionally or in substantial numbers;

Bosnia and Herzegovina ratified the European Charter for Regional or Minority Languages on 21 September 2010, as Council of Europe post-accession commitment. In this regard, the authorities in Bosnia and Herzegovina are preparing to conduct, in the areas / cities where persons belonging to national minorities live traditionally or in substantial numbers, after the Census, which was carried out in Bosnia and Herzegovina from 1 October 2013 to 15 October 2013, a needs assessment of national minorities in relation to the use of minority languages in judicial and administrative bodies and the need for classes in languages of certain national minorities in Bosnia and Herzegovina.

Bosnia and Herzegovina signed the European Charter for Regional or Minority Languages in 2005 and ratified it in 2010.

In accordance with Article 25 of the European Convention, in June 2012, the Ministry of Human Rights had prepared and the Council of Ministers put together **the first report** of Bosnia and Herzegovina on the implementation of measures and principles established by the European Charter for Regional or Minority Languages.

In order to defend the first report, representatives of the Council of Europe's Committee of Experts visited Bosnia and Herzegovina experts, in the period from 4 November to 9 November 2012, the visit having been organized by the Ministry for Human Rights and Refugees and the Office of the Council of Europe. In this period, in order to have an insight into the implementation of measures and principles of the Charter, interviews were conducted with representatives of the Government of the Republika Serbia, the Union of National Minorities in the Republika Srpska, representatives of the Federation in the field of education, representatives of the Brcko District and representatives of the institutions of Bosnia and Herzegovina.

A significant level of agreement was achieved when it comes to the implementation of measures and principles established in the Charter and it was noted that in the future important activities in the exercise of the statutory rights of national minorities in the field of education should be carried out. It is necessary to accelerate the appointment of an expert on the Council of Europe's Committee of Experts to sit on behalf of Bosnia and Herzegovina.

After the visit the representatives of the Council of Europe's Committee of Experts gave their views, opinions and recommendations and submitted them to the competent authorities of Bosnia and Herzegovina for further action. Based on the recommendations, the Ministry awarded a grant to fund cultural activities of Roma in 2013. Through projects of UNHCR and World Vision, 47 Roma mediators were hired to assist the Roma population in the exercise of their rights, including the use of minority languages.

Bosnia and Herzegovina has expressed willingness to improve the life of minorities and will continue with the implementation of the Charter.

The media stepped up reporting on minorities, especially the Roma population.

When it comes to the preservation and promotion of the Romani language, culture and history, a progress that was expected has not been achieved.

In 2013 the Ministry of Human Rights and Refugees sent an initiative to the University of Sarajevo for the introduction of an optional subject of language, culture and literature of Rome, in order to train teachers in the Roma language and work with Roma children, because the staff is lacking in Bosnia and Herzegovina.

Further, the Ombudsman Institution supports and takes measures within its competences to enable students to enjoy all the rights guaranteed by the Constitution of BiH, the international documents and laws governing this area and will also continue doing so in the following period.

-Take resolute measures to ensure that the possibilities of representation in municipal councils and assemblies laid down by law for persons belonging to national minorities are real and effective in practice; amend the provisions governing membership of the Roma Board and of the various Councils of National Minorities where necessary to ensure that they are transparent and duly representative.

From the Information Paper submitted by the Central Election Commission of Bosnia and Herzegovina:

Following the competences it has the Central Election Commission of Bosnia and Herzegovina informed us about the following:

Political participation of members of national minorities in the current situation in Bosnia and Herzegovina is institutionally regulated solely at the local level and in this regard, the following text will present relevant (current) statistics on the political participation of persons belonging to national minorities - **2012 local elections.**

Candidates and elected representatives of national minorities by political parties:

There were 98 candidates from national minorities and 17 of them were elected;

Elected representatives of national minorities:

A total of 29 candidates were elected in 17 local communities, including the Brcko District of Bosnia and Herzegovina;

