

**VOIVODINA CENTER FOR HUMAN RIGHTS  
(VHRC)**

**VOIVODINA/ SERBIA**

**Alternative Report submitted pursuant to Article 25 Paragraph 1 of the  
Framework Convention for the Protection of National Minorities**

**September, 2007**

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The basic idea of the Voivodina Center for Human Rights<sup>1</sup> in drawing up the Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities<sup>2</sup> was directly to include in its compiling representatives of national minorities<sup>3</sup>, national councils of national minorities, NGO representatives and experts dealing with this issue, for the purpose of obtaining a more objective presentation of the position of minority communities. In view of this, the report represents a synthesis of the individual reports of the following protagonists:

Experts:

- Prof. Marijana Pajvančić, Ph.D. (Analysis of the constitutional and legal framework for national minority rights)
- Prof. Saša Kicošev, Ph.D. (Demographic data)
- Dubravka Valić-Nedeljković, Ph.D. (Media)
- Aleksandra Vujić, M.A. (The synthesis of all reports, a review on the Opinion of the Advisory Committee and the Resolution of the Committee of Ministers on the first State Report).
- Janoš Oros (Official use of the language and script)
- Stanislava Pribiš (Education)

Organizations:

1. Voivodina Center for Human Rights
2. National Council of the Hungarian national minority
3. National Council of the Romanian national minority
4. National Council of the Slovak national minority
5. National Council of the Ruthenian national minority
6. National Council of the Roma national minority
7. National Council of the Macedonian national minority
8. National Council of the Bunjevac national minority
9. Croatian Cultural and Educational Society «Matija Gubec»
10. Croatian Cultural and Educational Society «Tomislav»
11. Roma Educational Center
12. Radio Sunce – Voice of Southern Banat, Bela Crkva
13. Society of Slovenians “Kredarica”, Novi Sad
14. German Association “Donau”, Novi Sad

The normative part of the report does not contain a detailed analysis of the provisions of the *new Constitution*, since it will be dealt with in the state report. The *Law on the Protection of the Rights and Liberties of National Minorities*<sup>3</sup> is not mentioned either, as its analysis is given in the first Alternative Report on the implementation of the *FCNM* in the Autonomous Province of Vojvodina<sup>4</sup>.

The normative part of the report presents only the legislative solutions that were not mentioned in the first alternative report of the VCHR, i.e. those that are inconsistent, contradictory and create problems in their practical implementation.

Apart from the parts of the Report that directly concern APV, the rest refers to the entire territory of the Republic of Serbia.

The stands and opinions of VCHR are reflected only in the parts of the report written by this organization.

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<sup>1</sup> Referred to herein as: VCHR

<sup>2</sup> Referred to hereinafter as: FCNM

<sup>3</sup> Referred to hereinafter as: LPRLNM

<sup>4</sup> Referred to herein as: APV

## INTRODUCTION

Since the first State Report on the implementation of the *FCNM* on the territory of what was then the Federal Republic of Yugoslavia was written, the normative framework has considerably changed. The Constitution of FR Yugoslavia ceased to be valid with the adoption of the *Constitutional Charter of the state union of Serbia and Montenegro*<sup>5</sup>, while the disintegration of the state union also marked an end to the validity of the *CCSU S-M* and the *Charter on Human and Minority Rights and Civil Freedoms*<sup>6</sup>.

The changes that occurred in the period which this report refers to, and which are of importance for the realization of the rights of persons belonging to national minorities concern several crucial issues:

Montenegro's separation from the State Union of Serbia and Montenegro, in May 2006, had an impact on this sphere as well. The Federal Ministry of Human and Minority Rights ceased to exist, while this ministry's duties in Serbia were transferred onto the Service of Human and Minority Rights, which does not have the status of a ministry.

*LPRLNM* has been taken over from the federal level and is now being applied in Serbia. In this sense, the law has not been innovated nor have the lacking provisions been added. At the moment, Montenegrins in Serbia also have the status of a national minority.

The National Assembly of Serbia adopted the new *Constitution*<sup>7</sup> in October 2006. Persons belonging to national minorities and their organizations (political parties, national councils of national minorities) did not participate in the drafting of the new *Constitution*, no matter what they publicly drew attention to. In view of the manner in which the *Constitution* was adopted, and which the Venice Commission had objections to (it was prepared and adopted in only a few weeks; the public was not informed about the constitutional process; there was no public debate; the text of the *Constitution* was distributed to the members of parliament at the session at which the *Constitution* was adopted; there was no debate in the Assembly), the citizens' were not enabled to participate in the process of its adoption, nor was it possible for representatives of national minorities to participate.

The Decision<sup>8</sup> on the Provincial ombudsman in APV was adopted in 2002. This act establishes a new institution in APV within the system of the protection of human and minority rights. According to this regulation, the Provincial ombudsman has five deputies, three of whom are specialized in certain fields of human rights (national minority rights, the rights of the child and gender equality). The choice of the Provincial ombudsman and his deputies was made in 2003. The Provincial ombudsman regularly presents his report on the state of human and minority rights to the Assembly of the autonomous province once a year.<sup>9</sup>

The National Assembly of the Republic of Serbia adopted the *Law on the Protector of Citizens' Rights* in 2005<sup>10</sup>, but it was only two years after the Law was adopted<sup>11</sup> that the protector of citizens' rights (ombudsman) was elected. The law does not envisage the election of a special deputy for the rights of national minorities or any other deputy with specialized competencies.

<sup>5</sup> Official Gazette of Serbia and Montenegro, no. 1/2003, referred to herein as: CCSU S-M

<sup>6</sup> Referred to herein as: CHMRCE

<sup>7</sup> The New Constitution of Serbia was adopted at a constitutional referendum held on October 28 and 29, 2006, and it was proclaimed by the Serbian National Assembly on November 8, 2006. The part of the Constitution pertaining to human rights guarantees is entitled "Human and Minority Rights; referred to herein as the New Constitution.

<sup>8</sup> 'Decision' is the name of the highest legal act which the APV Assembly adopts within its competencies. A Decision regulates issues within the APV's competencies, and which are defined by the Constitution, the Law determining the competencies of the autonomous province and the APV Statute.

<sup>9</sup> In this report, the assessments and remarks presented in the report of the provincial ombudsman, especially of the deputy for national minority rights, will be repeated, but we do refer the readers to this report as a relevant source of information about the realization of the rights of national minorities. See WWW. ombudsman-apv.org.yu.

<sup>10</sup> Official Gazette of the Republic of Serbia no.. 79/2005.

<sup>11</sup> On June 29, 2007, even though the law stipulates that the election of the Ombudsman must be made within 6 months from the day the law comes into force, while his deputies must be elected within 3 months from the day the Ombudsman assumes office.

For the first time, the legislation includes special measures<sup>12</sup> whose goal would be to enable the realization of the right of national minorities to representation in assemblies.

After the adoption of the *Law on Determining the Competencies of the Autonomous Province*<sup>13</sup>, the APV adopted, within its competencies, a number of regulations – decisions regulating in greater detail the rights of persons belonging to national minorities<sup>14</sup>.

As part of the observance of the Decade of Roma, a number of special activities aimed at improving the position of the Roma have been initiated:

- The Republic of Serbia signed the Declaration on joining the Decade of Roma in 2005.
- Strategy for the integration and empowerment of the Roma was drawn up.
- Action plans for the integration of the Roma were drawn up (in the fields of education, employment, health care and housing) which the Government of the Republic of Serbia adopted.
- Strategy envisages the opening of an Office for Roma issues.
- Office for Roma Inclusion has been opened at the provincial level<sup>15</sup>

In the legal system, the *Decision on gender equality*<sup>16</sup>, adopted by the APV Assembly in 2004, recognizes for the first time multifold discrimination. This regulation lays special emphasis on measures that need to be taken in the educational system, starting from primary school education, so as to overcome the multifold discrimination of Roma women in the educational process.

#### **Constitutional framework of national minority rights**

Among the general principles defining the framework for guaranteeing human and minority rights the *new Constitution of Serbia* mentions:

- The direct implementation of the rights guaranteed by the Constitution.
- Defines the purpose of the constitutional human rights guarantees.
- Sets the criteria for the limitation of human rights.
- Explicitly bans discrimination.
- Defines the non-discriminating nature of special measures being taken for the purpose eliminating discrimination.
- Guarantees the protection of human and minority rights.

The principled provisions on human and minority rights also include the general constitutional norm banning discrimination. The essence of the norm banning discrimination is to ensure the basic preconditions for all the other human rights guaranteed by the *Constitution* to be realized under equal conditions.

In line with international standards, the *Constitution* explicitly bans every form of direct or indirect discrimination for any reason and due to any personal characteristic of an individual, among which national affiliation is explicitly stated.<sup>17</sup>

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<sup>12</sup> Related to the term “affirmative measures”

<sup>13</sup> "Official Gazette of RS ", no. 6/2002

<sup>14</sup> For example, the Decision on regulating in greater detail certain issues concerning the official use of the languages and scripts of national minorities on the territory of APV; the Decision on multi-lingual forms for birth certificates and the manner of filling them out; the Decision on examinations in foreign languages or national minority languages for working in bodies of administration and so on.

<sup>15</sup> It started working in October 2005, and under the Decision on the opening of the Office for Roma Inclusion (May 23, 2006) it became the only institutional body in APV dealing with Roma issues and being financed from the APV budget.

<sup>16</sup> "Official Gazette of AP Vojvodina", no. 14/2004

<sup>17</sup> Article 21 of the Constitution.

A novelty are the constitutional provisions on forms of discrimination (direct and indirect), as well as provisions on special measures, the point of which is to change the circumstances that hinder the realization of the full equality of persons who are in an unequal position vis-à-vis other citizens. Special measures represent an instrument with which the state also conducts a policy of equal possibilities, alleviates and eliminates actual inequality. According to an explicit constitutional provision, special measures taken for the purpose of eliminating actual inequality are not considered discrimination<sup>18</sup>. Special measures place in a more favorable position persons or groups of persons who are in an actual unequal position vis-à-vis others.

Due to the importance of formal equality for the position of an individual in a state as a political community, and as it lays the foundations of equality and guarantees the equal treatment of every individual before state bodies, the Constitution especially guarantees the equality of everyone before the Constitution and law, as well as the right of everyone to equal legal protection without discrimination.

*Direct implementation of the constitutionally guaranteed rights and freedoms<sup>19</sup>.*

A court or another law enforcing body can directly refer to the *Constitution* and directly apply the constitutional principle in a concrete case.

International legal sources on human and minority rights are directly applied and a body deciding on someone's right can directly refer to them.

The *New Constitution* no longer offers supremacy to accepted international agreements, but rather places them in a subordinated position vis-à-vis *the Constitution of the Republic of Serbia<sup>20</sup>*. It is the Constitutional Court that decides on whether or not international agreements are in harmony with the *Constitution<sup>21</sup>*.

The lawmaker's competencies in the sphere of human rights are restricted. He can prescribe procedural and executive rules, but not norms that would encroach upon the essence of the rights. Only the *Constitution* can regulate the essence of human rights or freedoms.

*The Constitution* prescribes the basic principles and criteria that legitimize the *limitation of human and minority rights<sup>22</sup>*. Limitations are possible only if the *Constitution* allows it, only for the purposes which the *Constitution* permits and within the scope defined by the *Constitution*. The limitation must be reduced to a minimum which satisfies the purpose for which the *Constitution* allows a limitation of rights.

It prescribes the obligations regarding the conduct of state bodies, especially courts, when deciding on the limitation of rights. Bodies of state authority must pay attention to:

- the essence of the right being limited
- the importance of the purpose for which the right is being limited
- the scope and nature of the limitation
- the relation between the limitation and the purpose for which a right is being limited
- the possibility of achieving the purpose of the limitation with a smaller limitation of rights as well.

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<sup>18</sup> Article 21, paragraph 3 of the Constitution.

<sup>19</sup> Article 18 of the Constitution.

<sup>20</sup> Article 16, paragraph 2, of the Constitution

<sup>21</sup> Article 167, paragraph 1, point 2 of the Constitution and the note accompanying the First Report of the Federal Republic of Yugoslavia, 2002, Part II of the General Information, point 4: Status of international law

<sup>22</sup> Article 20 of the Constitution.

*The Constitution* explicitly guarantees the protection of the status of freedoms and rights that are already being effectively used. This is the constitutional principle according to which the achieved level of human and minority rights cannot be reduced<sup>23</sup>, this representing a novelty in the Serbian constitutional system.

The general provisions on human and minority rights also include provisions guaranteeing *the right to the protection of human rights*<sup>24</sup>. These guarantees include the protection of human rights in domestic law. *The Constitution* guarantees the right to primary protection before courts in case a right or freedom is violated or denied, including the right to having the consequences of the violation of rights eliminated.

A novelty in the constitutional system are guarantees of the right to legal protection before international institutions<sup>25</sup>, as well as guarantees of the right to the direct protection of human rights before the Constitutional Court and the establishment of constitutional appeal as a special legal instrument for the direct constitutional-judicial protection of human rights<sup>26</sup>.

*The rights and freedoms of persons belonging to national minorities* have been systematized in a separate paragraph in the part of the *Constitution* regulating human and minority rights<sup>27</sup>. Persons belonging to national minorities enjoy all the human rights and freedoms guaranteed by the Constitution, but they also enjoy certain special rights and have special guarantees.

Within the general provisions on human rights, several provisions directly refer to the rights of national minorities:

- *The freedom to express one's national affiliation* is guaranteed and the obligation of a citizen to declare his/her national affiliation is explicitly annulled<sup>28</sup>. The freedom of expressing one's national affiliation, as well as the ban on provoking national, racial and religious hatred belong to the group of absolutely protected rights and they cannot be deviated from in wartime or during a state of emergency.
- *The Constitution* envisages the possibility of taking measures in education, culture and information, with these measures being directed towards *stimulating and respecting differences*, including differences regarding the national or ethnic identity of citizens<sup>29</sup>.
- *Every form of discrimination* and the provocation and stimulation of inequality, hatred and intolerance on a national basis *are banned*<sup>30</sup>.

The chapter on special rights of national minorities<sup>31</sup> defines the basic principles on which the rights of persons belonging to national minorities rest. Persons belonging to national minorities are guaranteed individual or collective rights in line with international agreements<sup>32</sup>.

*The Constitution* defines the nature of collective rights through which persons belonging to national minorities participate in decision-making or decide themselves on issues concerning culture, education, information and the official use of the language and script. Persons belonging to national minorities realize these rights in line with the law regulating the manner of their realization.

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<sup>23</sup> Article 20, paragraph 3, of the Constitution.

<sup>24</sup> Article 22 of the Constitution.

<sup>25</sup> Article 22, paragraph 2 of the Constitution.

<sup>26</sup> Article 170 of the Constitution.

<sup>27</sup> Point 3, Part II of the Constitution, articles 75 – 82 of the Constitution.

<sup>28</sup> Article 47 of the Constitution.

<sup>29</sup> Article 48 of the Constitution.

<sup>30</sup> Article 49 of the Constitution.

<sup>31</sup> Point 3, Part II of the Constitution, articles 75 – 82 of the Constitution.

<sup>32</sup> Article 75 of the Constitution.

Guarantees of special rights of persons belonging to national minorities include a number of specific rights:

- *The ban on discrimination, equality before the law and equal legal protection*<sup>33</sup> are also explicitly guaranteed within the special rights of persons belonging to national minorities. Apart from these guarantees, the *Constitution* also envisages the possibility of taking special measures or adopting special regulations for the purpose of eliminating actual inequality and achieving the full equality of persons belonging to national minorities in the economic, social, cultural and political sense.
- *The ban on forcible assimilation*<sup>34</sup>, as well as the protection of persons belonging to national minorities from any activity directed towards their forcible assimilation, including the ban on taking measures that would artificially change the national composition of the population in areas traditionally inhabited by a large number of persons belonging to national minorities.
- *The right to equality in conducting public affairs*<sup>35</sup> under equal conditions, as well as the right to hold public positions. Furthermore, the *Constitution* prescribes that attention be paid to the adequate representation of national minorities when employing persons in state bodies, public services, bodies of the autonomous provinces, cities and municipalities, in environments where national minorities live. The *Constitution* did not directly determine sanctions for the violation of this obligation and the manner of its realization, nor did it envisage the possibility of this being regulated by the law.

*The right to the preservation of particularity*<sup>36</sup> includes a number of special rights whose essence is to provide guarantees for the preservation of the national identity of persons belonging to national minorities. The *Constitution* lists the rights referring to the preservation of particularity which include:

- the right to the expression, preservation, cherishing, development and public expression of national, ethnic, cultural and religious particularity;
- the right to the use of one's own symbols in public places;
- the right to the use of one's own language and script;
- the right to have state bodies, organizations performing public functions, bodies of autonomous provinces and units of local self-government conduct procedures in their language in environments where they form a considerable part of the population;
- the right to be educated in their own languages at institutions financed by the state or the autonomous province and the right to open private educational institutions;
- the right to use their name and surname in their own language;
- the right to have traditional local names, names of streets, settlements and topographic signs be written in their language, as well in environments where they form a considerable part of the population;
- the right to receive full, timely and unbiased information in their own language, including the right to express, receive, send and exchange information and ideas;
- the right to establish educational and cultural associations which they finance on a voluntary basis, as well as the right to open mass media, in line with the law;

The right to *unhindered ties and cooperation with fellow nationals*<sup>37</sup> outside Serbia is especially guaranteed.

*The New Constitution* does not determine the competencies of APV, nor does it expand APV's self-government. On the contrary, it states that the citizens can abolish the present autonomous

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<sup>33</sup> Article 76 of the Constitution.

<sup>34</sup> Article 78 of the Constitution.

<sup>35</sup> Article 77 of the Constitution.

<sup>36</sup> Article 79 of the Constitution.

<sup>37</sup> Article 80 of the Constitution.

provinces at a referendum (article 182, paragraph 3). Since the national composition of APV has already been considerably altered (according to the 2002 population census, the Serbs comprise 64% of the population) and as a new inflow of displaced persons from Kosovo and Metohija is possible in the future, the survival of APV as an autonomous province is being called into question<sup>38</sup>.

APV has very few regulations, since the income originally created in it is not sufficient for regulating the relations, which it is authorized to regulate under the law, in a different manner with the provision of the funds necessary for their implementation.

#### **Legal framework for the rights of persons belonging to national minorities**

The rights of persons belonging to national minorities are regulated by a separate law. *LPRLNM* was adopted at the level of the Federal Republic of Yugoslavia<sup>39</sup>, with international and especially European standards<sup>40</sup> being respected. After the disintegration of the state union of Serbia and Montenegro, *the LPRLNM* is being implemented in Serbia. Since this was a federal law that contained only the general framework for the rights of national minorities, there are difficulties in its implementation, since many institutes require a more specific definition.

Even though the *LPRLNM* stipulates that the election and competencies of the councils of national minorities are to be regulated by the law, such a law has still not been adopted. The election of the council is regulated by a bylaw (decree) even though this is contrary to provisions of the law.

*The Law on the Establishment of Certain Competencies of the Autonomous Province*<sup>41</sup> regulates in greater detail the competencies of APV in regard to the realization of the rights and freedoms of persons belonging to national minorities.

*The Law on Local Self-government*<sup>42</sup> enables the formation of special bodies at the local level – councils for inter-ethnic relations in nationally mixed municipalities. The main competency of the council for inter-ethnic relations in municipalities is to discuss issues concerning the realization, protection and promotion of national equality in local communities, as well as to institute proceedings before the Constitutional Court for assessing the constitutionality and legality of regulations adopted by the local community, if it considers that they “directly violate the rights of national and ethnic communities”.

*The Law on the Election of Members of Parliament*<sup>43</sup> has been innovated. Special measures have been introduced into the electoral legislation for the first time.

*The Broadcasting Law*<sup>44</sup> and *Public Information Law*<sup>45</sup> have been adopted.

*The Law on the Foundations of the System of Education and Upbringing*<sup>46</sup> has been adopted.

<sup>38</sup> The note accompanying the First Report of the Federal Republic of Yugoslavia, 2002, Part II New Minority Policy, point 1.4

<sup>39</sup> February 27, 2001

<sup>40</sup> See more about the positive assessments of the legislative solutions by S. Sannino, the OSCE mission chief in Yugoslavia, R. Ekeus, the OSCE High Commissioner for National Minorities, as well as A. Kasof and A. Georgiev, chairman and coordinator of the Project on Ethnic Relations of Princeton University, and also the Statement of the Hungarian Ministry of Foreign Affairs, in the Bulletin of the Federal Ministry of National and Ethnic Communities, no. 6/March 2002, pp. 2 and 3.

<sup>41</sup> Official Gazette of the Republic of Serbia no. 6 of February 7, 2002

<sup>42</sup> Official Gazette of the Republic of Serbia no. 9 of February 26, 2002, referred to herein as: LLSG

<sup>43</sup> "Official Gazette of RS", no. 35/2000, 57/2003 – decision of the CCRS, 72/2003 – other law, 75/2003 – correction of other law, 18/2004, 101/2005 – other law and 85/2005 – other law

<sup>44</sup> "Official Gazette of RS", no. 42/2002, 97/2004, 76/2005, 79/2005 – other law, 62/2006, 85/2006 and 86/2006 – correction, referred to herein as: BLW

<sup>45</sup> "Official Gazette of RS", no. 43/2003 and 61/2005, referred to herein as PIL

<sup>46</sup> Official Gazette of RS, no. 62/2003, 64/2003, 58/2004, 79/2005, 101/2005, referred to herein as: LBSEU



Among *anti-discriminatory laws* so far only one has been adopted in Serbia – the one referring to persons with disabilities, while the *LPRLNM* has been taken over from the federal level. A general anti-discriminatory law has not been adopted, nor have certain specific laws been passed.<sup>47</sup>

#### **National Council of the Hungarian national minority**

Observing the legislative framework for the protection of national minority rights in Serbia we can conclude that the level of the protection of national minority rights guaranteed by domestic regulations is at an enviable level and that it often exceeds the obligatory framework of protection required by international standards. However, in view of the difficulties that occur in the implementation of these regulations, mostly due to the lack of funds that are to accompany the implementation of the guaranteed rights, it is often concluded that the regulations on the protection of national minorities in Serbia primarily serve as a decoration in the process of drawing closer to European institutions.

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#### **Information about ethnic groups in Vojvodina<sup>48</sup>**

##### **Voivodina Center for Human Rights**

The ethnically heterogeneous Republic of Serbia, with the non-Serb population accounting for 16.1% and with 24 minority groups, is characterized by the unequal distribution of ethnic groups: the population of APV consists of 65.05% of Serbs and 34.95% of ethnic minorities, while central Serbia is almost ethnically homogenous, with 89.48% of Serbs and 10.52% of minorities. Out of this number, Albanians, Hungarians and Bosniaks account for 6.5% of the population, i.e. more than half of the overall minority population.

If one compares the data from the population censuses in 1991 and 2002, one notices an increase in the share of Serbs by 2.5% and a drop in the number of members of other ethnic communities. One of the main reasons for such a growth is the arrival of refugees and IDPs from former Yugoslav republics and from Kosovo.

**Table 1: The ethnic composition of the population in central Serbia and APV according to the 1991 and 2002 censuses**

Ethnic group	Centralna Serbia		Voivodina	
	1991.	2002.	1991.	2002.
<b>Serbs</b>	5108682	4891031	1143723	1321807
<b>Montenegrins</b>	74096	33536	44838	35513
<b>Yugoslavs</b>	145873	30840	174295	49881
<b>Albanians</b>	12850 <sup>49</sup>	59952	2556	1695
<b>Askali</b>	-	413	-	171
<b>Bosniaks</b>	-	135670	-	417
<b>Bulgarians</b>	24335	18839	2363	1658
<b>Bunjevacs</b>	- <sup>50</sup>	246	21434	19766
<b>Vlachs</b>	17672	39953	132	101
<b>Goranci</b>	-	3975	-	606
<b>Greeks</b>	468	352	483	220
<b>Egyptians</b>	-	685	-	129
<b>Jews</b>	632	706	513	452

<sup>47</sup> For example, the Law on Gender Equality which, among other things, also prescribes sanctions for forms of multifold gender and national discrimination. It was sent into assembly procedure two years ago, but, at the request of the Ministry of State Administration and Local Self-government, it was withdrawn from procedure with the explanation that the measures of positive action were not in line with the Serbian Constitution valid at the time(1990).

<sup>48</sup> The presented data are an addition to the previous Alternative Report and contain information about ethnic groups which were not included in the first monitoring cycle.

<sup>49</sup> Since the Albanians in southern Serbia boycotted the census, only their number was registered. The official estimation of the RS Institute for Statistics is, that their number at the time of the 1991 census was 75725.

<sup>50</sup> Bunjevacs and Sokac were censused on the territory of APV only.

<b>Hungarians</b>	4309	3092	339491	290207
<b>Macedonians</b>	27596	14062	17472	11785
<b>Muslims</b>	174176 <sup>51</sup>	15869	5851	3634
<b>Germans</b>	1299	747	3873	3154
<b>Poles</b>	679	-	669	-
<b>Roma</b>	69972	79136	24366	29057
<b>Romanians</b>	3507	4157	38809	30419
<b>Russians</b>	1454	1648	1019	940
<b>Ruthenians</b>	400	279	17652	15626
<b>Slovaks</b>	3227	2384	63545	56637
<b>Slovenians</b>	5271	3099	2730	2005
<b>Turks</b>	603	385	187	137
<b>Ukrainians</b>	477	719	4565	4635
<b>Croats</b>	22536	14056	74808	56546
<b>Cincari</b>	-	248	-	45
<b>Czechs</b>	923	563	1844	1648
<b>Šokci</b>	-	38	1783	679
<b>Others</b>	4551	3573	1465	3478
<b>Non-declared, undecided</b>	5291	52716	5427	55016
<b>Regional affiliation</b>	2338	1331	2503	10154
<b>Unknown</b>	32465	51709	15493	23774
<b>TOTAL</b>	<b>5745682<sup>52</sup></b>	<b>5466009</b>	<b>2013889</b>	<b>203199</b> 2

### **Bunjevacs/Croats**

#### **Voivodina Center for Human Rights**

The Bunjevacs are an autochthonous Voivodina population, on whose origin, i.e. ethno-genesis there are numerous opposing opinions. Throughout the period of Austro-Hungarian domination, the Catholic Slavic population in northern Bačka declared itself as Bunjevacs. For example, according to the latest Hungarian population census in 1910, in Subotica there were only 39 Croats and a large group of “others”, 33,390 of them (in the census they are marked by a footnote «Bunjevacs, Šokac and Dalmatians» since it was the stand of the then Hungarian politics towards minorities).

After World War I, they started declaring themselves as Croats. One of the reasons for this was the fact that the censuses did not offer the option «Bunjevacs». It was not reintroduced into the population census before 1971. At the beginning, their number was symbolic, only for their numerical size to experience a steep rise in time, especially after the outbreak of the Serbo-Croatian conflict at the beginning of the 1990s.

### **Macedonians**

#### **National Council of the Macedonian National Minority**

The Macedonians mostly represent a population that was settled after World War II from poor regions of Macedonia. According to the results of the latest population census, there are 25,847 members of the Macedonian community living in the Republic of Serbia, out of whom 14,062 (54.5%) live in central Serbia and 11,785 (45.5%) in the APV. They are dispersed throughout the territory of Serbia. The largest number of them live in Belgrade (8372 persons), the municipality of Pančevo (5276), Plandište (1297) and in Novi Sad (1144). Compared to the total number of inhabitants in local communities, the Macedonians do not constitute a majority anywhere. According to unofficial statistical data, their number in Serbia ranges between 120,000 and 150,000.

According to the results of the latest population census, out of the total number of persons belonging to the Macedonian national minority (25,847), the number of those whose mother tongue is Macedonian is 14,355, which points to the fact that the Macedonian language has not been used for a long number of years.

<sup>51</sup> Estimated number of Muslims was 174.371.

<sup>52</sup> Estimate total number of citizens in central Serbia was 580.8906.

The Macedonians settled in Serbia:

- spontaneously: by arriving as “migrant workers” and later bringing their families, by coming for educational purposes and by finding employment in larger Serbian cities (Belgrade, Kragujevac Niš and others) and through the settling of families in the period between 1946 and 1991.
- in an organized manner: organized settling by the Socialist Federal Republic of Yugoslavia<sup>53</sup> in the period after World War II, between 1946 and 1947, when 2000 families were moved, with the average number of family members being 5.8, which is 11,600 inhabitants. They mostly settled in municipalities of the southern Banat district (Pančevo, Plandište and Vršac).

After the disintegration of the SFRY, from a constitutive nation the Macedonians became a national minority. Even though they cherished their tradition, folklore, culture, education and language in the 1970s, eventually some of the specificities became lost and they speedily started assimilating. With the democratic forces’ assumption of power in Serbia, the signing of an inter-state agreement on the protection of the Serb minority in Macedonia and the Macedonian minority in Serbia, and the establishment of the National Council of the Macedonian national minority<sup>54</sup>, persons belonging to this minority started undertaking resolute steps towards preserving their identity.

### **Ukrainians**

#### **Voivodina Center for Human Rights**

A people created with the division of the once unified Ruthenian ethnic body and one part of people emigrated from Ukraine by the end of 19<sup>th</sup> century. Their numerical size can be followed only through the last few population censuses. Territorially, almost all of them are concentrated in Bačka (Kula, Vrbas) and Srem (Sremska Mitrovica).

### **Askali and Egyptians**

#### **Voivodina Center for Human Rights**

In the latest population census held in 2002, Askali and Egyptians also appeared as ethnic categories. There are opinions that these two ethnic groups are close to the Roma, i.e. that they separated from their national body.

### **Germans**

#### **German Association “Donau”, Novi Sad**

The organized settling of Germans on the territory of present-day Voivodina/Serbia started at the end of the 17<sup>th</sup> century, during the reign of Austrian Emperor Leopold I. In three waves of colonization and planned settling, the Germans, together with other nations, settled in the devastated areas of the Pannonian Plain, from which the Ottoman Turks were banished. By origin they are from various parts of the present-day German state: from northern Schleswig-Holstein, Bavaria and Austria, and they are called “Švabe (Donaušvabe), /Schwabians (Danube Schwabians)”<sup>55</sup>.

In the Kingdom of the Serbs, Croats and Slovenians (1921), by numbering 500,000 persons, the Germans represented the most numerous national communities, organized into various associations, trade unions and farmers’ associations. At the time, they had primary schools in the German language (4 grades), a secondary agricultural school in Futog, teachers’ schools in Vrbas and Vrsac, while they continued their education in the Serbian or Hungarian languages, or abroad (Germany, Austria and Hungary). They are the founders of the first printing-works, cinemas, theaters, sports organizations, cultural and artistic societies and other associations, while the most important organization, with 350-400 thousand members, was the Kulturbund in Novi Sad.

<sup>53</sup> Referred to herein as: SFRY

<sup>54</sup> Established on December 26, 2004

<sup>55</sup> They were named in 1919 in Vienna, although only ¼ of the Germans in Voivodina are of Schwabian origin.

When Adolf Hitler came to power in 1933, the Germans living outside their mother country, Germany, were termed “Volksdeutsche” and they lost their right to German citizenship. Depending on the part of Yugoslavia they lived in and the wave of mobilization that hit them, in World War II they were mobilized into the Yugoslav, Hungarian or German army, while part of them joined the people’s liberation struggle in Yugoslavia. At the end of 1944, around 200,000 Germans left Yugoslavia, part of them were killed in collective centers – camps throughout Yugoslavia, while several thousand were deported to the Soviet Union for forced labor. From the one-time 500,000 Germans in these areas, there are now around 3900 left.

### **Czechs**

#### **Radio Sunce – Voice of Southern Banat**

In the Serbian part of Banat, on the territory of the municipalities of Bela Crkva, Vršac, Kovin and others, there is a colony of Czechs, the largest one on the territory of the Republic of Serbia.

The colonization of the Czechs and persons belonging to other nations on the territory of the Banatian military frontier (Banat Krajina) represented part of the Viennese government’s long-term policy which started in the 18<sup>th</sup> century, and their settlement in this region was intensive in the first decades of the 19<sup>th</sup> century. Organized settling started in 1822. By the end of 1828, some fifteen Czech colonies were formed in the uninhabited craggy area, naturally adjacent to the high and inhospitable Mount Almash, in the Transylvanian Alps, and in the spring of 1827 another group of Czech colonists arrived along the Danube to Orsova, mostly from the vicinity of Plzen, Prague and Caslav. Since fertile land was scarce here and was away from all the major routes, after a number of unfulfilled requests forwarded to the authorities, it is only in 1837 that the Czechs set off in an organized manner towards Bela Crkva and the settlements of Kruščice and Kusić, where they have lived to the present day. A larger group of Czech families built their settlement on the site of the one-time Medieval town of Abel, named Ablian (Fabijan), today known by the name of Češko Selo (Czech Village) in the municipality of Bela Crkva.

### **Slovenians**

#### **Society of Slovenians “Kredarica”, Novi Sad**

The largest number of Slovenians came to the territory of present-day Serbia after the formation of the Kingdom of the Serbs, Croats and Slovenians (1912)<sup>56</sup>. The next big migration wave was registered during World War II, when around 7,000 Slovenians were forcibly settled in Serbia. Most of them returned to Slovenia after the liberation. It is difficult today to determine the exact number of persons belonging to this nationality, but according to the society’s internal data, at issue are approximately 10,000 persons. Due to mixed marriages, younger generations have so far mostly declared themselves are Yugoslavs. The Catholic Church played a big role in preserving the Slovenian nationality.

**Table 2: The relation of ethnic groups and speakers in central Serbia and APV according to the 2002 census**

Ethnic group	Central Serbia		Voivodina	
	Mother tongue	Ethnic affiliation	Mother tongue	Ethnic affiliation
<b>Serbs</b>	5,063,679	4,891,031	1,557,020	1,321,807
<b>Montenegrins</b>		33,536		35,513
<b>Yugoslavs</b>		30,840		49,881
<b>Albanians</b>	61,466	59,952	2369	1695
<b>Askali</b>		413		171
<b>Bosniaks</b>	134,563	135,670	186	417
<b>Bulgarians</b>	15,539	18839	920	1658

<sup>56</sup> For example, between 18 and 20 thousand Slovenians lived in Belgrade at the end of the 1830s

<b>Bunjevacs</b>		246		19,766
<b>Vlachs</b>	54,726	39,953	92	101
<b>Goranci</b>		3975		606
<b>Greeks</b>		352		220
<b>Egyptians</b>		685		129
<b>Jews</b>		706		452
<b>Hungarians</b>	2303	3092	284205	290,207
<b>Macedonians</b>	10,203	14,062	4152	11,785
<b>Muslims</b>		15,869		3634
<b>Germans</b>		747		3154
<b>Poles</b>		-		-
<b>Roma</b>	60,303	79,136	21939	29,057
<b>Romanians</b>	5003	4157	29512	30,419
<b>Russians</b>		1648		940
<b>Ruthenians</b>		279		15,626
<b>Slovaks</b>	2433	2384	55065	56,637
<b>Slovenians</b>		3099		2005
<b>Turks</b>		385		137
<b>Ukrainians</b>		719		4635
<b>Croats</b>	6535	14,056	21053	56,546
<b>Cincari</b>		248		45
<b>Czechs</b>		563		1648
<b>Šokci</b>		38		679
<b>Others</b>	9658	3573	31200	3478
<b>Non-declared, undecided</b>	39,598	52,716	24279	55,016
<b>Regional affiliation</b>		1331		10,154
<b>Unknown</b>		51,709		23,774
<b>TOTAL</b>	<b>5,466,009</b>	<b>5,466,009</b>	<b>2,031,992</b>	<b>2,031,992</b>

The national communities whose number of persons who have declared their ethnic belonging to these communities partly corresponds to the number of persons using the given mother tongue are:

- Albanians (59,952 persons belonging to the national community / 61,466 speakers of the Albanian language – in central Serbia)
- Hungarians (290,207 / 284,205 in Voivodina)
- Bosniaks ( 135,670 / 134,563 in central Serbia)
- Romanians (30,419 / 29,512 in Voivodina) and
- Slovaks (56,637 / 55,065 in Voivodina).

The national communities whose number of declared ethnic members is larger than the number of persons using the given mother tongue are:

- Bulgarians (18,839 members of the national community / 15,539 speakers of the Bulgarian language in central Serbia)
- Macedonians (14,062 /10,203 in central Serbia and even more obvious 11,785 / 4152 in Voivodina)
- Roma (79,136 / 60,303 in central Serbia and even more obvious 29,057 / 21,939 in Voivodina) and
- Croats (56,546 / 21,053 in Voivodina and even more drastic 14,056 / 6535 in central Serbia).

The national communities where the number of persons who have declared their ethnic belonging to a certain community is smaller than the number of speakers of a given language are:

- Serbs (4,891,031 persons who have declared themselves as Serbs by ethnic origin / 5,063,679 persons who have stated that Serbian is their mother tongue in central Serbia and 1,321,807 / 1,557,020 in Voivodina) and
- Vlachs (39.953 / 54.726 in central Serbia).

As regards the Serbian community, the information from the population census can indicate a linguistic conversion of the non-Serb population into the Serbian language zone. As regards the Vlach national community, there is visibly a larger number of persons who consider themselves members of this community because of the language, and not because of their ethnic belonging.

## Article 1

*The protection of national minorities and the rights and freedoms of persons belonging to those minorities' forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.*

### Normative framework

#### Voivodina Center for Human Rights

Since the first report, along with the *European Convention for the Protection of Human Rights and Fundamental Freedoms*, the Republic of Serbia also adopted *Protocol no. 12*<sup>57</sup>.

The procedure of ratifying the *Charter for Regional or Minority Languages*<sup>58</sup> was completed in June 2006.

### Implementation

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### Recommendations

%

## Article 2

*The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighborliness, friendly relations and co-operation between states.*

%

## Article 3

*1. Every person belonging to a national minority shall have the right freely to choose to be treated or not as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.*

*2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.*

### Article 3, paragraph 1

#### Normative framework

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### Implementation

#### Voivodina Center for Human Rights

#### Review on the Opinion of the Advisory Committee

Debates on the inter-relation between the Croatian and Bunjevac identities are still ongoing<sup>59</sup>. Namely, even though the state has recognized the right of both the Croats and Bunjevacs to declare themselves as such on an equal footing, persons belonging to the Croatian national minority believe that the census categories of “Croats” and “Bunjevacs” were deliberately introduced for the purpose of dividing up the single Croatian national body. On the other hand, part of the persons belonging to the

<sup>57</sup> Official Gazette of Serbia and Montenegro – International agreement, no. 9/2003, 5/2005 and 7/2005 - correction

<sup>58</sup> Official Gazette of the Republic of Serbia, no. 18/2005

<sup>59</sup> Opinion, article 3/26

Bunjevac national minority believe that they are suffering pressure due to the forcible imposition of the Croatian identity by Voivodina Croats.

Even though the Advisory Committee commended the population census in April 2002<sup>60</sup>, persons belonging to the Bunjevac minority are of the opinion that there were certain irregularities in the census-taking and that, for this reason, census-takers should be better controlled at the next censuses.

#### **National Council of the Bunjevac national minority**

The Bunjevacs are a national minority living in Serbia, and they acquired this status in 1991. The largest number of persons belonging to this national minority live in northern Bačka (part of APV), where they moved to in the 16<sup>th</sup> and 17<sup>th</sup> centuries within several migrations. The biggest migration took place in 1686, from the regions of Lika, the Dalmatian Zagora (Inner Dalmatia), Dalmatia and Herzegovina. At the time, these areas were not constituted as a state, and they are today within Croatian borders. After the migration, they settled in 3 towns, Sombor, Subotica (APV) and Baja (the territory of present-day Hungary), which represent their cultural and historical centers.

After World War II, Yugoslav President Josip Broz Tito ordered that all those declaring themselves as Bunjevacs are to be entered in official registers as Croats, considering the Bunjevacs to be an invented nation. Until the beginning of the 1990s, generations of Bunjevacs grew up with this wrong identity, while, in schools, children who spoke their mother tongue – the Bunjevac language, were severely punished. At work and in public, Bunjevacs were mocked and harassed, and the Bunjevac language kept being suppressed for over 40 years, fewer and fewer works were written and published in it, while the Croatian language acquired supremacy. Such decades-long suppression led to the Bunjevac language today being used most often only within the family.

At the beginning of the 1990s and with the fall of communism, the Bunjevacs were once again afforded the right to declare themselves as such. However, despite this possibility, a large number of Bunjevacs continued to declare themselves as Croats.

The moment when the Bunjevacs were recognized as a minority coincided with the civil war in the former Yugoslavia in the 1990s, and the Bunjevacs found themselves torn between Serbia, which had recognized them, and Croatia, which does not recognize them as a separate national entity, but rather considers them part of its own nation. Such opposed stands are topical even today, and the Republic of Croatia and the Bunjevac Croats in Serbia continue to lay claim to the Bunjevacs. The result of this is the slowing down, and sometimes even the obstruction of the work of the Bunjevac national minority. There are also numerous problems at the local level, because persons belonging to the Croatian national minority are included in local bodies of authority, while the Bunjevacs are not.

Gradually, the number of Bunjevacs kept decreasing. The *Bunjevac Calendar for the Leap Year of 1868* says that there were 50,000 Bunjevacs in Subotica alone, which accounted for half of the then population of Subotica. According to the 2002 census, there were 20,012 Bunjevacs – 16,254 in Subotica (which represented around 15% of the town's population), 2,730 in Sombor, while the others live scattered mostly in APV and Serbia<sup>61</sup>.

Even a decree was issued after World War II that Bunjevaci and Sokci should exclusively be treated as Croats regardless of their national affiliation<sup>62</sup>. There are deep rooted consequences of this

<sup>60</sup> Opinion, article 3/29

<sup>61</sup> The third cultural center of the Bunjevacs, Baja, was given to Hungary in 1918, after the fall of the Austro-Hungarian Empire. After less than 100 years, today only several thousand persons in Hungary declare themselves as Bunjevacs. The Bunjevacs's recent request for being recognized as a national minority in Hungary remained unsuccessful.

<sup>62</sup> May 14, 1945, The directive of the Voivodina National Liberation Committee, Novi Sad – Department for Internal Affairs no. 1040/1945 paragraph 2.



decrease even at present, and, although persons belonging to the Bunjevac national minority are entitled to declare themselves as “Bunjevacs”, they often restrain from exercising this right.

For the sake of illustration, we mention cases and problems which the Bunjevacs encounter when expressing their national affiliation:

- In order to find employment more easily, young, highly educated people of the Bunjevac nationality, when applying for a job at the municipal level: in education, the media and culture, present themselves as members of other national communities: Croats, Hungarians, Yugoslavs or undecided.
- According to the knowledge of the National Council of the Bunjevac national minority and the Bunjevac party, at the latest population census in 2002, the census-takers gave themselves the liberty of registering, in a large number of cases<sup>63</sup>, the elderly and insufficiently educated Bunjevac persons as Croats, only because they declared themselves as such in the previous population censuses, which did not contain the item “Bunjevacs”.
- The census commissions for the latest population census were formed of persons belonging to the national structures that were in power, i.e. the Croatian-Hungarian coalition and Serbian political representatives, while Bunjevacs were not in any of them. The commissions were formed by the local self-government in which there were no Bunjevacs in the bodies of power.
- Representatives of bodies of local self-government practically never respond to the invitations of the Bunjevac national minority to celebrations of Bunjevac national holidays (which are officially recognized) or to cultural events. Among the non-knowledgeable part of the population, such conduct raises doubts regarding the quality of the cultural events themselves, and fear among others to respond in large numbers to the invitations due to the conduct of local self-government officials who deny the existence of the Bunjevac identity.