Candidate statistics by age, sex, proponent (political party, independent candidate):

over 30 years, 136 candidates	elected candidates, over 30 years - 27
under 30 years, 13 candidates	elected candidates, under 30 - 2
male, 124 candidates	elected candidates, male - 24
female, 25 candidates	elected candidates, female - 5
independent candidates: 51	elected independent candidates - 12
political parties, 98 candidates	elected candidates, political parties - 17

Comparative statistics of 2008 and 2012 local elections show the following:

- 21 political parties had 72 candidates of national minorities in 2008 local elections 26 political parties had 98 candidates of national minorities in 2012 local elections;
- 25 candidates of national minorities on political parties' candidate lists won a seat in 2008 local elections while the number was significantly lower (17 candidates of national minorities won a seat) in 2012 local elections;
- candidates of national minorities on political parties' candidate lists won a seat in 32 municipalities in 2008 local elections while candidates of national minorities on political parties' candidate lists won a seat in 27 municipalities in 2012 local elections;
- Eight women candidates of national minorities on political parties' candidate lists won a seat in 2008 local elections while 5 women candidates of national minorities on political parties' candidate lists won a seat in 2012 local elections

In the last three years the Institution of Ombudsman received a number of complaints relating to the selection and operation of the Council of National Minorities of BiH and the Council of National Minorities of the Federation of BiH, as well as the formation of national minority councils in the cantons of the Federation.

Further, complaints involving the election of representatives of national minorities in municipal councils and municipal assemblies were lodged.

The Institution of Ombudsman has so far carefully considered the matter, but has not provided recommendations to the competent authorities. However, based on the information gathered so far the Ombudsman will review all reported cases and take appropriate action.

The authorities of Bosnia and Herzegovina recognized the importance and the formation, existence and activities of the Council (Council) for National Minorities of the Parliamentary Assembly of Bosnia and Herzegovina, the Serbian National Assembly of the Republic and the Federation of Bosnia and Herzegovina, the Association of National Minorities of the Republic of Serbian and registered associations national minorities in Bosnia and Herzegovina.

Some cantons have established councils of national minorities (Sarajevo and Tuzla Canton). In this sense, all levels of government provide financial, professional and administrative support and offices so that they can successfully play their advisory role and, thus, can be to improve the participation of national minorities of Bosnia and Herzegovina in all spheres of life.

Council of National Minorities of Bosnia and Herzegovina

The Parliamentary Assembly of Bosnia and Herzegovina issued the Decision on the Establishment of the Council of National Minorities of Bosnia and Herzegovina ("Official Gazette of BiH", no. 38/06, 93/08, 53/09) to establish the Council of National Minorities as a special advisory body of the Parliamentary Assembly of BiH and the Decision on Appointment of Members of the Council of National Minorities of BiH ("Official Gazette of BiH", No. 15/08) to appoint members of the Council of National Minorities of BiH.

Article 4, paragraph (1) of the Decision on the Establishment of the Council of National Minorities of Bosnia and Herzegovina determines that the Council of National Minorities

provides opinions, advice and suggestions to the Parliamentary Assembly on all matters relating to the rights, status and interests of national minorities in Bosnia and Herzegovina.

Further, Article 4, paragraph (2) of the Decision, the Council of National Minorities may delegate experts in constitutional committees of both Houses of the Parliamentary Assembly, the Joint Committee on Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum and Ethics and other committees and working bodies of the Parliamentary Assembly when they discuss the rights, status and interests of national minorities.

On 1 November 2011 the Parliamentary Assembly published a public call for nominations for the Council of National Minorities of Bosnia and Herzegovina (no. 03/6-50-1-12-4/11) and before the publication of official results members of the Council of National Minorities were:

1. Halil Bicaj (Albanian)
2. Jovanka Manžalović-Šalaka (Czech)
3. Tihomir Knežiček (Italian)
4. Jakob Finci (Jew)
5. Vasilija Ibrahimagić (Macedonian)
6. Nedžad Jusić (Roma)
7. Andrija Svatok (Ukrainian)
8. Iren Milivojević (Hungarian)
9. Darko Kovč (Polak)
10. Marija Grbić (Slovenian)
11. Hidajeta Redžić/Neđeljko Tomašević (Montenegrins)
12. Hakan Varan (Turk)

Meetings

During the reporting period, the lame duck members of the Council of National Minorities of BiH did not meet at all.