#### **Croatian Cultural and Educational Society «Matija Gubec» and Croatian Cultural and Educational Society «Tomislav»**

The overall social conditions which the Croatian minority community lived in until recently and the complex combination of historically inherited factors did not play into its hands –in the past decade, some of them were even rigidly limiting.

The Croats are a minority whose members experienced physical expulsion in considerable numbers. At the beginning and in the mid 1990s, over 40,000 Croats left APV, and especially Srem, due to direct or indirect threats. None of them have returned to this day, and no one mentions the problem any longer.

After the Albanians, the Croats are the second minority against which the majority nation has the most negative stereotypes. This produces fear and insecurity among persons belonging to this minority and has a negative effect on possibilities for public actions and, thus, for the realization of minority rights.

The notion “sub-nation” has been deliberately input among the Voivodina Croats in order to divide them artificially, diminishing them to two regional names: Bunjevacs and Sokac.

When speaking of the circumstances within the Croatian community itself, mostly because of the above mentioned factors, it is too weakly integrated within itself – the number, type and quality of the ties among the members and the few *non-professional* institutions within the community are weak and superficial.

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<sup>63</sup> For additional information refer to the National Council of the Bunjevac national minority.

Territorially speaking, the Croats in APV are considerably dispersed and they do not represent a majority in any municipality. They live in larger numbers in Srem and in western and northern Bačka. This fact produces the following rule – where they are present in smaller numbers, the realization of their rights is also lacking.

### **Roma Educational Center**

It has been noticed that, for security reasons, Roma displaced from Kosovo apply to the responsible bodies for changing their names and surnames into Serbian ones, since their own names and surnames remind of Albanian ones. Some of them request from Roma associations to issue them certificates stating that they are Roma, so that if requested to show identification documents to the police, they could prove that they are Roma, and not Albanians.

## **Recommendations**

### **National Council of the Bunjevac national minority**

To adopt changes to the *Law on the Population Census*:

- Census lists should be numerated, and the census-takers should sign for the number of accepted census questionnaires, i.e. they should be obliged to report the exact number of filled out questionnaires and invalid census questionnaires which they had returned.
- Census-takers should sign the forms they were entrusted with.
- Census questionnaires should be filled out exclusively with a ballpoint pen or a pen without the possibility of making corrections.

### **Roma Educational Center**

- To support the programs initiated by Roma organizations, and which are in the function of strengthening the national awareness of the Roma community.

## **Article 3, paragraph 2**

### **Normative framework**

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## **Implementation**

### **National Council of the Bunjevac national minority**

Bunjevacs, as a national minority are often exposed to pressure by persons belonging to the Croat national minority but only by those from the Subotica and Sombor regions, because the latter often present them in public as Croat-Bunjevac, Bunjevac-Croats, Danubian Bunjevac and the like. It has effects on achieving certain rights by the Bunjevacs in the field of language and culture, because Bunjevac customs and tradition are often traced back as customs of the Croat national minority, and as “Croat” customs in the Bunjevac language (seasonal holidays like Prelo, Dužijanica, Materice, Oci, special Christmas and Easter related custom etc.). Bunjevac educators from the end of the 19<sup>th</sup> and beginning of the 20<sup>th</sup> century, who undoubtedly present the medium of Bunjevac identity and spirit in the region<sup>64</sup> are taken by the Croat national community as their own, as medium of the Croat spirit and the Croat’s cultural heritage.

- Programmes and public events in Subotica and Sombor, where these two national minorities live, are the most expressed examples of that. The “Bunjevacko kolo” - the Croat Cultural Centre holds Veliko Prelo (a ball and celebration) each year<sup>65</sup> on a day, which is one of the four national holidays of the Bunjevac national community and who also celebrate it annually by a ceremonial academy and a cultural and entertaining programme.

## **Recommendations**

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<sup>64</sup> Bishop Ivan Antunović, priest Blaško Rajić, Bishop Lajčo Budanović, Ambrozije Boza Šarčević, an educator and others.

<sup>65</sup> February 2nd.

## Article 4

1. *The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*
2. *The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.*
3. *Measures undertaken in accordance with point 2 of the provision are not considered as an act of discrimination.*

### Article 4, paragraph 1

#### Normative framework

##### Voivodina Center for Human Rights

##### Review on the Opinion of the Advisory Committee

In 2003, the Advisory Committee welcomed the fact that a working group had been set up for drafting an anti-discrimination law<sup>66</sup>, but it was not drafted by the time this report was written.

The establishment of a republican Ombudsman, as a specific structure to combat ethnic discrimination<sup>67</sup>, unlike the establishment of an Ombudsman at the provincial level<sup>68</sup>, proceeded very slowly. The National Assembly of the Republic of Serbia adopted the *Law on the Protector of Citizens' Rights* in 2005, while the citizens' protector at the republican level was not elected until 2007. Unlike the case with the provincial Ombudsman, this law does not envisage a special deputy for national minority rights or any other deputy with special competencies.

#### Implementation

##### Voivodina Center for Human Rights

##### Review on the Opinion of the Advisory Committee

The problem of the *de facto* discrimination of persons belonging to national minorities still persists, as it did at the time of the first reporting<sup>69</sup>, and it is particularly prevalent in relation to Roma, including those who have been displaced from Kosovo. In the near future, a special problem will also be the deportation of around 50,000 Roma, mostly unskilled workers from European Union countries, whose return will require an essential change in the state policy and the engagement of teams of experts who will offer assistance to returnees in the readmission process.

##### Croatian Cultural and Educational Society «Matija Gubec» and Croatian Cultural and Educational Society «Tomislav»

The former federal *LPRLNM* brought the Croatian minority, as a so-called new minority, formal recognition and equality with other minorities in Serbia in the protection of minority rights. However, the law fails to list the national minorities, so they are defined descriptively, while ethnic groups are neither mentioned individually nor enumerated. The legal definition of a national minority does not define national minorities, but rather ethnic groups, so that minorities and ethnic groups are placed on an even footing, this opening up space for possible abuse. This gives rise to a problem which still affects the Croatian minority. Namely, the possibility of separate ethnic groups

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<sup>66</sup> Opinion, article 4/31

<sup>67</sup> Opinion, article 4/35

<sup>68</sup> In December 2002

<sup>69</sup> Opinion, article 4/33

existing in Serbia has been created in a voluntaristic manner with the Croatian regional names of Bunjevac and Šokac<sup>70</sup>.

The rights of the Croat minority, a so called new national minority, are significantly curtailed, both formally and legally, especially in relation to the rights of the so called old minorities<sup>71</sup>. *The LPRLNM* provides for the rights of old national minorities vested according to the provisions of the former national legislature, instead of the analogous application of vested minority rights of some national minorities to new minorities.

### **Recommendations:**

#### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

- To abolish the limitations and restrictions of the rights of new minorities in relation to the vested rights of old ones.

#### **Roma Educational Center**

- To adopt an anti-discrimination law.

## **Article 4, paragraph 2**

### **Normative framework**

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### **Implementation**

#### **Voivodina Center for Human Rights**

##### **Review on the Opinion of the Advisory Committee**

As regards the Advisory Committee’s opinion that the situation of persons belonging to the Croatian minority deserves special attention, in view of the past discriminatory measures aimed at curtailing their numbers in various fields of employment<sup>72</sup>, data point to a discrepancy between their employment at the level of local self-government in certain municipalities where they comprise a majority, and which is satisfactory, and the level of the republic where they are under-represented. The situation is similar with other Voivodina minorities.

In view of all the facts stated in the Opinion<sup>73</sup>, the position of the Roma in regard to accommodation and employment is still difficult, but it is noticeable that a series of steps have been taken since the first report for the purpose of improving the position of this national minority: the Declaration on joining the Decade of Roma 2005 has been signed, the Strategy for Roma integration and empowerment has been drawn up, as have been the action plans for the integration of the Roma (in the field of education, employment, health care and housing), while an Office for Roma Inclusion has been established at the provincial level<sup>74</sup>.

As regards the suspicions of the Advisory Committee regarding the existence of a large discrepancy between the Government's official statistical data and unofficial estimates of the true number of persons belonging to certain national minorities in Serbia<sup>75</sup>, it is necessary to point out the fact that ethnic affiliation is an extremely subjective census-statistical category and that the same person can declare himself/herself as a member of another ethnic group in each census. The discrepancy

<sup>70</sup> These two groups today live in Croatia, Bosnia-Herzegovina and Hungary, and their belonging to the Croatian nation is not brought into dispute.

<sup>71</sup> *ZZPSNM* Article 8 .

<sup>72</sup> Opinion, article 4/38

<sup>73</sup> Opinion, article 4/ 39-43

<sup>74</sup> Find more information on status of Roma in Serbia on: Society for Improvement of local Roma communities, [vmacura@sbb.co.yu](mailto:vmacura@sbb.co.yu)

<sup>75</sup> Opinion of the Advisory Board. Article 4/44

between the true number of persons belonging to a certain ethnic group and official statistical data is also often the result of the unrealistic guessing of these same groups about their numerical size. If we were to add up all the figures presented by certain representatives of ethnic communities, the total number of Serbia's inhabitants would be larger by around a million people. For this reason the results of the census should be observed as the objective frame of mind regarding the current ethnic or religious affiliation.



### **Voivodina Center for Human Rights**

Since social care is the exclusive competence of the Republic of Serbia, achieving this right is encumbered because the majority of public servants in the regional organisational units, most frequently, do not speak minority languages.

### **National Council of the Hungarian national minority**

The realization of the effective equality of persons belonging to minorities requires the creation of preconditions, and they vary not only depending on the specific national minority at issue, but also, in the case of Serbia, on the part of the state territory inhabited by minorities. The best indicator of whether the state is truly taking special measures to achieve effective equality is the degree of the state's regionalization and the vertical distribution of competencies among its bodies, bodies of territorial autonomy and bodies of local self-government.

The present system of the de-concentration of administrative power, i.e. the creation of administrative districts for the performing of jobs of the state administration (republic ministries and other special organizations) outside the place where their seat is located, in certain cases limits the realization of the rights of national minorities guaranteed by the *FCNM*:

- **North Banat Administrative District.** The mandate, organisation and scope of districts are defined by the *Directive on Administrative Districts*<sup>76</sup> of the Republic. Due to the territorial defining of the North Banat Administrative District in APV, the Hungarian minority community faces significant difficulties in exercising certain minority rights, first and foremost, in respect of the official use of their language and script<sup>77</sup>.

The seat of the North Banat Administrative District is Kikinda (a municipality where the official use of the Hungarian language has been set forth only for individual settlements and not for the whole territory of the municipality due to the scarce number of persons belonging to Hungarian national minority) and, beyond Kikinda, its scope covers the municipalities of Kanjiža, Senta, Ada, Čoka and Novi Kneževac (local government units with majority Hungarian population). Bearing in mind that the municipalities of Kanjiža, Senta and Ada are physically on the territory of Bačka, and not of Banat, as well as the fact that these municipalities are significantly closer to Subotica<sup>78</sup> than Kikinda, one may ask, why does the new Directive maintain the solution from the old one, which was adopted during Milosevic' regime with the unhidden aim of dividing the Hungarian population between the two administrative districts and thus preventing their concentration in the North Backa Administrative District, with Subotica as its seat, the town, which is the cultural and political centre of the Hungarian national community in APV.

Administrative districts accomplish the tasks of administrative control and supervision, resolve first and second instance administrative disputes in most of the fields of importance for the advocacy of citizen interests; they control the realization of delegated state administration tasks and provide expertise supervision of the work performed by public utility companies and institutions. It resulted in a situation, that for the citizens and legal entities, most administrative procedures in these municipalities (e.g. issue of public documents by the police, supervision and control of employment relations, cadastre-related affairs etc.) are processed in the district branches of the Republic bodies, whereas the method of defining the territory of the North Banat Administrative District hampers exercising not only language-related rights of national minorities but also some basic principles of the administrative procedure, firstly the principle of cost effectiveness and

<sup>76</sup> Republic of Serbia Official Gazette no. 15/06. According to the new Directive, the scope of administrative districts in APV is unchanged in relation to the old Directive on Accomplishing the Tasks of Ministries and Government Agencies Outside their Seats» (Republic of Serbia Official Gazette nos. 3/92, 36/92, 52/92 – USRS Decision no. 60/93 and 5/95)

<sup>77</sup> See examples under the article 11 of this report

<sup>78</sup> Subotica is the seat of the North Backa Administrative District covering, besides the Subotica Municipality, only two other municipalities: Bačka Topola and Mali Idoš.

efficacy. The situation is aggravated by the fact that when employing new public servants in district branch offices of the Republic authorities, the national composition of municipalities covered by the scope of the administrative district is not observed, and it represents an additional threat to the right of minorities to the use their native language in written and verbal communication with the officials.

### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

Even though the realization of “full and effective equality” also implies the flexible implementation of the so-called “national key” (proportional representation), it is insufficiently applied in places inhabited by the Croatian minority in the case of state bodies and institutions (the police, village municipal branch offices, the post office and so on), unlike bodies of certain local self-governments (the municipality of Subotica).

### **National Council of the Roma national minority**

Historical memories, centuries of the persecution of the Roma and their non-acceptance by the majority, non-Roma population, are the reasons why the Roma most often live on the outskirts of cities, villages and settlements. They live in larger or smaller enclaves, so-called mahalas, ghettos or gypsy tents, which have not been urbanized and do not possess the necessary infrastructure (water, electricity, roads, communication systems). Settlements are often located on terrains that are damp and frequently flooded, on land owned by the state, with small, cold, damp houses, built of various material such as brushwood, sheet metal, plastic, and often of cardboard as well, without the basic sanitary appliances and living conditions. With the help of foreign donors and the partial support of the local self-government, an infrastructure has been created in certain settlements, although these are sporadic cases. Children from such settlements frequently come to school sloppy and muddy, which is most often one of the reasons why the environment does not accept them.

- An example of a good practice in resolving the housing issue of the Roma, aimed at improving the living conditions in a Roma settlement, is the project of the Executive Council of APV<sup>79</sup>.

The question of the employment of Roma is one of the most important issues, as it opens a series of other problems due to which the Roma are captured in the vicious circle of poverty. The period of transition which Serbia is going through is bringing about a new reorganization, systematization and privatization of public enterprises, so that many employed people will be rendered jobless. In such conditions, the possibility of the Roma being employed will become even smaller, primarily because of their poor education and their national affiliation.

It is important to note that Roma families in which at least one member is employed are rare, but that a high degree of socialization is noticeable in them: their households are better kept and their children attend school regularly.

Serbia has a large number of Roma returnees from abroad, especially those who left the country in the 1990s, and who did not manage to find a job and resolve their residence status in Western countries. There are also examples of attempts at launching private businesses by individuals who had completed certain courses and acquired knowledge applicable on the market, but who did not manage to realize their ambitions due to the lack of funds. They represent good examples of breaking the stereotypes about the Roma regarding the prejudice that they do not want to work and that they are accustomed to receiving humanitarian assistance and social welfare.

### **Roma Educational Center**

With the state’s recognition of the status of the Roma national minority and the adoption of the *LPRLNM* not much was done on the integration of the Roma into the social system, in the sense of including the Roma who possess skills, knowledge and experience in the work of bodies of the state administration.

<sup>79</sup> Implemented by the Provincial Secretariat of Architecture, Town Planning and Construction, the municipality of Opovo and an Ecumenical humanitarian organization.

- As an example of good practice, we mention the fact that the Executive Council of APV accepted the remark of the Council for Roma Integration to place in the executive position of the Office for Roma Inclusion a person of Roma nationality who satisfies the prescribed criteria<sup>80</sup>.

#### **National Council of the Romanian national minority**

Not a single place that has a large Romanian population possesses any industrial plants that would keep young people in those places. Small businesses are not developed, while adequate measures for the improvement of economic and social life have not been adopted by either the local self-government or the state.

### **Recommendations**

#### **National Council of the Hungarian national minority**

- To establish a new territorial organization of administrative districts which, unlike the present one, would not hinder the realization of national minority rights, but would rather contribute to the achievement of effective equality between national minorities and the majority nation, as well as the realization of the rights of national minorities guaranteed by domestic regulations and international standards.
- To view the special measures for the realization of national minority rights in a broader context, since it is precisely the lack of knowledge regarding the positive provincial regulations on the part of the responsible persons and clerks in republican administrative bodies that hamper their realization. In bodies of the state administration seated in Belgrade it is necessary to broaden the awareness about the need to respect provincial regulations and to respect the specificities arising from the national composition on the territory of APV.

#### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

- To have the state authorities take different measures for creating a positive environment for the realization of minority rights (new minority policy, affirmative actions, the punishment of negative tendencies).

#### **National Council of the Roma national community**

- To urbanize environments – settlements inhabited by the Roma and to provide the necessary infrastructure.
- To apply special measures when Roma apply for jobs and to stimulate employers to employ them.
- To allocate funds from programs devoted to the Decade of Roma for self-employment and the opening of small and medium-sized enterprises.

#### **National Council of the Romanian national minority**

- To open small and medium-sized enterprises in places inhabited by persons belonging to the Romanian national minority.

### **Article 4, paragraph 3**

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<sup>80</sup> The Office for Roma Inclusion was formed as part of a project of the Fund for an Open Society and the Secretariat of Labor, Employment and Gender Equality, and after the completion of the project, the APV Assembly accepted it as a body with an executive role in the process of the integration of the Roma.

## Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve essential elements of their identity, namely their religion, language, traditions and cultural heritage.
2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

### Article 5, paragraph 1

#### Normative framework

##### Voivodina Center for Human Rights

##### Review on the Opinion of the Advisory Committee

A Fund for the Promotion of Social, Economic, Cultural and General Development of National Minorities envisaged in Article 20 of the federal Law on the Protection of Rights and Freedoms of National Minorities, has still not been established, which says a lot about the credibility of the mentioned law and the lack of the authorities' resolve to implement it<sup>81</sup>.



*The Law on Activities of General Interest in Culture*<sup>82</sup> stipulates the obligation of APV to finance activities and programmes of institutions and other organizations in so far as those activities and programmes contribute to the development of culture and arts in the APV or in so far as they ensure the development of cultures of national minorities (Art. 9).

Legal remedies explicitly prohibiting language discriminations do not exist. The *Public Information Act*<sup>83</sup> (Article 14) indirectly refers to the prohibition of language discrimination, in terms of sanctions if the distribution of public information media is prevented without justifiable cause.

The Executive Council of APV adopted a *Decision on the Formation of the Provincial Council of National Minorities*<sup>84</sup>, whose areas of concern also include the field of culture.

##### National Council of the Ruthenian national minority

*ZDOIOK* (article 2, paragraph 20) states that “programs in the field of the culture of other nations and nationalities and care for the protection of their cultural heritage” are declared to be of general interest in the sphere of culture as stated in this Law. Municipalities, i.e. cities are given the possibility to decide, in line with this law, about the use of the funds for the realization of cultural needs in the municipality, i.e. city (article 11).

### Implementation

##### Voivodina Center for Human Rights

##### Review on the Opinion of the Advisory Committee

As regards the Advisory Committee's conclusion that persons belonging to those groups that have only relatively recently, following the break-up of Yugoslavia, been defined as national minorities, such as Croats and Macedonians, have often had difficulties in creating, and attracting adequate support for their cultural institutions and initiatives<sup>85</sup>, progress was achieved in this sphere between

<sup>81</sup> Opinion, article 5/49

<sup>82</sup> Official Gazette of the Republic of Serbia No. 49/1992, hereinafter: the *LAGIC*

<sup>83</sup> Republic of Serbia Official Gazette no. 43/2003, referred to hereinafter as: *PIL*

<sup>84</sup> At the session held on 30 August 2006

<sup>85</sup> Opinion, article 5/48



the two reports (see text below). Roma cultural initiatives are also supported, but, generally speaking, there is still space for offering larger support to all ethnic groups.



In APV, there are societies fostering Hungarian, Romanian, Ruthenian, Slovak, Bulgarian, German, Ukrainian and Romany languages. These societies are linked in the Coordination Board of Language Societies of the Institute for Culture of Voivodina, coordinating their activities.

There is no umbrella organization promoting the development of these links on the level of the entire territory of Serbia.

Some minority languages in the Republic of Serbia enjoy a more favourable treatment than others, which is not conditioned either by the number of speakers or their territorial distribution. Frequently listed reasons for this are the non-existence of standardised language or clear grammatical rules (as in the case of Bunjevac, Romany and Vlach languages) as well as historical and political circumstances (the case of the Croatian language).

#### **National Council of the Bunjevac national minority**

The cultural institutions of the Bunjevac national minority receive minimum or no financial support for carrying out their programme activities, leasing of premises etc. Compared to other national communities, in the case of Bunjevacs, the population structure is not taken into account. The limited resources received on the national, provincial and local calls for proposals and from the budget of the Republic of Serbia can currently cover only the costs of the office in which the National Council meets in Subotica<sup>86</sup>, and of the regional office and the “Bunjevačko kolo” citizens’ association in Sombor.

Unlike other national minorities, none of the Bunjevac institutions in Subotica, Sombor and surrounding villages have been provided working space. Bunjevac cultural institutions are located either in the common premises of local community boards or in leased premises.

Many calls for proposals for persons belonging to national minorities in Serbia, the APV and on the local level are nontransparent, which causes difficulties in obtaining information on the size of available funding as well as on the criteria applied in determining the amount of funding.

The Bunjevac language has a developed and rich oral tradition, from lyrical and epic poetry to prose, most of which is written down, but it is not only a spoken language. Since the 17<sup>th</sup> century many documents, works of fiction and newspapers have been written in it. The first Bunjevac book<sup>87</sup> dates back to 1683, and even two dictionaries of the Bunjevac language have been written: *Tolmač* from 1830 (consisting of 10,000 words) and the *Rečnik Bačkih Bunjevaca (Dictionary of the Backa Bunjevacs)* from 1990 (with 17,000 words<sup>88</sup>). In 1870, the publication of newspapers started in Baja, and later on magazines and calendars kept coming out in Subotica and Sombor as well. Data point to the rich and developed lexical fund of this language and the broad possibilities for its use. Unlike the majority population, the Bunjevacs use the Latin script for writing.

Since the Bunjevacs always lived on other peoples’ territories, they never acquired the conditions for their language to be recognized. In Serbia today, the Bunjevac language is not recognized as a language, but is rather treated as part of the Serbian language, of the Shtokavian vernacular and of the younger Ikavian dialect, with a new four-accent accentuation. It is believed to have more than 30,000 words, among which the influence of Hungarian, Croatian and Serbian words is noticeable.

<sup>86</sup> A room of 20 square meters which accommodates 21 persons.

<sup>87</sup> *Razmišljanja (Deliberations)*, by Mihajlo Radnić, published in Rome

<sup>88</sup> It is currently being supplemented by an additional 5,000 words

### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

While significant steps forward have been made in improving the conditions required for the preservation of the culture and identity of persons belonging to the Croatian national minority in APV<sup>89</sup>, the fact that there does not exist a systematic and institutional form of financing of cultural institutions of minorities remains an objective limitation, having a negative impact on the exercise of minority rights.

Croats still do not have their theatre in the Croatian language, and the Institute for Culture does not have a more elaborate programme segment devoted to the Croatian national minority.

### **National Council of the Macedonian National Minority**

With respect to the development and preservation of their culture in the Republic of Serbia, persons belonging to the Macedonian national minority have not encountered any major difficulties. The tradition and the cultural heritage of Macedonians have been protected through a variety of cultural events and activities:

- Cultivation of folklore (cultural and arts societies and sections)
- Publishing and translation activities
- Provision of publications and books in the Macedonian language in libraries
- Commemoration of significant dates for Macedonians
- Participation in cultural events where they have the opportunity to present their tradition and cultural habits
- Exhibitions of Macedonian artists from Serbia.

### **National Council of the Romanian National Minority**

The problems of Romanians in Serbia in the area of culture and art are entirely specific due to the dispersion of the Romanian population in Serbia, inhabiting two different and geographically separated regions – APV and eastern Serbia. The issues pertaining to the culture of Romanians in the APV are entirely different from those related to Romanians and Vlachs (referring to persons who have declared their mother tongue to be Romanian) in eastern Serbia.

While Voivodina Romanians, long integrated into the society with their specific features and articulated values, as well as recognised achievements in culture, art and literature, are striving for even greater affirmation of their cultural identity, the Romanians and Vlachs from eastern Serbia are still in the stage of asserting their position on the Romanian scene due to long-standing isolation and inability to access the Romania national entity, language and culture.

However, despite the separation (primarily due to geographic distance) and inadequate communicativeness, the culture and art of Romanians in Serbia may be viewed in its entirety, with all its specific features and in all segments.

The most significant cultural events of Romanians, such as the Festival of Romanian Music and Folklore or the Theatre Days of Romanians, are afflicted by the lack of required funds for organizing cultural events as well as non-systematic funding. Since partial solutions are insufficient, in addition to budget subsidies appeals are made to other sponsors and donors, which creates an uncomfortable feeling of “begging” among the persons belonging to this national minority.

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<sup>89</sup> Acceptance of the initiative for introducing the Croatian language as one of the official languages in the APV, Presence of education in the Croatian language, The Assembly of APV publishes a weekly magazine in the Croatian language, TV Novi Sad has started broadcasting a programme in the Croatian language,

Romanians from Eastern Serbia have commenced organizing their own events only recently. So far these are only folkore events, but slowly emerging are also the first poets who create their work in the standard Romanian language.

Kladovo and Bor staged for the first time theatre plays written by Vojvodinian Romanians (theatre troupes from Uzdin and Kuštilj).

The condition of the Romanian cultural facilities is in some locations satisfactory, while in others it is not, as buildings and institutions are battered and dilapidated (community centres are in a somewhat better condition)<sup>90</sup>. Technical equipment is a rarity indeed, and due to the lack of financial and human resources village libraries are not functioning, except sporadically in Banatsko Novo Selo and Alibunar.

An especially active form of cultural activities is carried out by various nongovernmental organizations, which are as a rule always a step ahead of others, both in shaping of the cultural concept of Romanians in Serbia and in the number of events and cultural activities they organise.

In „Sterija“ National Theatre from Vršac<sup>91</sup>, the professional scene in the Romanian language stages two theatre premieres a year, however it lacks one coordinator and at least two actors employed full-time.

A completely different hue was brought to the Romanian cultural scene by the recently formed National Orchestra of the National Council of the Romanian national minority, which has proven to be a par excellence converging point of talented and acclaimed musicians and which contributes with its concerts to the affirmation of the Romanian national music, folklore, and numerous singers and performers. In the future, the Orchestra and the Choir of the National Council will require provision of better working conditions and systematic financing of their activities.

Some of the problems in other fields of cultural and artistic work of Romanians are:

- Lack of artistic galleries.
- Lack of some musical instruments in village orchestras.
- Lack of professional choreographers.
- Lack of financial resources required for setting up theatre plays.

So far, the mentioned problems have mostly been resolved through enthusiastic personal engagement of individuals.

#### **National Council of the Ruthenian National Minority**

In the Republic of Serbia, there are 15 cultural institutions, cultural and art associations and societies of the Ruthenian national minority, who are organisers of a number of traditional Ruthenian events and programmes<sup>92</sup>.

#### **Problems in the area of culture in general**

Following the centralisation of the Republic of Serbia in the 90s, APV was left without its direct revenue required for, among others, the field of culture as well. Revocation of financial resources intended for financing of cultural and artistic activities, which had been far better organized prior to

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<sup>90</sup> Condition of Romanian cultural facilities is relatively satisfactory in following settlements: Uzdin, Vojvodinci, Seleuš, Sutjeska, Banatsko Novo Selo (there are mainly adapted or new buildings). Non satisfactoru situation is in: Jankov Most, Nikolinci, Alibunar, Vlajkovci, Vladimirovac, Straža, Malo Središte, while significant investments are needed in: Kuštilj, Barice, Mesić, Vršac. The most critical condition is a case of Cultural House in Ovča (Municipality Palilula in Belgrade), which was burnt 2 years ago and which is still not repaired.

<sup>91</sup> It is supported by the Province's funds

<sup>92</sup> For more details on associations and programmes see the State Report.

the 90s, affected equally the majority as well as the minority population, bringing them on the brink of existence.

Even though the provisions of the *LAGIC* allow to municipalities and cities the liberty to decide on funds to be spent on fulfilling cultural needs, due to extremely low transferred funds from the budget of the Republic of Serbia, practice in APV has proven to be quite the opposite.

Currently, financing of cultural and artistic societies, cultural institutions, events and festivals of national significance is done by local self-governments, the Provincial secretariats and in part by the Ministry of Culture of the Republic of Serbia. Since those funds are continually reduced in percentage, that has an impact on:

- Decline of cultural activities of national minorities, even them shutting down, particularly the cultural and artistic societies<sup>93</sup>.
- Ad-hoc subsidies instead of regular financing of work programmes of the cultural and artistic societies, with the explanation that these are citizens' associations and that local self-government have the obligation to finance only those institutions which have been founded by them.
- In earlier periods, 50% of required funds for co-financing of events of provincial significance (according to the Financial Plan of the event) were subsidized by APV. The remaining 50% were provided by the local self-government body on whose territory the event was taking place and the event organizers. Currently, the provincial authorities award funds according to the recommendations of the National Councils of National Minorities, and those funds are far below their needs. (The Provincial Secretariats determine the maximum amount of financial resources for National Councils, and on the basis of that National Councils distribute the financial resources and decide on priorities. Therefore it is realistically impossible to satisfy all idiosyncracies and needs of any one minority community).
- Although the *LAGIC* in general envisages the possibility of financing of the development of culture of nationalities, whether the Serbian Ministry of Culture would award resources intended for the cultural needs of national minorities most often depended on the good will of the Minister and their awareness of the cultural needs of minorities. In the recent years, the institution of call for proposals has been introduced, however the funds allocated for national minority programmes are in extreme disproportion relative to the total budget for culture.
- The *LAGIC* also regulates the issue of showing concern for the protection of cultural heritage, including investments in the field of culture (buildings, equipment, and other infrastructural requirements). Cultural institutions of national minorities were not awarded any significant financial resources, nor were persons belonging to respective national minorities consulted on that matter, as priority was given to rehabilitation of cultural institutions of national and provincial significance.

#### **Problems in the area of theatre activities**

At the beginning of 2003, the APV took efforts to encourage organized theatre activities among the persons belonging to national minorities, by establishing national theatres of the Ruthenian, Slovak and Romanian national minorities, and by providing funds for their functioning through projects<sup>94</sup>. Such approach, lacking a deeper insight into the cultural needs of minorities, demonstrated from the very beginning the following shortcomings:

<sup>93</sup> The example of the Municipality of Kula where up to the 90s, 7% of the municipal budget was spent on cultural needs, while today the percentage amounts to half as much.

<sup>94</sup> Persons belonging to Hungarian national minority have conducted such activities for several decades.

- Functioning of theatres depends on organizational and technical issues (adequate and functional stages, technical equipment, necessary human resources in the management, artistic, technical and general sectors).
- Post production (presentation of theatre activities to the respective minority community as well as to other national communities, presentation of work at expositions, domestic and international festivals).
- Provision of encouragement for creation of theatrical works in minority languages.
- Education of necessary human resources for the functioning of theatres (so far, the Academy of Arts in Novi Sad does not have drama sections in the Slovak, Romanian and Ruthenian language, despite the fact that, at the time the Academy was established, one of the arguments for its establishment was the need to educate human resources for theatre activities in the languages of national minorities). It is noteworthy that the provincial authorities made a recommendation to the effect that conditions should be created at the Academy of Arts for formation of classes in minority languages, as presently there are no conditions at the Academy for enlargement (primarily because of lack of space).

Financing the needs of theatres in minority languages through projects would be stimulating and justified provided if all the above mentioned elements, which are important for the good quality theatre performance, were satisfied. That would require considerably higher resources than those presently being allocated.

The problems which hamper the functioning of theatres in minority languages:

- There does not exist local self-government body for every national minority which would have the obligation to finance the material costs of newly established theatres.
- The founders' rights of theatres have been transferred to National Councils of national minorities, and they are not in the position to finance their expenses, as they do not possess specifically intended funds for that purpose.
- Transferring of the obligation to bear material costs onto local self-government bodies is problematic, due to the requirement on the self-government to finance the organized cultural work for all its citizens equally, and not to be additionally financial burdened due to the fact that in its surrounding there are persons belonging to a particular national minority living in substantial number. The solution to this problem would be in financing from higher administrative instances, and transferring, or taking over, the founder's rights by APV.

#### **Problems related to financing of the cultural needs of minorities in local self-governments**

The basic activities in locations inhabited by persons belonging to national minorities are carried out through cultural and arts societies, and less frequently through institutions founded by a local self-government body. In practice, the organized functioning of institutions is funded predominantly from the budget of the local self-government body, while cultural and arts societies receive symbolic funding or no funding at all. Such a system of funding affects mostly persons belonging to national minorities: for example, in Novi Sad, besides dozens of cultural and arts societies of the majority nation, there are also cultural and arts societies of national minorities that are not on the budget of the city of Novi Sad, meaning that they are supported through projects which is uncertain. While absence of funding of the cultural needs of the majority nation may put the majority culture at risk, in the case of persons belonging to minorities it could mean their complete extinction.

#### **Problems in the Culture in Minority Languages and National Councils**

A significant element that would have to be changed (through the legal positioning of culture, or by a new Law on National Councils of national minorities) is the appointment of decision makers in the field of culture, particularly in municipalities. Following the electoral law for election of self-government's bodies, due to the small numbers of the minorities, the electoral results in elections for local self-government bodies do not depend on the votes of persons belonging to national

minorities, or in many cases on their political will. Instead, in local elections appointments of individuals are imposed by winning political parties, whereby concern is not given to the personal qualities and skills of the candidates nor is the will of other persons belonging to a national minority respected. Politicians do not consult with representatives and representative bodies of national minorities, despite the fact they are the ones who can give the most accurate assessment of the skills of members of their own ethnic community who are to perform responsible functions in cultural institutions in their community. The role and opinion of National Councils of National Minorities should be given more heed in this context.

### **Educational Centre of Roma**

The basic material requirements (premises, equipment and financial resources) for the protection and development of Roma culture and identity are merely existing or negligible. The Roma do not have community centres, kindergartens and playgrounds, sports fields, or adequate premises where they could gather, build their social life and carry out activities of their associations. That is particularly felt in winter. Adequate premises do not exist even in locations where numerous sections and activities of Roma associations are organized, therefore they largely take place in private houses, sometimes also in the common community centres, many of which are dilapidated and ruined.

- One positive example is Beočin, where the Roma community has managed to secure premises and funding for their association, but only thanks to the political engagement of the Roma Party, who won two seats in the Beočin Municipal Assembly and three seats on the Beočin Local Community Board.

Financing of Roma organizations is modest. Some local self-governments allocate symbolic funds for Roma activities from their budgets, but none of the organizations have a professional staff member who receives salary for their work.

- Since 2006, two Roma associations in Subotica have been provided working space by the Assembly of Subotica, however they do not have a steady source of financing to allow them continued work. They survive thanks to foreign donations.

At the moment of writing this report, most of the programmes of Roma associations in APV are funded by foreign donors. These societies “are alive” thanks to them, and the organizations which have done the most for fostering Roma associations are the Fund for an Open Society, Save the Children, Spolu International Foundation and Civil Initiatives on national level. These organizations have strategically, over a longer period of time, financially supported programmes in the fields of education and in capacity building of Roma organizations:

- With the financial and logistic support of Spoly International Foundation from the Netherlands, Khetane – Together NGO provided financial support for the actions of the Roma community taken together with the participation of local self-governments:
- Introduction of water supply to the Roma settlement in Sonta
- Purchase of four houses for Roma families from the Roma settlement in Sivac
- Pedestrian walkways were built in Roma settlements in Horgoš, Bački Monoštor, Čurug.

On the territory of APV, only a few Roma organizations have permanent programmes. The symbolic and modest resources, awarded to them in the past by the Provincial Secretariat for Regulations, Administration and National Minorities through public calls for proposals, were the only resources they had at their disposal for the implementation of their activities. That is why they have a weak impact on the local level, and there is little room for improvement of the position of the Roma community.

### **National Council of the Roma National Minority**

The leading role in the cultivation and preservation of the cultural identity of Roma has “Rrom” Cultural and Artistic Society from Srbobran. Every year, they traditionally organize the “Ciganska vatra” (“Gypsy campfire”) event, where Roma writers, poets, painters, musicians, etc, present their works.

In theatrical work, the “Suno e Rromengo” theatre from Novi Karlovci is active and most representative of the cultural heritage of Roma population.

#### **German Association “Donau”, Novi Sad**

The active associations of Germans targeted at maintaining German national identity, language and cultural tradition in this region are the following:

- German Association «Donau», Novi Sad (1992)
- Adam Berenc Citizens’ Association, Apatin (2001)
- Odžaci Municipality German Association, Odžaci (2002)
- Bečkerek German Association of the Zrenjanin Municipality, Zrenjanin (2003)
- Bela Crkva German Association, Bela Crkva (2003)
- Kikinda German Association, Kikinda (2003)
- Pančevo Rit German Association, Borča (2003)
- Serbia and Montenegro umbrella organisation – Serbia-Montenegro Alliance of German Associations, Novi Sad (2003)
- German Ethnic Union, Subotica (1997)
- German Association for Good Neighbourly Relations Karlovci, Sremski Karlovci (2002)
- Bačka Topla German Association, Bačka Topla (2004)
- Gerhad German Humanitarian Association Sombor, Sombor (2004)

It from the above listed associations, only the Association from Subotica has its own premises<sup>95</sup>.

#### **Radio Sunce – Voice of Southern Banat**

Already at the beginning of the 20<sup>th</sup> century, according to the valid law, the Czechs organized their associations – Češke Besede. These associations exist even today, and through them the Czech and other members of these societies realize their goals determined by their Statute. Thanks to the financial support from the Czech Republic, over the past few year, the following facilities were renewed: the Czech Hall and the Beseda in Češko Selo, Kruščica, Bela Crkva and the settlement of Gaj (the municipality of Kovin).

The traditional and the most important events of Voivodina Czechs include:

- “The Czechs of Southern Banat”-event
- “Days of the Czech Culture”
- “Now and Then” – exhibition of old photos and handicrafts
- “A Glance at the Czech Film” – screenings of films made by outstanding names of the Czech filmmaking
- “Following the Paths of Ancestors” – lectures, preparations and thematic trips to the Czech Republic.
- «A Czech Discourse Bela Crkva”
- “Fašanke” – masquerade, performances and dance parties
- “Egg Festival” – on the occasion of Easter
- “Folklore”-related events
- “The Katarina Bal”.

Czechs maintain successful cooperation with a number of inland and foreign associations and institutes, first and foremost with the Ministry of Foreign Affairs of the Czech Republic and the Embassy of the Czech Republic in Serbia.

Several times, associations provided and distributed humanitarian aid to health care services in Bela Crkva and Vršac, as well as to the citizens of the Bela Crkva Municipality.

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<sup>95</sup> It was financially supported by Germany.

Associations are largely supported through projects by the Republic Ministry of Culture, Province Secretariat for Education and Culture and the Province Secretariat for Regulations, Administration and National Minorities.

Associations cooperate with certain non-governmental organisations (the Amity Association of Czechs, Slovaks and Yugoslavs, Association of Danubian Germans and others).

#### **Associations/organisations**

Currently active associations/organisations of Czechs fostering the Czech language (listed as per their dates of founding):

- Češka Beseda – Bela Crkva (established in 1917)
- Češka Beseda – Češko Selo (established in the first decade of the 20<sup>th</sup> century)
- Češka Beseda – Krušcica (established in the first decade of the 20<sup>th</sup> century)
- Češka Beseda – Gaj (established in the first decade of the 20<sup>th</sup> century)
- The Czech Matica – Bela Crkva (1997)
- Cultural and Educational Association «The Czechs of Southern Banat» – Bela Crkva (2001)
- Radio Sunce – Voice of Southern Banat, Bela Crkva (2002)
- ABLIAN Football Club - Češko Selo (2003, following the tradition of DUKLA club established around 1945)
- Češka Beseda – Jasenovó (2006)

Owing to the fact, that a larger number of Czechs live on the territory of the Bela Crkva Municipality, the Republic of Serbia Government and certain ministries of the Czech Republic supported a number of projects implemented in the Bela Crkva Municipality, and the Municipality is included in the Exchange Programme with the Czech Hluboka na Vltavi Municipality.

#### **Society of Slovenians “Kredarica”, Novi Sad**

Until 1997, no organisation existed in Serbia, which would gather persons belonging to the Slovenian ethnic community, since it would have been politically undesirable. The association of Slovenians into citizen associations or cultural communities emerged parallel with the process of Slovenia’s independence as a state. Their first association was established on February 25, 1997 in Novi Sad, while over the last 5 years associations of Slovenians were founded in Zrenjanjin, Belgrade, Subotica, Vrsac, Nis, Zajecar, Kragujevac, Bor and Leskovac:

- Slovenian Association Sava, Belgrade
- Slovenian Association Kredarica, Novi Sad
- Slovenian Association Triglav, Subotica
- Slovenian Association Planika, Zrenjanin
- Slovenian Association Kula, Vršac
- Slovenian Cultural Association of the Timok Region Ivan Cankar Zaječar
- Slovenian Association of the Nis Region sFrance Prešern, Niš
- Slovenian Association of Šumadija Jernej Kopitar, Kragujevac and
- Slovenian Cultural Association Drago Čeh, Bor.

At present, persons belonging to the Slovenian national minority:

- Organise cultural and entertaining programmes.
- Publish bulletins and similar informative journals (the associations from Novi Sad, Belgrad, Vrsac, Nis and Zajecar).
- Organise courses for learning the Slovenian language.
- Foster choir singing<sup>96</sup>.
- Organise exhibitions of art works and others<sup>97</sup> in the mother tongue.

<sup>96</sup> Society of Slovenians “Kredarica”, Novi Sad and societies from Zrenjanin, Subotica and Niš



## Recommendations

### National Council of the Bunjevac national minority

- Since the Bunjevacs recognize Serbia as their mother country and have no other parent country, as is the case with other minorities, Serbia should pay attention to their needs when allocating funds for the functioning of Bunjevac institutions.
- It is necessary to determine in advance the size of the funds for all national communities, as well as the criteria according to which those providing the funds will be guided when determining the size of the funds for each minority.

### Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”

- To offer more significant financial support to institutions and projects of the Croatian community.

### National Council of the Ruthenian national minority

- To determine the critical threshold of the cultural needs of minorities, below which their vital interests in the sphere of culture would be jeopardized
- To determine institutions and events in the culture and arts sphere that should acquire a national status, so as to acquire a legal position and have systematic financing from higher levels of power, as well as institutions, events and associations at the local level. The “national” status would have to be acquired by institutions such as: the national theater, national library, museum and gallery, national institutions dealing with music and folklore.
- To ensure the co-financing of cultural events which are of importance for minority national communities, those that would acquire a national status and would be of interest for the entire territory of the republic. This should be done according to the following model: 1/3 of the necessary funds from the Ministry of Culture of the Republic of Serbia, 1/3 of the funds from the province, 1/3 of the funds from bodies of local self-government and the organizers of the events (in a 50% - 50% ratio).
- To ensure the co-financing of events and institutions of a provincial character from funds of APV and bodies of local self-government.
- To ensure the co-financing of manifestations of local character, from funds of local self-government
- To finance culture and arts societies directly from the budget of the local self-government, regardless of the fact that they are not institutions (by providing funds for the material basis of regular activities and the employees’ salaries, if any, at the same time harmonizing and drawing up the basic work program which must stand behind such financing) or the financing of the material basis and work program in accordance with the workers needed on a conditional basis for the work program which a certain culture and arts society must fulfill.

To establish vertical legal positioning in the cultural sphere for the Ruthenian national community, and, thus, also to ensure financing from bodies of local self-government to the Ministry of Culture of the Republic of Serbia in the following manner:

- By recognizing the status of municipal culture and arts societies of the Ruthenian national community<sup>97</sup> and ensuring funds from the local self-government of the municipalities and cities where they are seated.
- By recognizing the status of provincial cultural events and through their co-financing from funds of provincial and local bodies of executive power.
- by recognizing the status of national events of republican importance and their co-financing, according to the above mentioned model, with funds from the Ministry of Culture of the

<sup>97</sup> Kredarica Association

<sup>98</sup> In Kula, Vrbas, Kucura, Novi Sad, Đurdevo, Novo Orahovo, Subitica, Belgrade and Šid

Republic of Serbia, the APV and bodies of the local self-government where the mentioned events are taking place.

- By recognizing the status of the National Theater with a music and folklore ensemble and a national orchestra, the National Library and National Gallery and Museum, seated in Ruski Krstur and their financing, maintenance and functioning as independent complex national institutions in the sphere of culture.
- By entrusting national communities' representative institutions and events, as well as their status (in cooperation with state bodies) to National Councils of national minorities as the highest bodies of each national community's cultural self-government.

#### **Roma Educational Center**

- To finance programs strengthening the capacities of Roma associations.
- To ensure regular and larger funds and adequate space for the work of Roma association by means of a public tender.
- To support groups cherishing the dramatic art in the Roma language.

### **Article 5, paragraph 2**

#### **Normative framework**

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#### **Implementation**

##### **Voivodina Center for Human Rights**

The main specificity of APV is the large number of ethnically mixed marriages, which today account for around 30% of the total number. This represents both the most frequent and most widespread form of the voluntary assimilation of minorities: earlier on, in most cases children from mixed marriages were Yugoslavs.

##### **National Council of the Bunjevac national minority**

The laws of the Republic of Serbia pertaining to education and information insufficiently protects persons belonging to the Bunjevac national minority, because political and other organizations formed by the Croatian national community, like for instance the Democratic Alliance of Vojvodina Croats and the National Council of the Croatian national minority, are carrying out and maintaining as their goal the assimilation of the Bunjevacs.

##### **Croatian Cultural and Educational Society "Matija Gubec" and the Croatian Cultural and Educational Society "Tomislav"**

Although the authorities have taken a number of formal and concrete measures in order to improve the conditions mentioned in this article, there has been no renouncing of the assimilation policy towards the Croatian minority, which was openly carried out by the former authorities. This is reflected in the continual offering of support to the so called "Bunjevac" option<sup>99</sup>, but in other ways as well. While the previous authorities openly supported the advocates of this idea, denying support to the Croatian side, the present authorities place them on an equal footing. The pretext for this is the mentioned legal definition of a national minority. The result of such a practice is the assimilation of members of the Croatian nation, in this case in one region – Bačka (where the Bunjevacs and Šokci live). The mentioned assimilation policy deliberately overlooks the fact that the language the Bunjevacs and Šokci speak is the Ikavian dialect, which is only part of the Croatian (and not of the Serbian or any other south Slavic) language group. It is especially widespread in Dalmatia, western Herzegovina, northern Bosnia and Slavonia, where the fact that it belongs to the Croatian language is not called into question.

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<sup>99</sup> The same measures also exist in the case of the Šokac national body, but they are mostly unsuccessful.

- An example of the above mentioned facts is the pressure by the Ministry of Religion of the Republic of Serbia to introduce the Bunjevac language into churches, to perform religious rituals in the Bunjevac language and to translate church documents into the Serbian language, i.e. the Ikavian (Bunjevac) dialect, even though Catholic believers predominantly belong to the Croatian nationality<sup>100</sup>.
- The provincial Secretariat for culture and education tried to introduce the Bunjevac language with elements of the national culture as an optional subject, but after sharp protests<sup>101</sup>, this decision was annulled due to the fact that a dialect cannot be raised to the level of a literary language. Under pressure from the Service for Human and Minority Rights<sup>102</sup>, the provincial authorities are trying to include in the curriculum a subject whose name would not mention the language, but would rather contain terms such as “the Bunjevac tradition or culture”. Thus, attempts are being made at separating from the Croatian culture a culture which represents its integral part, under the allegation that it is a separate culture.

### **National Council of the Macedonian national minority**

There are several factors that have led to the assimilation of the Macedonians in Serbia:

The disintegration of Yugoslavia had a negative impact on the preservation of the specificities of the Macedonian ethnic community, since the Municipality of Pančevo has abolished:

- the official use of the Macedonian language and script
- a radio program in the Macedonian language on Radio Pančevo
- a page in the Macedonian language in the “Pančevac” newspaper
- the Macedonian language as a subject in the primary school in Jabuka, as a language of the social environment.

The inadequate reaction by the Macedonians after the disintegration of the Socialist SFRY, who, as loyal citizens of Serbia, did not contest certain forms of pressure on the Macedonian population aimed at assimilating them, led to their faster assimilation. Unlike other traditional minorities that kept creating and strengthening their national identity in the sphere of culture, information, education and politics, the Macedonians did not devote sufficient attention to their national identity (either individual or collective), but were rather devoted to the idea of equality and to the Yugoslav idea. Such an orientation also had a large impact on the national identity of the Macedonian community in Serbia. Due to the fact that, as a result of this, the third generation of Macedonians in these regions today barely knows the Macedonian language, the lack of special measures for preserving the Macedonian identity in the upcoming period could largely lead to the disappearance of this ethnic community in Serbia.

### **Recommendations**

#### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

- To abandon the logistics and financial support and assistance to those working in the function of assimilation.

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<sup>100</sup> Catholic believers of the Hungarian and Slovak nationality do not consider themselves affected by such tendency of the authorities.

<sup>101</sup> They were lodged by numerous Croatian-Bunjevac intellectuals from Subotica, Sombor, Hungary and Croatia, and were supported with the signatures of several hundred persons belonging to that part of the Croatian nation from Subotica and its environment.

<sup>102</sup> Which is under the political influence of the party led by the prime minister of the republic – the Democratic Party of Serbia.

## Article 6

1. *The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the field of education, culture and the media.*

2. *The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.*

### Article 6, paragraph 1

#### Normative framework

##### Voivodina Center for Human Rights

*The BLW* (art. 21, art.68, art.77, art.78 art. 2, 3, 4, 5, 10 and 11) and *PIL* (38) state that the media are to develop the spirit of multicultural dialogue, prevent hate speech and enable all persons living on the territory of the country to receive and transmit information in the media.

#### Implementation

##### Voivodina Center for Human Rights

In regions settled by persons belonging to national minorities in Serbia, multi-cultural education is generally applied, which means an educational policy and practice directed to the separated educational needs of different ethnic groups. Intercultural education meaning an educational policy and practice wherein persons belonging to diverse cultures and ethnic communities actively and constructively learn about each other is non-existent in the Serbian education system.

##### Voivodina Center for Human Rights

##### Review on the Opinion of the Advisory Committee

Some print and electronic media still report in a manner that strengthens existing negative stereotypes of certain national minorities (for example, the Croats<sup>103</sup>), and which, generally, remains unpunished<sup>104</sup>.



BIV, as a public service of the citizens, has special tasks in the field of cherishing the spirit of tolerance and intercultural dialogue. It broadcasts radio and TV programs in the Hungarian, Slovak, Romanian, Ruthenian, Ukrainian, Roma, Croatian, Bunjevac and occasionally German and Macedonian languages. The duration of segments of public interest broadcast in the news, educational and entertainment sectors is determined according to the minority's share in the total population of APV.

The results of the quantitative and qualitative analysis of the contents of the radio and television programs in all the languages which Broadcasting Institution of Voivodina<sup>105</sup> broadcasts in<sup>106</sup>, indicate that the prime-time news and political shows in the majority and minority languages lack segments “*that stimulate the spirit of tolerance and intercultural dialogue*”.

Voivodina's multi-ethnic character can rarely be seen in the RTV news. It is poorly presented, both in: (a) *the choice of topics* which the news items cover, and (b) *the choice of persons* on whose

<sup>103</sup> See the report of the Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav” below

<sup>104</sup> Opinion, article 6/61

<sup>105</sup> Referred to hereinafter as BIV

<sup>106</sup> Conducted within the project of the Novi Sad school of journalism and the Voivodina Executive Council under the name “*Transformation of Radio and Television Novi Sad into the public service of Voivodina*” (September 2006 – January 2007)

activities and stands the news report on and (c) *the contents of the stands* which are indirectly affirmed or criticized in the program:

a) Even though *the topic of multiculturalism* is defined very broadly, the analyzed programs on RTV contained a very small number of segments in which it appeared, either as the only topic or as a subordinate topic<sup>107</sup>. Within 775 topics out of the total number of registered topics in all the TV news shows, multiculturalism was registered 9 times (1.2%), and 6 times within 738 topics in all radio news programs (0.8%). It was not registered even once in the TV news shows in the Serbian and Roma languages, radio news programs in the Slovak and Ruthenian languages, and it appeared only 2 or 3 times in the other programs in the course of a week.

b) *Protagonists* from minority ethnic communities appear relatively rarely among the protagonists whose activities or stands the news cover, not only in programs in majority language, i.e. in Serbian, but also in programs in the language of their ethnic group. Thus, in TV news programs in the Serbian language, protagonists of non-Serb nationality account for 3% of the cases among all the protagonists (7 among the total of 203 mentioned protagonists), and in radio programs in 6% of the cases.

In programs in languages of ethnic groups dominant are protagonists of Serbian nationality, while protagonists belonging to minority ethnic communities are mentioned in 1% to 20% of the cases among all the registered protagonists. Extremely rarely are protagonists from another minority group mentioned.

As a rule, protagonists from ethnic communities appear more often as protagonists in news shows on TV (10% of the cases), than in radio programs (6%).

Of all the analyzed programs, it is the TV program in the Roma language that devoted the greatest attention to its ethnic group (around 20% of ethnic protagonists), followed by TV news in the Hungarian language (17%), TV news in the Romanian and Ruthenian languages – 12% and 11%, the radio news program in the Hungarian language – 10%. The radio and TV programs in the Slovak language speak very rarely about the activities of Slovak protagonists (once or 3%), which is also rarely the case in the radio news programs in the Ruthenian and Romanian languages (twice or 6%).

Data attest to the fact that news programs in minority languages focus very little on events in the ethnic community, and that there is also a lack of any intention to promote a multicultural society in which it is important for all ethnic communities to be acquainted with the life of the other ethnic groups, this being one of the tasks of the public service in APV.

c) *The contents analysis i.e. the stands (issues)* expressed by the protagonists on whose activities and opinions the news programs reported, shows that the largest number of stands concerned:

- the independence of Kosovo – which was pronouncedly the most frequent stand compared to the other registered stands
- cooperation with the Hague Tribunal
- regionalism, i.e. regional cooperation
- Voivodina's autonomy
- democracy

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<sup>107</sup> In the codex for analysing the contents of the news, singled out as a separate topic was any mention of multi-ethnic life in Voivodina, i.e. more than one ethnic community – officials' statements mentioning the position or rights of minorities, educational or other activities that are linked, in one way or another, to ethnic communities, and even official messages of congratulations to certain ethnic groups for special holidays.

- privatization and
- Serbia's inclusion in the EU

Multiethnic tolerance was not a frequent subject of the stands voiced by the protagonists who spoke in the BIV news – once in the radio program in the Serbian language and the TV program in Hungarian each, twice in the TV programs in the Serbian language and the radio program in Hungarian each, 2 and 3 times in the programs in the Slovak language. It was not mentioned at all in the TV program in Romanian, radio program in Ruthenian and TV program in the Roma language.

The situation is even worse in the Broadcasting Institution of Serbia which devotes absolutely no attention to multiculturalism.

In practice, there is still an absence of contents and programmes, which would provide impetus to and advance interculturality, national and religious tolerance among the minority communities in APV, and also a lack of teaching units, which bring the history and culture of minorities closer to the majority nation and introduce to the persons belonging national minorities the cultural values of other ethnic groups. The attention devoted to this issue is still not sufficient, and a greater interest in the advancement of intercultural values have not been manifested neither by the persons belonging to minority communities. They are, in most cases, restricted to their own circles and do not demonstrate much wish to open up towards other ethnic communities.

#### **National Council of the Hungarian national minority**

The present school system does not have as its goal the eradication of ethnically motivated prejudice from young people's view on life and stands. This would have a positive effect on the reduction of the number of inter-ethnic incidents caused by mutual stimulation and the interaction of the lack of a good upbringing and other outside factors. This system does not make sufficient use of existing diversified instruments for alleviating prejudice, the promotion of inter-ethnic tolerance and multiculturalism and the acceptance and respect of differences.

The project of the Executive Council of APV for the promotion of tolerance and multiculturalism is currently the significant project being implemented by bodies of authority, with the goal of reducing the number of inter-ethnic incidents.

#### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

Although there are different forms of the stimulation of tolerance, they do not always produce effective results:

- There is a lack of tolerance regarding concrete appropriate minority policies in local communities and in the personal examples of public officials who stimulate the spirit of tolerance
- Political and legal sanctions for intolerant acts are absent (e.g. the inter-ethnic incidents during 2004 and the attitude towards the Minister for Agriculture, Water Management and Forestry <sup>108</sup>).
- In 2005, the management of RTV Novi Sad filed a lawsuit against the editor-in-chief of the newspaper publishing company<sup>109</sup> “Hrvatska Riječ” (Croatian Word) and one of the female journalists<sup>110</sup> for hate speech, with the proceedings having been conducted until the second half of 2005 when the lawsuit, which was a clear form of political pressure by RTV Novi Sad, was withdrawn.

#### **National Council of the Macedonian National Minority**

The cherishing of the spirit of tolerance and intercultural dialogue in all social spheres is characteristic of persons belonging to the Macedonian national minority. Due to pronounced mutual respect, understanding and cooperation with persons belonging to other ethnic communities, not a

<sup>108</sup> I.e. Ms Ivana Dulić-Marković. See details under paragraph 2 of Article 6.

<sup>109</sup> Zvonimir Perušić

<sup>110</sup> Dušica Dulić

single ethnically motivated conflict has so far been registered in environments inhabited by persons belonging to the Macedonian national minority.

The school curricula and programs contain no teaching units about the history, geography, culture and position of the Macedonian minority in Serbia, or other elements that would stimulate mutual tolerance and coexistence.

The publication of a multiethnic manual for primary and secondary schools, initiated by the Ministry of Education and Sport in cooperation with international institutions, should contribute to better understanding and respect among pupils of different nationalities, since its intention is to include elements from the history, geography, tradition, folklore and culture of different national minorities living on the territory of Serbia.

#### **Edukativni centar Roma**

Roma television shows are fully bilingual, Roma/Serbian, which represents a breakthrough in the intercultural sense.

#### **National Council of the Romanian National Minority**

An increased number of features on other national minorities have been noticed in the Romanian media. The LIBERTATEA weekly regularly publishes one page on Serbs from Romania, translations of the literary works of other minorities and translations of different opinions from the political, economic, cultural and educational spheres. For the sake of comparison, RTV Voivodina does not cover practically any activities and events of other minorities in APV.

### **Recommendations**

#### **Voivodina Center for Human Rights**

- Amendments and additions to the *BLW* and *the PIL* are to envisage the possibility of local self-governments, as well as the provincial and republican governments, directing certain funds towards a competition for supporting features of public interest in the print and electronic media, with special emphasis on the promotion of multiculturalism and multilinguality.

#### **National Council of the Hungarian national minority**

- To expand projects for the promotion of tolerance and multiculturalism to all areas of the Republic of Serbia inhabited by minority populations, with the active participation of the Ministry of Education and Sport of the Republic of Serbia and to allocate considerable funds for this in the budget of the Republic of Serbia.

#### **Roma Educational Center**

- The state should undertake and support different actions that would contribute to the promotion of tolerance in education and the media.
- To provide frequencies for broadcasting programs in minority languages.
- To stimulate local radio stations to introduce programs in the Roma language.
- To present Roma community in media in positive way.

### **Article 6, paragraph 2**

#### **Normative framework**

##### **National Council of the Hungarian national minority**

In order to establish criminal responsibility for the criminal act of causing national, racial or religious hatred and intolerance, according to court practice, it is necessary for the action to be objectively suitable to cause the hatred of other persons towards the attacked national, religious or

racial group, due to which the largest number of criminal acts whose perpetration is motivated by ethnic hatred is not qualified as such in practice.

*The Penal Code* does not recognize the criminal act of violence towards a person belonging to a national, racial or religious group due to the fact that the persons belongs or is presumed to belong to that group, i.e. the forcing or threatening of a person belonging to a national, racial or religious group to do something, not to do something or to endure something due to the fact that the person belongs to or is presumed to belong to that group.

The present criminal legislation does not consider national, racial or religious hatred, as a motive for the perpetration of criminal acts, to be a qualifying circumstance, i.e. it does not envisage qualified forms of certain criminal acts that are characteristic of inter-ethnic incidents in the case of the perpetration of acts motivated by national, racial or religious hatred.

## Implementation

### Voivodina Center for Human Rights

#### Review on the Opinion of the Advisory Committee

After the period in which the Advisory Committee concluded that violence against persons belonging to national minorities had decreased significantly and was not sanctioned by the current political leaders, but that certain disconcerting instances of hostility were still reported<sup>111</sup>, a whole series of ethnically-motivated incidents took place in APV, and they culminated in March 2004, at the time when attacks on Serbs in Kosovo escalated. Afterwards, they started gradually abating, especially when inter-governmental organizations (the Council of Europe, European Union and OSCE) intervened<sup>112</sup>.

The number, dynamics and types of incidents are attested to by several sources, but since their analysis deserves special attention, they will not be the subject of this report. As possible sources of information we mention the reports of the Provincial Secretariat for Regulations, the Administration and National Minorities and the Provincial Ombudsman.

The reasons for the outbreak of ethnically-motivated incidents in APV point to direct and indirect factors. As direct factors we can mention the March events in Kosovo in 2004 and the violence against the Serbs which caused a chain reaction of violence in APV.

The indirect factors point to a much broader context in which the mentioned events took place, i.e. to a series of various factors that led to the creation of a climate suitable for the outbreak of incidents, and which represent even today a potential danger for new conflicts to break out:

- Political (a lack of the republican bodies' sincere political will to resolve this problem, especially at an early stage, before the international community is alerted; an increase in the number of radically-oriented voters, especially in APV; changed political circumstances in the country after the assassination of Primer Minister Zoran Đinđić; the discontinuation in the negotiations on EU accession; the disintegration of the Serbia and Montenegro State Union; the unsuccessful administrative and territorial decentralisation of the country, the hesitation in passing the new *Constitution*).
- Institutional (inadequate work and reactions by police bodies, lack of detailed investigations and the insufficient police protection of the citizens, a passive attitude of the prosecutor's office in filing criminal charges against persons whose goal is to disrupt inter-ethnic relations, lack of promptness in the work of judicial bodies and inadequate sentences, the

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<sup>111</sup> Opinion, article 6/54

<sup>112</sup> In the autumn of 2004



non-existence of institutions that would deal with the problems of human and minority rights in an active and systematic manner).

- Social (the ballast of the past and remembrance on the conflicts between ethnic groups, the growth of Serbian nationalism and radicalism, a climate of intolerance towards non-Serbian population, accompanied by frequent hate speech in the media which, as a rule, remains unpunished, and graffiti against the non-Serb population, the lack of affirmative actions at the republican level that would help create a more tolerant climate<sup>113</sup>, problem of majority in defining of its own identity).
- Economic (the devastated economy, high unemployment rate).
- Demographic (increase in the share of the Serb population in APV, whose number increased between the population censuses in 1991 and 2000 from 57% to 65.05%, and which was caused by the arrival of a large number of refugees from former republics of the SFRY and Kosovo – 48% of the total number of refugees in Serbia settled in APV).

Even though the number of incidents visibly dropped in 2006 and 2007, there is fear that it could increase again, primarily as a result of the possible proclamation of Kosovo's independence in the near future. The creation of a climate favorable for the outbreak of ethnically-motivated incidents is also contributed to by the following institutional, political and social drawbacks:

- The abolition of the Minister of Human and Minority Rights of Serbia and Montenegro and the establishment of the Service for Human and Minority Rights instead<sup>114</sup>.
- The inefficient work of councils for inter-ethnic relations<sup>115</sup> formed with the goal of protecting and promoting ethnic equality in multi-ethnic municipalities.
- The illegitimate adoption of the new *Constitution* without a public debate and the participation of the citizens and persons belonging to national minorities in its adoption.
- The state's unwillingness for years to establish the Republican Ombudsman, who did not start working until 2007.
- The fact that the Law on the Election of National Councils has not been adopted (and that the *LPRLNM* was adopted after 5 years) due to the lack of political will, this practically having rendered illegitimate the work of national councils and due to which it is impossible to specify their competencies, manner of financing and election of members.
- The inactivity of the Serbian Government's Council for National Minorities.
- The unsolved issue of fugitives indicted by the Hague Tribunal and the international community's pressure to have them handed over.
- The long and exhausting resolving of the Kosovo issue and the increasing uncertainty regarding Kosovo's future status which could result in a new inflow of refugees into APV, and, thus, also in an escalation of new ethnically-motivated conflicts.
- The strengthening of minority nationalisms, as a reaction to the growth of Serbian nationalism.
- The resurfacing of the problem between the Serbian Orthodox Church and the Macedonian and Montenegrin Orthodox Churches (in eastern Serbia between the Serbian and Romanian Orthodox Churches, whereby it should be noted that also possible are requests by persons belonging to the Bulgarian national minority for religious services in the Bulgarian language).

As regards the Advisory Committee's recommendations for launching initiatives aimed at promoting a spirit of tolerance and intercultural dialogue - such as the media campaign "Tolerance"

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<sup>113</sup> Since the realization of the "Tolerance" media campaign in 2001 at the republican level, no similar drives have been carried out to the present day.

<sup>114</sup> By the Serbian Government's decree of June 9, 2006, and after the proclamation of Montenegro's independence which marked the end to the State Union of Serbia and Montenegro (June 8, 2006)

<sup>115</sup> Their formation is envisaged by the Law on Local Self-government, adopted in February 2002

launched in 2001<sup>116</sup>, we mention the project “Affirmation of multiculturalism and tolerance in Vojvodina” which has been implemented since 2005 by the Provincial Secretariat for Regulations, the Administration and National Minorities, and which was launched with the aim of overcoming inter-ethnic incidents in APV. There have been no similar projects at the republican level since 2001.

Cases of minority rights violations as results of national identity<sup>117</sup>:

- **Subotica.** The graffiti “Death to Hungarians” was spray scrawled in the city centre<sup>118</sup> and because of that the leader of the Alliance of the Vojvodina Hungarians demanded from the law-enforcement bodies to carry out an investigation and find the perpetrators in order to avoid the situation from 2004.
- **Bačko Petrovo Selo.** The case of a young man of Hungarian identity, who had suffered harassments for several months and because of that a response was demanded from the Minister of Interior, in order to prevent the escalation of such and similar incidents<sup>119</sup>.
- **Novi Sad.** The following graffiti were spray scrawled: “Cut the throat of Croats, break the Turks on wheel, push Hungarians under the ice, Shiptars (Albanians) on the pyre, deport the Jews to Auschwitz and the Roma to India, 100% Serbs” and “Minorities get out”<sup>120</sup>. The person, who had scrawled the graffiti was charged for spreading national and religious intolerance, hatred and division.
- **Zrenjanin.** In the Dudara city district, settled by Roma, an attack was attempted on the Roma by skinheads, and the case panicked the locals. The attack was counteracted by the Roma, who had prevented the skinheads to enter the settlement and the police, hence they ran away before they arrive<sup>121</sup>.
- **Novi Slankamen.** Intrusion of a drunken young man in the premises of the Stjepan Radic Croat Cultural Society, who threatened the present members that they would be expatriated by 2008, that he would set the building to fire and demolish the Catholic Church, and also shouted that Ustashas should be massacred both in Serbia and Croatia. The young man was apprehended, brought before the investigative judge, and criminal charges were filed against him<sup>122</sup>.
- **Novi Sad.** Seven tombs were ruined in the Catholic cemetery by unidentified persons. Upon informing the investigative judges about the incident, the police have started the investigation<sup>123</sup>.

#### **National Council of the Hungarian national minority**

The wave of inter-ethnic incidents as of the second half of 2003 caused major concern among minority communities in the Republic of Serbia. The number of attacks on national, racial or religious communities and persons belonging to these communities, as well as attacks on the property (damaging of religious and cultural facilities, tombstones, boards with the names of places) of minority communities motivated by ethnic hatred reached their peak during 2004.

As the reasons that led to the flaring up of ethnically motivated attacks in 2004 we can mention the legal framework for penalizing inter-ethnic incidents and the practice of implementing the law in misdemeanor and criminal proceedings, which do not meet the requests of special and general prevention, i.e. they are inadequate for either deterring perpetrators from committing their acts again, or for deterring potential perpetrators. For this reason, the confidence of damaged parties or potentially damaged parties in a state ruled by law is constantly on the decline. Also, to the present day, representatives of legislative bodies and law enforcement bodies have not changed their views, which would make it possible for the legal consequences of the perpetration of misdemeanors or criminal acts motivated by national, racial or religious hatred to be proportional to the social threat of these occurrences.

In 2005, the number of incidents decreased compared to 2004, and this trend continued in 2006.

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<sup>116</sup> Opinion, article 6/55

<sup>117</sup> The report lists individual cases of violations of the rights of persons belonging to national minorities on the grounds of their national identity. Indicating these in details would significantly laden the text, and it has also been taken into account, that the Framework Convention covers discriminations on other grounds as well.

<sup>118</sup> Dnevnik, August, 2007.

<sup>119</sup> Dnevnik, August, 2007.

<sup>120</sup> Dnevnik, July 2007.

<sup>121</sup> Građanski list, May, 2007.

<sup>122</sup> Građanski list, March, 2007.

<sup>123</sup> Građanski list, December 2006.

### Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”

An ethnic distance and negative stereotypes towards the Croatia still exist and are not abating.

Frequent are the examples of hate speech which remain unpunished, and the targets of which are persons belonging to the Croatian nationality:

- Death threats to journalists of “Hrvatska Riječ” at the beginning of 2004
- Direct provocations and verbal attacks and insults against the minister of agriculture, water management and forestry a number of times during 2006 (in the republican parliament or in the press) only because of her Croatian origin. The mentioned minister was accused of having an Ustashi background, and her closest family was insulted by claims that it had participated in war-time activities in the Republic of Croatia and that it had served in the ZNG (Croatian National Guard). Even though the mentioned information was incorrect, it was published, and the state, despite the filed criminal charges against the person who had made such allegations, did nothing for those responsible to be punished.

At the time when inter-ethnic relations in Vojvodina were disrupted during 2003 and in the first half of 2004 there was a whole series of attacks on Croatian institutions:

- **Sombor.** Windows broken on the Croatian Hall.<sup>124</sup>
- **Tavankut.** The bust of Matija Gubec was torn down in the yard of the primary school carrying his name.<sup>125</sup>
- **Tavankut.** The bust of Matija Gubec was torn down for the second time in the yard of the primary school carrying his name.<sup>126</sup>
- **Mala Bosna.** Đukić's Cross by the Subotica-Sombor road was broken and torn down.<sup>127</sup>
- **Subotica.** Two telephone death threats were made to employees of the «Hrvatska Riječ» newspaper publishing company.<sup>128</sup>
- **Subotica.** Another three telephone death threats to employees of the «Hrvatska Riječ» newspaper publishing company were registered.<sup>129</sup>
- **Subotica.** The Catholic Kersko cemetery was desecrated, 36 crosses were taken out and thrown away and one stone tomb was damaged.<sup>130</sup>
- **Novi Sad.** A Croatian language show was taken off the program of TV Novi Sad because of a feature on the incidents.<sup>131</sup>
- **Subotica.** A window was broken on a Franciscan monastery.<sup>132</sup>
- **Novi Sad.** Threats were made to the editors and journalists of the «Građanski List», a Novi Sad daily, with the accusations that they were working in an «Ustashi and pro-Croatian newspaper».
- **Subotica.** Desecrated were 96 crosses and tombstones at the Catholic Kersko cemetery, where mostly Croats are buried. The perpetrators were found only in one case, but not a single case was criminally prosecuted<sup>133</sup>.
- **Sombor.** On the building of the Croatian cultural and educational society “Vladimir Nazor” the board with the society's name and a window were broken, while, the following year, the marble plaque with the name of the society was covered with spray. There is still no information as to whether anyone had undergone criminal or misdemeanor proceedings for this<sup>134</sup>.
- During the election campaign in Serbia<sup>135</sup>, Television “Pink” broadcast in a rented prime-time evening slot the campaign of the Serbian Radical Party held in Novi Sad's Spens Hall, and which publicly promoted „Greater Serbia“ (to Karlobag, Virovitica and Ogulin) as its political program goals and presented anti-Croatian stands.

### National Council of the Roma national minority

The analyses and research done so far show that ethnic distances and discrimination in APV are the most pronounced towards the Roma, and lately there has been an increasing number of cases of

<sup>124</sup> December 27, 2003

<sup>125</sup> December 28, 2003

<sup>126</sup> December 31, 2003

<sup>127</sup> January 4, 2004

<sup>128</sup> January 13, 2004

<sup>129</sup> January 14, 2004

<sup>130</sup> January 24, 2004

<sup>131</sup> January 25, 2004

<sup>132</sup> February 1, 2004

<sup>133</sup> March 26, 2004

<sup>134</sup> In 2005

<sup>135</sup> December 15, 2006

open discrimination at schools where the segregation of Roma children and their separation into special classes is directly carried out.

Frequently present in the media are negative stereotypes about the Roma: the presented information specially emphasizes that “Cigani” (“Gypsies”) have committed an offense, while the successes of the “Cigani” are practically never mentioned. An exception is the case of three Roma children in Zrenjanin who saved a person from drowning and when the media did not use the pejorative name “Cigani” for them.

We mention cases of ethnically motivated discrimination against the Roma:

- **Sivac.** The inhabitants requested of the local self-government to have all the “Cigani” move out of the place, because a young Roma had stabbed to death a young man of Serbian nationality.
- **Žitište.** An attack by Skinheads on a Roma family.
- **Subotica.** Based on unfounded suspicion, the police arrested two pupils in the school for the education of adults and in front of their peers, not respecting the rules of service and overstepping their authority. A detailed investigation showed that the children were not responsible for the acts they had been accused of.
- **The municipality of Senta.** Special classes for Roma children were formed at several schools in this municipality.
- **Novi Sad.** At a hairdresser’s shop, the three children of the editor of RTV Vojvodina’s Roma section could not get a haircut, because the hair stylist said her boss had ordered them not to do haircuts for Roma.
- **Novi Sad.** At Novi Sad’s Klisa police station, five young men were brutally beaten for seven hours, at the same time maltreated, harassed and insulted on an ethnic basis
- Frequent is the appearance of graffiti in a large number of Vojvodina towns, with nasty and unequivocal messages “Gypsies out of Serbia”<sup>136</sup>.

#### **Roma Educational Center**

- A political party has launched an initiative for removing in Novi Sad a monument to a well-known and reputable Roma musician.

### **Recommendations**

#### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

- To take various actions that will contribute to the promotion of tolerance.
- Publicly to condemn media propaganda aimed at fanning national hatred.
- To institute misdemeanor and criminal proceedings against the perpetrators of misdemeanors or criminal offenses.

#### **National Council of the Roma national minority**

- For the purpose of preventing the spread of any form of discrimination against the Roma, it is necessary most severely and publicly to punish such occurrences and to adopt an anti-discrimination law.

## **Article 7**

*The Parties shall ensure respect for the right of every person belonging to national minority to freedom of peaceful assembly, freedom of association, freedom of expression and freedom of thought, conscience and religion.*

### **Normative framework**

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<sup>136</sup> Find more information in National Council of Roma National Minority

## **Implementation**

### **National Council of the Bunjevac national minority**

The Law on Citizens' Associations is not being applied in the municipality of Subotica in an adequate manner:

- The Citizens' Association Croatian Cultural Center (CCC) “Bunjevačko Kolo” was registered as a cultural institution of the Croats in 1991, even though, over the past 20 years, it mostly kept cherishing the programs of the Bunjevac cultural heritage in these regions. The CCC kept all the resources (quality folk costumes and premises), while the Bunjevacs were compelled to form new institutions in the 1990s and to ensure all over again all the resources for the realization of their programs.
- The cultural institution Pučka Kasina<sup>137</sup>, which was founded in its original form in 1898 as an institution exclusively for the education, science and culture of the Bunjevac population, was joined to the Croatian national community when being re-established.

There are examples illustrating the shortcomings of the present Law on Citizens' Associations, which does not contain adequate provisions pertaining to the re-establishment of associations and a precise definition of the essence and goals of the newly founded ones.

### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

Formally observed, the freedom of peaceful assembly, association and expression is ensured through positive legislation, the state is taking no action to prevent this right, but it does not always respond adequately when this right is being violated<sup>138</sup>.

### **National Council of the Macedonian national minority**

Apart from culture and arts societies, persons belonging to the Macedonian minority have founded 10 citizens' associations, formed mostly by districts, with the goal of protecting and promoting the Macedonian ethnic, linguistic, cultural, historical and religious identity. They are rallied within the Union of Associations of citizens belonging to the Macedonian minority in Serbia.

### **National Council of the Roma national minority**

According to the latest data, so far 83 Roma non-governmental organizations, which have diversified and relatively different programs with clearly defined goals and activities, have been formed. They mostly deal with the cherishing and preservation of the culture, tradition and customs of the Roma, and also with the inclusion of as large a number of children into the school and educational system as possible. Also, on the rise is the number of those NGOs which are increasingly directing their activities towards the education of children and adults, as well as towards resolving the Roma's vital problems, such as the initiative for resolving the issue of the infrastructure and their social and economic position.

There is also a large number of non-Roma organizations and associations dealing with Roma issues, and their activities are mostly directed towards improving the living conditions of the Roma through the educational system, in the search for employment, the preservation of the Roma language and the cherishing of the culture, tradition and customs of the Roma.

Furthermore, the main problem in the work of most Roma non-governmental organizations is: the lack of funds, as well as adequate space and working conditions. Nevertheless, with the financial support of international donors, certain organizations have managed to launch significant long-term projects. At the provincial level, the Provincial Secretariat of Regulations, the Administration and National Minorities, periodically invites tenders for the financing of projects of minority communities' NGOs, but the funds offered for the Roma are symbolic and much smaller than the funds offered to other national minorities.

<sup>137</sup> In that period, it formed a majority of the Subotica municipality's total population.

<sup>138</sup> See examples in paragraph 2, article 6

Also worth mentioning is the work of two students' organizations: the Association of Roma Students in Novi Sad and the Union of Roma Students at Novi Sad University, which rally all students of the Roma nationality in APV and which have so far realized several important projects in the sphere of education, health care, employment and so on.

## Recommendations

### National Council of the Bunjevac national minority

- To adopt as soon as possible a new Law on Citizens' Associations and a Law against Discrimination.

## Article 8

*The Parties undertake to recognize that every person belonging to national minority has the right to manifest his or her religion or belief or to establish religious institutions, organizations and associations.*

## Normative Framework

### Voivodina Center for Human Rights

#### Review on the Opinion of the Advisory Committee

The Advisory Committee's conclusion that religious freedom is largely guaranteed in Serbia, but that there are certain differences in approach to different religions in the army and in other contexts<sup>139</sup>, is corroborated by the information about requests of persons belonging to the Bunjevac and Macedonian national minorities to have religious services in their own language. It is important to mention here that, in both cases, at issue are not conflicts between different churches and religions, but rather conflicts between "sister" Orthodox Churches and within the Catholic Church over the language of religious services and the issue of the autonomy of churches. They are in connection with the ethnicity, and not the religion of believers: the Bunjevacs who are Catholics are requesting religious services in the Bunjevac language instead of the Croatian language, while the Macedonians, who are Orthodox, want to have religious services in the Macedonian, and not in the Serbian language.

There is the danger that, apart from the mentioned conflicts between the Serbian Orthodox Church and the Macedonian Orthodox Church, the tensions between Orthodox Churches will spread to a conflict between the Serbian Orthodox Church and the Montenegrin Orthodox Church in the future, all the more so since the Montenegrins became a national minority in Serbia when the State Union of Serbia and Montenegro ceased to exist. Over the previous years, there were also conflicts between the Serbian Orthodox Church and the Romanian Orthodox Church in APV, due to the fact that it was not possible to introduce religious teaching in the Romanian language in schools, while the current disputes between the mentioned churches concern the denial of the rights of Vlachs-Romanians to have religious service in the Romanian language in eastern Serbia.

This policy of the Serbian Orthodox Church is fully reflected in Article 19 of the *Law on Churches and Religious Communities*<sup>140</sup> laying down that "no religious organisation, whose name includes a notion, or part of a notion expressing the identity of a church, religious community or religious organisation entered in the Register earlier, or which submitted an application for an entry earlier, may be entered in the Register."

The Advisory Committee's opinion that where such differences exist, particular attention must be paid to the situation of persons belonging to national minorities with a view to guaranteeing them

<sup>139</sup> Opinion, article 8/66

<sup>140</sup> RS Official Gazette no. 36/2006

their rights under the present Article as well as their right to equality before the law and equal protection of the law (guaranteed under Article 4 of the Framework Convention)<sup>141</sup> still deserves special attention.

In the period between two reports, the *Law on Churches and Religious Communities* was adopted<sup>142</sup>, but its implementation has so far had no effect on the resolution of conflicts between the quarreling churches, mentioned in this report.

The dissatisfaction of the Croats belonging to the Catholic religion because of the imposition of the obligation to celebrate St. Sava's Day, devoted to an Orthodox saint, as the patron saint's day of schools, is once again expressed. The Bosniaks in Sandžak have the same objections.



The claims that there is no “official religion”, “state religion” or in some other form institutionalized “majority religion”, i.e. church in Serbia<sup>143</sup>, are simply not true, since the *Law on State and other Holidays*<sup>144</sup> (article 2) stipulates that the first day of Christmas and the Easter holidays are to be celebrated in Serbia. This means that state bodies, as well as other bodies, companies and forms of organizing which perform activities or services are not to work during these days (article 3).

#### **National Council of the Bunjevac national minority**

Even though the new the *Constitution* and *Law on Churches and Religious Communities*<sup>145</sup> guarantee everyone the right to the freedom of conscience and religion, the Bunjevac national community is prevented from enjoying in its own language the religious rights belonging to it. This is so because the LCRC has granted the church a high degree of autonomy, including in the choice of the language in which church services and religious rituals are to be performed.

The Bunjevacs are Catholics by religion, but since the Bunjevac language is not officially recognized, church services are held in the Croatian language.

## **Implementation**

#### **National Council of the Bunjevac national minority**

- **Tavankut.** Cases of discrimination were also registered when presents were handed out to children at the «Matija Gubec» primary school for religious holidays (Mother-Gives-Presents Day, the Mikulaš holiday, Christmas), when the local priest failed to give presents to children of the Bunjevac nationality, but did give them to children of the Croatian nationality, even though they are all Catholics.

#### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

Even though religious teaching can be organized in the system of public education for children who are Roman Catholics, Saint Sava's Day, the day celebrating a Serbian saint, has quite inappropriately been declared the patron saint's day of schools.

As part of the policy of naming school institutions, present is the tendency of favoring Serbian names: the primary school in Subotica's district of Aleksandrovo, the part of the town with a considerable Croatian population, carries the name of a Serbian saint, St. Sava, even though the school is attended by a large number of children belonging to the Roman Catholic religion. For this

<sup>141</sup> Opinion, article 8/67

<sup>142</sup> Official Gazette of the Republic of Serbia, no. 36/2006

<sup>143</sup> Note accompanying the First Report of the Federal Republic of Yugoslavia, 2002, article 8/1.1

<sup>144</sup> Official Gazette of RS, no. 43/2001

<sup>145</sup> Official Gazette of RS, no. 36/2006, referred to herein as: LCRC

reason, there is fear among parents to sign their children up for Catholic religious teaching at school, and they rather opt for the neutral form, so-called civil education.

#### **National Council of the Macedonian national minority**

Unlike other national minorities in Serbia, persons belonging to the Macedonian national minority do not have their own religious institutions, organizations or associations where they can express their religious feelings in their mother tongue. Due to this, the religious identity of persons belonging to the Macedonian national minority has been called into question. The Macedonians use facilities of the Serbian Orthodox Church which does not recognize the Macedonian Orthodox Church, even though the religious dispute between the Serbian Orthodox Church (SOC) and the Macedonian Orthodox Church (MOC) which has been going on for years should not jeopardize the right to the religious expression and religious feelings of persons belonging to this national minority in Serbia.

For the purpose of reconciling the SOC and MOC, the National Council of the Macedonian national minority has issued a public statement and sent it to all relevant written and electronic media in Serbia and Macedonia. Despite all insistence, no medium in Serbia published it, except the Pančevačke Novine newspaper, which printed only certain parts. Contrary to this, in Macedonia, the statement was published in a number of daily newspapers and on several TV stations.

#### **National Council of the Roma national minority**

The Roma in APV freely express and cherish their religious orientations and, in this sense, they are divided into Roma of the Orthodox, Catholic and Muslim religion. There are also those who belong to smaller religious communities, such as Jehovah's Witnesses (this is a more recent occurrence and it is the result of the environments in which the Roma live).

In certain places where the Roma of the Muslim religion are concentrated in a larger number (the case in Beočin and Subotica), there is a separate cemetery and the first prayer house for Muslim believers has been built.

#### **National Council of the Romanian national minority**

The introduction of religious teaching, as an obligatory optional subject in the system of public education, was denied to children of the Romanian nationality who were able only to attend classes in civil education over the past 3 years<sup>146</sup>. Religious teaching in the Romanian language was introduced in an indirect manner in the school year of 2006/2007, and a textbook for religious teaching in the Romanian language for the first, second and the third grade of primary school was published.

## **Recommendations**

#### **National Council of the Bunjevac national minority**

- The ministry of religion of the Republic of Serbia should, together with the Bunjevac National Council, find a joint solution that would also satisfy the interests of the Bunjevac national minority as regards church service in the Bunjevac language.
- Church service in Roman Catholic churches on the territory of the Republic of Serbia should be conducted in both the official language and the languages of national minorities in environments where this is necessary and where they live in a larger number.

#### **Croatian Cultural and Educational Society "Matija Gubec" and the Croatian Cultural and Educational Society "Tomislav"**

- To eliminate religion from part of school classes.

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<sup>146</sup> Over the past 3 years, religious teaching in the Romanian language were held in only a few schools, thanks to the enthusiasm of priests.