Activities of the Council of National Minorities

Members of the Council of National Minorities of BiH participated actively in the working groups for the development of the Strategy to Address Issues of National Minorities in Bosnia and Herzegovina.

Initial activities as well as tasks in the development of the Strategy are detailed in the Memorandum of Understanding between the OSCE Mission to BiH and the Ministry of Human Rights and Refugees, which was concluded in May 2011.

In order to coordinate the development of the Strategy, a steering committee was appointed and it reviewed the current situation of national minorities in Bosnia and Herzegovina and identified the key stakeholders involved in the development of the document.

Starting from the commitments, the Ministry of Human Rights and Refugees of BiH, the ministry in charge of cooperation with national minorities, together with the OSCE Mission to BiH, with the support from the Council of National Minorities of BiH and entities, launched its activities on development of the Strategy to Address Issues of National Minorities in BiH.

The common goal of these institutions and bodies is to provide comprehensive protection, preservation, development of and respect for ethnic, cultural, linguistic and religious identity of national minorities and to establish effective participation and representation of ethnic minorities in the state, entity and local levels of government in Bosnia and Herzegovina.

Six working groups (representatives of governmental and non-governmental sector) were appointed and their members include members of the Council of National Minorities of BiH. The working groups did not meet in the period September 2012 to September 2013 and members of the groups are as follows:

1. Working Group on Economic, Social and Cultural Rights, to which Darko Kovč was appointed,
2. Working Group for the Preservation and Development of Cultural Heritage of National Minorities, to which Marija Grbic he was appointed,
3. Working Group on Education of National Minorities, to which Vasilija Ibrahimagić he was appointed,
4. Working Group on Access of National Minorities to the Media and Information, to which Andrija Svatok was appointed. The Working Group has not had any activity, not even in the past,
5. Working Group on Political Participation of National Minorities, Civic and Political Rights, to which Neđeljko Tomasevic was appointed,
6. Working Group on Cross-Border Cooperation, to which Jovanka Manzalović Šalaka was appointed.

- The second term of the Council of National Minorities of Bosnia and Herzegovina

The second term of the Council of National Minorities of Bosnia and Herzegovina started on 18 September 2013 when the chairperson and two deputies were elected among the appointed members of the Council. Tihomir Knežiček (Italian) was appointed the chairman and Andrija Svatok (Ukrainian) and Nada Putica (Montenegrin) were appointed his deputies.

Article 6 of the Decision on the Establishment of the Council of National Minorities of Bosnia and Herzegovina ("Official Gazette of BiH", no. 38/06, 93/08, 53/09) determines that the structure, operation and other matters will be governed in a by-law to be adopted by the Council and approved by the Parliamentary Assembly of Bosnia and Herzegovina, within 60 days from the date of constitution of the Council.

Accordingly, at the 3rd meeting held on 8 November 2013 Council of National Minorities of Bosnia and Herzegovina unanimously adopted the draft Rules of Procedure of the Council of National Minorities in Bosnia and Herzegovina, which was sent for approval to the Parliamentary Assembly of BiH.

At the 58th session held on 12 May 2013 the House of Representatives of the Parliamentary Assembly of BiH and the House of Peoples of the Parliamentary Assembly of BiH at the 34th session held on 16 December 2013 approved the Rules of Procedure.

At the 4th meeting to be held at Friday, 27 December 2013, based on the approvals, the Council of National Minorities will adopt the Rules of Procedure of the Council of National Minorities of Bosnia and Herzegovina.

- Council of National Minorities of the Federation of Bosnia and Herzegovina

The 2013 Activity Report of the Council of National Minorities of the Federation of Bosnia and Herzegovina contains the following information:

Pursuant to the Law on the Protection of National Minorities of the Federation of Bosnia and Herzegovina ("Official Gazette of BiH", No. 56/08) and the Decision on the Establishment and Appointment of Members of the Council of National Minorities of the Federation of Bosnia and Herzegovina (hereinafter: FBiH CoNM), which was adopted by both Houses of Parliament of the FBiH ("Official Gazette of BiH", No. 79/09, 52/11, 80/11) and upon completion of the nomination and election procedures prescribed by the Ministry of Justice of the Federation, members of FBiH CoNM were appointed, which was confirmed by the House of Peoples and the House of Representatives of FBiH Parliament. The founding meeting of CoNM was held on 15 February 2010.