## Article 9

1. The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure (within the framework of their legal systems) that persons belonging to a national minority are not discriminated against in their access to media.

2. Paragraph (1) shall not prevent Parties from acquiring the licensing, without discrimination and based on objective criteria of sound radio and television broadcasting, or cinema enterprises.

3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

### Article 9, paragraph 1

#### Normative Framework

##### Voivodina Center for Human Rights

The Serbian Assembly adopted the *PIL*, but the problem is the fact that neither the *FCNM* nor the media legislation in Serbia define what they mean by “national minority media, i.e. national minority language”<sup>147</sup>. Even though APV is characterized by a very rich practice and various approaches to the realization of the right of minorities to be informed in their own language, the legislative practice is not always in tune with reality.

Despite the request set out in the public debate on the *BLW* to define the establishment of a BIV so as to regulate better the sphere of national minority media, only the Republic Broadcasting Agency<sup>148</sup> has been founded, with the APV delegating 2 out of 9 RBA members. With the first adopted amendment to the *BLW* the number of members from APV was reduced to 1.

*The BLW* also stipulated that a decision “referring to the territory of APV is considered to be adopted by a necessary number of votes if at least 1 Council member elected according to the

<sup>147</sup> (a) Are these only the media that are fully formatted and programmed in a national minority language and where all the journalists, managers and administrative-technological personnel are from one minority community (like the publishing companies *Hlas Ludu*, *Magyar Szó*, *Ruske Slovo*, *Libertatea*);

(b) The media which allocate only part of their “space”, i.e. “time” for segments in a national minority language/languages and have engaged for this journalists from minority communities, organized within their own autonomous services (such as the public service of Radio and Television Novi Sad which has 6 services in national minority languages, and one service, as well as the entire administration, in the majority language or, for example, the *Zrenjaninske Novine* newspaper which has a page in the Hungarian and Romanian language, the *Kikindske Novine* which also has a page in the Hungarian language, and which is prepared by journalists of the Hungarian nationality);

(c) Media in the majority language which translate only some of their own segments into the languages of national minorities and publish/broadcast them, without engaging journalists from these communities (such as the BETA news agency’s service in national minority languages);

(d) Media formed as multiethnic services producing features in various languages, but they incorporate them into a single program (such as *Multiradio Radio 021 NS*);

(e) Media that are not described exclusively as “lingual” or “ethnic”, but rather as racial, i.e. religious, like for instance, *Radio Marija*, a medium of the Roman Catholic provenance which broadcasts in over 42 countries, and in 6 languages that are in official use in APV, with its seat in Serbia being in Novi Sad.

<sup>148</sup> Referred to herein as: RBA

proposal of authorized persons from APV had also voted for it” (Article 32). With the new redefinition of the *BLW* from 2006, Article 32 was left out, this having violated the basic rule that already acquired rights cannot be reduced.

## Implementation

### Voivodina Center for Human Rights

From the statistical point of view, the right of national minorities to receive information in their own languages is fully satisfied in APV. Newspapers come out regularly, while several-hour daily/weekly radio and TV programs are broadcast in 10 languages (Hungarian, Slovak, Romanian, Ruthenian, Ukrainian, Roma, Croatian, Bunjevacs, and occasionally in the German and Macedonian languages as well). Apart from local, provincial and regional print and electronic media, multi-lingual programs are also broadcast by the BIV, as a public service founded, financed and controlled by the citizens. Media in the Hungarian languages have the largest number of broadcasting hours, while the smallest number of hours belongs to those in the German language, i.e. in the Bunjevac and Macedonian languages – which also corresponds to the share of the speakers of these languages in Voivodina’s total population.

No matter how favorable a picture an insight into the statistics and contents of certain programs in Serbia may provide, one cannot say with certainty that the situation in the sector of media in national minority languages is good. Namely, quantitative statistical data offer one picture, while reality is completely different.

- According to the results of surveys<sup>149</sup> the age structure of almost all the national minority language services in both APV and Serbia is quite high – journalists are over 40 years of age on the average, while there was practically no employing of young people over the past ten or so years. In most of the cases, journalists are poorly motivated to work and they lack adequate education in modern journalism (primarily in reporting diversity), and especially education for other necessary media professions. In addition to this, the technical and technological level of production is often on the border between amateurism and obsolescence.

Also present are problems that are not directly or exclusively linked to media professionals and institutions, and as such they represent objective factors, circumstances and limitations for the realization of the right to receive information in one’s mother tongue:

- The media audience is numerically small and limited.
- The professional and market media competition is minimal.
- The information sources in minority languages are limited (only the Beta news agency had summarized service information in 4 minority languages, not to mention the lack of translations even of official documents and laws into the languages of national minorities)
- The existing sources are often much more inaccessible and closed than for their competition in the majority language.
- A special problem for the survival and sustainable development of the media activity is the economic and financial aspect.

In general, media in minority languages are not economically profitable, and therefore, free competition on a regulated economic market is not the precondition for the sustainability of this type of media, unlike commercial media in the language of the majority. Their future will largely be determined by the principles of a market economy following a rounded off privatization and the allotting of licenses for broadcasting programs in different geographical areas<sup>150</sup>. After that date, almost two thirds of more than a thousand and-a-half media in Serbia will stop publishing and broadcasting radio and television programs. Media analysts are of the opinion that, if mechanisms of an affirmative action are not developed, most of them will precisely be media in languages of national minorities.

<sup>149</sup> Carried out so far by the Novi Sad school of journalism

<sup>150</sup> Which is to be expected by the end of 2007

### **National Council of the Hungarian national minority**

In the previous period, there were no attempts at preventing the presentation of information, at limiting the freedom of beliefs and receiving and imparting information and ideas in the Hungarian language, or any major political pressures on the editorial policy of media in the Hungarian language. The main obstacle to further progress in this field are financial and personnel-related difficulties.

Although the *LPRLNM* stipulates that the national councils of national communities represent the mentioned minorities in the sphere of minority language informing, i.e. that they are to participate in the decision-making process concerning issues from these spheres, when appointing, in 2006, the Management Board and Program Board of the Provincial public service of RTV Novi Sad, which broadcasts its program in 9 languages, the RBA totally neglected the decisions of the National Council of the Hungarian national community, as well as the coordinated proposals of all the minority national councils for the election and appointment of members of these bodies. When the members of the mentioned bodies were being elected, attention was not paid to the adequate representation of minority community representatives, so not a single candidate jointly proposed by all the national councils of minority national communities was elected into the managing bodies.

Such a selection of Management Board members later also had its repercussions on the election of the entire managing personnel of RTV Novi Sad. Namely, during the election and appointment of the director general, 6 assistant director generals, the director of Radio Novi Sad, the director of TV Novi Sad, the editor-in-chief of Radio Novi Sad, the editor-in-chief of TV Novi Sad, among the managing staff of the company broadcasting its programs in 9 languages, which numbers 11 people, not one person was from among the minority communities.

Over the past years, there was a further deterioration of the personnel composition of Radio Novi Sad's Hungarian language service, where the 43 permanent employees (including 32 journalists and editors) are currently trying to meet the requests of preparing and broadcasting an all-day program that will satisfy the Provincial public service's criteria as well. A problem is also the fact that, despite frequent promises for a program in the Hungarian language, the entire territory of APV has still not been covered, so that the program cannot be heard by the Hungarian population in, for example, southern Banat or western Backa.

### **Croatian Cultural and Educational Society "Matija Gubec" and the Croatian Cultural and Educational Society "Tomislav"**

People belonging to the Croatian community in Serbia currently receive information in their mother tongue through Television Novi Sad, Radio Subotica and print media.

### **National Council of the Romanian national minority**

Even though the National Council of the Romanian national community assisted on a number of occasions, both financially and technically, the journalists employed in the mentioned media, as they receive symbolic allowances, the largest problem is how to regulate a public service since the *BLW* "does not recognize" the institution of a national council. Due to this, national councils are not "recognized" in the Statutes of the public services of APV and Serbia. The rights of persons belonging to national minorities were not regulated by the subsequent amendments and additions to *BLW* either.

### **National Council of the Ruthenian National Minority**

In Serbia, the part of the program intended for national minority languages, especially at the local and regional levels, is still not systematically and permanently protected with a separate fund or with the allocation of a certain percentage of funds.

The status of local media broadcasting in programs of national minority languages has not been resolved.

When the Broadcasting Law was being adopted – not a single proposal of the National Councils concerning possible members of the Republic Broadcasting Agency<sup>151</sup> was taken into account.

Not a single candidate of the National Councils of national minorities was chosen either for the Management Boards or Program Councils of the Broadcasting Institutions of Serbia and Voivodina

The innermost management (director general, directors and program editors) includes only a representative of the Hungarian national community, who is engaged as a deputy, while the National Councils of national minorities were not contacted regarding personnel issues and potential candidates for these positions.

#### **National Council of the Slovak National Minority**

The right to be informed in the Slovak language is being realized in APV at the provincial and local levels. The central position in informing people belonging to the Slovak national minority in APV belongs to media at the provincial level: the BIV – Radio Novi Sad and Television Novi Sad, as well as the weekly „Hlas Ljudu“ seated in Novi Sad. At the local level, there exist only print and electronic media which are privately owned or owned by the local government (municipality). The most regular informing, with the longest tradition in the Slovak language at the local level is present in 3 municipalities with the largest Slovak populations: Backi Petrovac, Kovacica and Stara Pazova (although it more or less functions in other places as well).

The media whose founder is the municipal council are to undergo privatization in the course of 2007. This is creating a certain dose of fear and uncertainty among employees of these services, as well as a feeling that the present position of the media is only a temporary one, since no one is certain what their fate will be, especially as regards informing in minority languages. The fears are justified especially because of the fact that, in certain private media, the right to be informed in the Slovak language is being realized almost exclusively thanks to the good will of rare enthusiasts, as the financial compensation for their work is, as a rule, negligible or non-existent.

### **Recommendations**

#### **Vojvodina Center for Human Rights**

- Amendments and additions to the *BLW* should include a provision according to which persons proposed by national councils of national minorities would have to be elected into the management board of BIV. It would be necessary to include a provision according to which RBA would have to include a representative elected from a list formed by national minority councils.

#### **National Council of the Hungarian national minority**

- Apart from guaranteeing the right to be informed by media in minority languages, it is also necessary to ensure co-financing by the state, which will guarantee the quality of informing in mother tongues.

### **Article 9, paragraph 2**

#### **Normative framework**

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<sup>151</sup> Referred to hereinafter as RBA

## Implementation

### Voivodina Center for Human Rights

#### Review on the Opinion of the Advisory Committee

Even five years after the submission of the first state report, practice is confirming the Advisory Committee's claims that a number of radio and TV broadcasters, of both private and public service nature at the regional and local level, use minority languages although scarce resources, weak transmission capacity and other problems persist<sup>152</sup>. However, it is suspected that, in the present privatization process, the largest number of electronic media broadcasting programs in national minority languages will be closed down, as they will not be able to comply with the rules of a market economy.



Until now, the RBA has completed the allocation of broadcasting licenses to national, provincial and regional broadcasters.

Licenses for civil sector radio and television stations are of particular interest to all minority groups, as they have a much more favorable position than commercial stations. However, they may cover only local areas.

The result of the quantitative and qualitative analysis of the news programs in the Serbian, Hungarian, Slovak, Romanian, Ruthenian and Roma languages<sup>153</sup> warn that the BIV has not responded in a satisfactory manner to the requests set out in the *BLW* (Article 76 and Article 78) which specify the obligations of public services.

The BIV broadcasts its radio programs through 3 frequency networks:

- one for the program in the Serbian language
- the second for the Hungarian language program
- the third for programs in the Slovak, Romanian, Ruthenian, Ukrainian, Roma and Bunjevac languages.

Due to the poor technical and technological abilities, the second frequency has a very poor coverage of Banat, while the third has a very poor coverage of Backa, which in practice means that programs in the Bunjevac language are not heard in the area of Subotica (where this minority actually lives), while the Roma program is not heard in most of APV. It should also be noted that the coverage of the signal of BIV's radio programs does not reach the legal minimum of 92% of Voivodina's territory.

During the NATO air strikes, relays throughout Serbia were hit. The relays are still being reconstructed, and new ones are not being built.

**Table 3: Quality assessment of radio programmes in minority languages in APV**

<b>RADIO</b>	<b>Length</b>	<b>Quality of sound</b>	<b>Quality of the programmes</b>	<b>Percentages of broadcasts in the language</b>
<b>Hungarian</b>	Fulfilled	Fulfilled	Partly fulfilled	Partly fulfilled
<b>Slovak</b>	Partly fulfilled	Partly fulfilled	Not fulfilled	Partly fulfilled
<b>Romanian</b>	Partly fulfilled	Formally fulfilled	Partly fulfilled	Partly fulfilled
<b>Ruthenian</b>	Fulfilled	Partly fulfilled	Partly fulfilled	Fulfilled
<b>Ukrainian</b>	Fulfilled	Partly fulfilled	Partly fulfilled	Fulfilled
<b>Roma</b>	Fulfilled	Partly fulfilled	Fulfilled	Fulfilled
<b>Croatian</b>	Not fulfilled	Not fulfilled	Not fulfilled	Not fulfilled

<sup>152</sup> Opinion, article 9/73

<sup>153</sup> In September and October 2006 by the Novi Sad school of journalism

<b>Albanian</b>	Fulfilled	Fulfilled	Fulfilled	Fulfilled
<b>Bulgarian</b>	Not fulfilled	Not fulfilled	Not fulfilled	Not fulfilled
<b>Bosnian</b>	Partly fulfilled	Partly fulfilled	Partly fulfilled	Partly fulfilled

**Table 4: Quality assessment of radio programmes in minority languages in APV**

<b>TELEVIZIJA</b>	<b>Length</b>	<b>Quality of sound</b>	<b>Quality of the programmes</b>	<b>Percentages of broadcasts in the language</b>
<b>Hungarian</b>	Partly fulfilled	Partly fulfilled	Partly fulfilled	Partly fulfilled
<b>Slovak</b>	Partly fulfilled	Partly fulfilled	Not fulfilled	Partly fulfilled
<b>Romanian</b>	Partly fulfilled	Formally fulfilled	Partly fulfilled	Partly fulfilled
<b>Ruthenian</b>	Partly fulfilled	Partly fulfilled	Partly fulfilled	Partly fulfilled
<b>Ukrainian</b>	Not fulfilled	Not fulfilled	Not fulfilled	Not fulfilled
<b>Roma</b>	Fulfilled	Fulfilled	Fulfilled	Fulfilled
<b>Croatian</b>	Not fulfilled	Not fulfilled	Not fulfilled	Not fulfilled
<b>Albanian</b>	Fulfilled	Fulfilled	Fulfilled	Fulfilled
<b>Bulgarian</b>	Not fulfilled	Not fulfilled	Not fulfilled	Not fulfilled
<b>Bosnian</b>	Partly fulfilled	Partly fulfilled	Partly fulfilled	Partly fulfilled

The privatization of the electronic media whose founders are bodies of municipal self-government is being carried out according to provisions of the *BLW*. An especially serious problem is how to privatize multi-lingual radio stations. Over the past three years, since the adoption of the *BLW*, under which this job was to have been completed in 2006, this problem was not resolved. The Serbian parliament extended the deadline for this until the beginning of 2008.

It is rightfully suspected that, at the local level, media in the languages of national minorities will be closed down following their privatization. Most journalists employed in these media predict that the information space for the languages of national minorities (already reduced to a minimum) is about to be totally abolished, since the media managements, and in certain places even the municipality as the founder, believe these media would be more attractive in the privatization process without minority language programs. Certain municipalities are not interested in maintaining such a complex system of public information. They themselves have become poor and the coalition partners in power are unable to reach agreement on the competencies over the local medium. For now, there is no indication of the implementation of the positive discrimination principle on the basis of which these media would have a special status in the local self-government. For this reason, the Executive Council of APV launched an initiative<sup>154</sup> for halting the privatization of multi-lingual radio and television stations. The Executive Council of the Province proposed to the Serbian Government to propose amendments and additions to the *BLW* under which multi-lingual media would function according to the public service principle at the local, i.e. regional level as well. This would also provide for informing in the languages of national minorities at the level of the municipality.

The Serbian Ministry of Culture and the Media has advised municipalities to allocate, in 2007, funds in support of the media, on the basis of the *LLSG*<sup>155</sup>, and to distribute the funds according to the approved projects for the broadcasting of parts of programs of public interest. At round table discussions of the Ministry of Culture and the Media<sup>156</sup>, the media pointed out that project financing does not provide the necessary security for the continual and independent functioning of an informative program. On the other hand, bodies of local self-government were interested in project support to the media, as a possible model for the survival of multi-lingual radio programs.

<sup>154</sup> In January 2007

<sup>155</sup> Službeni glasnik Republike Srbije br. 9 od 26 februara 2002. godine, u daljem tekstu: *LLSG*

<sup>156</sup> "General interest in the public information sphere", organized in November and December 2006 in 15 cities in Serbia

The RBA has announced the calling of a public tender for issuing broadcasting licenses to electronic media for spring 2007. The question rightfully being asked is how municipal media will be competitive against private (commercial) broadcasters at this tender, if they do not have transparent new ownership (the completed privatization process) and which legal entity or private person will buy a local electronic media, if he/she is not certain that it has a broadcasting license. In December 2007, it will be known exactly which electronic media will have broadcasting licenses in municipalities and we will see how consistently the state had implemented the provisions of the domestic legislation and international documents pertaining to the right of minorities to be informed in their mother tongue.

A problem with civil sector media also concerns religious media that can apply only for a frequency with municipal coverage. At the same time, the resources of frequencies are very limited, which means that, according to the new frequency plan, not all municipalities in Serbia will have the right to a local frequency, because larger cities will have several local frequencies. It is clear that in every larger city, regardless of the fact that several frequencies will be allocated, one of them will not always be awarded to a religious community<sup>157</sup>. According to the already completed distribution, the city of Belgrade, as a region, was unable to obtain any frequency for a medium of a religious community. It should be mentioned that many churches and religious communities in Serbia hold services in national minority languages and they have media in these languages. For example, religious press comes out: in the Croatian language (Roman Catholic Church), Hungarian language (Roman Catholic Church and Reformist Church), Slovak language (Slovak Evangelical Church), Ruthenian language (Greco-Catholic Church) and Romanian language (Romanian Orthodox Church).

By the end of 2007, licenses will be allotted for the broadcasting of programs at the municipal level and that is when it will be known exactly which legal owners of radio and TV stations had received broadcasting licenses. It should also be noted that the *BLW* very clearly limits both the time-sharing and networking of local broadcasters, thus narrowing down the possibilities for media of religious communities. The two existing radio stations of a regional nature, *Radio Marija* of the Roman Catholic Church, seated in Novi Sad, and the *Glas Crkve (Voice of the Church)*<sup>158</sup>, will drastically have to limit their power and broadcasting area if they obtain broadcasting licenses at all.

When speaking of APV, based on the above mentioned facts it can be presumed that, once the process of media privatization and transformation is completed, the long since established relatively high standards in public informing in the languages of national minorities will be considerably lowered.

#### **National Council of the Bunjevac national minority**

The “Spektar” television show on TV Novi Sad broadcasts twice a month a program in the Bunjevac language.

The first radio show in the Bunjevac language “Bunjevac Word” has been broadcast since December 2006. In the beginning, the Bunjevacs gained the right to broadcast their show, but they did not acquire the basic means for its broadcasting: dictaphones were borrowed, and they had at their disposal one 15 square meter room, which they rented out with their own funds. In a period of

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<sup>157</sup> Under the *Law on Churches and Religious Communities* (“Official Gazette of the Republic of Serbia”, no. 36/2006) there are 7 traditional churches in Serbia with the right to organize religious teaching at primary and secondary schools and to establish all types of media (Article 43 “Informative and Publishing Activities”), primarily because they have been present the longest in Serbia and they are the most numerous; according to Article 67 of the Broadcasting Law they are not to pay fees for the broadcasting of their programs until the completion of the process of returning to these churches and religious communities the property taken from them after World War II in the processes of nationalization, expropriation, confiscation..

<sup>158</sup> of the Orthodox Church seated in Valjevo

time, due to the lack of the basic means and working conditions, quality broadcasting of the radio show was not possible.

In the meantime, earmarked funds<sup>159</sup> were received from the Republic of Serbia Ministry of Culture for equipping the so called «temporary radio desk in the Bunjevac language», which has the task to enable the preparation of programme in the Bunjevac language in the duration of half an hour a week and which is broadcast on Programme II of the TV Voivodina once a week. The desk-editorial office also prepares a one-hour programme broadcasted on one of the local private radio stations, once a week. The preparation of both programmes is funded by the National Council of the Bunjevac National Minority.

At present, activities are targeted at obtaining a regular radio desk within the Voivodina RT public service.

**Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

Although the *LPRLNM* guarantees the minorities the right to be informed in their mother tongue, the state has still not fulfilled its obligation “to ensure news, educational and cultural segments in national minority languages in the public service’s radio and television programs”. Radio Subotica’s Croatian language service is insufficient for all the people belonging to the Croatian community in Voivodina to be able to listen to its programs. This community has an even greater need for a television program in its own language. It should be noted that Television Novi Sad has six language services (the Serbian, Hungarian, Ruthenian, Slovak, Romanian and Roma) whose work is financed from the provincial budget. Although second by its size, the Croatian national minority in Vojvodina has still not realized this same right. Television informing in the Croatian language has been reduced to half-hour programs which have been broadcast every second week since the second half of 2006.

The latest program scheme of TV Novi Sad envisages that minority communities which are less numerous than the Croatia (for example the Ruthenians, Romanians and Roma) have all-day programs in their mother tongues, while people belonging to the Croatian community are denied this right.

Every second week, TV Novi Sad broadcasts the half-hour show “Prizma” in the Croatian language.

Radio Subotica broadcasts its program in the Croatian language every day for two hours. The show is prepared by the Croatian language service, which is a full member of that public information service.

**National Council of the Macedonian national minority**

On its second channel, TV Novi Sad broadcasts twice a month half-hour programs in the Macedonian language called “Macedonian Sun”. The half-hour show „Banat Sun“ is broadcast once a week on the local TV Pančevo television.

People belonging to the Macedonian national minority who live in places on the border with Macedonia can listen and watch programs in the Macedonian language.

**National Council of the Roma National Minority**

The BIV – RTV Voivodina broadcasts every day on Radio Novi Sad a program lasting 2.30 hours and on Television Novi Sad a program of 1.30 hours. It also broadcasts a program on Radio and

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<sup>159</sup> In the amount of 257.000 dinars



Television Novi Sad lasting 1.30 hours for Radio and Television Serbia 2 – which totals around 100 hours of program in the Roma language per month.

At the BIV – RTV Voivodina, a Roma section with 6 employees has been formed, which is not even remotely a sufficient number in view of the duration of the program prepared in the Roma language. This places the employees in an extremely difficult position, especially in view of the fact that other minority language sections of the RTV Voivodina prepare and realize on the average a two times smaller amount of program in their languages, with a three times larger number of employees. There is information indicating that the Roma section is unequally treated by the RTV management compared to other national minorities.

There are local radio stations broadcasting programs in the Roma language in Bela Crkva, Zrenjanin, Srbobran, Odzaci, Subotica, Stara Pazova and Pecinci.

A very frequent problem which the mentioned media are faced with is the unresolved status of the persons working there, since at issue are most often volunteers. For this reason, the broadcasting of programs in the Roma language has been terminated in certain towns.

### **Roma Educational Center**

In many places in APV, programs in the Roma language have been initiated on local radios, but privatization is closing down the space for their further work. The editors of these media are very poorly paid.

- **Subotica** The Roma Educational Center has launched an initiative for broadcasting on the local radio station, financed from the budget of the local government, a program in the Roma language 4 times per month, lasting 60 minutes and to have the journalists paid from the municipality's budget. In order to achieve this, it was necessary to change the Statute of Radio Subotica, since it stipulated that it was only minorities whose language was in official use on the territory of the municipality that had to right to a program in the minority language, which is not the case with the Roma language.

The initiative underlined that there existed qualified journalists who could edit the program in the Roma language and that it was necessary for the Roma community to overcome its problems faster and better, and to be included in the society faster.

The initiative was not launched at the meeting of the Subotica municipal council, since the privatization of the local radio broadcasting programs in the Serbian, Croatian and Hungarian languages is expected.

### **National Council of the Romanian National Minority**

The program in the Romanian language is broadcast by the public service – RTV of Voivodina, where the program (minutes) has been increased, without adequate personnel and technical training. Over the past 15 years, only one journalist-trainee has been employed by the Romanian language service, and the average age of the journalists is 50. The audibility and visibility of the programs in the Romanian language is extremely poor, so that it cannot be watched at all by almost two thirds of the Romanian population in southern Banat.

RTV of Voivodina does not fully perform its function of a public service for the citizens, as its signal does not cover the entire territory of the program and the contents of its programs does not meet the necessary criteria (there are no programs for the young, drama programs and other segments in minority languages).

A Romanian language program is broadcast on TV Pančevo (25 minutes per week with a repeat), TV Banat (25 minutes per week, with its seat being in Vršac) and TV Kovačica (one hour per week).

A radio program in the Romanian language lasting between 30 and 60 minutes per week is broadcast on:

- Radio Zrenjanin
- Radio Fedra Zrenjanin
- Radio Kovin
- Radio Kovačica
- Radio Bela Crkva
- Radio Sečanj
- private radio stations (Viktorija in Vršac - 24 hours of program in the Romanian language) and Radio FAR of Alibunar (2 hours daily), Radio Sunce- Glas – Voice of Southern Banat, Bela Crkva – 60 minutes weekly<sup>160</sup>.

#### **National Council of the Ruthenian National Minority**

The Ruthenian editorial office of the Novi Sad Radio broadcasts a Ruthenian language programme each day lasting for 5 hours in average.

The Ruthenian editorial office of the Bačka Topola Radio broadcasts a 30-minute programme in the Ruthenian language weekly.

Radio Šid broadcasts a one-hour programme weekly.

The editorial office of the Kula Information and Promotion Centre prepares a daily programme in the Ruthenian language lasting for one hour in average.

The editorial office of the Vrbas Information Centre broadcasts a daily programme in the Ruthenian language lasting for one hour in average.

Multiradio broadcasts a programme lasting for 15 minutes, twice a week.

The coverage of the radio and TV signal of programs in the Ruthenian language is insufficient, while the audibility and visibility are poor (especially in Srem). The national minority language services are primarily affected by the problem of the exceptionally obsolete equipment which they work with. A renewal of the service's personnel, without which it is impossible to increase the scope and quality of the programs in the Ruthenian language, is badly needed.

- For example: following the departure of the producer for Ruthenian music in the 1990s, the position remained vacated, and despite insistence by all the relevant Ruthenian cultural institutions, it has not been filled to this day.

The procedure regarding program activities and the filming of programs is complicated, and the service's autonomy in setting the priorities and the budget is insufficient. The need for the Ruthenians to create their own production has grown due to the specificity of the Ruthenian language and the inability to import programs from the mother country.

The Ruthenian editorial office of the Novi Sad TV broadcasts a Ruthenian language programme each day lasting for 40 minutes in average.

#### **National Council of the Slovak National Minority**

In APV, programs in the Slovak language are broadcast on:

- Television Novi Sad
- 3 local TV stations
- In Radio Novi Sad, and on 9 local radio stations, with a longer or shorter duration.

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<sup>160</sup> The program of Radio Oskar in Vršca has stopped broadcasting.

After the establishment of the BIV, informing in the Slovak language at the provincial level through the television and radio was financially stabilized. However, the problem of ensuring the technically unobstructed watching of the program in certain parts of APV has still not been resolved, as has not been the adequate coverage of the jobs with personnel.

#### **Radio Sunce – Voice of Southern Banat**

Due to their long period of isolation, physical distance from their kin state and unstable economic conditions, as well as political changes, the Czech national minority had been deprived of informative and cultural contents in their primary languages for years. The technical impossibility of viewing TV and listening radio programmes broadcast from the Czech Republic has also contributed to decreased communication in the native language, and it has especially been reflected on younger generations. At present, only senior persons belonging to this community can speak their native language fluently.

The radio station (wherein privatisation is underway), founded by the Municipality has been broadcasting a one-hour production in the Czech language prepared by the «Češka Beseda Bela Crkva» once a week since 1997.

The Radio Sunce – Voice of Southern Banat which is in private ownership (co-founded by the Czechs of Southern Banat Association) and whose launch was supported by the Southern Moravian Region (Czech Republic), daily broadcasts programmes for at least 60 minutes in the Czech language. The radio fosters good cooperation with Radio Prague and Radio Brno. Programmes are edited by the Association members.

### **Recommendations**

#### **Voivodina Center for human rights**

- To envisage, with amendments to the *BLW* and *PIL*, the possibility of the local self-government financing media which are multi-lingual and cherish to a large extent segments of public interest.
- To provide a certain number of frequencies for broadcasters of the civil sector, at the national, provincial and regional levels, and not only at the local level, which would resolve the problem of large and dispersed minorities, of groups and religious communities discriminated against in a number of ways.
- To see to it that the *BIV* reaches at least the legal minimum of 92 percent of the coverage of APV with the signals of two TV channels and 3 radio frequency networks.
- To ensure that, according to the principle of special measures, multi-lingual media have priority in obtaining broadcasting licenses and in reducing the broadcasting fee, i.e. the registration fee for participating in the tender for the allocation of broadcasting licenses.

#### **National Council of the Bunjevac national minority**

- Apart from giving them the right to be informed, persons belonging to national minorities should also be provided with adequate funds for the realization of this right, especially in view of the fact that media in national minority languages are not profitable or able to support themselves.
- For the sake of quality informing in their own language, all national communities should have space to broadcast radio and TV programs at the local level, as well funds to create their own services.

### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

- To enable the broadcasting of radio and television programs in the Croatian language at the provincial level, within the public service of Radio and Television Novi Sad in order to satisfy the informative needs of the community.
- To achieve true freedom of informing in the Croatian language by preventing the authorities’ political influence on the editorial policy.
- To draw up program schemes for minorities according to clear criteria and the needs of certain minorities.

### **National Council of the Roma national minority**

- It is necessary to employ young and educated Roma in RTV’s Roma service, in line with the needs of the program.
- It is necessary to resolve the issue of the status of programs and personnel in local and regional media broadcasting programs in the Roma language and to take certain measures to stimulate owners to broadcast programs in the Roma language.
- To support the formation and development of media in the Roma language.

### **National Council of the Romanian national minority**

- Systematically to resolve the problems of municipal media, especially in regard to privatization, otherwise all the newspaper supplements and programs in the Romanian language will disappear. At the same time, it is necessary to resolve the problem of their systemic financing.
- To prepare future young staff members (primarily journalists) who will work in the public service – RTV Voivodina and to provide one more radio frequency for all the national minorities.
- Urgently to adopt additions to the *BLW* and to introduce the institution of national councils, as this is of vital interest for national minorities.

## **Article 9, paragraph 3**

### **Normative framework**

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## **Implementation**

### **Printed media**

#### **Voivodina Center for Human Rights**

#### **Review on the Opinion of the Advisory Committee**

The Advisory Committee's conclusion that a considerable number of newspapers and other publications are published in the languages of national minorities, in particular in Voivodina, often with support from public sources, although financial difficulties remain a major obstacle for further progress in this sphere<sup>161</sup>, is overshadowed by the current process of the privatization of all print media in Serbia, i.e. by the provision of the *PIL* (article 14) according to which the state cannot be the founder or the owner of a medium. The privatization will especially affect the print media publishing supplements in national minority languages, since, realistically speaking, interest in their privatization will be small.

It will be possible to realize the Advisory Committee's recommendation that maximum availability, quality and diversity of minority language publications should be assured<sup>162</sup>, only when the status of the print media is resolved following the process of privatization.

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<sup>161</sup> Opinion, article 9/71

<sup>162</sup> Opinion, article 9/72



According to the *PIL*, all the print media founded by the state must be privatized (Article 14), since the state cannot be a founder or an owner of a medium. The APV Assembly transferred its founding and ownership rights over the media in national minority languages onto national councils of national minorities, as a step towards the democratization of national minority media<sup>163</sup>. However, due to the lack of a stable system for the financing of national councils, the Executive Council of APV is still financing these media from the budget of the APV. In 2006, around 90 percent of the budget of the Provincial Executive Council's Information Secretariat was directed towards the financing of national minority media whose founding, ownership and managing rights belong to the national councils of national minorities whose media are at issue. This means that national councils are realizing their rights, but not their obligations towards their media.

National councils of national minorities have taken decisions to take over the founding rights over newspaper publishing institutions, and specifying, among other things, that it is the founder who appoints and dissolves the Management Board and Supervisory Board, which then appoint the director and editor-in-chief. This was actually the main problem at the time of the debate on whether the founding rights should be ceded to national councils of national minorities. The fatal nature of this decision, opposed by journalists of minority media, is already visible.

- For example, *Magyar Szó*, the only daily newspaper in a minority language (Hungarian), is already under the control of the party that is dominant in the National Council of the Hungarians, and which, according to the opinion of journalists belonging to this national minority, through a series of wrong decisions, turned this reputable daily newspaper into a party newspaper, with a small circulation, and with an intention to become a newspaper of the broader local community. The staff has been cut down, divided up and moved from Novi Sad to three towns in APV, with the head office being in Subotica. Journalists of this reputable daily newspaper are of the opinion that at issue is not rationalization following the drawing up of a self-sustainability study for a medium with a realistically small readership, as is being presented to the public, but rather the desire to establish full political control over this once independent and very balanced newspaper. The journalists requested assistance from branch associations which, the truth be told, in both APV and Serbia, did not have the power to protect them. The trade unions were also not strong enough to stand up for their members.

The mentioned problem could be alleviated with a different choice of members of the national minorities' national councils, but also through the formation of a separate independent fund at the level of the entire Republic, from which these media would be financed.

- For example, in Montenegro, 20% of the license fee is allocated for local broadcasters

The *PIL* envisages the privatization of all print media founded by the local government, which also applies to multi-lingual newspapers whose founder is the local government. The privatization was to have been completed by the end of April 2006, but the deadline was moved to the end of last year. This means that, since January 2007, all the newspapers founded and financed from the budget by the local government should have had a new owner or should have been closed down. The preparation process for the privatization is under way, and most of the media submitted all the necessary documents to the Republic Privatization Agency before March 2006. Due to personnel changes at the Agency, not a single privatization was carried out from the mentioned date to the end of last year. Bodies of local self-government and the managements of all the mentioned newspapers unsuccessfully addressed the Privatization Agency on a number of occasions. Neither the Agency nor the Serbian Ministry of Culture and the Media responded to the question as to who was responsible for this situation, or whether, based on the *PIL*, all the local government newspapers must be closed down even though they are not responsible for the fact that the privatization had not been carried out. According to the opinion of the Serbian Ministry of Culture and the Media, regardless of the fact that the privatization dynamics was not adequate, the *PIL* provided sufficient time for the privatization (2003-2006). At the same time, many local governments are not willing to

<sup>163</sup> The Information Secretariat of the Executive Council of APV initiated, and the APV Assembly agreed (on June 29 2004) to have national councils take over founding, ownership and managing rights over newspaper publishing companies in languages of national minorities.

close down their newspapers, especially the multi-lingual ones. It should be noted that, under the *LLSG*, the municipality has the right to allocate funds from the budget for public informing. A solution is expected of the new Serbian Ministry of Culture and the Media.

Such a poorly carried out privatization policy represents a veritable form of pressure on local government media and cannot be considered a good privatization practice. It brings into jeopardy the print media with supplements in several national minority languages, since very few are interested in their privatization.

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There is no real statistics at the state level about the number of newspapers, but it is believed that there are around 150 printed publications (newspapers, brochures, magazines...) in national minority languages.

There is only one daily newspaper in a national minority language, the Hungarian language (*Magyar Szo*). National minorities with a long media tradition (Hungarians, Slovaks, Romanians, Ruthenians) have reputable weekly magazines. Since recently<sup>164</sup>, Croats started to issue a weekly, and the Roma a two-weekly. Other minorities sporadically publish written publications in their language (at the local, regional, provincial and national levels).

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The circulation of publications in APV depends on the numerical size of the minority itself. The largest circulation is that of the Hungarian daily newspaper *Magyar Szo*, which is published on Thursdays and at weekends in up to as much as 20,000 copies. Other weekly magazines in APV (containing information in the spheres of politics, culture, health care, education, sport, entertainment pages, the television program) in minority languages, are printed in about 5000 copies. Local media have a much smaller circulation, up to 500 copies. The circulation of publications in APV and Serbia depends on the state's subsidies, and no minority newspaper is commercially independent. Unlike APV, the print media in national minority languages in Serbia are marginalized.

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The most represented genres in publications in minority languages are news items and articles, but with *Magyar Szo* containing reports as well.

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The sphere of commercials has still not been legally regulated in Serbia, either in majority or minority print media.

#### **National Council of the Bunjevac national minority**

The Bunjevcs have their Bunjevac newspaper which comes out once a month<sup>165</sup>. At the local level, in Subotica and Sombor, the Bunjevacs do not have a single medium in their own language. Even though the funds were requested from the town a number of times, they were not approved, so that the publishing activity in the Bunjevac language has almost died out. Due to the lack of funds, the registered publishing institution publishes one or two books annually.

#### **National Council of the Hungarian national minority**

Respecting the requests of the minority national community, the Assembly of the APV has transferred the founding rights over the newspapers *Magyar Szó* (daily newspaper), *Hét Nap* (weekly) and *Képes Ifjuság* (weekly youth magazine) onto the National Council of the Hungarian national community<sup>166</sup>. However, the financing of part of the costs for the printing of these newspapers has not been resolved. Moreover, over the past years, the share of the APV in the financing of the daily newspapers of the Voivodina Hungarians has been dropping. Thus, for

<sup>164</sup> Over the past 2-3 years.

<sup>165</sup> They are financed by the APV Executive Council, the Information Secretariat

<sup>166</sup> September 23, 2004

example, in 2004, the Province's donations in the structure of the newspapers' total income was 22.64%, while in 2005 it was only 19.94%. In the case of *Hét Nap*, the fact is that, despite its largest circulation and number of pages, this magazine received the smallest funds from the budget of the APV of all the so-called "small newspapers". Since the mentioned newspapers and magazines are constantly faced with a drop in their circulation due to the Hungarian population's purchasing power, the journalists' salaries are humiliating (150-200 EUR), which is why the services are losing their personnel.

A special problem are the children's magazines in the Hungarian language, *Mézeskalács* (for pre-school children) and *Jó Pajtás* (for children of school age), which, due to the circumstances, were privatized in the 1990s, and which fell into serious financial problems over the past years. The constant reduction of the number of young people in the Hungarian population of APV has led to a drastic drop in the number of readers, and thus also to the profitability of the printing of these children's magazines. Numerous attempts aimed at having these magazines included on the list of newspapers (co)financed by the Province did not produce results, so that both magazines have found themselves in a helpless situation. This can lead to the closing downs of the mentioned children's magazines in the Hungarian language after more than five decades of their continual publication.

#### **National Council of the Macedonian national minority**

"Macedonian Information and Publishing Centre", a publishing institution, was formed in Pančevo, and it publishes *Makedonska videlina*, the informative and political journal of the Macedonian community in the Republic of Serbia once a month<sup>167</sup>.

#### **National Council of the Roma National Minority**

There were attempts in the past at publishing newspapers, magazines for adults and children, and even scientific and professional magazines in the Roma language, but, unfortunately, they lasted only shortly, since they soon ceased coming out due to the lack of funds.

At the initiative of the *Matica Romska* cultural and publishing society and by the decision of the Assembly of APV, formed was the "THEM" newspaper publishing institution in the Roma language<sup>168</sup> which publishes two magazines: "Them" (World) which comes out twice a month and has a circulation of 1500 copies and "Čhavorrengo them" (Children's World) coming out once a month<sup>169</sup> in 1500 copies. The children's magazine is distributed free of charge to Roma associations and primary schools which have classes in the Roma language with elements of the national culture.

The mentioned magazines are the only ones that have been coming out continually, and the newspaper-publishing institution is financed from the budget of APV.

For the purpose of the greater independence and autonomy in the work and editorial policy of publishing companies in national minority languages, the Assembly of APV decided<sup>170</sup> to transfer the founding rights over all newspaper-publishing institutions, which it is the founder of, onto the national councils of these communities. The National Council of the Roma national minority has transferred the founding rights to the Voivodina Roma media center, whereby the "Them" newspaper publishing institution has been privatized.

#### **National Council of the Romanian National Minority**

In the domain of publishing (books and magazines), the situation is much more favourable for the Romanians in APV than for those in Eastern Serbia: in addition to „Libertatea“ News and

<sup>167</sup> A monthly, financed by the APV Secretariat for Information.

<sup>168</sup> In October 2003.

<sup>169</sup> Since 2005.

<sup>170</sup> In 2004.

Publishing Agency from Pančevo, four more publishing houses are active publishing over 50 perdiocals<sup>171</sup>.

Newspapers in the Romanian language are issued practically by all local communities (periodically one or two issues annually):

- The «Libertatea» weekly
- «Tibiskus»<sup>172</sup>
- „Cuvântul românesc”<sup>173</sup>
- «Floare de latinitate»<sup>174</sup>.
- Magazines are also issued by other Romanian organizations and institutions, such as: the Festival of Romanian Music and Folklore, Theater Days of the Voivodina Romanians, the Romanian Language Society, the Vicarship of the Romanian Orthodox Church, etc.

The main problem is to resolve the issue of the magazines’ systemic financing, since they receive only symbolic funds from the National Council of the Romanian national minority. Even though the founding rights of the „Libertatea” newspaper publishing association have been transferred onto the National Council of the Romanian national minority, the Executive Council of APV is still co-financing the publication of the weekly, and of the children’s magazine „Bucuria copiilor”, the magazine for the young „Tinerețea” (once a month) and the magazine for literature, art and culture „Lumina” (which has a 60-year tradition and instead of coming out once a month, it is published 2-4 times per year).

Municipal newspapers publishing reportages or supplements in the Romanian language are ceasing to come out on January 1, 2007, according to the decisions of the municipal councils of the municipalities of Kovin, Zrenjanin, Alibunar and Vršac.

Romanians from eastern Serbia publish two bulletins, of which one has shut down, and the other comes out sporadically (1-2 times a year).

#### **National Council of the Ruthenian National Minority**

The Ruske slovo newspaper is published once a week on 16 pages.

The Ruske slovo Publishing House also publishes:

- Švetlosc Literary, Cultural and Art Magazine (4 times a year on 160 pages).
- MAK Youth Magazine (once a month on 20 pages)
- Zahradka Children's Magazine (10 times a year on 24 pages)
- Calender and Almanac (once a year on 400 pages).

In the *Kulska komuna* newspaper 1 page is published in the Ruthenian language twice a month.

The religious journal *Zvona* is published once a month on 28 pages and its editors also pursue publishing activities.

*Glas Saveza*, the journal of the Serbia and Montenegro Association of Ruthenians and Ukranians is published once a year on 60 pages and is printed in the Ruthenian and Ukranian languages.

*Rusin*, the publication by the Ruthenian Matica is published 3 to 4 times a year on 16 pages.

<sup>171</sup> Almost every Romanian village has their own newspaper. The village of Torak publishes as much as 5 magazines.