As in previous annual reports, regrettably, we must conclude that the problems which CoNM faces from the very beginning, relating to working conditions (provision of funds for the operation, settlement of travel expenses and remuneration of members and administrator of the FBiH CoNM and equipment: computer, Internet connection etc.) have not been resolved or are resolved very slowly. This fact, as stated in the previous reporting period, poses a serious obstacle to the effective operation and functioning of FBiH CoNM because ignoring these problems, which is what we draw attention of competent authorities to in our letters all the time, brings about a situation in which FBiH CoNM can hardly or with difficulties achieve its mission.

Regardless of all the difficulties and obstacles encountered, FBiH CoNM will continue with their activities. It is undeniable that it is the CoNMs at the state and entity levels that are crucial for the promotion and protection of rights of national minorities - the mission of which we will not give up.

However, drawing attention constantly to the problems in the previous period and constantly striving to resolve them have brought about some progress. A person was dedicated to perform administrative jobs and the administrator will keep minutes, help FBiH CoNM with operations and administer FBiH CoNM matters on the official website of FBiH Parliament. Funds for FBiH CoNM are appropriated in the 2013 Budget along with a budget code, but the appropriated funds were not spent because there was no reason for it. All necessary materials for 2013 (2013 Activity Plan, 2013 Financial Plan including debts from 2010, 2011 and 2012) were sent to relevant addresses in due course.

In 2013, despite the difficulties and problems in the functioning of FBiH Parliament, FBiH CoNM collaborated with the administrative committees of both Houses of Parliament of the FBiH. However, the decision on remuneration and travel expenses to be paid to members of FBiH CoNM was only partially implemented (the above-mentioned payment by the FBiH Parliament House of Representatives in February and April) and payments have not been made for December last year and the first months of this year at the time of this report. Travel expenses neither were nor reimbursed to members outside Sarajevo, either and more importantly funds for operation of FBiH CoNM (assistance by a lawyer about amending the FBiH Constitution etc.) were not paid although the administrative committees were asked in accordance with the approved budget for this year.

In 2013 FBiH CoNM had seven meetings: 23th (19/2), 24th (4/6), 25th (2/7), 26th (19/7), 27th (17/ 9) and 28th (5/11).

Despite the accumulated problems, almost all members of FBiH CoNM attended the meetings and made efforts and initiatives trying to contribute to improving the situation of national minorities in the Federation, within the given circumstances, and participates in numerous workshops, seminars and conferences organized by the governmental and non-governmental organizations and local and international organizations. Thus, FBiH CoNM members took part in the following:

- "The Social and Political Participation of National Minorities in Bosnia and Herzegovina" round table co-organized by the Council of National Minorities of Sarajevo Canton, the Delegation of the European Union and the Office of the Special Representative of the European Union - EUSR;
- "A Recommendation of the Expert Group - Recommendations for amendments to the Constitution of FBiH" Conference, organized by USAID and U.S. Embassy;
- "The Constitutional Protection and Political Participation of Citizens as Holders of Individual Rights" workshop organized by the European Research Centre (ERC), the International Centre for Media of Berlin and the Stability Pact for South Eastern Europe - Germany;
- "NGO Sector and Journalists" - " Constitutional Reforms at the State and Entity Levels" Interactive Workshop organized by the European Research Centre (ERC), the International Centre for Media of Berlin and the Stability Pact for South Eastern Europe - Germany;
- "Sector and Journalists" - "Census in BiH - Key Issues" Interactive Workshop organized by the European Research Centre (ERC);
- "Minorities and Media in the Western Balkans" Conference organized by Media Plan Institute;
- "Advancing Human Rights and Protection of Minorities in South East Europe" - "Cooperation and Coordination of Bodies Concerned with the Promotion and Protection of Rights of National Minorities in BiH" Conference organized by the Regional Joint Project of the European Union and the Council of Europe;
- "The Constitution of BiH as a Generator of Corruption" Public Debate organized by the European Research Centre (ERC);
- An expert working group had a meeting on: "The Constitutional Protection and Political Participation of Citizens as Holders of Individual Rights" organized by the European Research Centre (ERC);
- A visit to Central Election Commission by members of FBiH CoNM, Slavko Curic and Tomislav Krzyk;
- Tomislav Krzyk featured in a Human Rights Show at the Federation Radio.

Given the circumstances of the FBiH CoNM, it is difficult to speak of results as some repeatedly mentioned issues are still outstanding, the most difficult ones being comprehensive administrative support to the FBiH CoNM, providing funds for the work and payment of remuneration and travel expenses to members of FBiH CoNM, as earlier decided. At the same time, the fact that there were no funds to hire experts in relation to legal and financial issues prevented FBiH CoNM from adequately and fully participating in the FBiH Parliament and its houses and certain commissions.

- Council of National Minorities of Republika Srpska

The National Assembly of the Republika Srpska established the Council of National Minorities of the Republika Srpska as a special advisory body made up of members of national minorities. The Council of National Minorities has seventeen members.

The National Assembly elects the chairperson and members of the Council of National Minorities of the Republika Srpska from among candidates nominated by the Association of National Minorities of the Republika Srpska.

The Council of National Minorities of the Republika Srpska gives opinions and proposals to the National Assembly on all matters relating to the rights, status and interests of national minorities in the Republika Srpska.

The Council of National Minorities meets twice a year and when there is a need to consider a piece of legislation submitted to the National Assembly, concerning the rights of national minorities.

Decision number 01-558/11 dated 13 April 2011 appointed the following members of the Council of National Minorities of the Republika Srpska:

1. Vesna Temelkoska Vuković, Macedonian, Chairperson
2. Vladimir Blaha, Czech, Deputy Chairperson
3. Alenka Uduč, Slovak
4. Olga Karajica, Ukrainian
5. Saša Mašić, Roma
6. Franjo Rover, Italian
7. Dario Atijas, Jew
8. Danijel Kovč, Polak
9. Milimir Papović, Montenegrin
10. Laslo Tot Bojnik, Hungarian

- 2012 Report of the Council

In 2012 the Council held seven meetings in the following order:

03/02/2012	Fourth meeting
15/04/2012	Fifth meeting
04/05/2012	Sixth meeting
23/05/2012	Seventh meeting
09/07/2012	Eighth meeting
20/09/2012	Ninth meeting
07/11/2012	Tenth meeting

The meetings discussed the following issues:

- replacing term "Others" with term "national minorities" in the RS Constitution;
- participation of members of national minorities in local elections;
- violations of the rights of national minorities;
- active participation in making laws and regulations;

- participation in the development of strategies to address the rights of national minorities and 5 meetings to address this issue were held (05/03/2012, 03/05/2012, 15/05/2012, 01/06/2012, 25/06/2012)
- active participation of national minorities in the census commission consideration of the budget
- information of MPs about the Council of National Minorities

In order to implement activities, the Council of National Minorities held a number of meetings with representatives of legislative and executive authorities at all levels and with various representatives of international organizations and institutions.

- Roma Board within the Council of Ministers of BiH Bosnia and Herzegovina

The Roma Board within the Council of Ministers of Bosnia and Herzegovina plays a significant role in particular. It was established with the aim of improving the protection of Roma minority in BiH. The Roma Board has been an advisory and coordinating body of the Council of Ministers since 2002.

Members of Roma Board in the first term of Roma Board were appointed by the Council of Ministers in the Conclusion of the Council of Ministers at the 70th meeting held on 13 June 2002.

Members of Roma Board in the second term of Roma Board were appointed by the Council of Ministers in the Decision on the Appointment of the Roma Board within the Council of Ministers of Bosnia and Herzegovina at the 27th meeting of the Council of Ministers held in November 2007 ("Official Gazette" 99/07) for a term of four years.