<sup>172</sup> It comes out once a month in Uzdin

<sup>173</sup> In the edition of the Romanian Community of Serbia in Vršac

<sup>174</sup> The magazine is issued by the National Council of the Romanian national minority, 5 issues annually



The newspaper publishing institution "Ruske Slovo" is faced with the problem of the regular financing of the publishing activity's overall costs.

#### **National Council of the Slovak National Minority**

The print media publishing articles in the Slovak language are:

- the „*Hlas Ljudu*“ weekly at the provincial level
- two local newspapers (Zrenjanin and Pazovačka Revija) which also publish articles in the Slovak language
- the „*Rovina*“ monthly<sup>175</sup>
- the children's magazine „*Zornička*“
- the literary magazine „*Novi život*“<sup>i</sup>
- the „Narodni Kalendar“ yearly magazine and
- the „*Vzlet*“ magazine for young people.

The situation in the local media is being complicated by the upcoming privatization – the problem of financing and providing personnel.

#### **German Association “Donau”, Novi Sad**

Except for the magazine «Donau Nachrichten», published annually<sup>176</sup>, there are no other media in the German language.

#### **Radio Sunce – Voice of Southern Banat**

“The Czechs of Southern Banat” Association quarterly publishes the Bulletin «The Southern Banat News” in 300 copies.

#### **Society of Slovenians “Kredarica”, Novi Sad**

In the Slovenian language a Bulletin, titled *Kredarica* is published (in Novi Sad), while similar informative papers are published in other cities as well (in Belgrade, Vršac, Niš and Zaječar).

#### **Electronic media**

##### **Voivodina Center for Human Rights**

The transformation of Radio and Television Novi Sad<sup>177</sup> into Voivodina's public service represents the implementation of the *BLW* which envisages the restructuring of the Serbian Broadcasting Corporation, as a state-centric medium, into two public services: the BIV seated in Novi Sad, and the Broadcasting Institution of Serbia<sup>178</sup> seated in Belgrade.

An introduction to the transformation of the state-centric radio and television into a public service was the separation of Radio and Television Novi Sad from Radio and Television Belgrade, and the rationalization of operations within which a social program was offered to all the employees irrespective of their qualifications needed for the functioning of the medium. The non-selective social program led to a total collapse in the work of the national minority language services on Radio and Television Novi Sad and it called into question the realization of the programs of Voivodina's public service whose mission is to develop informing in minority languages.

- For example, 10 people left the Slovak language service of BIV's radio program, which is more than half of the total number of employees. The situation in the other minority language services is no better, since the employment of new young journalists should have been made possible, instead laying off employees whose number was already quite modest.

Public services are financed from the license fee, while local multi-lingual media are financed from municipal budgets or in a combined manner.

<sup>175</sup> It is published by AD “Kultura” in Bački Petrovac

<sup>176</sup> Financed by the own funds of the Donau German Association, Novi Sad.

<sup>177</sup> Referred to hereinafter as RTV Novi Sad

<sup>178</sup> Referred to hereinafter as BIS

### Radio Programs

As regards the public service, especially BIV, attention was paid to affording all the minorities, in all the daily segments, a certain number of broadcasting minutes on the joint frequency for all minorities. Within BIV, only the program in the Hungarian language has its own radio frequency and it broadcasts 24 hours a day. On local radio stations, broadcasting hours are mostly determined by the share of the speakers of a certain language in the total population of APV. BIS broadcasts only individual programs in minority language, of a modest scope.

### TV Programs

Voivodina's public service has a special channel for minority languages on which, in the afternoon and night hours, according to a set schedule, it broadcasts news, cultural, educational and entertainment segments intended for national minorities.

Serbia's public service has no programs in minority languages. The communication needs of minorities are met by private local broadcasters.

Informative programmes in minority languages of so called «old minorities» (Hungarian, Romanian, Ruthenian, Slovak) and Roma in APV are uniformly scheduled in prime time slots both on the radio and the television.



Repeats are often not clearly noted in minority language TV programs.

- For example, the BIV in the Hungarian language, as the most developed minority language TV program, has 3 hours per week on the average for repeats of the current program.

Repeats are even rarer on the radio<sup>179</sup>.



Both radio and television programs in minority languages have an unfavorable genre structure. In 2006, the BIV produced around 500,000 minutes of its own program in the Serbian and minority languages. The structure of the broadcast programs is unfavorable, since news programs account for around 64%, cultural and artistic programs for around 28%, and documentary and educational programs for only 8.21%<sup>180</sup>.

In the news programs on BIV minority language TV programs<sup>181</sup>, over 80% is information provided by news agencies. Around 10% are authorial reports, while the number of analytical genres is almost negligible.

In the news programs on Radio Voivodina over 90% is news from news agencies, while around 5% are authorial reports. Analytical genres have been registered only in the radio's Hungarian programs (around 10%).

Documentary segments are very rare in both radio and TV programs. Drama programs were abolished in minority languages on both the radio and TV in 2005, for financial reasons. The new BIV management recently publicly presented the intention to re-establish a drama program in minority languages.

Due to financial and personnel problems, resulting from a poor program policy imposed by the majority nation on minorities, from 2000 to 2007, in the entertainment part of minority language

<sup>179</sup> The establishment of the exact number of hours of radio repeats in minority languages requires a deeper analysis and research.

<sup>180</sup> BIV data

<sup>181</sup> Data from the research "Transformation of RT NS into Voivodina's public service" from September 2006 to January 2007, the Novi Sad School of Journalism

programs, TV Novi Sad<sup>182</sup> has been focusing exclusively on folklore, instead of the once cherished genres such as: literature and film criticism, documentary programs, travel reports.



At the moment, there is no digital broadcasting in Serbia, either on radio or TV stations.



*The BLW* states that electronic broadcasters can broadcast programs in national minority languages, but emphasizes that this is the task of public services (article 78). At the same time, *BLW* says that, by the end of 2007, all local broadcasters founded by municipalities must be privatized. On the territory of APV and in certain parts of Serbia (southern and eastern Serbia), most local radio stations are multi-lingual, which corresponds to the share of the speakers of a given language in the total population.

At the level of the republic and the level of the province, the state provides technical assistance primarily to local broadcasters on the basis of annual tenders.

It should be borne in mind that the number of multi-lingual TV stations founded by local self-governments is much smaller.



In September 2006, the public tenders for BIV's managing bodies were completed. Not a single person from the list of the national minorities' national councils of national minorities was selected for the managing boards. The RBA, which, under the law, selects members of public services' managing boards, explained this by stating that the *BLW* does not specify that national minority councils are to propose persons for this body of the public service. However, based on the the principles of affirmative action, the public services whose mission is informing in the languages of national minorities also implies that its managing structure must include national minority representatives. This is not the case at the BIV. The same is true of the managing board of the BIS seated in Belgrade. Candidates proposed by the national councils of national minorities were not accepted neither to the programme council of BIV nor to the programme council of the public service (BIS).

#### **National Council of the Hungarian National Minority**

*Review of program broadcasting on TV Novi Sad by languages and language services between 1990 and 2005*

In the SFRY, the broadcasting of programs in the Hungarian language started on January 1, 1968 in Television Belgrade's studio. A few years later, as part of the tendency towards political decentralization in the former Yugoslavia and the strengthening of the provinces' autonomy, Television Novi Sad was founded. So, as of November 26, 1975, programs in the languages of Voivodina minorities have been broadcast from Novi Sad. The expansion and development of the programs in the Hungarian language, from one 15-minute program per week (broadcast from Belgrade) in the 1960s, to over 40,000 minutes of program annually until the end of the 1980s, satisfied the informative, cultural and educational needs of the Voivodina Hungarians. However, at the time of the war and hyperinflation in the 1990s, the Hungarian service of Television Novi Sad was decimated as regards the personnel, while the scope of the programs was considerably reduced.

The changes that took place on October 5, 2000, were expected to bring about the renewed broadcasting of the cancelled programs on Television Novi Sad and the return of the one-time diversified program (children's, educational, entertaining and documentary programs) in the Hungarian language, but this did not happen. It is only with the establishment of the Provincial

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<sup>182</sup> From which the Public Service of Voivodina/BIV was created in 2006

public service for the broadcasting of television programs that possibilities were opened up for re-designing the concept of the Hungarian language programs, and for establishing a true ratio between the duration of the programs broadcast in the Hungarian language and the radio and television license fee paid by the Voivodina Hungarians which goes into the coffer of the new public service.

In the case of the Hungarian language service on TV Novi Sad the biggest problem is still the inadequate share of minority language programs in the overall programs broadcast on two channels. The language structure of the programs broadcast on TV NS is as follows:

**Table 5: Language structure of programs broadcast on TV NS (1990 -2005)**

<b>Language structure of programs broadcast on TV NS in 1990:</b>	
In the Serbian language	55.78%
In the Hungarian language	20.06%
In the Slovak language	2.89 %
In the Romanian language	2.84%
In the Ruthenian language	2.57%

<b>Language structure of programs broadcast on TV NS in 1993:</b>	
In the Serbian language	71.36%
In the Hungarian language	6.89%
In the Slovak language	2.79 %
In the Romanian language	2.30%
In the Ruthenian language	2.30%

<b>Language structure of programs broadcast on TV NS in 2000:</b>	
In the Serbian language	75 %
In the Hungarian language	3.96 %
In the Slovak language	1.37 %
In the Romanian language	1.35 %
In the Ruthenian language	1.46 %
In the Roma language	0.82 %

<b>Language structure of programs broadcast on TV NS in 2003:</b>	
In the Serbian language	71.62%
In the Hungarian language	4.93%
In the Slovak language	2.24%
In the Romanian language	2.08%
In the Ruthenian language	2.17%
In the Roma language	2.14%
In the Croatian language	0.09%
In the Ukrainian language	0.15%

<b>Language structure of programs broadcast on TV NS in 2004:</b>	
In the Serbian language	79.00%
In the Hungarian language	3.37%
In the Slovak language	1.72%
In the Romanian language	1.69%
In the Ruthenian language	1.68%

In the Roma language	2.02%
In the Croatian language	0.05%
In the Ukrainian language	0.08%

<b>Language structure of programs broadcast on TV NS in 2005:</b>	
In the Serbian language	73.57 %
In the Hungarian language	4.51 %
In the Slovak language	1.86 %
In the Romanian language	1.85 %
In the Ruthenian language	1.80 %
In the Roma language	2.50 %
In the Croatian language	0.09 %
In the Ukrainian language	0.11 %
In the Bunjevac language	0.09 %

Data show that the overall duration of the programs in the Serbian language is constantly increasing, while the duration of the programs in the Hungarian language is dropping. The duration of the programs in other minority languages dropping, whereby the largest increase is registered in the Roma language programs.

The drastic drop in the program minutes in the Hungarian language since 1990, from 20.06% to 3.37% in 2004, was the result of the reduction of the broadcasting minutes of minority languages programs and the actual abolition of repeats in the Hungarian language, due to the introduction of the new program scheme<sup>183</sup>. It was gradually since the 1990s, and almost entirely after 2000 that programs in minority languages were reduced to news programs, while programs of an artistic, entertaining, educational, documentary and drama nature were abolished. TV Novi Sad films and broadcasts only music festivals and minority folklore festivals, thus reducing minority programs to politics and “dancing and dancing”.

The low percentage of the programs in the Hungarian language in the Television's program scheme is the result of:

- the deliberate and systematic personnel-wise impoverishment of the Hungarian language service (the sacking of part-time associates and the failure to fill the vacated positions of journalists and production personnel who retire)
- often even the unreasonable limiting of the funds for the production of programs in the Hungarian language
- the partial abolition of repeats in the Hungarian language.

Such a disgraceful and impermissible minimum of programs in minority languages is contrary to the original aim of the establishment of Television Novi Sad, which was founded primarily for the purpose of informing the population of Voivodina in minority languages. In this sense, the Hungarian service represented the oldest, biggest and best cultural and personnel-wise potential in APV.

The mentioned reduction of the programs in the Hungarian language is not proportional to the reduction of the number of Voivodina Hungarians, from 16.94% to 14.28% (according to the population censuses in 1991 and 2002). Instead of respecting the principle of the positive discrimination of people belonging to national minorities, the Hungarians in APV today do not receive even a third of what they, as tax-payers, are investing in the functioning of the public service.

<sup>183</sup> On TV Novi Sad's channel 2.

Despite the constant requests and the existing possibilities for the gradual and continual expansion of programs in minority languages on TV Novi Sad's channel 2, the company's management has so far not met the minorities' requests.

In the case of municipal and inter-municipal media, primarily local radio and TV stations, nothing has been done to regulate the position of the media broadcasting their programs in minority languages. Since the position of these media was not legally regulated in the privatization process, this can have fatal consequences for the local electronic media which broadcast their programs fully or partly in minority languages (for example Radio Subotica, whose program in the Hungarian language is among the most popular in the Province), since the market logic of the new owners-broadcasters will most probably abolish them.

## **Recommendations**

### **National Council of the Hungarian national minority:**

- To place children's newspapers in languages of minority communities on the list of editions (co)financed from the budget.
- To strengthen the Hungarian service with new personnel, to ensure the gradual increase in the number of program minutes and the introduction of program segments that are expected of a public service.
- To find and adopt a legislative solution that would guarantee the survival of the local media which (also) broadcast their programs in minority languages.
- To respect the multi-national character of the public service and, in line with the Law, to take into account the opinions and proposals of national councils when appointing the Management and Program Boards of RTV NS.
- Proportionally to include representatives of national minorities in the managerial structure of RTV NS.
- To strengthen the service personnel-wise, to enable young staff members to be educated in minority languages and to see to it that the signal of RTV NS covers the entire territory of APV.

### **National Council of the Romanian national minority**

- To establish print media in the Romanian language in eastern Serbia.

## **Article 9, paragraph 4**

### **Normative Framework**

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## **Implementation**

### **Voivodina Center for Human Rights**

As regards the improvement of tolerance and making possible cultural pluralism, independent monitoring of BIV's programs in the Serbian language and national minority languages<sup>184</sup> showed that prime-time television news programs in national minority languages have been reduced to the translation of news provided by news agencies, which does not even remotely satisfy the needs and rights of minorities for receiving information in their own language. There is a general lack of segments on multi-cultural permeation, the promotion of the languages and cultures of national communities in this area and information about APV<sup>185</sup>.

<sup>184</sup> It has been conducted by an independent expert consortium since September 2006

<sup>185</sup> For more details, see article 6, paragraph 1

As regards news programs, the number of broadcasting hours in a majority language on a minority station/channel depends on the daily editing determined by the daily events. In cultural, entertainment and educational programs there are mostly no segments in majority languages.

The independent monitoring of the programs in the Serbian and minority languages of the BIV<sup>186</sup>, showed that prime-time television news programs in the languages of national minorities had been reduced to the translation of agency news items, which does not even remotely satisfy the needs and rights of minorities to be informed in their own language. It was noticed that programs in minority languages very rarely quote protagonists of events speaking their mother tongue, i.e. one of the languages of national minorities, with a translation into the majority language. The established practice is for persons belonging to national minorities to speak the majority language (Serbian) when giving statements for the public service's programs. The monitoring also showed that even the programs of national minorities much more frequently quote protagonists of events who speak the language of the majority population. In the observed period<sup>187</sup>, only 10.2% of the persons belonging to national minorities were among the quoted protagonists or presenters of opinions in the news programs of TV Voivodina, and only 5.8% in programs of Radio Voivodina.

## Recommendations

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### Article 10

1. *The Parties undertake to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*
2. *If minority groups request to use their language in dealing with the local authorities in areas traditionally populated by that minority group or where the minority group constitutes a substantial proportion of the population, and that request corresponds to a real need, the parties will endeavor to ensure, as far as possible, that the minority language is used in relations with those persons and the administrative authorities.*
3. *The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to allow the person arrested to defend himself or herself in their language, if necessary in the presence of an interpreter paid for by the authorities.*

## Article 10, paragraph 1

### Normative Framework

#### Voivodina Center for Human Rights

#### Review on the Opinion of the Advisory Committee

To the Advisory Committee's commendations of the fact that the law in Serbia contains the obligation to introduce the "official use" of minority languages - which includes the oral and written use of the said language in relations with the authorities - in those local self-government units where the number of persons belonging to the national minority concerned has reached 15 percent, and that the local-self government units may decide to introduce this measure even with a lower

<sup>186</sup> Which has been carried out by an independent expert consortium since September 2006, as a part of the research "Transformation of RT Novi Sad into the public service of APV" from. September 2006 to January 2007, of the Novi Sad School of Journalism

<sup>187</sup> Autumn 2006

percentage of the minority population<sup>188</sup>, one can also add the adoption of the *Decision on the closer regulation of certain issues concerning the official use of the languages and scripts of national minorities on the territory of APV*<sup>189</sup> envisaging the introduction of the official use of minority languages even when persons belonging to minorities do not constitute 15% of the municipality's total population, but when their share in a settlement or a local community unit reaches 25%. The problem is the fact that the mentioned decision is being implemented only on the territory of APV, while no similar solution exists in the law at the level of the republic.

The introduction of the official use of the Croatian language<sup>190</sup> is still encountering obstacles, due to the republican bodies' reluctance to have this problem resolved (see below).

Even though the official use of the Roma language is guaranteed by the *Charter for Regional or Minority Languages*, until the time when this report was being written, the official use of the Roma language was not introduced in any municipality in Serbia. The situation is absurd also in view of the fact that, as one of the main criteria for determining the languages that will be protected under provisions of Part III of the Charter, Serbia stated the territory on which the language is in official use<sup>191</sup>, whereby, at the time of its ratification, the Roma language was not in official use in any municipality (the same applies to the Ukrainian language).

The legal obligations regarding the *de facto* and *de jure* use of the languages in the municipalities which this refers to, is being implemented more consistently in APV than on the territories of central, southern and eastern Serbia and in contacts with municipal authorities and with administrative authorities. The use of a minority language between persons belonging to minorities and law-enforcement and other republican agencies is equally difficult in both APV and the mentioned parts of Serbia<sup>192</sup>.



Principles of the *new Constitution* (art. 10) state that the Serbian language and Cyrillic script are in official use in the Republic of Serbia (the previous Constitutions also explicitly mentioned the Latin script – as the second and broadly used script of the Serbian language). The next paragraph adds that the official use of languages and scripts is regulated by the law, on the basis of the *Constitution*. Further on, the provision is imprecise and gives rise to the dilemma as to whether or not this refers to the languages of national minorities (and which ones), because “other languages” can also mean English, Arabic, Chinese etc. The same applies to “scripts”, since they can also include the Latin script of the Serbian language (this is unlikely to be the interpretation), while it is possible that this refers (only) to the scripts of national minorities.

The basic provision of the new *Constitution*, pertaining to the rights of persons belonging to national minorities (art. 75) states that persons belonging to national minorities participate in decision-making directly or through their representatives or they decide by themselves on a number of issues in certain fields (including the official use of the language and script), in line with the law, and that, for the purpose of realizing their right to self-government in these spheres, they can elect their national councils.

Article 79, entitled *Right to the Preservation of Particularity*, in the case of persons belonging to national minorities, recognizes, among other things:

- The right to the use of their language and script.

<sup>188</sup> Opinion, article 10/76

<sup>189</sup> “Official Gazette of APV”, no. 8/03 referred to herein as: *DCRCICOFLSNM APV*

<sup>190</sup> Opinion, article 10/77

<sup>191</sup> In regard to article 1b of the European Charter for Regional or Minority Languages, Serbia and Montenegro stated that the term “territory in which regional or minority languages are in use” will refer to the areas in which regional or minority languages are in official use in line with the national legislation” – Official Gazette, no. 18/2005, article 3/2

<sup>192</sup> Opinion, article 10/78



- In environments where they form a sizeable population, state bodies, organizations with public authorization, bodies of the autonomous provinces and units of local-self government are to conduct procedures in their languages as well.
- To use their names and surnames in their own language.
- In environments where they form a sizeable population traditional local names, the names of streets, settlements and topographic signs are to be written in their language as well.

The issue of the official use of the languages and scripts of national minorities is also contained in the *LPRLNM* (art. 9, 10 and 11), and in the *Law on the Official Use of the Language and Script*<sup>193</sup>, the only law dealing entirely with these issues. *The LPRLNM* contains certain solutions that differ from provision of the *LOULS* and envisages the “equal” use of the languages, while *LOULS* mentions the “parallel” use of the languages. According to the hierarchy of legal acts (how they were adopted, when they were adopted), *LPRLNM*, which is in line with the ratified international agreement, should have priority, as it was adopted after *LOULS* (*lex posterior*). However, in practice, it is the *LOULS* that is more frequently referred to, whereby persons belonging to national minorities are deprived of certain rights or the realization of these rights is obstructed.

Provisions on the official use of a language in the work of judicial and administrative bodies are also to be found in laws regulating the criminal, civil, extra-judiciary, administrative and petty offense procedures.

Under the *Criminal Procedures Act*<sup>194</sup> (Article 9), criminal proceedings are conducted in the language, which is in official use, and parties, witnesses and other persons, participating in the proceeding, have the right to use their own language in such proceedings. If procedures are not conducted in the mother tongue of a person concerned in the case, the consecutive interpretation of the statements set out by the person and the translation of documents and other written evidence shall be provided.

*The Criminal Proceedings Act* has foreseen the possibility of using a minority language in courts and set out the interpretation/translation of both verbal statements and documents and other materials of evidence compiled in a minority language. This obligation is defined in details in the *Decision on specifying certain issues on the official use of the language and script of national minorities on the territory of the Voivodina Autonomous Province* (Article 2). Under this Decision, authorities shall accept, as lawful and valid, petitions, formal and other documents compiled and written in the language of national minorities, which are in official use on the territory under the jurisdiction of a given authority. If needed, petitions, formal and other documents are translated to the Serbian language at the expense of the authority and are attached to the documents.

Under the *Civil Proceedings Act*<sup>195</sup>, parties and other persons participating in the proceedings are entitled to use their own language and script in accordance with the provision of this Act. The Act sets out that parties and other persons participating in the procedure are entitled to use their own language during judicial hearing and when verbally undertaking procedural actions. If the procedure is not conducted in the mother tongue of the party or other persons participating in the procedure, on their request, interpretation to their language shall be provided on matters stated during the judicial hearing, and of the documents used during the judicial hearing as evidence.

<sup>193</sup> “Official Gazette of RS“, no. 45/91, 53/93, 67/93 and 48/94, referred to hereinafter as *LOULS*

<sup>194</sup> *Republic of Serbia Official Gazette no. . 46/06*

<sup>195</sup> *Republic of Serbia Official Gazette no. 125/04 and 46/06*

The highest provincial legal act containing provisions on the language in the APV is the *Statute of APV*<sup>196</sup> regulating the official use of national minority languages in the work of provincial bodies. In official use alongside the Serbian language and the Cyrillic and Latin scripts are the Hungarian, Slovak, Romanian and Ruthenian languages and their scripts, in a manner established by the law (art. 6).

As part of its competencies and through its bodies, APV “regulates certain issues of interest for the citizens of APV:

- The official use of the languages and scripts of nationalities (article 10, points 3 and 4)
- It guarantees the right of a member of parliament „to use in the Assembly the language and script whose official use is determined by the Statute“ (art. 26)
- It stipulates that regulations adopted by the Assembly, as well as acts of the Executive Council are to be published in the languages of national minorities as well (article 46, paragraph 3).

In view of the number of Croats in Voivodina (who constitute the third largest minority in the Province), the provincial Assembly launched an initiative for changing the Statute and introducing the official use of the Croatian language in the work of provincial bodies. In order for such a change to be made it is necessary to obtain the consent of the National Parliament, which has been ignoring and failing to discuss this proposal for years.

Despite this, the provincial Assembly changed its *Standing Orders* (for which Belgrade’s consent is not necessary) and introduced the Croatian language as one of the official languages in its work. The problem is that it cannot “extend” it to the Executive Council and provincial administrative bodies.

*The Law on Determining Certain Responsibilities of the Autonomous Province*<sup>197</sup> authorizes APV to regulate in greater detail the official use of the languages and scripts of national minorities on the territory of APV, including supervision of the regulations’ implementation (art. 18). The first provincial act dealing in its entirety with this issue is the *Decision on regulating in greater detail certain issues concerning the official use of the languages and scripts of national minorities on the territory of APV*<sup>198</sup>. This issue is also partly regulated by the *Decision on multilingual forms for birth certificates and the manner of being entered in the register of births*<sup>199</sup> and the *Decision on examinations in foreign languages or languages of national minorities for the purpose of working in administrative bodies*<sup>200</sup>.

The use of national minority languages in the work of the National Parliament and the Assembly of APV is regulated by the *Standing Orders of the National Parliament of the Republic of Serbia*: (art. 226), as well as the *Standing Orders of the APV Assembly* (art. 3,4,51 and 160).

*The Statutes of municipalities on the territory of APV*<sup>201</sup> regulate the official use of the language and script on the territory of a local community, on the basis of and within the boundaries of the law<sup>202</sup>.

<sup>196</sup> “Official Gazette of APB”, no. 17/91, referred to hereinafter as APV Statute

<sup>197</sup> «Official Gazette of the RS», no. 6/2002, referred to hereinafter as: *LDCRAP*

<sup>198</sup> “Official Gazette of APV”, no. 8/03 referred to hereafter as: *DRGDCICOULSNMT APV*

<sup>199</sup> “Official Gazette of APV”, no. 1/01

<sup>200</sup> “Official Gazette of APV”, no. 14/03

<sup>201</sup> Statutes of municipalities were adopted in the first half of 2002, following the adoption of the *Law on Local Self-government* obliging local communities – municipalities – to adopt their statutes regulating the organization of power and the realization of the local community’s competencies.

<sup>202</sup> See the first Alternative Report on the implementation of the Framework Convention on the Protection of National Minorities in Voivodina, VCHR).

Apart from the unwillingness of municipalities to introduce the official use of minority languages in certain settlements, an obstacle is also the formulation of the provision itself, since it mentions local community units, while no statistical data on the population census by local community units are published. For this reason it is difficult to establish their exact national composition, so that this part of the provision can practically not be implemented.

When speaking of the translation of laws into national minority languages, only the *LPRLNM* was published as a booklet in international and national minority languages. The Republic of Serbia *Act on Publishing Laws, Other Regulations and General Acts and on Publishing the Republic of Serbia Official Gazette* <sup>203</sup> does not include provisions, which would regulate the publication of Republic-level regulations in minority languages. Not one of the essential acts – material, or procedural - adopted over the last fifteen years, has been published in these languages. The lack of official translations creates huge problems for the judges, because when they refer to, or quote specific provisions of acts and laws, they have to translate themselves the normative wording.

The situation is good only in the case of regulations adopted by the Province, because they have been regularly publishing these in the *APV Official Journal* in the Serbian, Hungarian, Slovak, Romanian and Ruthenian languages. Yet, there is a merely relative value of this good practice, taken into account the very limited scope of the Province and the fact, that it may not adopt laws, or regulate essential fields of the public life.

There are no limitations whatsoever in regard of the use of minority languages in private life.

## Implementation

### Voivodina Center for Human Rights

#### *Implementation in the work of APV provincial bodies*<sup>204</sup>

In the work of provincial bodies, apart from the Serbian language, the Statute also envisages the official use of the Hungarian, Romanian, Ruthenian and Slovak languages and scripts. Despite personnel problems and occasional difficulties in its implementation, this provision is, nevertheless, being applied.

#### *Implementation in municipalities*

The *LOULS* has authorized the municipalities to determine by themselves, in their statutes, whether they will use a national minority language and which language – apart from Serbian (which is obligatory everywhere) - will be in official use on their territory. Unlike the *LOULS*, which envisages no threshold, the *LPRLNM* prescribes a threshold of 15% as the share of a minority population in the total population of the municipality when the introduction of the official use of a national minority language is obligatory. If this condition is fulfilled, the municipality is obliged to establish the official use of a minority language, but it *can* also do so with a smaller percentage of persons belonging to the minority on its territory. Regardless of the minority population's numerical size, if a minority language was in official use in a municipality at the time when the law was adopted<sup>205</sup>, it will retain this status.

Some municipalities ignored this part of the regulation and only applied the 15% threshold, attempting to “throw out of official use” certain languages, because the share of minorities in the population on their territory was below 15% (for example, the initiative in the municipality of Šid to abolish the official use of the Slovak and Ruthenian languages). Such attempts were thwarted by energetic actions of the Slovak and Ruthenian National Councils.

<sup>203</sup> RS Official Gazette no. 72/91 and 11/93

<sup>204</sup> Provincial bodies imply: the Assembly, Executive Council provincial administrative bodies.

<sup>205</sup> February 2002

It is important to mention that the language rights of national minorities in the Province, expanded by the *DRGDCICOULSNMT APV* refer only to APV. *DRGDCICOULSNMT APV* envisages cases when a minority language is not in official use on the territory of the (entire) municipality, but rather the municipality has certain inhabited places or local community units with a considerable number of persons belonging to a certain minority living in it. If their share in the total population of the settlement reaches 25%, the municipality is obliged to envisage the minority language's official use in the settlement.

In line with this, we mention previous examples of good practice:

- **The municipality of Apatin** (on whose territory only the Serbian language is in official use) introduced in the settlements of Kupusina and Svilojevo (with 79% and 58% of Hungarians respectively) the official use of the Hungarian language, and in the inhabited place of Sonta (60% of Croats) it introduced the Croatian language.
- **Stara Bingula**. Croatian has also been established as an official language in this inhabited place (29% of Croats), in the municipality of Sremska Mitrovica.

The other municipalities have still not harmonized their statutes with the mentioned provision<sup>206</sup> even though:

- In the municipality of Indija, the place called Slankamenački Vinogradi, Croats account for 75% of the population.
- In the municipality of Irig, the Hungarian population accounts for 76% of the population in the place of Dobrodol and for 63% in Šatrinči.
- In the nationally heterogeneous municipality of Pančevo, in the place called Ivanovo, the population includes 40% of Hungarians and 27% of Bulgarians, and in Banatsko Novo Selo there are 28% of Romanians, while in Jabuka the Macedonians account for 33% of the population.
- In the municipality of Sombor, the Croatian language has still not been established as an official language in the places of Bački Monoštor (52% of Croats) and Bački Breg (53% of Croats). The same applies to the municipality of Šid, where the Croats account for 40% of the population in the place called Sot.

Even though the mentioned provision formally broadens the rights of minorities, in practice people belonging to minorities do not have a big benefit from this. Namely, the range of rights which the citizens realize in the settlement itself or in the local community unit (where their language is in official use) is very small, so they are most often compelled to address bodies at the seat of the municipality, where they cannot realize their language rights (because their language is not in official use at the municipality seat).

There is no similar provision that would be applied on the territory of central and southern Serbia, which calls into question the protection of languages in Serbia. One should bear in mind here the fact that there are 68 multi-ethnic municipalities in Serbia, 41 of which are in APV, and 27 in central Serbia, and that the data on the presence of minority languages in official use<sup>207</sup> are primarily to the benefit of the use of minority languages in APV:

- Out of over 120 municipalities in Serbia, minority languages in APV are in official use in 39 municipalities, and in Serbia in 8.
- At municipal courts, minority languages are in official use in 27 municipalities in APV, and in 5 municipalities in Serbia.
- In district courts, minority languages are in official use in 6 municipalities in APV, and in 2 in Serbia.

<sup>206</sup> Valid since May 2003

<sup>207</sup> See data in state report, pp. 35-38

The provision of the law pertaining to the 15% threshold is, general speaking, being consistently applied in Voivodina municipalities, while in certain municipalities languages whose speakers do not comprise 15% of the population are also in official use.

Nevertheless, sporadic cases of the violation of the institute of acquired rights do exist:

- At the time when *LPRLNM* came into force, the official languages on the entire territory of the Bačka Topola municipality were Serbian, Hungarian, Slovak and Ruthenian. Incorrectly referring to the provincial decision, the municipality limited the official use of the Ruthenian language only to the place of Novo Orahovo, and the official use of Slovak to Bajša. Regardless of the opportune nature and purposefulness of such a solution, the municipal decision represents a violation of legal principles. In practice, one can also find certain mixed solutions that are unlikely to be founded in regulations – for example, the Slovak language has been in official use since before only in the seat of the municipality of Stara Pazova, but not in other villages of the municipality.

#### **National Council of the Bunjevac national minority**

According to the latest population census, in the municipality of Subotica around 12% of the citizens declared themselves as Croats, and 11.6% as Bunjevacs. Even though neither national community reached the legal threshold of 15% of the total population in this municipality, the Croatian language has become the official. The Croatian national community acquired this right allegedly on the basis of an acquired right, gained in 1993. Essentially, this was achieved thanks to the political coalition of parties that have been in power for over 15 years: the Democratic Party of the Voivodina Croats (DSHV) and the Alliance of Voivodina Hungarians (SVM).

*DRGDCICOULSNMT APV* stipulates that in local community units in APV it is necessary to introduce the official use of a national minority language in those inhabited places where persons belonging to a certain national minority comprise 25% of the population. Even though the Bunjevacs fulfill this condition in four local community units, the Bunjevac language has so far not been introduced in any of them.

The Council's opinion is that the Republic of Serbia is very slow in adopting a stand on the problem of the introduction and standardization of the Bunjevac language.

#### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

The issue of the official use of the Croatian language in APV has not been adequately resolved. Even though the APV Assembly adopted<sup>208</sup> "the initiative for introducing the official use of the Croatian language" in the work of provincial bodies, in order for such a decision to be legalized, the APV Assembly needs to request the consent of the National Assembly of Serbia. So far, this has not been done, since the Assembly has not taken a stand on this issue to date so that the Croatian language is not in official use in the work of provincial bodies, nor in any of the local self-government bodies, except in Subotica, Sonta, Bački Monoštor and Bački Breg and some other inhabited places in Srem.

In Subotica, the Croatian language is in official use on the territory of the municipality, but the practice of state bodies on the same territory is different.

- For instance, inscriptions on the post office, railway station, police station etc., do not include official inscriptions in the Croatian language, but rather possibly in the Latin script in the Serbian language (apart from the already existing inscriptions in the Cyrillic script in the Serbian language). This gives the impression that the central state bodies have some kind of animosity towards persons belonging to the Croatian minority.

#### **National Council of the Macedonian National Minority**

Persons belonging to the Macedonian national minority enjoyed the right to the official use of the Macedonian language and script in the municipality of Pančevo until the breakup of the former

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<sup>208</sup> At the beginning of May 2002

Yugoslavia (SFRY). When the joint state ceased to exist, the use of the Macedonian language was abolished for unknown reasons.

Despite the efforts by the National Council of the Macedonian national minority to reintroduce the official use of the Macedonian language in the municipality of Pančevo and to introduce, for the first time, its official use in the settlement of Jabuka (where the Macedonians account for more than 25% of the population, thus satisfying the legal conditions for the introduction of the official use of the Macedonian language), the responsible bodies of the mentioned municipalities have no understanding for this. For this reason, persons belonging to the Macedonian minority are denied the right to the official use of the Macedonian language.

#### **National Council of the Roma national minority**

Until the time when this report was being written, the official use of the Roma language was not introduced in any local unit in Serbia, since the law prescribes that in order for this to happen it is necessary for a certain community to account for 15% of the total population in a local environment.

To the question posed to the provincial Secretary for the administration, regulations and national minorities of APV and the vice-chairman of the Executive Council of APV<sup>209</sup>, as to why the official use of the Roma language had not been introduced, when this language had been taught for ten years now in primary schools, studied at the Faculty of Philosophy (where a department for the Roma language was being formed), when there were textbooks, scientific and professional magazines, newspapers and media in this language, and in view of the fact that, in Novi Sad in 1996, His Grace Bishop Irinej of Bačka served the first Liturgy in the Roma language, the obtained response was that the Roma do not comprise in any local community 15% of the total population. This response confirmed that, due to their dispersive manner of settling and frequent mimicry, the Roma are unable to fulfill this legal condition for the introduction of the official use of the language, but it also attests to the state's unwillingness to resolve this problem.

The mentioned provision is especially problematic and contradictory in view of the Charter, since its ratification obliges the Republic of Serbia to realize in practice the official use of 10 minority language, including the Roma language, and it stipulates that the "territory" in which regional or minority languages are in official use will refer to the areas in which regional and minority languages are in official use in accordance with the national legislation".

#### **National Council of the Romanian national minority**

By the Decision of the Vršac Municipal Council on changes to the Statute of the municipality of Vršac<sup>210</sup>, the official use of the Romanian and Hungarian languages has been abolished. In line with the mentioned *Decision*, the Romanian language has remained in official use only on the territory of the local community units of: Vojvodinci, Markovac, Mali Žam, Malo Središte, Mesić, Jablanka, Sočica, Ritiševo, Orešac and Kuštilj, whereby the mentioned *Decision* represents the most direct violation of *LPRLNM* (article 11, paragraph 3).

Initiated by the National Council of the Romanian National Minority, joined by the National Council of the Hungarian National Minority, the Vršac Municipality Assembly, on its session held May 28 2007<sup>211</sup>, amended the Statute of the Vršac Municipality, and introduced Romanian and Hungarian languages and their scripts in the official use on the whole territory of the Vršac territory.

<sup>209</sup> Tamaš Korhec, Ph.D.

<sup>210</sup> Number: 110-13/2003-I-01, of November 11, 2003

<sup>211</sup> By Decision no. 011-8/2007-II-01

*DRGDCICOULSNMT of APV* about the possibility of introducing the official use of languages in inhabited places where the number of persons belonging to national minorities exceeds 25%, is not applied in Banatsko Novo Selo (the municipality of Pančevo) even though the percentage of Romanians in the settlement satisfies the mentioned provision of the law<sup>212</sup>.

#### **National Council of the Ruthenian national minority**

Even though the official use of minority languages in APV is normatively well regulated, practice shows the opposite:

- The official use of the Ruthenian language and script is regulated in six municipalities: Novi Sad, Žabalj, Šid, Vrbas, Kula and Bačka Topola. Apart from the mentioned municipalities, the municipality of Pančevo also guarantees, through its Statute, the official use of their language to all persons belonging to national minorities, including the Ruthenians, but in practice there are no boards with names of institutions and places in national minority languages.
- Even though the Assembly in **Novi Sad** has regulated, with its Statute, the official use of the Ruthenian language and script, the city authorities have marked only seven institutions with inscriptions in the Ruthenian language. Public and utility companies, for example, have no inscriptions in the Ruthenian language.
- With its Statute, the **municipality of Šid** regulated the official use of the Ruthenian language, but in April 2005, the municipal council of the municipality of Šid took the *Decision to abolish the official use of the Ruthenian and Slovak languages*. The Decision was published in the Official Gazette. After fierce reactions by Ruthenian and Slovak societies, organizations and National Councils regarding the *Decision*, the *Decision on the abolition of the decision to abolish the official use of the Slovak and Ruthenian languages and scripts* was published in the same Gazette.
- **The municipality of Vrbas** is carrying out the most consistently the official use of the languages and scripts of national minorities. Marked in the Ruthenian languages are: 11 institutions, the name of the village of Kucura (in the Serbian and Ruthenian languages), the local community unit and the municipal branch office, but the names of the streets on the entire territory of the municipality are not written in national minority languages, neither in Hungarian nor in Ruthenian.
- **In the municipality of Kula** the official use of the Ruthenian language is mostly respected. Written in the Ruthenian language are the names of: the place of Ruski Krstur, the local community unit, the municipal branch office, the Culture Hall, the high school and primary school.
- **Bačka Topola** regulated with its Statute the official use of the Ruthenian language on the entire territory, but in the new Statute the official use of the language and script of the Ruthenians on the entire territory was abolished and regulated only in the local community unit of Novo Orahovo. The mentioned decision is contrary to the provisions of the Constitution of the Republic of Serbia and the *LPRLNM* which bans the reduction of the achieved level of human and minority rights. In Novo Orahovo, only the names of the place, the local community unit and municipal branch office are written in the Ruthenian language. The names of the streets are written only in the Serbian language, in the Cyrillic script.

#### **National Council of the Slovak national minority**

Examples of the non-respect of the rights of national minorities regarding the implementation of the right to the official use of the languages and scripts of minorities in local self-government units:

- The town council of **the municipality of Šid** abolished the use of the Latin script and the Slovak and Ruthenian languages<sup>213</sup>, which were in use in this multi-national municipality. This political and party decision provoked stormy reactions by all the institutions of the Slovak national minority, from the National Council of the Slovak national minority to the Matica Slovačka. Through critical statements in the media, representatives of minorities pointed to the harmful nature of such decisions on future national and cultural relations in multi-national municipalities such as Šid. Having realized the harmful nature of such a solution and the possibility of unwanted consequences, the political structures and the Municipal Council of Šid soon took the decision to abolish the mentioned part of the Decision on amendments and additions to the Statute of the Municipality of Šid. In their explanation to the National Council of the Slovak national minority, the responsible bodies in the municipality stated that, by having detected mistakes and having swiftly changed the municipality's Statute, they had prevented possible harmful consequences for national minorities in the municipality.

<sup>212</sup> Until 1992, the Romanian language was in official use in the municipality of Pančevo.

<sup>213</sup> With the Decision on amendments and additions to the Statute of the municipality of Šid adopted at the session on April 11, 2005

## **Recommendations**

### **Voivodina Center for Human Rights**

- To promote multi-nationality and multi-linguality as a value and wealth of this society, and not as a disadvantage. To educate the citizenship in the spirit of tolerance, in the sense that the rights of persons belonging to minorities are part of the general human rights. In this regard, insistence on their realization should not be viewed as the denial of the rights of the majority.
- To establish the full and unconditional supremacy of international agreements over domestic law.
- To envisage the equality of both scripts of the Serbian language (Cyrillic and Latin), because the Latin script is more widely used not only by persons belonging to national minorities, but by many Serbs as well.
- To have Belgrade offer its consent for amending the *Statute of APV* so that the Croatian language would be in official use in the work of provincial bodies.
- In the municipalities where a national minority language is not in official use, and in the event that there are settlements on their territory with a larger minority population (over 25%), it is necessary to enable the municipal administration to use the language of persons belonging to minorities in contact with them, i.e. to make it possible for persons belonging to minorities to realize their right to the use of their mother tongue.
- To work on the creation of personnel in administrative bodies and courts who will be capable of conducting procedures in minority languages (for example, by re-opening of language instructorships at the Faculty of Law).
- To stimulate multi-linguality in an adequate manner and adequately to value work in national minority languages.
- To provide translations of standardized forms with which parties address administrative bodies and courts.
- Gradually to ensure the adequate representation of persons belonging to national minorities in administrative bodies and courts through the employment policy.
- To reestablish translation services (or one joint service for several neighboring municipalities) in multi-lingual municipalities.
- To undertake a broad action (the media, brochures, notices...) so that parties would be well informed about their language rights.
- Energetically to punish cases of the violation or denial of the right to the use of one's mother tongue.

### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

- To ensure for the Croatian language the status of an official language in the work of provincial bodies and in the municipalities where persons belonging to the Croatian national minority live in large numbers.
- To develop capacities for the use of the Croatian language with the establishment of an instructorship and a translation service within public institutions.

### **National Council of the Hungarian national minority**

- The responsible service of the National Assembly should do the translation and authorization of the laws and other by-laws.

### **National Council of the Roma national minority**

- To take into account all the facts indicating and proving that the Roma language has acquired the right to be in official use and, on the basis of this, to introduce its official use, regardless of the 15% threshold (as has already been theoretically done in regard to the Charter on Regional and Minority Languages).