Members of Roma Board in the third term of Roma Board were appointed by the Council of Ministers at the 20th meeting held on 18 September 2012 in the Decision on the Establishment of the Roma Board within the Council of Ministers and the Decision Appointing Members of the Roma Board ("Official Gazette" 85/12, 25 November 2012). The Decisions defined *inter alia* powers and competences of this body.

The Roma Board now consists of 22 members, 11 representatives of Roma and 11 representatives of institutions. One representative from outside the institutions of Bosnia and Herzegovina is proposed by each of the following: the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, the Ministry of Finance and Treasury of Bosnia and Herzegovina, the Ministry of Civil Affairs of Bosnia and Herzegovina, the Ministry of Security of Bosnia and Herzegovina, the Ministry of Justice of BiH Directorate for European Integration, the Employment Agency of Bosnia and Herzegovina and the Gender Equality Agency of Bosnia and Herzegovina. Further, one representative is nominated by each of the following: the Government of the Federation of Bosnia and Herzegovina, the Government of the Republika Srpska and the Government of the Brčko District of Bosnia and Herzegovina.

Board members are nominated on behalf of registered Roma associations on the principle one association-one voice by Roma associations, ensuring equal territorial representation: the Federation of Bosnia and Herzegovina nominates six members, one member on behalf of Roma associations duly registered in the Canton Sarajevo, Zenica-Doboj Canton, Una -Sana, Tuzla Canton, Central Bosnia Canton and Herzegovina-Neretva Canton, independently or in collaboration with the registered umbrella organization; the Republika Srpska nominates three

members, one member on behalf of Roma associations duly in the region of Banja Luka, Dobož or Bijeljina, independently or in collaboration with the registered umbrella organization; the Brčko District of Bosnia and Herzegovina, one member and one female member on behalf of the Roma Women Network.

The Roma Board has a mandate to discuss all relevant matters contained in the Roma Strategy of Bosnia and Herzegovina (“Official Gazette of BiH” 67/05) (hereinafter: the Strategy) and monitors the implementation and suggests activities with a view to efficiently implementing the Decade of Roma Inclusion, 2005-2015. Specifically, the Roma Board is in charge of:

- a) systemic monitoring of the implementation of the Action Plan for Bosnia and Herzegovina Roma in employment, housing and health care (hereinafter: Action Plan) and Revised Action Plan on the Educational Needs of Roma u BiH;
- b) designing the operational documents and proposing measures for the improvement of the Action Plan implementation;
- c) initiating, through its representatives, activities to ensure appropriation of funds in BiH and Entity institutions budgets for the implementation of the Action Plan;
- d) monitoring of spending of budgetary funds earmarked in the institutions of Bosnia and Herzegovina and Entities for the implementation of the Action Plan;
- e) making contacts with potential donors and stakeholders to raise funds for the implementation of the Action Plan;
- f) in order to make valid opinions, conclusions and recommendations, the Roma Board can establish, in accordance with its budget, permanent or temporary committees and thematic expert groups, particularly in the implementation of the Action Plan;
- g) in a by-law, shall define a monitoring system of the implementation of planned activities for the Roma in Bosnia and Herzegovina and monitor the methodology of spending of donors' and budgetary funds appropriated for the implementation of the Action Plan.

The Joint Commission is governed by the Rules of Procedure of the Roma Board within the Council of Ministers. The Board considers materials and documents within the scope of their work and makes conclusions and recommendations and give opinions on matters of importance for the Roma population in Bosnia and Herzegovina. The Roma Board is managed by the chairperson who chairs its meetings and represents it before bodies and institutions of the BiH government and the public.

The conclusions, recommendations and opinions on the issues discussed at the meeting that the Committee adopts are adopted by a majority vote of members present.

Administrative and technical assistance is provided by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, and, as required, by other authorities responsible for matters contained in the Strategy and Action Plan.

In the previous period, the Roma Board within the Council of Ministers addressed, *inter alia*, the following respects:

- designing and adoption of the Rules of Procedure.
- Types of grants/assistance to Roma NGO sector in 2012.