## **Article 10, paragraph 2**

### **Normative Framework**

#### **Voivodina Center for Human Rights**

*LPRLNM*, *LOULS*, *the Administrative Disputes Act* <sup>214</sup> and the *Act on Offences* <sup>215</sup> set out the possibility of using minority languages in administration-related procedures.

### **Implementation**

#### **Voivodina Center for Human Rights**

In principle, the provision to accept petitions and other documents compiled in a minority language as lawful and valid are observed by province and municipal authorities consistently. Still, there are cases of non-acceptance of documents made up in a minority language and cases, when parties are requested to attach the Serbian translation thereof translated on their own expenses by some organisational units of the Republic authorities and by the military service units.

Parties may apply to administrative authorities verbally and in writing and shall receive respond thereto in their own (minority) language. This right is exercised only in municipalities, where they represent absolute or relative majority population, because they have at disposal bilingual standardised forms for applications, requests, entries (and the printing thereof is the obligation of the municipality).

In municipalities, where national minorities do not constitute the absolute or relative majority, but where their language is in official use, there are no such forms, e.g. in Novi Sad, the capital of the APV, where Hungarian, Ruthenian and Slovak are in official use. It often happens that parties, who have submitted their application in a minority language, receive a polite answer that there is no person in the local administration, who would make a decision on the application/petition, therefore it is commendable to submit the application in the Serbian language. Wishing to have an expedite and positive outcome, parties often avoid arguing and accept the offered option. When such practices are published, the acting authorities deny such allegations.

Lately, more and more public announcements on the possibility of using minority languages appear in the official premises of the APV administration bodies and parties are put at disposal forms translated into minority languages.

The Republic of Serbia Ministry of Internal Affairs issued to its organisational units instructions on the method of proceeding with petitions compiled in minority languages as well as on the method of communicating with parties speaking minority languages.



State administration authorities develop draft documents in the Serbian language only. The same applies to local and regional authorities whereas in certain cases, drafts of some local documents are translated to minority languages in official use in the given territory, as well.

Province regulations adopted by the APV Assembly and Executive Council are published in the *APV Official Journal* in the Serbian, Hungarian, Slovak, Romanian and Ruthenian languages.

In accordance with the *LOULS* each municipality establishes which languages shall be used officially on its territory. Decisions made by municipal assemblies are published in the official journal of the

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<sup>214</sup> FRY Official Journal no. 46/96

<sup>215</sup> RS Official Gazette no. 101/2005

municipality and should also be published in all languages, which are in official use. This obligation has been violated by a large number of municipalities having no departments for translation and facing financial difficulties, hence official journals are published, mostly, in Serbian only.

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There are certain difficulties in personal oral contacts, since a very small number of employees speak a national minority language (for example, at telephone exchanges, registration desks, registry offices and so on).

*LPRLNM* (Article 21) sets out that at employment in public services account is to be taken about the ethnic make up of the local population, the appropriate representation and knowledge of the language, which is spoken under the jurisdiction of the authority or service. In most of the municipalities, where a minority language is in official use, as an eligibility criterion for certain jobs, the regulation on the classification of work places foresees the command of the minority language, too. The *Decision on Exams of Foreign and National Minority Languages for Jobs in Administrative Bodies*<sup>216</sup>, an exam has been established as a method of checking language knowledge for jobs in local government and province administration bodies, for cases where an appropriate command of a minority language is a criterion of eligibility for certain jobs.

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The representation of persons belonging to national minorities and persons speaking minority languages respectively, is not adequate in state administration bodies, in the territorial units thereof, in the bodies of the APV and local government units<sup>217</sup>. The Republic of Serbia Government adopted a Conclusion on the Measures to Increase the Participation of Persons Belonging to National Minorities in State Administration Bodies<sup>218</sup>.

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Earlier existing departments for translation were not re-established in municipalities, and in most cases, persons, if any, who are employed on other jobs but know the party's mother tongue, are engaged *ad hoc* to do the translating-interpreting work.

#### **National Council of the Hungarian National Minority**

Like in the case of other minority languages, the official use of the Hungarian language on the territory of the municipalities where it is prescribed is made considerably difficult, and in certain cases even impossible, due to the fact that there are no official translations of laws and other regulations that would serve as the basis for the official use of the Hungarian language in the work of courts and other administrative authorities.

The provincial Secretariat for Regulations, the Administration and National Minorities has initiated certain translating jobs for the most important laws and regulations, but this is insufficient.

Contrary to what *DRGDCICOULSNMT APV* prescribes – for bodies on the territory of the autonomous province to accept as valid submissions, personal and other documents of citizens in languages and scripts of the national minorities which are in official use on the territory of that body, as also to have these documents translated into the Serbian language at the expense of the body and included in the files, if the need for this exists - the situation in practice is quite different.

Bodies that perform their duties on the territory of a municipality in which the official use of the Hungarian language is prescribed, do not accept documents issued in Hungary in the Hungarian

<sup>216</sup> Official Journal of APV no. 14/2003

<sup>217</sup> See: Information on the Representation of Persons Belonging to National Minorities in Administrative Bodies by the Province Secretariate for Administration, Regulations and National Minorities, which has been periodically published since 2001/2002 up to-day.

<sup>218</sup> RS Official Gazette no. 60/06.

language (for example, certificates on education, on students' status, employment contracts, medical reports, documents on the acceptance of the citizenship of the Republic of Hungary, identity cards, birth certificates from Hungary), but rather instruct parties to provide translations at their own cost, certified with seal of a court-sworn translator, which is contrary to the provisions of the mentioned decision. Such a practice is present, for example, in:

- Internal affairs bodies when issuing a passport by urgent procedure (for examples, in Kanjiža, Novi Kneževac and Senta)
- At the Draft Board in Senta when postponing military service due to studies or when the person is being relieved of this obligation in Serbia as a result of the acquisition of the citizenship of the Republic of Hungary
- At the Pension and Disability Insurance Fund
- At the branch office in Senta when submitting documents for the payment of a family pension to children who are being schooled and after coming of age following the death of their parent.

The mentioned bodies explain their conduct by the fact that at issue are republican administrative bodies with their seat in Belgrade, to which regulations of local self-governments or the autonomous province, envisaging the obligation to accept submissions in a language of a national minority which is in official use, do not apply.

The situation is similar to a certain extent in public enterprises whose head offices are in Belgrade and which have their affiliates and branch offices on the territory of the entire APV, and, thus, also in the municipalities where the Hungarian language is in official use (the Serbian Electro-company, the post office, the Serbian railway company... etc).

#### **National Council of the Macedonian National Minority**

Identity cards and other documents are not written in the Serbo-Macedonian language.

#### **National Council of the Romanian National Minority**

In the town of Vršac, administrative authorities can be addressed in the Romanian language as well.

#### **National Council of the Slovak National Minority**

State bodies and other bodies that offer services to citizens, i.e. collect debts for services in the field of electric power supply, the sale of natural gas, utility services, postal and telegraph services on the territories of the municipalities in which the Slovak language is in official use, do not respect the right of Slovaks to present forms in the Serbo-Slovak language. Since recently, some information in facilities of PTT Serbia is posted in the Slovak language as well.

## **Recommendations**

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### ***Article 10, paragraph 3***

#### **Normative framework**

##### **Voivodina Center for Human Rights**

There are a number of reasons for the drastic reduction of the number of proceedings being conducted in any of the national minority languages over the past fifteen years. They include:

- The provisions of the law stipulating that proceedings will be conducted in the Serbian language, if one of the party so requests.
- The provisions of the law stating that proceedings can be conducted in a minority language only in the first instance (proceedings of the second instance are necessarily conducted in Serbian).
- The lack of personnel trained to work in a minority language (due to the national and political selection of personnel, the leaving of the country, the unpopularity of certain

professions, the abolition of language instructorships at faculties, the change of professions etc.).

- Cases in which, even when all the conditions are fulfilled, parties are often dissuaded from using their right, because the judge, for example, needs subsequently to translate the minutes and decisions into the Serbian language, which is an additional obligation for which no fee is envisaged.
- The usual practice of courts in which a minority language is used throughout the proceedings (which is not officially stated), but the minutes and decisions are written out in the Serbian language, as the language of the proceedings – this relieving the judge of the obligation to translate.

## Implementation

### Voivodina Center for Human Rights

In view of the need for adopting a Conclusion on measures for increasing the share of persons belonging to national minorities in bodies of the state administration of the Government of the Republic of Serbia, and in view of the national and linguistic structure of employees in state bodies, it is difficult to imagine that an officer depriving someone of his/her liberty will be able “immediately” to inform that person about the reasons for this and the accusations in a language this person understands, unless the term “immediately” is understood and interpreted flexibly<sup>219</sup>.

Provisions: “a language the person does not speak” or “does not understand”, apart from terminological inconsistencies, open up the question of the categories of the notions *to speak*, i.e. *to understand*. Namely, it is more frequent in practice for a language to be understood to a certain extent, but without being spoken. According to the quoted provisions, if a person deprived of his/her liberty *understands*, for example, the Serbian language, he/she will be informed about the reasons for being deprived of his/her liberty in Serbian and a certain reaction will be expected of him/her. However, if this person does not *speak* the Serbian language, it is the officer who will not understand him/her, for example because certain minority languages do not differentiate between genders and/or cases, and this can cause major misunderstanding, which is impermissible in any proceedings, especially criminal proceedings.

There have been cases (for example, at the District Prison in Novi Sad) when a prisoner was banned from talking to his defense attorney and his family in the Hungarian language, since the officers who were present did not understand this language.

Courts and administrative bodies are obliged to engage an interpreter or translation, and this obligation is consistently observed, but regular slow payments to interpreters make them unwilling to accept such works. A massive under-representation of minority language speaking staff has been registered in these bodies, hence communication in minority languages is encumbered.

The acting authority is bound to enable the procedure to be conducted in languages, which are in official use on the territory covered by the jurisdiction of the authority, and to inform the party about this possibility at the beginning of the procedure. Parties are entitled to this right formally, but often they are not informed about this possibility, or suggested to renounce from this right for the sake of expediency.

Few proceedings are conducted in the Hungarian language, mostly within the jurisdiction of the courts in the North Backa region (in Subotica and Senta), where the concentration of the Hungarian population is higher. In regions, where they do not represent absolute or relative majority of the population, persons belonging to minorities do not insist on using their own language, since they are aware that they will face difficulties if they do so.

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<sup>219</sup> There is no official information

In the recent years, no court proceedings were conducted in other minority languages in official use (Slovak, Ruthenian, Romanian).

The right of a party in court proceedings (which are being conducted in the Serbian language) to use his/her own language and the services of an interpreter is being respected.

#### **National Council of the Hungarian National Minority**

Even after the elections in October 2000, the official use of the Hungarian language in courts has practically not existed. In municipalities where the Hungarian language is in official use, proceedings are frequently conducted in Serbian, even though both the parties and the public official in the proceedings belong to the Hungarian minority, and the judge is able to conduct the proceedings in Hungarian. The court most often does not warn the parties that they have the right to use their own language in the proceedings, but rather automatically writes in the minutes that the party had stated that he/she wants the proceedings to be conducted in the Serbian language. Instead of allowing the party to state his/her opinion personally, and sometimes despite his/her explicit wish or protest, the public official conducting the proceedings (judge or clerk) insolently ignores the right and will of the party to use the above mentioned right. These persons justify their conduct and the choice of Serbian as the language for the proceedings with the fact that the use of Hungarian considerably slows down the proceedings, i.e. if the proceedings of the first instance are conducted in the Hungarian language it is highly likely that the proceedings of the second instance would be forever halted due to the legal inability for them to be conducted in the Hungarian language.

The obligation to translate the case material is not respected and is considered an excessive financial burden for the court. For these reasons the official use of the Hungarian language mostly boils down to cases in which stalling and postponements suit the party, i.e. parties. Thus, at issue is an absurd situation in which the use of a minority language before courts and administrative authorities, instead of serving to establish equality among citizens, is used more as a means of achieving different goals, which borders on the abuse of this right.

Despite efforts at the APV level to have the use of languages in one's work specially validated, the rewarding of additional efforts or the knowledge of a national minority language in official use is still lacking in administrative bodies founded by the Republic of Serbia and in the judiciary. Namely, validation is legally possible only if the knowledge of a national minority language is prescribed as a special condition for an specific workplace in the standing orders on the internal systematization of the body in question, while republican administrative and judicial bodies (courts, prosecutor's offices), even though they operate on the territory of APV, do not believe they should respect and implement APV regulations.

#### **National Council of the Macedonian National Minority**

The Macedonian language is not used before judicial bodies and public administration bodies.

#### **Radio Sunce – Voice of Southern Banat**

Although in official use in the Bela Crkva Municipality, the Czech language is not used in the judiciary and administration, since all persons belonging to this minority community speak Serbian, therefore, they do not raise such requirements.

## **Recommendations**

### **Voivodina Center for Human Rights**

- To expand language rights to include other official contacts of state bodies with individuals, not only in the case of depriving a person of his/her liberty (tax administrations, misdemeanor bodies, requesting identification documents, inviting for questioning and so on).

**National Council of the Hungarian national minority**

- To assign employees to positions in courts and administrative bodies where the Hungarian language is in official use in a manner that will make possible communication with parties in the Hungarian language in an optimal manner.
- To take stimulating measures for the use of the Hungarian language in procedures before administrative bodies and courts (a bonus for the knowledge of the language, an adequate reduction of the judge's work norm if cases in the Hungarian language are being processed).
- When accepting new employees to positions that imply oral or written communication with parties, to set as a special condition the knowledge of an adequate level of the Hungarian language.

**Article 11**

*1. The Parties undertake to recognize that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in minority language and has the right to official recognition of them, according to modalities provided for in their legal system.*

*2. The Parties undertake to recognize that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.*

*3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavor in the framework of their legal system, including, where appropriate, agreements with other states, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.*

**Article 11, paragraph 1****Normative framework****Voivodina Center for Human Rights**

The issue of one's name is in general regulated by the *Family Law*<sup>220</sup>, stating that parents have the right to enter the child's name in the register of births in the mother tongue and in the script of one or both parents. This probably refers to the cases when the mother tongue of one (or both) parents is not Serbian, although this is not explicitly stated. The Law does not differentiate between a language of a national minority in official use and a certain – any – foreign language, but rather equates them.

Due to the non-existence of precise laws and the frequent change of regulations, the registration of names has so far been performed in very different manners, especially in nationally heterogeneous environments as is the APV, because when the norms were being established, attention was not paid – by chance or intentionally – to possible situations in real life as regards multi-linguality and the official use of the languages of persons belonging to national minorities.

The former provincial *Law on the Personal Name* attempted, even earlier on, to introduce some kind of order in this field (multi-lingual forms for registers of birth, making entries in national minority languages, multi-lingual certificates and so on), but it ceased to be valid in 1991, when this sphere came under the exclusive jurisdiction of the republic. Very soon, after its abolition, on the bases of the *Law on Registers of Birth*, the minister of justice and the administration issued *Instructions for keeping registers of birth*, which also stated that facts and data are entered in registers of birth and in certificates in national minority languages, in the manner prescribed by the *LOULS*, on bilingual forms. However, such forms have never been produced, which calls into

<sup>220</sup> "Official Gazette of the Republic of Serbia", no. 18/05

question the realization of the right of persons belonging to national minorities to use their names, as well as their language and script this regard.

Since the keeping of registers of birth is supervised on the entire territory of the Republic of Serbia (including APV) by republican bodies, they have instructed registrars to make entries in the Cyrillic script, possibly tolerating the additional entry of a name in the original form in brackets as well. Since parties were most often not asked about this, the additional entry of an original name was, as a rule, made only at the explicit request and upon insistence. In this regard, when certificates were issued on the basis of such original entries they presented only the Cyrillic form, and very rarely also the original form of the name in brackets. Documents (identity cards, driving licenses etc.) produced on the basis of such certificates even more frequently omitted the added form in brackets.

Such a practice general leads to legal insecurity, since the Cyrillic alphabet consists of 30 letters, while the alphabets of the Voivodina minority languages have a much larger number of graphemes. As a result of this, for example, the Hungarian names *Weöres*, *Vörös*, *Véres*, *Veres* are all written only as „Vereš”, *Csikos* and *Csikós* as “Čikoš” and no difference is made, for example, between the last names *Pap* and *Papp*, *Szechenyi* and *Szécsényi* etc., although at issue are persons with different surnames.

Problems are also female surnames among the Slovaks, Ruthenians, Macedonians and Bulgarians, since in their case possessive suffixes (for instance *-a*, *-ova*, *-eva*) are added to the father’s, i.e. the husband’s surname or the final vowel is changed (i → a), which is not taken into account during registration.

The provincial *Decision on multi-lingual forms for birth certificates and the manner of filling them out*<sup>221</sup> has partly corrected this mistake in APV. It envisages the issuing of certificates on a bilingual form, in which, if such a main entry in the register of birth exists, the names of persons belonging to minorities will *first* be entered in the original form, and only *then*, if necessary, in the Serbian language as well. If the main entry of the name of a person belonging to a national minority in the register of birth is made only in the Serbian language, the registrar will draw this person’s attention to the fact that he/she can launch an administrative procedure for changing his/her name or for adding his/her name in the original form.

Despite the positive intentions of this decision, it also contains certain drawbacks, since it does not link the mentioned right to the fact that a person belongs to a certain national minority, but rather to whether or not the language of a certain minority is in official use on the territory of the municipality where the request is being made. A person belonging to a minority has the right to request a bilingual form only in the municipality where the (minority) language is in official use, while, for example, a Romanian born in Pancevo cannot request such a certificate, since the Romanian language is not in official use in the municipality of Pancevo, nor can a Hungarian born in Backa Palanka and living in Subotica receive such a certificate in his/her language etc.

Even though the (already outdated) *Law on the Identity Card* states that the forms for identity cards are also to be printed in national minority languages, identity cards have not been issued on such forms for years now, since no additional forms were printed after the previous stocks were used up, with the explanation that no one requests them, which is not true.

The situation had slightly improved in mid-2006, when, urged by the province bodies, the Republic of Serbia Ministry of Interior developed bilingual forms for identity cards in the Hungarian, Slovak,

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<sup>221</sup> “Official Gazette of APV”, no. 1/2001

Croat, Romanian and Ruthenian languages, which are used on the territory of APV only. For other minority languages used outside APV (Albania, Bosniak, Bulgarian, Czech), this has not been done.

### **National Council of the Slovak National Minority**

A person belonging to a national minority has the right to enter his/her name and the names of his/her children in the register of births in the original form, in the script and according to the spelling of his/her language in line with the *DRGDCICOULSNMT APV* (article 3). If the name of a person belonging to a national minority is written in the records in its original form, it will be entered in the identical manner in public documents (identity card, passport etc.) which are issued, irrespective of the language and script in which the public document is issued. This does not rule out the entering of a name also in the Serbian language and script next to the name in the original form.

Even though *LOULS* has envisaged bilingual forms<sup>222</sup>, *the Instructions on the keeping of registers of births and forms for registers of birth*<sup>223</sup> do not envisage bilingual forms for public documents and forms for records kept for needs in areas where languages of national minorities are in official use. This drawback has been corrected by the decision of APV, i.e. through the *Decision on multi-lingual forms for birth certificates and the manner of filling them out*<sup>224</sup>.

## **Implementation**

### **Voivodina Center for Human Rights**

The problem is the fact that registrar's offices do not order bilingual forms (or they do not ensure a sufficient number of such forms) and that by referring to their shortage, they issue certificates to parties only on single-language (Serbian) forms. For the sake of objectivity, one should mention that bilingual forms are primarily intended for domestic use and that when the provincial decision was being taken the emphasis was on the creation of possibilities for the realization of minority rights and the preservation of the minority identity in the country. Despite this, persons belonging to a minority rarely experience the mentioned possibility as such, so they request certificates on bilingual forms mostly when they are to be used abroad (in Hungary, Croatia, Romania, Slovakia), so as to be spared the costs of an official translation.

According to data for 2005, the number of certificates issued on bilingual forms increased by 20%, and the largest number of certificates were issued on Serbo-Hungarian and Serbo-Croatian forms in the municipality of Subotica and on Serbo-Slovak forms in the municipality of Backi Petrovac. It is quite indicative that not a single such certificate has been issued in the municipalities of Alibunar, Bela Crkva, Plandište, Titel and Žabalj.

Among the 1290 procedures for the change of the personal name, 37 (36 in the Hungarian, 1 in the Romanian language)<sup>225</sup>, were conducted in minority languages, which is less than previous year. Out of the 151 administrative procedures for changing the entry of the name, 44 were conducted in the Hungarian and 1 in the Croatian language.

Even when a party submits a certificate in which his/her name is written (i) in the original form, in a document issued on the basis of the certificate, the party's name is presented only in the Cyrillic script<sup>226</sup> – in the simple or, in better cases, the phonetic transcription (with the already mentioned limited scope of possibilities of the transcription, resulting from this script's range of graphemes). Officials keep convincing parties that this is the only correct way to enter a name, that they had

<sup>222</sup> Article 18

<sup>223</sup> «Official Gazette of RS», no. 48/90 and 22/91.

<sup>224</sup> «Official Gazette of APV», no. 1/2001

<sup>225</sup> Of the Executive Council of APV from 2005

<sup>226</sup> A name written in the form «Szechenyi» (which is pronounced and transcribed as «Sečenji» /in the Latin script/ or «Сечењи» /in the Cyrillic script/ will be written as СЗЕЦХЕНИИ – which not only does not correspond to the phoneme, but rather the speaker cannot even pronounce it when applying the rule of the Serbian language “read as it is written”.



been ordered to do so, that there are no technical conditions for the registration of minority names or that there are no adequate letters on their typewriters for their names to be written in the original form. For this reason, when registering and using their names in the form determined by the original, only persistent parties can achieve their right to the official use of their language, which implies standing in front of windows a number of times, interventions by the inspection and responsible bodies (provincial Secretariat of regulations, the administration and national minorities, for example), drawing the public's attention and so on.

#### **National Council of the Hungarian national minority**

*DRGDCICOULSNMT APV* (article 3) prescribes the right of persons belonging to national minorities to enter their name and the names of their children in registers of birth in the original form and to have their names written in such a manner in public documents, in the script and according to the spelling of that minority language.

By referring to the outdated *LOULS*<sup>227</sup>, certain registrars avoid implementing this provincial regulation. For this reason, even when someone "changes" his/her name at his/her own expense in an adequate administrative procedure – whereby the costs of this procedure are not insignificant – i.e. if the correct form of the name is restored according to the spelling of the minority language, that form (for instance, in the script and according to the spelling of the Hungarian language) is not entered in the register of birth as first, but it is rather placed in brackets, behind the form in the Serbian language<sup>228</sup>. The result of this manner of entering names in registers of birth is the fact that, when issuing identity cards and passports, internal affairs bodies take the form that is written down first.

- For example, at the internal affairs body in Kanjiža (a municipality in Bačka which organizationally belongs to the Northern Banat district, and whose seat is in Kikinda), i.e. at the internal affairs secretariat in Kikinda it is impossible to obtain a passport in which the name would be written in the script and according to the spelling of the Hungarian language, even if the procedure for "the change of the personal name"<sup>229</sup> has been carried out because of this.

There are cases in which even the names of persons born before the introduction of the Serbian language in the administration (or more specifically, in our region before 1918-20) or of persons whose names were, in the late 1970s and 1980s, entered in registers of birth (only) in minority languages (without the parallel writing of names in Serbian), the names are not presented in their original form, but rather "in the Serbian version" in certificates allegedly from those same registers of birth. Even the names of prominent figures born in Kanjiža, who never lived under Serbian rule, such as Beszédes József and Harsányi Tibor, are written in the Serbian forms: Besedeš Jožef and Haršanji Tibor.

In practice, the right to bilingual birth certificates<sup>230</sup> can be realized only by those persons whose name was entered upon birth in the register of births in the national minority language. Thus, due to such an interpretation, many persons belonging to national minorities – whose name was not entered in the registers of birth in the original form – are prevented from requesting bilingual certificates. Namely, these persons would have their name written only in the Serbian language even in bilingual forms.

Even though domestic regulations guarantee the right of persons belonging to national minorities to use their name and surname according to the spelling of their own minority language, persons belonging to national minorities are insufficiently acquainted with their rights. For this reason,

<sup>227</sup> "Official Gazette of RS", no. 45/91, 53/93, 67/93, 48/94, 101/2005

<sup>228</sup> The experience of Túri Gábor, member of the committee for the use of the Hungarian language of the National Council of the Hungarian national minority.

<sup>229</sup> Experience of Túri Gábor and his children.

<sup>230</sup> Decision on multi-lingual forms for birth certificates and the manner of filling them out ("Official Gazette of APV" no. 1/2001, 8/2003)

when submitting requests for obtaining personal documents – public documents, the submitters do not even request that their name be written in their mother tongue.

#### **National Council of the Macedonian National Minority**

Persons belonging to the Macedonian national minority do not realize in practice the right to use their name and surname in the minority language. When issuing personal documents, the responsible services do not write the surname and name according to the Macedonian spelling even upon the request of persons belonging to the Macedonian national minority. For example: instead of *Dojčinovska*, they write *Dojčinovski*.

#### **National Council of the Slovak national minority**

The realization of the right of persons belonging to national minorities as regards the freedom of choice and the use of one's name and the names of one's children, the entering of names in all public documents, official records and collections of personal data, according to the spelling of their language, is not easy in practice because the documents and records are kept in different places and by different bodies.

The main records are registers of birth, and they are necessarily kept in the Serbian language. For now, the adopted solution is for names also to be written in minority languages in brackets, but the problem is how technically to write this. Namely, the registrar cannot write down the names of persons belonging to minorities in their language if he is unfamiliar with the spelling and language of the minority.

As regards old records, the situation is even more complex, because the names are written in various languages:

- Before World War I in the Hungarian language.
- After World War I in Serbian.
- During the occupation depending on the territory seized by the occupier.
- After World War II in the Serbian language.
- At the time of the equality of the languages and scripts in APV partly also in the languages of the nationalities.

In order for a person belonging to a national minority to realize the above mentioned right, under the law this person must submit a request with an explanation and proof that he/she had not been criminally prosecuted and so on.

#### **Examples<sup>231</sup>:**

- Out of the total of 517,581 issued birth certificates in multilingual forms, 541 certificates were issued in Serbo-Slovak, while out of the total of 291,990 certificates in multilingual forms, only 23 were in Serbo-Slovak.
- Out of the total of 1243 administrative procedures of the first instance for changing the entry of personal names in national minority languages, not a single one was conducted in the Slovak language.
- Out of 229 procedures for changing the entry of the personal name in the register of births, not a single one was conducted in the Slovak language.
- In municipalities where the Slovak language is in official use, civil servants incorrectly inform citizens that the entering of their name in its original form would be unlawful, that they have no forms or that the installed computer program is preventing them from writing the names in the Slovak language, i.e. that they do not have adequate letters on their typewriters.

The responsible provincial bodies have presented these problems to the Ministry of Internal Affairs a number of times, i.e. the lack of multilingual forms for identity cards and other documents, the non-implementation of regulations pertaining to the freedom of choice and the use of the names of persons belonging to national minorities, but they have so far not been resolved.

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<sup>231</sup> In 2003

### **German Association “Donau”, Novi Sad**

Persons belonging to the German national minority encounter difficulties in exercising their right to the use of mother tongue and script, especially in the writing of personal names according to German spelling (in IDs, passports, school certificates and diploma). German personal names are seldom written in Latin writing, and if so, they are written with a lot of spelling mistakes.

Writing German personal names in the Cyrillic scripts presents a special problem, since, depending on the public servant, these sometimes turn into strange constructions. Böhm is written as Бем, Bürgermayer as Биргермајер or Бургермајер, Schmidt-ШМИТ, Hübsch-Хибш-Хубш, Küh-Ки – Ку, Szörös-Сереш, Fröml-Фремл-Фромл. There are cases when full names are written together as one word in Serbian and German. It causes difficulties to persons belonging to this national community, especially when crossing the border, since it is often not explicit for the customs officers if the person has one or two family names.

Resorting to the evasion that the fonts of the German alphabet do not exist in PC software and that there is no match to these letters in the Cyrillic script, the proper writing of full personal names according to the German spelling is not applied in practice, not even in cases when there are relevant court decisions on doing so.

## **Recommendations**

### **Voivodina Center for Human Rights**

- Respecting human dignity (individuality and the right to one's name), as well as the principle of legal security, the names of persons belonging to national minorities should be written in their original form and, if necessary, the phonetic transcription in the Serbian language should be added as well (and not vice versa) and, thus, the supremacy of the original form of the name over the transcribed form should be ensured.
- To ensure the consistent realization of the right to having personal names entered into all public documents and official records in their original form.
- To adopt a new *Law on Names* which will systematically regulate this sphere, eliminate the present vagueness and take into account all the possible modalities and differences resulting from multi-linguality and the national composition of the population.
- Legally to enable the issuing of birth certificates which would be linked to the fact that a person belongs to a certain national minority, and not to make it conditional on the place of birth or on whether a minority language is in official use in a certain municipality or not.
- To issue instructions to the personnel regarding the correct procedure when entering names in records, issuing certificates from these records and entering names in public documents.
- When the birth of a child is being reported, to oblige registrars to draw the parties' attention to their right to have the child's name entered in its original form, according to the spelling of the minority language.
- When issuing certificates from registers consistently to follow the original entry and not to transcribe it at one's will.
- To draw the attention of persons belonging to national minorities to their right to request a certificate on a bilingual form when certificates from registers are being issued.
- The enter names into public documents issued on the basis of certificates from registers in accordance with the names stated in the certificates.

### **National Council of the Slovak national minority**

- To change republican regulations, to provide the responsible services with the necessary abilities, to simplify procedures and to shorten the deadlines for adopting decisions on the correction of names on the basis of the *LPRLNM*.

## **Article 11, paragraph 2**

### **Normative framework**

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### **Implementation**

#### **National Council of the Bunjevac national minority**

Since the Bunjevac language is not in official use in Subotica municipality, until September the 1<sup>st</sup> 2007, representatives of the Bunjevac national minority were prevented from displaying their national symbols during official holidays and it was forbidden for the Bunjevac flag to be hoisted on the building of the Subotica municipality<sup>232</sup>. On 1<sup>st</sup> September, 2007 the local self-governemt of Subotica adopted request of the National Council of Bunjevac National Minority to hoist their flag on the building of the Suborica municipality. While the Subotica municipality has a very rigid attitude to the Bunjevacs in the implementation of provisions of the law, the Bunjevacs in the municipality of Sombor do not have this problem.

#### **National Council of the Hungarian national minority**

The names of institutions and companies performing public services are still not written in two languages, even though this is required by the law and provincial regulations.

#### **National Council of the Macedonian national minority**

As regards the posting of Macedonian national symbols and insignia, the National Council addressed its proposals and decisions to the Republic National Minority Council at the end of 2005, but no response was received in this regard until this report was written.

#### **National Council of the Romanian national minority**

In the town of Vršac, the names of institutions (the building of the municipality, court, prosecutor's office, hospital, etc.) are also written in the Romanian language (even after the mentioned decision came into force), which is a heritage from the previous period.

The marking of institutions in other municipalities where the Romanian language is in official use, is mostly respected.

### **Recommendations**

#### **National Council of the Bunjevac national minority**

- The implementation of the provisions of the law pertaining to the posting of national symbols should be equal for all the national communities.

## **Article 11, paragraph 3**

### **Normative framework**

#### **Voivodina Center for Human Rights**

#### **Review on the Opinion of the Advisory Committee**

In the period between two reports, considerable progress was made in APV in the displaying of topographical indications in municipalities where minority languages are in official use, even though there is still room for improvement (see below). The VCHR believes it unnecessary to emphasize the need to make additional efforts in marking the street names in areas inhabited by a substantial number of Romanians in APV, since they are realizing this right without any obstacles, while the difficulties they encounter are identical to the difficulties which persons belonging to other national

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<sup>232</sup> The displaying of the Bunjevac flag is allowed only inside the municipality building.

minorities in the province are also faced with<sup>233</sup>. This conclusion would be correct if it were to refer to the Vlachs-Romanians in eastern Serbia, but this should then be specified as such<sup>234</sup>.

The need for additional efforts in marking the streets in municipalities inhabited by Croats still exists, but it is necessary to specify which municipalities are at issue. Namely, while this right is being implemented in the municipality of Subotica, the right to the official use of the Croatian language is not being respected in Srem and certain parts of Bačka (Golubinci, Novi Slankamen, Sremska Kamenica, Novi Sad, Petrovaradin)<sup>235</sup>.

The Advisory Council's recommendation that more vigilance and consistency is needed to ensure that, in addition to the local-self government units, the agencies of the constituent states display inscriptions in minority languages in areas traditionally inhabited by a substantial number of persons belonging to a national minority when there is a sufficient demand<sup>236</sup>, is still topical, on both the territory of APV and the territory of Serbia as a whole.

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In APV, in respect of the topographical names, the traditional names of settlements have been established in the Hungarian, Romanian, Ruthenian and Slovak languages but, frequently, majority population refuse their application.

According to *DRGDCICOULSNMT APV*, the national councils of national minorities are authorized to determine by themselves the traditional names of towns, municipalities and settlements in their language (article 7, paragraph 1), and if they do not do so within a three-month deadline, these names are determined by the Executive Council of APV.

*The Decree on determining house numbers, marking buildings with numbers and displaying the names of inhabited places, streets and squares*<sup>237</sup> stipulates that the names of inhabited places, streets and squares are written in accordance with the law regulating the official use of the language and script and the law regulating the protection of the rights and freedoms of national minorities.

*LOULS* envisages the writing of the names of places, streets and squares, the names of bodies and organizations also in minority languages and it prescribes that geographic names and personal names on public signs are to be written in minority languages in accordance with the spelling of that language, *but not their replacement with other names*. For this reason the mentioned provision is interpreted differently, mostly at the expense of the official use of minority languages, as it actually rules out the possibility of the use of traditional toponyms, while the ignoring of the orthographic rules of minority languages allows only the simple transcription of Serbian names with graphemes of minority languages<sup>238</sup>.

## Implementation

### Voivodina Center for Human Rights

Although the ratification of the *FCNM* and the adoption of the *LPRLNM* resolved two dilemmas in view of the right to use traditional names in minority languages, cases when this right is not respected do happen up to this date.

<sup>233</sup> See reports of the Romanian, Slovak, Hungarian and Ruthenian National Councils below.

<sup>234</sup> Opinion, article 11/83

<sup>235</sup> Opinion, article 11/83

<sup>236</sup> Opinion, article 11/83

<sup>237</sup> "Official Gazette of RS", no. 110/2003

<sup>238</sup> The traditional Hungarian name of Subotica is Szabadka, but according to *LOULS* this could only be written as "Szubotica". Similarly, instead of the traditional Hungarian name of Újvidék for Novi Sad, *LOULS* prescribed the form Novi Szád etc. There is a whole series of similar examples for Romanian (Banatsko Novo Selo instead of Satu Nou, Jankov Most instead of Jancaid), Slovak and Ruthenian toponyms.

- **The municipality of Srbobran.** Contrary to the decision of the District Court, a group within the municipal leadership, allied around the radical political option, persistently keeps obstructing the official implementation of the traditional Hungarian name „Szenttamás” on the boards with the name of the settlement, in the Hungarian text on seals and on boards with the names of official bodies and organizations.
- **The municipality of Kovačica.** In this exceptionally multicultural and multilingual Banat municipality, where, apart from the Serbian and Hungarian languages, the Slovak and Romanian languages are also in official use, there is no readiness to write on the boards with the names of the settlements these names in minority languages as well, with the explanation that this would be irritating.

So far, the Hungarian, Slovak and Romanian national councils have determined the traditional names of settlements in their languages. Due to the inertia of the National Council of the Ruthenian national minority, after broad consultations with Ruthenian organizations, linguists and other experts, the Executive Council of APV determined the Ruthenian names.

However, even though the mentioned Decisions were published in the Official Gazette of APV, thus having legally come into force and become valid, they have been misinterpreted in certain municipalities, and their implementation was made conditional on the statutes of municipal councils prescribing and confirming them.

When determining traditional toponyms, the national councils did not have an easy task (especially the Hungarian National Council), since the wars, peace agreements and changes of borders established in APV a different system of the state administration many times and under different historical circumstances. As a result of this, among the speakers of a minority language and among the inhabitants of a certain settlement themselves, in certain cases there are simultaneously several “traditional” names for one settlement<sup>239</sup>. In such cases, the choice of one solution or the other creates groups of satisfied and dissatisfied persons, although, fortunately, such examples are rare<sup>240</sup>.

There are evident mistakes in all possible combinations on the boards with the name/s of settlements, so that, in practice, there are practically no correctly written boards. On newly placed boards the name written in Cyrillic letters is often accompanied by the Latin form<sup>241</sup>, while rarely does the board also include the toponym written in the minority script. There are also the following versions for the writing of boards:

- The name only in Serbian/the Cyrillic script.
- Only in Serbian/Latin script (also incorrect).
- Only in Serbian/Cyrillic and a minority language.
- Name written according to the minority language’s spelling<sup>242</sup>.

Also, on various access routs (entrance/exist road into a settlement) there are cases in which:

- Identical boards are not displayed at all.
- There are names only in the minority language.
- Minority names are missing (for example, Kysáč).
- There are boards on which the minority toponym is misspelled (Bácsky Petrovec).

The newer boards respect to a greater extent the provisions on the official use of minority languages (for example, the names Суботица – Subotica – Szabadka; Зрењанин – Zrenjanin – Nagybecskerek – Zreňanin), but also very frequent are cases in which different names are painted over. Namely, if the minority population is in the majority at the local level, it is the Cyrillic signs

<sup>239</sup> A group of inhabitants of Stara Moravica, dissatisfied by the fact that the name “Bácskossuthfalva” has been determined as the traditional name of the place in the Hungarian lanugage, has launched an initiative for the name to be “Ómoravica”, referring to the fact that this form has become more accepted. Also, in one historical period, the place was also called Kossuthfalva.

<sup>240</sup> Debeljača = Torontálvásárhely or Debellács or Debelyacsá; Kupusina = Bácskertes or Kupuszina; Feketić = Bácsfeketehegy or Feketić; Telečka = Gyulafalva or Telecska; Kovačica = Antalfalva or Kovacsica

<sup>241</sup> Probably because of the mentality, obedience towards the state and the respect of regulations and obligations, the use of the Cyrillic script is far more present in Voivodina (to which the Cyrillic script is historically not all that immanent) than in central Serbia, where the boards with the names of settlements are, in most cases, written exclusively in Latin letters.

<sup>242</sup> Hajdučica as Хайдучица and Hajdušica (Slovak) or Будисава and Budiszava (instead of Tiszakálmánfalva) in «Hungarian».

that are mostly painted over, while in the opposite case names in minority languages are covered with paint.

Non-respect of regulations is obvious in cases of displaying the names of streets and squares:

- Earlier, it used to be a regular phenomenon in APV that street and square names were displayed on multilingual boards in environments, where more languages were in use and which remained to be the only ones respecting local multilinguality. Contrary to this practice, new boards are written, almost without exception, in the Serbian language only, in Cyrillic script, which makes orientation difficult to anyone who does not know this writing, because, except for the Ruthenian and Macedonian minorities, others have Latin orthography (e.g. Trg slobode (Liberty Square) in Novi Sad, Hadži Ruvimova Street in Novi Sad ...)<sup>243</sup>.

After adopting the *Regulation on Designating Settlements, Streets and Squares* the gradual removal of these irregularities may be expected, as land and immovable register departments are bound to respect *LOULS* and *LPRLNM* when installing boards, and it means, that indicating settlement, street and square names in the minority language and script, where that minority languages is in official use, should be provided. So far, no significant steps have been made in this field, and the rather long deadline for changing the boards (10 years) foreseen by the Regulation, certainly contributes to that situation. Land registers often resort to evasion that there is a lack of boards, that they are not bound to do it because of the deadline period, although it frequently occurs that newly installed boards are not produced in line with the regulations.

#### **National Council of the Hungarian National Minority**

In 2003, at the proposal of the Commission for the use of the language, the National Council of the Hungarian national minority determined the names of inhabited places in the Hungarian language in those municipalities in APV in which the Hungarian language is in official use. The decision on this was published in the Official Gazette of APV and it refers to 266 inhabited places. Unfortunately, several inhabited places where the number of inhabitants – persons belonging to the Hungarian national minority is above 50%, have not been encompassed by this decision, because they are located in municipalities where Hungarian has not been introduced as an official language.

The implementation of the *Decision on determining the Hungarian names of inhabited places in Voivodina* is sometimes hindered by the resistance of local officials, the indignation of part of the population or the municipal administration's lack of skill.

- **Srbobran.** In the municipality of Srbobran the head of the municipality did not accept the Hungarian name (Szenttamás) determined by the mentioned decision, with the explanation that it reminds the inhabitants of fascism and he put up a board stating «Srbobran – Srbobrán». Later, under the influence of the public opinion and the television he replaced the board with another one saying «Srbobran – Szenttamás».
- **Ostojićevo.** In Ostojićevo the Hungarian name was painted over and the name «Tizsaszentmiklós» was removed from the bilingual board.
- **Kanjiža.** In Kanjiža, the responsible bodies did not display in an adequate manner the name of the place in the Hungarian language as regards the size of the letters on the board. On the existing board the previous Hungarian name «Kanizsa» was painted over, and standing on the same place is the new name determined by the decision of the National Council, «Magyarkanizsa», but in much smaller letters than the name Kanjiža in the Serbian language (which is not in accordance with the intention of the Decision of the use of minority languages).

#### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

The traditional Croatian names of places are nowhere publicly marked, although they are frequently used in everyday speech, for example Lemeš (Svetozar Miletić), Mirgeš (Ljutovo) and so on. Like in other cases of the official use of the Croatian language, it is only possibly substituted for through the Serbian names of settlements and places written in the Latin script.

<sup>243</sup> There are no even anticipations in adopting the practice of countries, whose language does not belong to the Latin orthography, namely, that below the name written in non-Latin script the Latin transcription thereof is written.

The Croats in APV have frequently encountered changed street names:

- In the places where Croats live (Petrovaradin, Novi Slankamen, Golubinci, Novi Sad), at the beginning of the 1990s, many, and somewhere even all the street names were changed, as well as the names of primary schools.
- In **Novi Slankamen**, there is still not a single street carrying the name of a great Croat, and the names are written exclusively in the Serbian language and in the Cyrillic script. Slankamen is traditionally a Croatian place in which the Croats have been living for hundreds of years, and now, for the first time in history, everything that was Croatian has been erased. While there earlier existed streets named: Štrosmajerova, Gajeva, Matije Gupca, Petra Zrinjskog, they are today written exclusively in the Serbian language and in the Cyrillic script and they have been replaced by names from the Serbian history: Vojvode Mišića, Solunska, Vuka Karadžića, Dositeja Obradovića.
- In **Sremska Kamenica**<sup>244</sup> the practice of changing street names has continued – instead of the names of great Croats, appearing are names of great Serbs: for example, instead of Matija Gubec it says Car Lazar.

#### **National Council of the Macedonian National Minority**

Bilingual boards with the names of companies, streets and places in the Macedonian language do not exist.

When writing personal documents, the responsible services do not write correctly in the Macedonian language the names of inhabited places – for example: Makedonski Brod is written only as Brod, and instead of Makedonska Kamenica it says only Kamenica. The mentioned examples point to the obvious omission of the adjective «Macedonian» in front of the names of the mentioned places, which was once in use.

#### **National Council of the Roma National Minority**

There are no street names written in the Roma language in any street or settlement in APV where the Roma live in substantial numbers.

According to the decision of the City Council of Novi Sad, a street in the Novi Sad settlement of Klisa carries the name of Trifun Dimić, a prominent creator, writer, reformer of the Roma language and an expert in the Roma language and literature.

#### **National Council of the Romanian National Minority**

The results of the survey on the official use of the Romanian language in places inhabited by Romanians in APV, shows that the writing of the traditional names of places in the Romanian language is not fully respected:

- In **the municipality of Vršac** the name of the town of Vršac (Vârșeț) or of the place called Vlajkovac (Vlaicovăț) are not written in the Romanian language
- In **the municipality of Alibunar** the names of the places: Nikolinci (Nicolinți) and Vladimirovac (Petrovasâla)<sup>245</sup> are not written in the Romanian language
- In **the municipality of Kovin** there are no Romanian names for the settlement of: Kovin (Covin), Deliblato (Deliblata) and Mramorak (Maramorac)
- In **the municipality of Kovačica** (Covăcița) the name of the town is not written in the Romanian language<sup>246</sup>.
- In **the municipality of Bela Crkva** (Biserica Albă) there is no name for the town in the Romanian language
- In **the municipality of Žitište** (Jitiște) there is no name for the settlement in the Romanian language
- In **the municipality of Sečanj** (Seciani) does not have its name written in the Romanian language, nor does the only place inhabited by Romanians - Sutjeska (Sărcia)

<sup>244</sup> At the end of 2006

<sup>245</sup> The name of the town of Alibunar is written only in the Latin script (it is written in the same way in the Romanian language), whereby the official use of the Romanian language has been respected, but not the use of the Serbian language, since there is no name written in the Cyrillic script.

<sup>246</sup> The name of the place Uzdin is written only in the Latin script (it is written in the same way in the Romanian language), whereby the official use of the Romanian language has been respected, but not the use of the Serbian language, since there is no name written in the Cyrillic script.



- in **the municipality of Plandište** the name of the town (Plandište) is not written in the Romanian language, nor is the name of the place Margita (Mărghita)
- in **the municipality of Zrenjanin** the provisions are fully respected.

The names of streets are not written in the Romanian language in any inhabited place in the municipalities where Romanian is in official use.

Apart from municipality buildings, rarely are the names of institutions founded by the municipality and other institutions written in the Romanian language.

### **National Council of the Ruthenian National Minority**

Even though the official use of minority languages in APV is normatively well regulated, the practice of the writing of the names of settlements and streets is sometimes quite the opposite:

- The streets and public institutions in the municipality of Šid are not marked in national minority languages. It is only the signs of the Municipal Council and the Municipal Court that are marked in this manner.
- The names of the places of Šid, Bačinci, Berkasovo and Bikić Dol are marked in the Cyrillic and Latin scripts, and since the mentioned names are written identically in the Ruthenian and Serbian languages (only the accent is different), the official use of the Ruthenian language is actually respected.
- Even though the municipality Žabalj has regulated with its Statute the official use of the Ruthenian language and script, street names are not written in the Ruthenian language. The mentioned right is respected on boards with the symbols of the place Žabalj and the name of the municipal council.
- In Đurđevo, the boards with the name of the place and street names are written in the Serbian and Ruthenian language. The problem was a recent act of vandalism when the board saying «Ruski šor» was removed, after which there remained only the sign with the street name in the Serbian language «Rusinska ulica». Even though it was informed about this, the municipal council has done nothing for months to place a new board with the Ruthenian name.

### **National Council of the Slovak National Minority**

In environments where the Slovak language is in official use, boards with the names of bodies of local self-government are written in a number of cases in the Slovak language as well, but in many cases the so-called traditional names of places are not written in the language of the national minority.

The National Council of the Slovak national minority<sup>247</sup> *adopted the Decision to determine the names of places and municipalities and inhabited places in the Slovak language*, and a precise review of the municipalities and inhabited places where the Slovaks live has also been made.

## **Reccomendations**

### **Voivodina Center for Human Rights**

- To abolish the self-will of municipalities in interpreting regulations and to ensure the consistent implementation of regulations when writing toponyms in minority languages on boards with the names of settlements, boards with the names of bodies of authority, on letterhead papers and official seals.
- To achieve greater efficiency in finding the perpetrators of the damaging and painting over of boards with multi-lingual signs and to punish them.
- To work on the creation of conditions for the policy of naming streets in multi-ethnic environments to correspond to the local cultural conditions.
- To respect regulations when making new boards with (changed, new) street names.
- A more energetic attitude by supervisory bodies to ensure a more dynamic and correct production of new street boards for the purpose of replacing the old ones.

<sup>247</sup> On the basis of article 7 of the Decision on regulating in greater detail certain issues concerning the official use of the languages and scripts of national minorities on the territory of APV («Official Gazette of APV», number 8/03), 28. 08. 2003

**Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

- To work on the creation of preconditions for the naming of streets in multi-ethnic environments to correspond to the local cultural circumstances and the historical heritage.

**National Council of the Romanian national minority**

- Consistently to implement in practice provisions of the *LOULS*.

## **Article 12**

1. *The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and the majority.*
2. *In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts and students and teachers of different communities.*
3. *The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

### **Article 12, paragraph 1**

#### **Normative framework**

##### **Voivodina Center for Human Rights**

The *LFES* determines the goal and task of education as raising awareness about one’s national and State affiliation and cultivating the tradition and culture of national minorities (Article 3 Paragraph 1 Item 5).

#### **Implementation**

##### **Voivodina Center for Human Rights**

##### **Review on the Opinion of the Advisory Committee**

Likewise in the time of first reporting, there are various shortcomings in the implementation of this paragraph, and apparently, despite the decisive measures taken by the authorities to address these issues<sup>248</sup>, some still remain:

- There is permanent delay in printing the class registers, sets of exercises for entrance exams, diplomas and pupil’s assessment booklet in minority languages.
- Class registers in minority languages are more expensive than the Serbian ones.
- Translations to minority languages of tasks for school competitions are unprofessional, and in certain cases there are no translations at all.

The education policy pursued in the APV is more proactive and coherent in view of national minorities than the policy pursued in the territory of central, southern and eastern Serbia.

- The collection and updating of data relevant for the education of persons belonging to national minorities, which is the prerequisite to pursue an active minority education policy, has been consequently carried out on the territory of the Province (there is, however, a scope for further improvement), while minority education statistics for the territory of central Serbia are scarce and it significantly affects the quality of minority education in this region.
- The respect of different demands and needs of certain minority groups in education (e.g. of those living concentrated on a specific region from those settled dispersedly, mostly in rural areas) is more profound in the Province than on the territory of Serbia.

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<sup>248</sup> Opinion, Article 12/85

- The national councils of national minorities in the APV are more active in creating and implementing the education policy relevant for their communities than the national councils in Serbia.

#### **National Council of the Hungarian national minority**

Issuance of form registers (translator's note: registers containing all data pertaining to one form, ranging from pupils personal data to grades given and programmatic contents taught in the respective form) for schools giving instruction in minority languages is often late, thus even in the 2006/2007 school year, form registers written in the Hungarian language did not reach schools in time for the beginning of the school year.

In traditional competitions held for best pupils of some schools, pupils belonging to national minorities are given tests-tasks that are translations of the originals written in the Serbian language. Some parts of translations are often unskilled, incomprehensible or incomplete, thereby placing pupils belonging to national minorities in an unequal position compared to pupils receiving teaching in the Serbian language.

Except in the 2006/2007 school year, translations of exercise books for entrance examinations were not issued at the same time with exercise books in the majority language, therefore pupils who took entrance examinations in the Hungarian language were put in a less favourable position.

#### **National Council of the Romanian national minority**

The most serious problems in schools giving instruction in the Romanian language are concerning: textbooks, form registers, main registers, certificates, pupil mark books, competition tests, as well as professional development seminars for form tutors, subject teachers and professors.

Bilingual form registers are 5 times more expensive than form registers written in the Serbian language, and the Educational Review from Belgrade distributes them to schools with a two-month or even-three month delay after the start of the school year. The situation is similar with main registers, certificates, and pupils mark books and tests for the classification examination in the Romanian language and mathematics for the 8<sup>th</sup> grade.

- For example, competition tests in the Romanian language are not translated from all subjects, or are translated by unqualified persons. Members of the Department for Education have therefore proposed to the Provincial Secretariat for Education and Culture that they form their own team of translators comprising professors teaching those subjects in practice. The proposal has still not been accepted.

#### **National Council of the Slovak national minority**

Pupils belonging to national minorities take their qualification examinations in elementary schools in minority languages. Aided by exercise books issued in due time in their mother tongue, pupils take examinations in their mother tongue and in mathematics. Thus far, there has been marked delay in the printing and publishing of these exercise books, therefore pupils belonging to national minorities had less time to prepare for the examinations.

Competition tests in particular subjects are not translated into minority languages. In such cases, there have been instances when the provided interpreter did not possess sufficient knowledge of the language and of the expert terminology of the minority language, and interpreted simultaneously during the competition<sup>249</sup>.

Schools conduct regular opinion polls among parents during the enrolment of pupils in the 1<sup>st</sup> grade of elementary school. During the enrolment in secondary schools, pupils opt for the language in which they wish to be taught.

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<sup>249</sup> For example, the national competition in biology in 2006

## Recommendations

### Voivodina Center for Human Rights

- To print class registers in due time and to provide adequate and professional translations of the sets of exercises for entrance exams in national minority languages.

### National Council of the Hungarian national minority

- In addition to the fact that persons belonging to national minorities have the right to be educated in their mother tongue, the school curricula also need to be designed and implemented with respect to the cultural spirit of a particular national minority by: creating conditions for and encouraging the functioning of sections whose activities contribute to the preservation of national identity, organizing commemorating events for holidays of national minorities, not only in order to show them respect, but also to gain better understanding of their cultures.

## Article 12, paragraph 2

### Normative Framework

#### Voivodina Center for Human Rights

The *LPRLNM* (Article 12 Paragraph 1) stipulates the obligation of the state to ensure the functioning of departments at faculties which would provide education in minority languages for kindergarten tutors, lower grade teachers and minority language teachers. According to the provision of Paragraph 2 of the same Article, faculties are obliged to set up Terminology Centres for minority languages where teachers could perfect the professional terminology required for teaching in minority languages. According to the same Article, the state has the obligation to support professional training and terminology learning for teachers who teach in minority languages.

The *LFES* envisages the possibility for persons belonging to national minorities to use textbooks from their kin state, pending the approval of the Minister of Education, in accordance with the standards set by the National Educational Council (Article 94 Paragraph 4).

*The Law on Textbooks and Other Educational Materials*<sup>250</sup> (Art. 4, Para. 1) explicitly provides that the textbooks shall be printed in the Serbian language – in Cyrillic script. Introduction of this obligation has reduced the former right of persons belonging to national minorities using Latin script to use textbooks written in Serbian and printed in Latin script in schools without additional efforts.

#### National Council of the Romanian National Minority

The *Rules of Procedure on Continuous Professional Development and Acquisition of Title of Teacher, Kindergarten Tutor and Expert Associate*<sup>251</sup> prescribes that the continuous professional development of teachers, kindergarten tutors and expert associates shall be done according to separate programmes, which may be mandatory or optional (Article 4) and that teachers, kindergarten tutors and expert associates have the obligation to attend at least 100 programme classes within a period of 5 years, of which at least 60 classes from the list of mandatory programmes and 40 from the list of the optional programmes (Article 10).

Although a *Catalogue of Programmes of Professional Development of Persons Employed in the Field of Education for the 2007/2007 school year*<sup>252</sup> was published in the year of 2006, seminars have not been organized for persons belonging to Romanian national minority and therefore

<sup>250</sup> Republic of Serbia Official Gazette no 29/93

<sup>251</sup> "Official Gazette of RS" No. 14/2004. and 56/2005

<sup>252</sup> Published by the Institute for Improvement of Education – Belgrade

professors of the Romanian language and literature do not have the possibility to work on their professional development.

## **Implementation**

### **Teachers**

#### **Voivodina Center for Human Rights**

##### **Review on the Opinion of the Advisory Committee**

Since the time of the first reporting, the authorities have failed to take substantial measures in the field of educating minority teachers, while the lack in teachers teaching in minority languages presents a permanent problem<sup>253</sup>. Some developments may be seen within the Roma community, who succeeded in engaging “Roma assistants” in primary schools and their work is visible through the activities of the Roma Teachers Association.

Teacher shortage is due to the deficit of appropriate study groups for education in the languages of national minorities, by which teacher training is largely limited to teachers for the native language and literature, and the closing of lectorates at some faculties, makes impossible the acquisition of professional terminology in the languages of national minorities. This degrades teaching in minority languages, and therefore more and more parents enrol their children in classes with Serbian teaching language. The suggestions of some representatives of national minorities to organise two-major education at faculties in order to create the necessary number of teachers or to organise visiting professors from abroad has not been approved by the authorities yet.

On the territory of APV, education is organized: for kindergarten tutors in the Hungarian and Romanian language, for form tutors – in the Hungarian, Slovak and Romanian language, and for teachers of different school subjects: in the Hungarian, Slovak, Romanian and Ruthenian language.

#### **“Matija Gubec” Croatian Cultural-Educational Society and “Tomislav” Croatian Cultural-Educational Society**

So far, the state has not undertaken any measures aimed at the capacity building and professional development of Croatian language teachers, therefore they have not had the opportunity to receive education in their mother tongue.

The problem concerning the two Croatian language teachers who have come from the Republic of Croatia and were refused working permits by the educational authorities (the department of the Ministry of Education in Sombor) remains unresolved.

Teachers who teach the Croatian language are most often Serbs by nationality and that is why they do not teach in adequate way Croatian pupils their mother tongue. This is a consequence of the fact that the State refuses to form a lectorate or some similar institution for additional training of teachers who deliver in the Croatian language, which would help establish formal criteria and requirements for future teachers. For this reason, most of the higher grades in elementary schools in Subotica have the same teaching staff delivering both in forms in the Serbian and in forms in the Croatian language, which to a great extent renders pointless the efforts of the Croatian community to organize education in the Croatian language (an obvious example is the elementary school in Tavankut, where the Croatian language is taught by a teacher who is Serb by nationality).

#### **National Council of the Hungarian National Minority**

In 2004, the course of the educational reform changed as well as the *LFES*, whereby teachers were freed from the obligation to attend professional development courses. Even though budget-funded professional development courses in minority languages had not existed even prior to that, lack of such professional development opportunities has a negative impact on education in minority

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<sup>253</sup> Opinion, Article 12/88

languages, since it adds to the isolation of professors in minority languages who are left to their own devices in keeping up with modern educational trends. Professional development courses in the Hungarian language are organized within the programmes of non-governmental organizations.

The only professional pedagogical magazine in the Hungarian language is “Új kép”. Although it is published for ten years, it has still an unsolved financial support, due to which its publishing is uncertain each year. The application for co-financing submitted on the call for proposals of the Serbian Ministry of Culture in Belgrade<sup>254</sup> was unsuccessful.

### **Roma Educational Center**

In the previous period, a Committee for the education of Roma was formed at the National Council of Roma national minority, but it functioned with some difficulty due to internal disagreements of its members. Therefore the National Council of Roma National Minority failed to exert influence on the issue of improving conditions concerning the use of the Romani language on the national level.

In APV, the subject ‘the Romani language with elements of natural culture’ is taught and the Association of Roma Teachers has been formed. The Association, as well as the “Matica romska” (the central cultural and publishing society for Roma), continues to organize seminars for future teachers of the Romani language.

In cooperation with the Educational Centre of Roma, elementary schools “Matko Vuković” and “Đuro Salaj” from Subotica have:

- Provided Roma assistants who assist children during classes.
- Extended day care for Roma children.

This method of work, implemented in Niš, Kragujevac and Bujanovac during 2006, served as an example of good practice to the Ministry of Education and Sports, therefore it was decided that 54 Roma assistants will be trained to provide assistance in schools with substantial numbers of Roma children.

The Ministry of Education and Sports has, with the support of the OSCE Mission to Serbia and the European Agency for Reconstruction, started the implementation of the “Roma Assistant” project, envisaging the training for 54 Roma assistants. Since the second semester of the school year 2005/06 Roma assistants have started working in 20 elementary schools on the territory of Serbia, some of their main tasks being:

- Overcoming the language barrier between teachers and Roma children.
- Establishing better communication between schools and parents of Roma children.
- Assisting teachers in assuming a more considerate individual approach towards Roma pupils, so as to achieve better results in their learning and mastering the educational contents.

The Roma community complained about the appointment of persons in school administrations who were insufficiently aware of the role of Roma assistants and the criteria for their selection, as consequence of which there have been many cases where Roma assistants were not engaged in schools attended by substantial numbers of Roma children, even though there were educated persons of Roma nationality in the settlement.

On the territory of APV, the subject of ‘cultivation of Romani language with elements of culture’ is presently taught by 23 Roma teachers, in 43 elementary schools, in 21 municipalities, to 1,266 pupils. They were all educated in “Matica romska” in Novi Sad, and in the Centre for Interactive Pedagogy in Belgrade. Criteria in teacher training have been raised and therefore the present

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<sup>254</sup> 20 April 2006

generation of teachers have at least 3<sup>rd</sup> level of educational qualification. The educational programmes were approved by the Ministry of Education and Sports of the Republic of Serbia.

#### **National Council of the Romanian National Minority**

The scarce staff teaching in the Romanian language in Romanian elementary, secondary and academic institutions are sponsored by the National Council of the Romanian National Minority from its own resources (currently 15 of them). However, even though the number of staff has increased, there is still shortage of teachers of history, mathematics, geography, physics, chemistry, biology, the English language and other vocational subjects.

In order to resolve this problem, the Education Department of the National Council of the Romanian National Minority has announced sponsorship awards for scarce teachers<sup>255</sup>, and a contract has been signed with two schools on employing the candidates after they complete their education. A proposal was made to the Ministry of Education of Romania to award higher scholarships as an additional incentive to students of Romanian ethnicity from Serbia who enrol in studies in Romania in scarce subjects, however no response has been received as yet.

Professors from the Department of Romanian Studies in Novi Sad have prepared a curriculum for teaching the mother tongue and the mother tongue with elements of national culture, but they have still not been included in the preparation of parts – amendments to the curricula for school subjects of interest for the Romanian national minority (history, geography, music and arts).



Each year, the Institute for Culture from Bucharest organizes professional development seminars in Romania for professors of the Romanian language, however the Ministry of Education and Sports of the Republic of Serbia does not recognize certificates issued by that Institute<sup>256</sup>.



The Education Department has also made a proposal to professors from the Department of Romanian Studies from Belgrade and Novi Sad, as well as to the professors at the Teachers Faculty (Department in Vršac) to prepare a project for holding seminars in the Romanian language and to apply to the call for proposals for receiving approval for professional development programmes, announced by the Institute for Improvement of Education.

#### **The National Council of Ruthenian National Minority**

Educational activities in the Ruthenian language are performed by the Education Board of the National Council of the Ruthenian National Minority and the Society for the Ruthenian Language, Literature and Culture, whose activities have for many years been carried out through the effort of Teachers Activist Group and the Ruthenian Language Kindergarten Tutors Activist Group. Professors of the Ruthenian language and literature are educated at the Faculty of Philosophy in Novi Sad. Involved in tuition in the Ruthenian language are form tutors and professors, professors of the Ruthenian language and literature, as well as professors of other subjects who speak the Ruthenian language.

#### **The National Council of Slovak National Minority**

Without any explanation, the Serbian Ministry of Education and Sports has not approved any of the accredited professional development programmes for teachers who teach in the Slovak language, although several such programmes have been submitted so far.

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<sup>255</sup> So far 23 scholarships have been awarded.

<sup>256</sup> The Education Department has submitted a proposal to the Serbian Ministry of Education and the Romanian Ministry of Education that relevant Ministries in both States sign a memorandum of understanding on joint professional development for teachers, and that awarded certificates be recognized in both States.

In elementary schools teaching in the Slovak language, most of the subjects are taught by professional staff proficient in the Slovak language. Most frequently, problems concerning shortage of staff occur with the subjects of defectology, the English language, chemistry and mathematics, and in the next several years shortage of staff teaching physics and technical education will also become a problem.

In some subjects, tutoring in the Slovak language is currently carried out also by unqualified persons or teachers who do not speak the Slovak language.

- For example, in the Bački Petrovac grammar school, several of the professors are not sufficiently proficient in the Slovak language, and in Kovačica the situation is even worse. In order to resolve these problems, the National Council of the Slovak National Minority awards scholarship to future teachers.

In announcing vacancies for individual work posts, schools set proficiency in the teaching language as one of the requirements for candidates, while candidates who do not speak the language are hired only until the end of the respective school year.

At the Pedagogical Faculty in Sombor (which has a dislocated department functioning in Bački Petrovac) only a few of the subjects are taught in the Slovak language.

### **Textbooks**

#### **Voivodina Center for Human Rights**

#### **Review on the Opinion of the Advisory Committee**

Although the national councils of minorities have taken over major activities related to drawing up the teaching contents of minority language textbooks, there is still a scope for further improvement, both in increasing the number of teaching units related to the history and culture of national minorities and also in view of eradicating negative stereotypes in relation to certain minority groups<sup>257</sup>.

Since the time of first reporting, besides the Textbook and Teaching Aids Publishing Institute, other publishers have started to print textbooks in the languages of national minorities, too<sup>258</sup>.

A small percent of cultural and historical contents related to persons belonging to national minorities in the region is presented in textbooks in majority language. Persons belonging to national minorities are usually presented in fragments through the history of their kin states or within important historical events, for example World War II, sometimes in very negative context which produce negative stereotypes towards them.

The right of persons belonging to national minorities to use textbooks from kin states is exercised with delays, due to lagging administration in the Serbian Ministry of Education and Sports.

Due to low number of printed copies, changes in curricula are often not accompanied by changes in textbook contents printed in national minority languages.

Considering that Serbs, as the majority nation, and persons belonging to national minorities belong to different religions, the remark made by the State that textbooks for religious education are translated into minority languages is untrue<sup>259</sup>.

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<sup>257</sup> Opinion, Article 12/86

<sup>258</sup> Opinion, Article 87, Case: Creative Centre

<sup>259</sup> Note in the First Report of the Federal Republic of Yugoslavia, 2002, Article 12, Paragraph 1/3, Education



**National Council of the Hungarian national minority**

Due to deficiencies in the legislation, obtaining approvals for imported textbooks and teaching tools is belated or not realized at all.<sup>260</sup>

Authentic textbooks are written only in the subjects of Hungarian Language and Literature and the Hungarian Language with Elements of National Culture, and in some lower grades of elementary school also in Music and Arts Culture. Textbooks in other subjects are translated from the Serbian language. Regrettably, translations of the textbooks are published with delay, due to a lack of time needed for translation, which is why pupils taught in the Hungarian language cannot use textbooks from the beginning of the school year, or they have to wait for a whole school year before the translation of a new textbook is done. Many textbooks in the Hungarian language are missing for vocational subjects in the secondary vocational schools, even translated ones, because due to low number of printed copies they are not published regularly.

**Roma Educational Center**

A primer for the first grade<sup>261</sup> and a workbook for first graders<sup>262</sup> were published in the Romani language. Two more books were printed during the last year of 2006: reading selections for the second and for the third grades. The Save the Children organization published a collection of selected folk songs and stories in the Romani language titled “Dyelem, dyelem” together with translations in the Serbian and English language, in the edition of 1000 copies.

**National Council of the Romanian National Minority**

Textbooks are translations of Serbian textbooks into the Romanian language and therefore they do not reach schools in due time. They are more expensive than the textbooks in the Serbian language, and because of their small circulation they are printed only by the Institute for Publishing Textbooks and Teaching Tools – the department in Novi Sad.

Although the Ministry of Education and Sports of the Republic of Serbia has approved the use of textbooks in minority languages originating from their kin states, they may only be used as supplementary textbooks.

**National Council of the Slovak National Minority**

With the assistance of the Slovak National Council, a team of experts was formed to develop school curricula. Thus far, following has been accomplished:

- Curricula and teaching programmes have been developed for lower elementary grades and for the fifth grade in the subjects of Mother Tongue, Mother Tongue with Elements of National Culture, Music Education, and supplemental national culture contents for the subject of Nature and Society and Arts.
- Currently under way is the development of curricula for the subjects of the Serbian Language as Non-Mother Tongue, Music Education and History for pupils up to 8<sup>th</sup> grade of elementary schools and pupils in grammar schools.
- Textbooks are published in the subjects of Mother Tongue and Mother Tongue with Elements of National Culture for all grades of the elementary school and those grammar schools already implementing the reform of the education system.
- New textbooks are issued in the subject of Music Education, together with CDs accompanying textbooks for the 1<sup>st</sup> and 2<sup>nd</sup> grade of the elementary school.
- Currently under way is the publishing of a new textbook in music education for the 3<sup>rd</sup> grade.

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<sup>260</sup> 2003-2006.

<sup>261</sup> In 2000.

<sup>262</sup> In 2001.

- Approval has been received for writing of the textbook in music education for the 4<sup>th</sup> grade.
- For the subject of Arts, curricula and teaching programmes have been prepared and supplements which are to be printed for the 5<sup>th</sup> grade of the elementary school up to the 2<sup>nd</sup> grade of grammar schools.
- Textbooks are being printed for pre-school institutions in the Slovak language – translations from the Serbian language

Whereas national symbols<sup>263</sup> are notably present in textbooks in the subjects of Mother Tongue, Music and Arts Education, Nature and Society and History, all other elementary and grammar school textbooks are translations from the Serbian language and are published with a several month delay, not longer than one year.

Before the year of 2006, textbooks written in the Slovak language were printed only by one publisher<sup>264</sup>, whereas now some textbooks for lower grades issued by other publishers<sup>265</sup> are also available.

Textbooks in the Slovak language are gradually being published (with the introduction of the reform in some grades) also in the new revised editions, modernized and brought up to date, whereas the Institute for Publishing Textbooks also facilitated the publishing of workbooks accompanying those textbooks. Thus, books of required reading are now published to accompany the reader and the textbook in the language, while textbooks were written by experts and experienced teachers belonging to national minorities.

The Republic of Serbia has approved the import of textbooks in minority languages from their kin states, and so far the Slovak national minority has imported only textbooks for religious instruction.

In the past three years, with the financial support of the Provincial Secretariat for Regulations, Administration and National Minorities and donations from kin state, the National Council of the Slovak National Minority has provided free textbooks for studies of the Slovak language with elements of national culture for all pupils who attend this type of instruction<sup>266</sup>.

The Ministry gives its approval upon the consultation of representatives of National Councils, whereas the procedure entails the adoption of the curriculum, based on the proposal of the expert team of each national minority, which has been previously approved by the National Council of the respective national minority. So far, there have not been noted problems concerning the procedure of receiving approval of the Serbian Ministry of Education and Sports for printing of textbooks in a minority language.

## Recommendations

### Voivodina Center for Human Rights

- In areas in which persons belonging to national minorities comprise the majority of the population, equal use of the Latin and Cyrillic scripts in writing in Serbian language should be re-introduced.

<sup>263</sup> For example, a comprehensive supplement in national culture was printed to accompany the textbook in history for 7<sup>th</sup> and 8<sup>th</sup> grades of elementary school and 3<sup>rd</sup> grade of grammar school. The textbook in Nature and Society for 4<sup>th</sup> grade of elementary school also has a supplement of national history and culture.

<sup>264</sup> Institute for Publishing Textbooks

<sup>265</sup> “Kreativni Centar” (translator’s note: ‘Creative Centre’)

<sup>266</sup> Textbooks are provided through the National Council of the Slovak National Minority projects, which are submitted to the Province Secretariat for Regulations, Administration and National Minorities, and which, within the foreseen amount, foresee, as a priority, the supply of textbooks.

### **“Matija Gubec” Croatian Cultural-Educational Society and “Tomislav” Croatian Cultural-Educational Society**

- Invest efforts on establishing and institutionalizing the lectorates, teacher’s faculty and Language course at the Faculty at Philosophy in Croat language.
- Award scholarships to scarce teaching staff and facilitate additional professional training for them in their kin states.
- Facilitate visits of visiting lecturers from the kin states of national minorities.
- To markedly amend parts of the curricula at all levels of education.

### **Roma Educational Center**

- To print materials in the Roma language, adequate for preschool children.
- To provide teachers belonging to the Roma minority for the teaching of the Roma language with elements of national culture in preschool institutions, where conditions exist (parents interest).
- In the final years of studies at the Teachers College and the Pedagogical Academy, give lectures on Roma culture, housing, language, history...
- Create conditions for printing of textbooks in the Romani language for the school subject of Cultivation of Mother Tongue with Elements of National Culture, from 1<sup>st</sup> to 8<sup>th</sup> grade of the elementary school. Provide free textbooks for all pupils attending that course.
- Employ a “Roma assistant” in as many schools.
- Introduce a “Roma assistant” in pre-school institutions.
- Establish better communication between school managements and the Roma community, in order to better assess schools’ needs for a “Roma assistant”.

## **Article 12, paragraph 3**

### **Normative framework**

#### **Voivodina Center for Human Rights**

The provision in the *New Constitution* allowing the possibility for APV to determine additional rights of national minorities by its own legal acts (Article 79 Paragraph 2), the exercise of which rights shall be financed from Vojvodina’s direct revenue (Article 184), opens the possibility for restitution of rights in the field of education enjoyed prior to 1992 by persons belonging to national minorities traditionally inhabiting the territory of the APV.

The *Law on the Fundamentals of the Education System*<sup>267</sup> (Article 7 Paragraph 2) stipulates that educational activities for persons belonging to national minorities shall be carried out in their mother tongue and that only exceptionally may they be organized in the Serbian language as well. Prior to 1992, the year in which the *LES*, the *Law on Secondary Schools*<sup>268</sup> and the *Law on Social Care for Children* came into effect, educational activities were carried out in the Hungarian, Slovak, Romanian, Ruthenian and Serbian-Croat language, under identical terms regarding the required number of pupils as for the Serbian language. Since 1992, tuition in minority languages, including those traditionally used on the territory of APV, may be organized only if in the process of enrolling in the 1<sup>st</sup> grade of the elementary school, and in already formed classes in secondary schools, at least 15 pupils belonging to national minorities opt for this type of teaching. Such a requirement for the minimum number of students has not been prescribed for the formation of classes in the Serbian language, therefore the provision of Article 13 Paragraph 3 of *LPRLNM*, which guarantees to national minorities the right to receive education in their own language, is hardly applicable although the number of pupils is smaller than the one prescribed by the law regarding the acquisition of education in the Serbian language.

<sup>267</sup> Official Gazette of the RS nos. 62/2003, 64/2003, 58/2004, 79/2005, 101/2005, referred to hereinafter as: *LFES*

<sup>268</sup> Official Gazette of the RS nos. 50/92, 53/93, 67/93, 48/94, 66/94, 22/2002, referred to hereinafter as *LSS*

*The Law on Higher Education*<sup>269</sup> (Article 4 Paragraph 1 Item 6) stipulates that activities pertaining to higher education shall also be based, among other things, on the respect of human rights and civil liberties, including the prohibition of all forms of discrimination.

The right to equal treatment and prohibition of discrimination in education is guaranteed by the *LFES*:

- *The LFES* (Article 4 Paragraph 2) prescribes that all citizens of the Republic of Serbia are equal in exercising their right to education regardless of their national and linguistic background.
- The *LFES* prohibits activities and encouragement of activities in institutions dealing with pre-school, elementary and secondary education which put in danger, disparage or discriminate groups and individuals based on their national, linguistic or religious background (Article 46 Paragraph 1).
- *The LFES* also provides the definition of discrimination of children and pupils. This definition covers any direct or indirect differentiation or humiliation, exclusion or imposing limitations on children with the purpose of preventing them to exercise their rights, derogate their rights or stop the equal treatment of children and pupils (Article 46 Paragraph 2).
- *The LFES* prescribes pecuniary penalty for endangering, disparaging or discriminating groups or individuals based on their national, linguistic or religious background (Article 145 Paragraph 1 Item 3, and Paragraph 2).
- *The LFES* qualifies expression of national or religious hatred as a grave violation of work duties (Article 131 Paragraph 1 Item 4), for which, if it should be committed by a teacher, kindergarten tutor or expert associate, *the Law* stipulates suspension from duty until the disciplinary procedure has been concluded (Article 131 Paragraph 2).



There is a great deal of inequality in the schooling opportunities of persons belonging to national minorities: they are greater in environments where persons belonging to national minorities make the majority (for example, Slovaks in Bački Petrovac, Stara Pazova and Kovačica), and lesser in environments where their number is smaller (for example, Hungarians in Srem or southern Banat).

- The persons belonging to Hungarian, Romanian, Slovak and Ruthenian national minorities have two possibilities at disposal: to acquire education in the Serbian language or to get educated in some other settlement, i.e. either to commute between home and the nearest school or to settle there, where they are offered the opportunity for education in their native language.

Persons belonging to national minorities in APV and Serbia have the opportunity to schooling within a unique education system from preschool to higher education levels. If conditions exist, they may be educated: a) in their mother tongue, b) bilingually, and c) in the case they attend education in the Serbian language they have the opportunity to learn their first language with elements of national culture.

Although there is a large number of national minorities in APV, instruction is provided in 6 teaching languages: Serbian, Hungarian, Slovak, Romanian, Ruthenian and Croat. For persons belonging to the Ukrainian and Roma national minorities, learning mother tongue with elements of national culture represents the only form of education in their first language. Since September, 2007/2008. cultivation of Bunjevac spoken language with elements of national culture was introduced for the first time.

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<sup>269</sup> Official Gazette of RS, No. 76/2005 referred to hereinafter as: LHE

The assertion made in the First State Report that relevant provisions had been amended and in a sense improved in certain laws, such as the *Law on Elementary School*, the *Law on Secondary School*, and the *Law on Universities*, is false, as at the moment of writing this report the provisions of the said laws which regulate the rights of national minorities have not been altered since 1992<sup>270</sup>.

## Implementation

### Voivodina Center for Human Rights

#### Review on the Opinion of the Advisory Committee

The practice of opening special classes for Roma is still existent in the APV, and it has been qualified by the Advisory Committee as a risk placing the children concerned at a disadvantage and harming the implementation of this Article and the principle of intercultural dialogue contained in Article 6 of the Framework Convention<sup>271</sup>.

### National Council of the Roma National Minority

Most significant improvements experienced by the Roma national minority have been in the field of education. The affirmative actions, for example, for enrolment of Roma children into secondary schools, colleges and universities as defined by the provisions of the *LPRLNM* are respected for the most part.

Judging by the past results, organizations that have achieved best results in the field of Roma education are: Matica romska, Society for Language and Literature of Roma from Voivodina, and the Educational Centre of Roma from Subotica.

### Educational Centre of Roma

The problem is that in schools located in the vicinity of Roma settlements, separate forms are formed only for Roma children.

- In the village of **Tornyos**, in the “Tömörkényi István” elementary school, Roma children are grouped in special forms from 1<sup>st</sup> to 4<sup>th</sup> grades. From the 5<sup>th</sup> grade onwards they are integrated into mixed forms, and in higher grades they begin to disperse and drop out of school at rapid rates. The situation is similar in the “10 October” elementary school in Horgos and “Zarko Zrenjanin” elementary school in Apatin. In those schools, no efforts are made in order to assist Roma children in mastering the compulsory educational contents.
- According to latest information, in **Apatin** separate forms for Roma have existed for 25 years, from 1<sup>st</sup> to 8<sup>th</sup> grades, since parents have given their consent to that effect. The fact that parents consent to it should be taken with reservation, since those parents attended the same school themselves and are not aware of the existing possibility that their children can be placed in mixed forms.

Since in APV and Serbia publishing of such data is not done as a matter of practice, the Educational Centre of Roma is determined to make this data as visible as possible in the future and thus compel state authorities to urgently resolve the problem of segregation of Roma children.

## Recommendations

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<sup>270</sup> Note in the First Report of the Federal Republic of Yugoslavia, 2002, Part II New Minority Policy, Point 2.3

<sup>271</sup> Opinion, Article 12/90

## Article 13

1. *Within the framework of their education systems, the Parties shall recognize that persons belonging to national minority have the right to set up and manage their own private educational and training establishments.*

2. *The exercise of this right shall not entail any financial obligation for the Parties.*

### Article 13, paragraph 1

#### Normative Framework

##### Voivodina Center for Human Rights

##### Review on the Opinion of the Advisory Committee

*The LFES (Art 31 Par 1) envisages the possibility of founding an elementary school by other legal and private entities, besides the Republic, the Autonomous Province and local self-government units<sup>272</sup>.*

#### Implementation

##### Voivodina Center for Human Rights

National minority languages are not taught in private secondary schools, or in any of the private elementary schools in Serbia.<sup>273</sup>

#### Recommendations

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### Article 13, paragraph 2

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## Article 14

1. *The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language.*

2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavor to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*

3. *Paragraph 2 of this article shall be implemented without prejudice to the learning or teaching in this language.*

### Article 14, paragraph 1

#### Normative Framework

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<sup>272</sup> Opinion, article 13/93

<sup>273</sup> Establishing and maintaining priAPVe educational institutions, schools and universities, where the right to education would be exercised in national minority languages or bilingually, is regulated by the ZZPSNM (Art. 15). The Secondary Education Act, the Colleges Act and the University Act provide a possibility that, apart from municipalities, the Province and the Republic, these institutions may also be established by physical persons. *The SEA* (Art. 31, Para. 1) provides a possibility for priAPVe or legal persons other than the Republic, the APV and local authorities to open primary schools.

## **Implementation**

### **Voivodina Center for Human Rights**

#### **Review on the Opinion of the Advisory Committee**

Providing teaching in minority languages in the APV is still topical, whereas the most important novelty since the first reporting is the introduction of teaching the Bunjevac spoken language with elements of national culture.

In spite of the demands by minority communities and the recommendations of the Advisory Committee to integrate the learning of mother tongue with elements of national culture in the regular school curriculum and among the mandatory subjects, this subject is still in the group of optional ones<sup>274</sup>.

The education of Roma repatriated from western countries will present a specific issue in the future<sup>275</sup>.

As for drawing attention to opportunities for the study of minority languages, there are differences from one school to another, as these opportunities are not regulated as legally binding.

For members of national minorities living on the territory where they are not represented in larger numbers and attending lessons in the Serbian language, a possibility has been opened to study their mother tongues with elements of national culture in primary and secondary schools. Such a form of teaching is organised for the speakers of Hungarian, Slovak, Romanian, Croatian and Ruthenian languages. For the speakers of Romany and Ukrainian languages, the study of mother tongue with elements of national cultures is currently the only form of education in their mother tongue. The introduction of Bunjevac spoken language with elements of national culture as of September 2007 is a novelty.

#### **National Council of the Bunjevac national minority**

The Bunjevac language was learnt at schools once. The first schools are mentioned in mid-18<sup>th</sup> century in Subotica and the neighbouring villages, and they functioned until 19<sup>th</sup> century, when they were abolished, as Hungarian was introduced as the official language. At the time when northern Bačka region belonged to the Austro-Hungarian Monarchy, the Bunjevacs attended schools in Hungarian and transferred to the Hungarian nationality in order to get employment and promotion at work more easily.

Schooling in the Bunjevac language was reinstated between 1918 and 1941, but was abolished again at the beginning of World War II. Since then, the Bunjevac language is learned and spoken in the family and in communication between the members of the Bunjevac community, while at school Bunjevac children speak and learn Serbian only. Passed on from one generation to another, this language has been preserved, but its speakers have no opportunity to learn anything about their history, art or literature.

For a long time, the Bunjevacs have had no opportunity to learn their mother tongue with elements of national culture, although there have been requests for it. Their request was fulfilled in September 2007, by introduction of Bunjevac spoken language with elements of national culture.

#### **Roma Educational Center**

The Roma community expressed their interest that the cultivation of the Romani language in elementary schools should continue in the future as well. Therefore a poll is conducted at the beginning of every school year among the pupils and parents to ascertain their wish to study this

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<sup>274</sup> Opinion, Article 14/98

<sup>275</sup> Opinion, Article 14/100

subject. The fact that grades received in this subject do not count towards the grade average represents a problem.

Official data for the 2005/2006 school year do not exist as yet, however unofficial indicators point at a rising trend of this type of tuition.

The Romany language in Serbia has not been standardised, although the International Committee for the Romany Language has adopted Marcel Kurtiade's alphabet as the standard for the European and global Romany community. Lately, in addition to this, another alphabet in use is that of Ibrahim Osmani from Preshevo, and both scripts are treated as legitimate. Since 1996, a Cyrillic script used by Trifun Dimić, a Voivodinian Romany author, to write down works in Romany, has been used in practice, within the subject 'Cultivating Mother Tongue with Elements of National culture'.

#### **National Council of the Romanian National Minority**

An optional subject titled 'mother tongue with elements of national culture' has been introduced for pupils who have declared themselves as Romanians but attend classes in the Serbian language. Although all National Councils of national minorities have requested the Ministry of Education and Sports of the Republic of Serbia to introduce it as an obligatory rather than optional subject in school, the Ministry has not heeded their request as yet.

#### **National Council of the Ruthenian National Minority**

In the 2006/2007 school year, the study of the Ruthenian language was introduced in Novi Sad as an optional subject at the secondary school level.

#### **National Council of the Slovak National Minority**

Due to small numbers of pupils who attend classes in 'the Slovak language with elements of national culture', teachers are forced to travel and work in several schools, and in the current school year, some of them were even left short of full working hours<sup>276</sup>.

#### **German Association "Donau", Novi Sad**

The common language of the Germans in Serbia is so-called Hochdeutsch, and since they are by origin from different German provinces, they use different dialects.

German as a foreign language is studied at schools and colleges. Classes in German language are not conducted in any school.

#### **Radio Sunce – Voice of Southern Banat**

A primary school in the Czech language existed in Češko Selo until 1974, when it was closed due to small number of pupils.

For the past few years, the Czech Republic has provided a teacher who teaches optional Czech language lessons to interested children and adults. The lessons are taught at the premises of the South Banat Czech Association and at village schools in Kruščica and Češko Selo.

#### **Society of Slovenians "Kredarica", Novi Sad**

On the territory of the present-day Republic of Serbia, the Slovenian language has been used for over 150 years, and over the past 10 year its speakers have been experiencing a national awakening, which they express through their organizing within associations and cultural communities.

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<sup>276</sup> For example, in the "Ljubi i Bingulji" elementary school in Erdevik



The members of Slovenian national minority have been attending Slovenian language courses at the 'Kredarica' Society since 1998. The courses have been attended by over 300 members so far, and the lessons are taught by three teachers financed by the Slovenian Ministry of Education.

## Recommendations

### Roma Educational Center

- To introduce in the largest possible number of schools where Roma children are taught the subject "Fostering the Roma language with elements of national culture":

## Article 14, paragraph 2

### Normative Framework

#### Voivodina Center for Human Rights

The *LFES* stipulates that educational activities for persons belonging to national communities shall be carried out in their native languages and only exceptionally may they be carried out in the Serbian language as well (Article 7 Paragraph 2)

The Republic of Serbia should prescribe for these exceptions from the guaranteed rule special laws regulating preschool, elementary and secondary education, since the provisions of these laws remain unharmonized with this new provision concerning the rights of national minorities.