- Revision of the Roma Action Plan of Bosnia and Herzegovina in Employment, Housing and Health Care.
- The proposed budget and budget items for the allocation of funds to the Roma Board.
- Types of grants/ assistance to Roma NGO sector in 2013.
- 2013 Activity Plan of the Roma Board.
- Transparency of the Roma Board within the Council of Ministers.
- Initiative for the appointment of the National Roma Coordinator of BiH.
- Information of relevant institutions responsible for the implementation of the census about the specific position of the Roma population.
- Revision of the Roma Strategy.
- Raising funds to finance the Roma Board within the Council of Ministers.
- Participation in the Commission for the 2013 Selection of Roma Housing Projects through an observer on behalf of the Roma Board within the Council of Ministers.
- Designing the 2014-2016 Strategic Plan for the Roma Board within the Council of Ministers.

In addition to these activities, 2014-2016 the Council of Ministers dealt with other activities that were related to various initiatives that were made on behalf of Roma NGOs, which were partly implemented, depending on the competences of the Roma Board within the Council of Ministers.

- An overview of achievements:

In the reporting period, the Roma Board within the Council of Ministers had nine meetings and performed specific operational activities achieving the following:

- The Rules of Procedure of the Roma Board within the Council of Ministers were designed and adopted.
- The decision on the allocation of grants/assistance to Roma NGO sector in 2012 was issued.
- Roma representatives were appointed to the working groups for the revision of the Action Plan (housing, employment and health care) and an expert team for monitoring the implementation of the Revised Plan on the Educational Needs of Roma.
- The proposed budget and budget items for the allocation of funds to the Roma Board was made.
- The criteria for spending of grants/assistance on Roma NGO sector in 2013. They also developed guidelines for applicants and a new application form. The Guidelines also included a project proposal evaluation Table and for the first time a public invitation was published transparently.
- The 2013 Activity Plan of the Roma Board within the Council of Ministers was adopted.
- The web site of the Roma Board within the Council of Ministers was developed within the website of the Ministry of Human Rights and Refugees.
- The Decision of the Council of Ministers issued at the 57th meeting held on the 17th July 2013 appointed Damir Ljubic, the Minister of Human Rights and Refugees, the National Roma Coordinator of BiH in the period 2013-2015.
- Meetings were held with the directors and the director of the Agency for Statistics of BiH and Entity institutes and institutions of Statistics. The census form was translated into Romani.

- A revision of the Roma Strategy was initiated but the revision was to be done after the exact numbers of Roma known from the 2013 census 2013.
- A meeting with the Minister of Human Rights and Refugees, Damir Ljubic, where the representatives of the Roma Board within the Council of Ministers received a promise to find out special funds to fund the Roma Board within the Council of Ministers.
- An initiative was given for an increase in funding of the Roma Board within the Council of Ministers in accordance with the expected monitoring activities of the revised Action Plan of BiH which is due to be implemented in 2014 .
- A draft of the Strategic Plan of the Roma Board within the Council of Ministers for the period 2014-2016 that will be elaborated and adopted at the next meeting.

- Tasks to carry out:

In the coming period, the Roma Board within the Council of Ministers will have two main tasks to carry out:

1. Providing support to state institutions during the presidency of the Steering Committee of the Decade of Roma Inclusion in the period July 2014 - June 2015 and
2. Monitoring activities envisaged in the Revised Action Plan for Solving Problems of Roma in Employment, Housing and Health Care.

In addition to these core activities, in 2014 the Roma Board within the Council of Ministers of BiH should adopt a strategic plan for the Roma Board within the Council of Ministers for the period 2014-2016, then design and adopt a plan for monitoring the Revised Action Plan for Solving Problems of Roma in Employment, Housing and Health Care and the Revised Action Plan for Educational Needs of Roma of BiH and work on the revision of the BiH Roma Strategy.

The above-cited activities will mostly depend on whether the state will find a way to appropriate funds for the Roma Board within the Council of Ministers, either as a separate budget item within the 2014 budget or from funds appropriated in 2014 budget for the implementation of the Action Plan for Solving Problems of Roma.