In the fourteen years since the *Law on Elementary School* has been in effect, the Ministers of education have not prescribed the manner of delivering bilingual curricula. The First State Report uses the expression "bilingual teaching" although no definition exists of such a type of teaching.

The new *Law on Higher Education*<sup>277</sup> allows the possibility for institutions of higher education to organise and carry out studies or individual segments of studies, as well as produce and present doctoral dissertations in minority languages, in accordance with the institution's Statute. A prerequisite for the implementation of a study programme in a minority language is that the programme be approved, i.e. accredited (Article 80).

*The Law on Higher Education* leaves it to the Statutes of universities to set out requirements for the organization of studies in a minority language, whereas this issue should instead be regulated by the *Law* itself, despite the fact that the *New Constitution* guarantees that the acquired level of protection of minority rights may not be reduced.

Neither the *University Act* nor the *Higher Education Act* have elaborated the method of exercising the right to education in minority languages despite a clearly defined provision of the *Constitution* of the Republic of Serbia stating that the right to education in minority languages shall be regulated by Law.

Delegating the powers to higher educational institutions or faculties to decide upon whether to meet the needs of the students belonging to national minorities and organise teaching in their first language and the dependence of this right on the decision of the Republic of Serbia Government, could not be considered a solution that is consistent with the Constitution. The right of persons belonging to national minorities may not depend upon the changes in the government and political organisations in power, or upon the changes in the makeup of the bodies of a higher educational institutions or faculties, which is the case whenever there are changes within state authority bodies.

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<sup>277</sup> Official Gazette of RS, No. 76/2005

## Implementation

### Education in minority languages in pre- schools

#### Voivodina Center for Human Rights

The *LFES* foresees the preparatory pre-school programme as a part of compulsory education lasting nine years. The preparatory pre-school programme is carried out in the year before the child starts going to school and lasts for least six months, up to four hours a day (Article 85, Paragraphs 2 and 3). Parents have the obligation to enrol their children aged between 5 ½ and 6 ½ in the preparatory pre-school programme. The preparatory pre-school programme is carried out in kindergartens or in elementary schools (Article 89, Paragraphs 1 and 3).

The provision of Article 7 Paragraph 2 of the *LFES* stipulates that the preparatory pre-school programme should be carried out in minority languages for persons belonging to national minorities, in order that children could continue their education in elementary schools in their own language. On the territory of APV, the preparatory pre-school programme is carried out in the Hungarian, Slovak, Romanian, Ruthenian and Croatian languages.

Preparatory pre-school programme is carried out in the Hungarian language in 23 pre-school institutions (in the municipalities of: Ada, Apatin, Bačka Topola, Bečej, Žitište, Zrenjanin, Kanjiža, Kikinda, Kovačica, Kovin, Kula, Mali Idoš, Nova Crnja, Novi Bečej, Novi Kneževac, Odžaci, Plandište, Senta, Sombor, Srbobran, Subotica, Temerin and Čoka) as well as in the city of Novi Sad, for 2,073 children in 125 educational groups.

Preparatory pre-school programme is carried out in the Slovak language in 7 pre-school institutions (in the municipalities of Alibunar, Bač, Bačka Palanka, Bački Petrovac, Beočin, Kovačica, Stara Pazova), as well as in the city of Novi Sad, for 385 children in 23 educational groups.

Preparatory pre-school programme is carried out in the Romanian language in 5 pre-school institutions (in the municipalities of: Alibunar, Bela Crkva, Vršac, Žitište, Kovačica and Plandište) for 137 children in 12 educational groups.

Preparatory pre-school programme is carried out in the Ruthenian language in 3 pre-school institutions (in the municipalities of: Vrbas, Kula and Žabalj), for 83 children in 4 educational groups.

Preparatory pre-school programme is carried out in the Croatian language in 1 pre-school institution, in the Municipality of Subotica, for 10 children in 1 educational group.

Preparatory pre-school programme is carried out bilingually, in the Serbian language and in a minority language, in 10 pre-school institutions for 325 children distributed in 20 educational groups:

- In the Serbian and Hungarian language, for 167 children in 12 educational groups in 6 pre-school institutions (in the municipalities of: Bačka Topola, Žitište, Kikinda, Pančevo and Sombor).
- In the Serbian and Romanian language, for 61 children distributed in 4 educational groups in 2 pre-school institutions (in the municipalities of Alibunar and Vršac).
- In the Serbian and Croatian language, for 53 children in 1 educational group in 1 pre-school institution in the municipality of Subotica.

The preparatory pre-school programme in the Serbian language is attended by 269 Hungarian children, 71 Slovak children, 46 Romanian children, 57 Ruthenian children and 494 Croatian children.

### **Roma Educational Center**

Romany children from Subotica have the opportunity to foster their own language within the state-controlled 'Naša radost' Pre-school Education Institution. They are educated by Romany educational assistants hired by the Roma Educational Centre, a Subotica-based NGO. The children have the opportunity to recite Romany verse at public events organised by the preschool facilities.

This form of 'fostering Romany language' was an integral part of the programme conducted on the territory of Serbia between 1996 and 2002 by the Belgrade-based Interactive Pedagogy Centre, within 14 Romany pre-school groups within the 'Step-by-Step – Kindergarten as a Family Centre' programme. Although the programme has been wound up, fostering mother tongue in Subotica has remained in inclusion classes with Romany children. The problems are:

- Lack of legal definition for the 'Romany educational assistant' profession, which has led to hiring assistants only through project, although their role in educating Romany children at this age is essential, due to the fact that the children do not speak the majority language, which hinders their communication with pre-school teachers.
- Lack of appropriate picture books and worksheets in the Romany language for pre-school age, which is why Romany assistants mostly use parts of primary school curriculum for learning 'Romany language with elements of national culture', and 'Čvaorrengo them' magazine.

### **National Council of Ruthenian National Minority**

Preschool education in the Ruthenian language has over a century-long history and has functioned continuously in Ruski Krstur since 1902 and in Kucura since 1905. Educational activities with preschool children are carried out in the Ruthenian language in the villages of Ruski Krstur, Kucura and Đurđevo (these three villages are populated by Ruthenians in largest numbers). In areas where it is not possible to organise regular kindergarten groups in the Ruthenian language, the Ruthenian language is studied optionally as the 'cultivation of the Ruthenian language'. Such is the case in: Novi Sad, Vrbas and Kula. Cultivation of the Ruthenian language in preschool children groups is planned to be introduced also in the municipality of Šid, in the following towns: Šid, Bačinci, Berkasovo and Bikić Do.

### **Education in minority languages in elementary schools**

#### **Voivodina Center for Human Rights**

On the territory of APV, in elementary schools, education is delivered in 6 languages: Serbian, Hungarian, Slovak, Romanian, Ruthenian and Croatian, as well as bilingually, in minority languages and in the Serbian language for some school subjects.

Elementary education is delivered in the Hungarian language in 8 elementary schools, in the Slovak language in 5, in the Romanian language in 4, and in the Ruthenian language in 1 elementary school.

In 92 elementary schools, education is delivered in 2 languages:

- In the Serbian and Hungarian language in 64 elementary schools (in 21 of them, teaching in the Hungarian language is delivered in higher grades as well).
- In the Serbian and Slovak language in 11 elementary schools (in 5 of them, forms taught in the Slovak language are more numerous than the ones taught in the Serbian language).
- In the Serbian and Romanian language in 12 elementary schools (in 1 one the schools, forms taught in the Romanian language are more numerous than the ones taught in the Serbian language).
- In the Serbian and Ruthenian in 2 elementary schools.
- In the Serbian and Croatian in 3 elementary schools.

In 6 elementary schools, teaching is given in 3 languages: Serbian, Romanian and Hungarian (in 2 schools); Serbian, Slovak and Hungarian (in 2 schools); and Serbian, Hungarian and Croatian (in 2 schools).

#### **National Council of the Macedonian National Minority**

In towns inhabited by substantial numbers of the Macedonian population in APV, in the period between 1946 - 1958 elementary schools offered complete tuition in the Macedonian language (villages of Jabuka, Glogolj, Kačarevo, etc.). Later the Macedonian language was taught as one of the school subjects three lessons a week, from the 1<sup>st</sup> – 8<sup>th</sup> grade in elementary schools.

Since 1976, with the consent of parents and pupils, the Macedonian language was introduced as the ‘language of the social environment’ in “Goce Delčev” elementary school in Jabuka. Besides to persons belonging to the Macedonian national minority, it was taught to persons belonging other nations and nationalities from preschool age until the 8<sup>th</sup> grade (over 70% of the population in Jabuka are of Macedonian ethnicity).

Preparations are under way in Serbia for introducing the ‘Macedonian language with elements of national culture’ from the preschool age up to the eighth grade of elementary school, in areas inhabited by significant numbers of persons belonging to this national minority.

The Faculty of Philology in Belgrade, the Faculty of Philosophy in Novi Sad and Faculties of Philosophy in Niš, Kragujevac and Kosovska Mitrovica have Departments for Macedonian language studies.

The Government of the Republic of Macedonia awards 3-5 scholarships each year for pupils belonging to the Macedonian national minority in Serbia, for studying at one of the Universities in Macedonia. Thus far, 21 students have been enrolled.

#### **National Council of the Romanian National Minority**

Great indolence is noticeable on the part of the Ministry of Education and Sports in dealing with the issue of granting independence to the elementary school in Torak and to the two-year Pedagogical College in Vršac, even though all reports and documentation were submitted on time.

#### **National Council of the Ruthenian National Minority**

Elementary education in the Ruthenian language has a long tradition<sup>278</sup>. Similarly to preschool education, full-time tuition in the Ruthenian language from 1<sup>st</sup> to 8<sup>th</sup> grade is provided in three villages where Ruthenians make up the majority. Teaching is given entirely in the Ruthenian language, whereas schools in Kucura and Đurđevo are bilingual, with forms taught in Ruthenian and forms taught in Serbian. In Ruthenian communities where it is not possible to have full-time teaching in Ruthenian due to the insufficient numbers of pupils and the territorial principle of pupil enrolment, the study of the Ruthenian language with elements of national culture<sup>279</sup> is organized as an optional subject.

#### **National Council of the Slovak National Minority**

The *LFES* allows formation of a class with tuition in a minority language provided if at least 15 pupils declare for that. Practice has shown that in Stara Pazova the Ministry of Education allowed formation of three classes in the first grade with a total number of 45 pupils, whereas in smaller

<sup>278</sup> Ruthenians begun settling in Voivodina in 1745, and they established their first school in 1753 in Ruski Krstur. Following that Ruthenian schools started functioning: in 1765 in Kucura, in 1823 in Novi Sad, in 1818 in Šid, in 1847 in Bačinci, in 1880 in Đurđevo.

<sup>279</sup> In Novi Sad (15 elementary schools), Vrbas (4), Kula (2), Novo Orahovo, municipality of Bačka Topola (2), Gospodinci, municipality of Žabalj (1), Šid as the seat of the municipality (2) with dislocated classes in Bačinci, Berkasovo and Bikić Do, Subotica (1), Sremska Mitrovica (2) and Belgrade (1) – in total 12 towns and over 30 elementary schools.

communities inhabited by the Slovak population (such as Lug) classes were merged and combined due to the small number of pupils in 2006.

### **Education in minority languages in secondary schools**

#### **Voivodina Center for Human Rights**

Regarding secondary education, teaching is given in minority languages in 40 secondary schools, of which:

- 12 grammar schools (9 in the Hungarian language, 2 in the Slovak and 1 in the Ruthenian language).
- 25 vocational schools (23 in the Hungarian and 1 in the Romanian language).
- 2 combined schools (grammar school + vocational school) (1 in the Hungarian and 1 in the Romanian language).
- 1 arts school in the Hungarian language.

One of the basic reasons for the decline in the number of secondary-school students of all nationalities in APV is of demographic nature. The second reason is the existent network of secondary schools which does not offer enough educational profiles for students from the Slovak, Romanian and Ruthenian national minority. Teaching in Slovak and Ruthenian can only be attended in a Grammar School, and in Romanian it is available at the Grammar School and the Economics and Trade Secondary School. Unlike members of these three national minorities, Hungarians can attend education in Grammar Schools and several vocational secondary schools. The third reason for the decline in the number of national minority students is the lack of teaching staff in the existent Grammar Schools providing education in Slovak, Romanian and Ruthenian. General subjects are mostly taught in Serbian, which is also the case with Hungarian students attending particular subjects in vocational schools.

The claims from the state-issued report that the entire teaching process in secondary schools and grammar schools in the APV is conducted in minority languages are inaccurate<sup>280</sup>:

- The information that entire teaching process at the Zrenjanin Grammar School is conducted in Hungarian is incorrect<sup>281</sup> – only certain subjects are taught in Hungarian.
- The information that the entire teaching process at the 'Borislav Petrov Braca' Grammar School in Vršac is conducted in Romanian is incorrect<sup>282</sup> – about 90% of subjects are taught in Romanian.
- The information that the entire teaching process at the 'Mihajlo Pupin' Grammar School in Kovačica is conducted in Slovak is incorrect<sup>283</sup> - only about 60% of subjects are taught in Slovak.
- The information that the entire teaching process at the School for Nurses, Secondary School of Agriculture and Electro-technology School in Zrenjanin is conducted in Hungarian is incorrect<sup>284</sup>, as the vocational subjects are entirely taught in Serbian, and even the general education subjects are not taught in Hungarian entirely.

The first grammar school class with Croat teaching language was opened in Subotica in September 2007. This wise, six years after the introduction of primary education in the Croat language, the Croat national minority in the APV has been granted the right to education in Croatian in secondary schools. The right to create minority classes even then, when the number of enrolled pupils is less than the minimum threshold of 15 set forth by the law was respected in the procedure. At present, there are 14 pupils in the Croat teaching language class, while the curricula for these pupils differs from the mainstream one only in view of the mother tongue subject, which will be taught according to the foreseen plan with 2 additional classes of the Serbian language, twice a week.

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<sup>280</sup> The data were gathered through surveys in the above mentioned schools.

<sup>281</sup> State Report p. 143

<sup>282</sup> State Report p. 144

<sup>283</sup> State Report p. 146

<sup>284</sup> State Report , p. 146

### **The National Council of Hungarian National Minority**

In 2003, the Assembly of APV founded two grammar schools for talented pupils with the Hungarian teaching language<sup>285</sup>, in Subotica and Senta. Their existence and functioning are extremely significant for the Hungarian community.

The National Council of the Hungarian national minority has submitted to the Ministry of Education and Sports its proposals regarding the establishment of new elementary and secondary educational institutions, as well as the reorganization of existing ones<sup>286</sup>.

Presently, the Sombor School Administration has a branch office in Subotica. Local self-governments of Bačka Topola, Mali Idoš and Subotica, together with the National Council of the Hungarian National Minority, have requested the Ministry of Education and Sports to grant independence to the School Administration in Subotica, mainly due to the peculiarity of the North Banat County, i.e. large numbers of pupils receiving tuition in the Hungarian language.

The School Administration of the Banat County does not have a Hungarian-speaking supervisor.

### **National Council of the Ruthenian National Minority**

Secondary education in the Ruthenian language is organized in the grammar school with boarding accommodation<sup>287</sup> in Ruski Krstur. Incidentally, the grammar school represents the only Ruthenian secondary school in Serbia and in the whole world<sup>288</sup>. Besides tuition in the Ruthenian language, since the 90s the school has had forms in the Serbian language as well.

### **National Council of the Slovak National Minority**

The number of pupils of the Slovak national minority is undeniably decreasing each year, due to both decreasing number of births and frequent enrolment of pupils in kindergartens and elementary and secondary schools providing tuition in the Serbian language, with a rationale that children will have it easier later on in continuing their education.

In the 2006/2007 school year, 3,347 pupils were enrolled in Slovak forms in elementary schools, and 468 pupils in secondary schools, those figures accounting for 14.17% of the total number of pupils receiving tuition in one of the minority languages in APV<sup>289</sup>.

### **Education in minority languages in high schools and faculties**

#### **Voivodina Center for Human Rights**

In the academic year 2003/04, on the territory of the APV higher education was provided at 9 colleges in Novi Sad, Subotica, Zrenjanin, Sremska Mitrovica, Kikinda and Vršac, whereas 3 are technical colleges, 1 is a college for business and management and 5 are preschool teacher training colleges.

Education in Serbian and Hungarian languages is provided:

- At the Technical College in Subotica.
- At the Preschool Teacher Training College in Novi Sad.
- At the Preschool Teacher Training College in Subotica.

<sup>285</sup> Philological grammar school "Deže Kostolanji" in Subotica (humanities-linguistic orientation) and the "Boljai" grammar school with boarding accommodation for talented pupils in Senta (natural sciences and math orientation)

<sup>286</sup> 15 June 2006 – Elementary school in Žitište

<sup>287</sup> Founded in 1970. In 1945, the first *lower* grammar school in the Ruthenian language was founded in Ruski Krstur, i.e. higher grades (5<sup>th</sup>-8<sup>th</sup>) of today's elementary school.

<sup>288</sup> In 1945 in Ruski Krstur the first *lower* grammar school was founded in the Ruthenian language, i.e. higher grades (5<sup>th</sup> – 8<sup>th</sup>) of today's elementary school.

<sup>289</sup> Data from the Pedagogical Institute of Vojvodina, 15 December 2006

Education in Serbian and Romanian languages is provided:

- At the Preschool Teacher Training College in Vršac.

University education on the territory of the APV is provided at 13 faculties of the University of Novi Sad. Some classes are conducted in minority languages in following faculties of the University:

- At the Academy of Arts in the Hungarian language (group for acting).
- At the Faculty of Economics in Subotica in the Hungarian language.
- At the Faculty of Civil Engineering in the Hungarian language.
- At the Faculty of Philosophy in Novi Sad national minority languages are provided as foreign languages at the departments for the Hungarian language, for the Slovak language, for the Romanian language and for the Ruthenian language.
- At the Teacher Training Faculty in Sombor in the Hungarian and Slovak languages (in the teaching units in Subotica and in Bački Petrovac).

Teaching process of all courses at colleges on the territory of the APV is not conducted in national minority languages:

- The teaching process at the Technical College in Subotica and Pre-school Teacher Training Colleges in Novi Sad and Subotica is not conducted in Hungarian for all courses, as well as the Hungarian Language and Literature Department of the Faculty of philosophy in Novi Sad, or the Acting Department of the Academy of Performing Arts in Novi Sad.
- Only 2/3 of the courses at the Teacher Training College in Sombor are taught in Slovak.
- At the Teacher Training College in Belgrade and its Department in Vršac, a little more than half of the courses are taught in Romanian.
- As for the education of teachers in Ruthenian at the Teacher Training College in Sombor, this college has not enrolled a single student in Ruthenian in the 2004/05, 2005/06 and 2006/07 academic years<sup>290</sup>.

#### **National Council of the Hungarian National Minority**

Although in the recent years there has been a mild increase in the number of students of Hungarian ethnicity at some faculties at the University of Novi Sad, the share of Hungarians in institutions of higher education is low compared to their share in the total population of APV: Hungarians account for 14% of the population in APV, while in 2006 there were as little as 6% of Hungarians in institutions of higher education in APV (out of 38,000 students, only 2300 were Hungarians). The declining number of students comes as a consequence of negative demographic trends as well as immigration, since a share of the Hungarian youth continue their education in the Republic of Hungary. The presence of Hungarians is small also among teachers and assistants at some faculties. For example, at the Novi Sad Faculty of Medicine (out of 92 resident professors only 3 are of Hungarian ethnicity (3.3%)).

The mere fact that the law on high education states that tuition shall be delivered in the Serbian language discourages persons belonging to national minorities and puts them in an unequal position compared to persons belonging to the majority population, since minorities are not given an opportunity to be exposed to the professional terminology in their own native language. The number of professors who know the language and professional terminology in the Hungarian language has declined significantly due to harassment and banishment they endured during the 90s, and some forms of teaching (exercises, lectures) in minority languages have disappeared entirely.

Although new legal provisions in this area prescribe reinstatement of terminological centres, they have still not been restored for the Hungarian language, or other minority languages. Such

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<sup>290</sup> Note to the first Report of the Federal Republic of Yugoslavia, 2002, Article 14, paragraphs 1-2 7 3.3 – 3.6

terminological centres existed during the 70s and 80s, for example, at the Law Faculty in Novi Sad<sup>291</sup>.

Validation of diplomas acquired abroad also encounters obstacles. There have been cases of very troublesome and complicated processes of validation of diplomas acquired abroad. There has been one notorious case where, for a validation of a diploma acquired in Szeged (Hungary), the obligation was imposed on the candidate to pass 6 additional compensatory examinations, and 7 different faculty departments were consulted on whether additional compensatory examinations might be required. Consultation of those 7 departments could result with as many as 6+7=13 additional examinations that the candidate would have to pass in order to have their diploma validated.

The founding the Teachers Faculty in the Hungarian language in Subotica was a long and strenuous process<sup>292</sup> that took two years to complete. In 2004, the Minister of Education<sup>293</sup> informed the Provincial Secretary for Education and Culture that he refused to give his approval to the establishment of the faculty or to opening of a bank account for this institution, and he submitted the Decree of the provincial authorities to the Constitutional Court of the Republic of Serbia for appraisal as to its conformity with the Constitution and the law. Eventually, the Constitutional Court did not deliberate on the Ministry's proposal and refused jurisdiction over the matter. The framework agreement on the foundation of this faculty was signed by the Intergovernmental Joint Committee of the Republic of Hungary and the Republic of Serbia<sup>294</sup>, whereas relevant officials approved the founding of a higher educational institution in the Hungarian language under numerous international and domestic pressures, upon the proposal of the Prime Minister of the Republic of Serbia.

Although the founding of the Teachers Faculty in Subotica was accepted as the establishment of the 14<sup>th</sup> faculty within the University of Novi Sad, the existing Teachers Faculty in Sombor and the Faculty of Philosophy in Novi Sad continue to prevent the functioning of this institution in the Hungarian language:

- Appointment of teachers is rejected as well as and any form of professional cooperation
- The founding Act of the Faculty lays out only the basic study programme, and does not allow the option of organising specialist, master and doctoral courses, which prevents replenishment of existing human resources and development of new pattern of skills at the Faculty.

The Teachers Faculty in the Hungarian language does not have the status of an independent legal person within the University. Although with some delay, tuition commenced during the autumn in 2006. Due to difficult coordination between the state financial bodies, the Serbian Ministry of Education and the University of Novi Sad, the employees at the faculty, including professors, did not receive any salary payment until 25 November 2006. The Ministry of Education brought a decree on financing the Faculty from the national budget<sup>295</sup>.

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<sup>291</sup> It should be mentioned that the Provincial Secretariat for Regulations, Administration and National Minorities, in cooperation with the National Council of the Hungarian National Minority, has for the past four years organized seminars in professional terminology for lawyers. The purpose of these seminars is to facilitate fluent use of the Hungarian language in municipalities where it is used as an official language according to the municipalities' Statutes, by employees in the public administration, and younger judges and prosecutors who had not had the opportunity during the course of their studies at the Law Faculty in Novi Sad to be taught particular courses, or have exercises from particular courses, in their native language. However, as much as these three-day seminars are useful, they cannot compensate the lack of training in one's mother tongue during the course of one's education.

<sup>292</sup> The process began on 13 August 2004, when the Assembly of APV adopted a Decree on the Organization of the University of Novi Sad ("Official Gazette of APV", No. 14/2004), whereby the Teachers Faculty in Subotica was included in the ranks of faculties comprising the University of Novi Sad, and lasted until 16 October 2006 when the Teachers Faculty in Subotica was eventually officially opened.

<sup>293</sup> Slobodan Vuksanović, on 21 October 2004.

<sup>294</sup> On 13 December 2004 in Budapest and on 11 February 2005 in Subotica

<sup>295</sup> 16 November 2005.



The Faculty concluded a lease contract for the building<sup>296</sup>, but the renovation of the building started at a later date<sup>297</sup> and was funded from the budget of the Municipality of Subotica, as well as from donations coming from Hungary. Currently the Faculty disposes with four classrooms and two offices, used by 200 students and 26 employees. As for now, the Faculty has minimal equipment, it lacks teaching tools, a library (the import of books from Hungary is complicated), it does not have laboratories, which can in part be attributed to the lack of space, computers, etc.

#### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

Tuition in the Croatian language does not exist at all at higher levels of education.

There does not exist a Terminology Centre for the Croatian language at the of Novi Sad.

#### **Roma Educational Center**

The Romology School was established at the University of Novi Sad in 2004, and education lasts for one academic year. It is currently being attended by the third generation of students.

The Romany Matica in APV and the Roma Educational Centre from Subotica have applied to the Education and Culture Secretariat<sup>298</sup> to enable Romany students to attend lectures at teacher training colleges in the Romany language. Students who complete their studies in Romany would be the first college-educated Romany teachers.

#### **National Council of the Romanian National Minority**

Although the Teachers Faculty in Vršac, with teaching delivered in the Serbian and Romanian language<sup>299</sup>, was founded by the Decree of the Assembly of APV, the institution did not take root due to the fact that enrolment of students into the first year of studies was stopped, without any explanation (in 2002 by the Ministry of Education), which is why it continues to function as a Department of the Belgrade Teachers Faculty.

The College for tutor training is currently in the phase of receiving accreditation as the Pedagogical College; it is envisaged that it provide education for tutors and teachers in the Serbian and Romanian language up to MA levels (academic studies).

In the 2006/2007 school year, 1,476 pupils were enrolled in elementary schools providing tuition in the Romanian language, while 200 pupils were enrolled in secondary schools. Regrettably, due to steadily decreasing numbers of persons belonging to the Romanian national minority, each year the number of pupils decreases as well, and this represents one of the greatest problems facing the Romanian community today. On the other hand, many parents enrol their children (especially children from mixed marriages) in classes delivering tuition in the Serbian language. Also high is the number of families who have immigrated abroad.

Concerning the education of Romanians in Central and Eastern Serbia, the greatest problem seems to be education of persons who declared themselves as Romanians in the Serbian language rather than in their native Romanian language. For this reason, the National Council of the Romanian national minority submitted a request to the Ministry of Education and Sports of the Republic of Serbia for introducing tuition in the Romanian language in particular schools. The request was supported by parents' signatures and a parents' declaration. That procedure was interrupted, since the National Council of the Vlach national minority was established in the meantime.

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<sup>296</sup> 10 September 2004, with the Subotica Municipality

<sup>297</sup> 28 November 2005

<sup>298</sup> in May 2007

<sup>299</sup> Registered with the Commercial Court in Pančevo, with its own gyro-account

### **National Council of the Ruthenian National Minority**

The Department for the Ruthenian Language and Literature was established<sup>300</sup> at the Faculty of Philosophy in Novi Sad (a four-semester language and literature course), while the Terminology Centre for the Ruthenian language has functioned since 1972.

Although in the recent years the number of pupils cultivating the Ruthenian language has significantly increased<sup>301</sup>, the optimum number of pupils who could be covered by the teaching in the Ruthenian language has still not been reached. Additional efforts are required to that end, both by the relevant educational institutions and the National Council of the Ruthenian national minority, as well as parents and cultural institutions in towns and villages where pupils of the Ruthenian ethnicity attend school or other educational activities.

## **Recommendations**

### **Roma Educational Center**

- To introduce inclusive tutoring in elementary schools and kindergartens attended by Roma children.
- Introduce Roma assistants into kindergartens and elementary schools attended by substantial numbers of Roma children.

### **National Council of the Ruthenian National Minority**

- Study of the Ruthenian language as an optional subject should become an integral part of obligatory tuition, whereas the grade received in that subject should be counted in the grade average in order to encourage children to study it.
- The opinion polls conducted at the beginning of school years among parents on whether they wish their children to study their mother tongue should be given greater significance rather than be perceived as a mere routine obligation.
- Cultivation of the Ruthenian language should be financially encouraged and organized, considering that some teachers are engaged only 20%, 30% and 80% of working time – the situation is even more dramatic in kindergartens since remuneration is minimal or even non-existent.
- The former practice of appointing a school supervisor in charge of tuition in the Ruthenian language, as well as an advisor for the Ruthenian language and literature, should be reintroduced. Such functions have not existed in the past years for the Ruthenian and Romanian languages. Their engagement and role are crucial in the pedagogical work of schools teaching in and preserving the Ruthenian language, both in the professional and organizational sense: in the preparation of school curricula, the professional development of teachers, organisation of knowledge competitions for Ruthenian pupils, publishing of textbooks etc.

## **Article 14, paragraph 3**

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<sup>300</sup> In 1981

<sup>301</sup> Includes over 300 pupils at the elementary school level, over 50 children of preschool age and 20 pupils of secondary school level.

## Article 15

*The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.*

### Normative Framework

#### Voivodina Center for Human Rights

#### Review on the Opinion of the Advisory Committee

To the Advisory Committee opinion that there is scope for further improvements in a number of municipalities in terms of representation of national minorities in elected bodies and that, as regards the Parliament of Serbia, representatives of national minorities are concerned that the 5 percent threshold contained in the electoral legislation is an obstacle to further progress in this sphere, since the first reporting, there were some improvements in this field<sup>302</sup>.

The *Law on the Election of Members of Parliament*<sup>303</sup> has been innovated. Special measures were introduced for the first time in the election legislation. The special measures concern the national minorities' election tickets, to which the minimal legal threshold of 5% of the votes for participating in the distribution of mandates does not apply, but they rather acquire this right when they reach the natural threshold of the votes.

Even though this special measure was introduced through amendments to the law, the Law has retained the rule to have a minimum of 10,000 signatures of voters who support the election ticket. This number is extremely high<sup>304</sup> and it is difficult for a minority ticket to ensure it. Through a bylaw of its own, the Republic Election Commission changed this rule and reduced the necessary number of signatures to 3000. This move by the Republic Election Commission was rightly criticized, since this body does not have the right to change a rule prescribed by the law with its bylaw.<sup>305</sup> Such a legislative practice attests to the insufficiently thought out moves by the law-maker who, when innovating laws, does not pay attention to the integrality of the legislative solutions and their practical effects.

Through the implementation of this rule, several national minority tickets (the Alliance of Voivodina Hungarians, the Roma Union of Serbia, the Roma Party, the Coalition of Albanians of the Presevo Valley, the List for Sandžak) won seats in parliament at the elections in January 2007.

Special measures for national minority election tickets were also prescribed by the *Decision on the election of deputies in the APV Assembly*.<sup>306</sup> In this case too, the natural threshold was prescribed for national minority tickets, while the minimal threshold of 5% of the votes of those who take to the polls was prescribed for all the other lists of candidates.<sup>307</sup> Furthermore, it is also stipulated that the ballot sheets are to be printed bilingually or multilingually in the municipalities where national minority languages are in official use.<sup>308</sup>

<sup>302</sup> Opinion, Article 15/164

<sup>303</sup> Adopted in February 2004, referred to herein as: *LEMP*

<sup>304</sup> The number of signatures needed to be collected for an election ticket is very close to the natural threshold which was around 12,000 votes.

<sup>305</sup> There were different examples at the previous elections. Certain minority tickets, fearing that the election result would be annulled if the number of collected signatures for the tickets falls short, acted in line with the law (for example the Alliance of Voivodina Hungarians), while others acted in accordance with the rule established by the Republic Election Commission (for example, the Roma Party).

<sup>306</sup> Official Gazette of AP Voivodina no. 12/ 2004

<sup>307</sup> Article 74, paragraph 4 of the Decision.

<sup>308</sup> Article 64, paragraph 6.

With respect to the representation of national minorities in law-enforcement bodies<sup>309</sup> its worth mentioning that the Government of the Republic of Serbia passed its *Decision on the measures to increase the participation of national minorities in state administration bodies*<sup>310</sup>.

The *LLSG* does not define in greater detail the position of councils for inter-ethnic relations in ethnically mixed municipalities organized by the local authorities, their relationship with other bodies in the local community, competencies and so on. The law has left it to the local communities to regulate these issues through their statutes. Due to the incomplete legislation, problems occur in the implementation of this legislative solution.

#### **National Council of the Hungarian national minority**

With the adoption of the *LPRLNM* and the *Rule Book on the work method of electors' assemblies for the election of national minority councils*<sup>311</sup> the state created the legal framework for the election and the start of the functioning of national minorities' national councils, as bodies of a cultural autonomy. Taking advantage of the possibility, the Hungarian community elected its national council<sup>312</sup>, which started its four-year mandate by being entered into the register<sup>313</sup>.

In view of the fact that the *LPRLNM* defines only roughly the competencies of national councils and regulates only the temporary rules for the election of council members, the state was obliged to adopt a *Law on the competencies and election of national councils* over the past four years, which it failed to do. As a result of this, the tenure of the National Council of the Hungarian national minority expired<sup>314</sup>. As it was not possible to elect a new council by that date, due to the lack of regulations, the National Council of the Hungarians was compelled to continue its work as an interim acting body.

## **Implementation**

### **Voivodina Center for Human Rights**

#### **Review on the Opinion of the Advisory Committee**

Although the Advisory Committee welcomed the fact that a number of persons belonging to national minorities have obtained seats in elected bodies at the local and regional level<sup>315</sup>, the participation of national minorities in elected and other authorities has not been ultimately resolved yet. Proportional representation in elected bodies is mostly implemented in municipalities where they make absolute or relative majority, while in central elected bodies and in municipalities, where their number is not substantial minority representation is low.

In view of the participation of national minorities in public services, it is noticeable, that their representation is higher in municipalities, where they make the majority population, while they are under-represented in province and republic level services and bodies.

Persons belonging to national minorities exercise their right to effective participation in the field of education, culture, the official use of language and information, most effectively through their respective national councils of national minorities, whose opinions relating to the above listed fields should be taken into account by the territorial local self-governments or state authority bodies.

In relation to the conclusion of the Advisory Committee that in Serbia there is no specific authority responsible for the coordination of minority issues and that this may complicate the attempts of

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<sup>309</sup> Opinion, Article 15/103

<sup>310</sup> At the end of 2006.

<sup>311</sup> In March 2002

<sup>312</sup> On September 21, 2002,

<sup>313</sup> On December 23, 2002

<sup>314</sup> On December 23, 2006

<sup>315</sup> Opinion, Article 15/101

national minorities to contact and liaise with the appropriate authorities, hence the authorities of the Republic of Serbia are encouraged to consider, in consultation with the Ministry of Human and Minority Rights of the State Union and the representatives of national minorities, whether a coordination function could be usefully introduced within the Republic's governmental structures<sup>316</sup>, it should be noted, that between the two reporting periods, the Ministry of Human and Minority Rights was abolished<sup>317</sup> and a Service for Human and Minority Rights has been formed instead<sup>318</sup>. This wise, the solution of minority issues has been largely degraded, by abolishing a higher rank institution and reducing it to a body with a lower degree of responsibility on the one hand, and because of the incapability of the Service having only coordinative function to respond to the existing minority needs and issues, on the other hand. The Council for National Minorities of the Republic of Serbia<sup>319</sup>, which has also taken over certain competences of the mentioned ministry, proved to be even less effective than the Service for Human and Minority Rights, therefore minority policy has been significantly marginalised and reduced to an *ad hoc* decision making frequently subjected to the political interests of the minority and majority leaders.

A Provincial National Minority Council has been created on the level of the Province with the aim to improve the co-operation between the province government and the national councils of national minorities.

The provisions of the *LLSG* foresee the establishing of councils for inter-ethnic relations in multi-ethnic municipalities (where persons belonging to a specific national minority make less than 5% or all persons belonging to national minorities make less than 10% of the local population), which would address issues related to the exercising of inter-ethnic equality. Though so far quite a few councils have been established, the number of those efficiently operating is low, because of the problems emerging in relation with their competences, method of election and operation.

With respect to the legal solutions that should regulate the field of minority participation in public life, so far, the provisions of *LPRLNM* have not been harmonized with other laws relevant for the realisation of minority rights, e.g. in the field of local self-governance, education, culture, information, elections... There is also a large gap between the provisions of laws passed at the Republic's level and provisions of provincial regulations and decisions according to which minorities in the APV enjoy certain rights, which minorities in central Serbia do not have.

- For example: The Decision on examinations from foreign language and languages of national minorities for jobs in administrative bodies, the Decision on the specific regulation on some issues of the official use of the language and script of national minorities on the territory of the APV, the Decision on multilingual excerpts from and the method of data entry in the Register of Births have been adopted in the APV.

Such an approach to creating institutional and legal solutions relevant to national minority rights indicates the light-mindedness and unwillingness of the authorities to address minority issues and promote their rights sincerely and systematically, and a complete absence of political will to draw up and adopt a long-term minority strategy in Serbia respectively. The initial commitment in 2000, which was manifested in the ratification of the *FCNM* and the *Charter on Regional or Minority Languages*, and the attempts to institutionalise minority rights have disappeared and many declaratively posed questions of the *LPRLNM* remained unresolved.

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<sup>316</sup> Opinion, Article 15/105

<sup>317</sup> In June 2

<sup>318</sup> On 9, June 2006 after the proclamation of Montenegro's independence and abolishing the State Union of Serbia and Montenegro.

<sup>319</sup> Established by the Government of the Republic of Serbia Regulation dated 19 September 2004, based on Article 18 of the *LPRLNM*

In relation to the participation of national councils of national minorities in the decision-making process in the fields of the official use of language, education, culture and information<sup>320</sup>, their activities and functioning, the following may be concluded:

The issue of the status, competences and election of national councils, their legitimacy, financing and relation with public administration bodies is completely unresolved, hence national councils, despite their efforts, remained inefficient.

Though foreseen by the *LPRLNM* (Article 24), the special law, which would regulate the method of electing members of the national councils of national minorities, has not been passed until today. For the time being, this area is regulated by the *Rules of procedures on the working method of Electors' Assembly for the election of national minorities*. The non-existence of the mentioned law make the activities of national councils senseless, especially of those councils whose mandate under the law has expired (e.g. councils established in 2002 and until September 2003).

The existing electoral system of voting affects the method of electing and the activities of national councils: 1. council members are elected at national level only, whereby national minority persons settled dispersedly are avoided, 2. under Article 24 of the *LPRLNM*, electors on the assembly for the election of the national council may be delegates from the lists of those political parties, which have been elected to municipal assemblies, APV Assembly and the Serbian Parliament. This method of electing council members creates a scope for national minority political parties to recruit their members for council membership, thus transforming the councils into a one-party bodies controlling minority communities, led by their leaders, who, frequently, for the purpose of their narrow, political party-interests, bargain with the powers in the Province and Belgrade. This leads to schism and separation within minority communities, and the differences between minority centres of power, where minorities live in substantial number and the rest of settlements, where their number is less, become increasingly visible.

Since national councils of national minorities are frequently politicized, some of them push upon as the only mediators between the minority and the authorities, while other relevant actors, including NGOs and national minority organisations are neglected in decision-making processes<sup>321</sup>. It is specifically visible within better organised national minorities having substantial number, such as the Hungarians and the Bosniacs<sup>322</sup>.

The current structure of national councils, as well as the method of electing their members, apparently contribute to the centralisation of powers within minority communities, thus the original idea behind their establishment as bodies having the function to accelerate the country's decentralisation and to create the necessary conditions for the effective participation of persons belonging to national minorities in decision-making processes<sup>323</sup>, as local forms of authorities respectively, is made senseless.

A number of national councils of national minorities fail to have well-qualified human recourses and resolved supervision of activities, especially the spending of financial means.

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<sup>320</sup> Opinion, Article 15/106

<sup>321</sup> Opinion, Article 15/109

<sup>322</sup> See the Shadow Report for Serbia.

<sup>323</sup> Opinion, Article 15/111

The issue of financing national councils has not been solved properly yet, while the Federal Fund for National Minorities has not been established. There are no criteria for the allocation of budget funds for minorities nor controlling mechanisms for their spending<sup>324</sup>.

#### **National Council of the Bunjevac national minority**

The rights of the Bunjevacs in the realization of minority rights, especially in realizing their right to being employed by bodies of local self-government and in the structure of provincial bodies of authority, are recognized only declaratively.<sup>325</sup>

They find it very difficult to achieve the right to be employed in cultural institutions, public enterprises and local and provincial bodies of administration, since they live exclusively on the territory of APV, and over 96% of them in the municipalities of Subotica and Sombor. If they declare themselves as Bunjevacs, they do not have access to employment in key positions – the small number of Bunjevacs who hold key positions in economic structures either do not declare themselves as such or have acquired these positions due to the fact that they are members of the political parties in power.

In certain segments, the Bunjevacs have better and more efficient cooperation with republican than provincial bodies. The biggest problems exist at the local level, since the municipality of Subotica denies their national identity and existence.

- An example of this was the Ceremony on November 25, marking the day when the Grand National Assembly of the Serbs, Bunjevacs and other Slavs was held in 1918, which the Bunjevacs organized in Subotica. Representatives of the Republic and the Province came to this most important national holiday of the Bunjevacs, but not representatives of the local self-government, which is the usual manner of behavior at the local level.

#### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

There is neither legal framework, which would guarantee persons belonging to minority communities the participation in public life or in decision-making processes, nor an institutional practice thereof: for example, fluent command of minority languages, which would ensure the equal participation of persons belonging to the Croat community in affairs of public interest. Hence, there are scarce opportunities for persons belonging to the Croat national minority to participate in governing bodies directly within the framework of the country’s political system, and, often, on local level, and also, to be represented in authorities or public administration respectively. It refers to educational and cultural organisations and most of the media as well.

The Croatian minority in APV has practically been left without any social power and influence, in the sense that they are nowhere to be found in the structures of the society.

Due to the poorly developed structure of the Croatian community, they have, in general, a small number of institutions and organizations, especially in the sphere of vocational and civil organizations. An exception is the recently established minority representative office (the Croatian National Council), the “Hrvatska Rijec” newspaper and a publishing company. However, none of them have significant financial support for their work, while, at the same time, most of the material assets intended for the minority community pour into these three institutions in quite an unjustified and uncontrolled manner.

The democratic system has left no strong stamp on the Croatian community, and the influence of political factors is too large.

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<sup>324</sup> Opinion, Article 15/108

<sup>325</sup> See Annual Report of the Ombudsman for 2004

The rights of persons belonging to the Croatian minority are realized when they fall under the jurisdiction of the local self-government, while the situation is different when they concern the field of activity of republican bodies, organizations and institutions.

- In the election of judges and their appointment by the republican assembly, the name of the candidate of Croatian nationality from Novi Sad was left out at the last moment two times<sup>326</sup>, despite the fact that she met all the professional conditions. The minister of justice was also acquainted with the case and he promised a positive solution, but despite numerous promises nothing has been done so far.

The republican authorities refuse to introduce so-called guaranteed seats for minority representatives in the state parliament, of the kind that exist in most of the newly created states on the territory of the former Yugoslavia (Croatia, Slovenia, Kosovo, both entities in Bosnia-Herzegovina). Instead, they are prescribing a reduction of the threshold for minority parties (the vote threshold and the number of signatures needed for participating in the elections), which could have an effect if different electoral mechanisms were in place, but this measure is annulled due to the fact that there is only one constituency, i.e. all of Serbia, so that only the two most numerous minorities can expect an effect from this measure (the Hungarians in APV and the Bosniaks in Sandžak). If Serbia were divided up into a number of constituencies, the other minorities, concentrated in a specific area, could also have better and easier access to their participation in the republican level of power. The same applies to the elections for the Assembly of APV.

#### **National Council of the Hungarian national minority**

At the elections held in December 2000, the most important political organization of the Hungarian national community, the Alliance of Vojvodina Hungarians, won 6 seats in the National Assembly of the Republic of Serbia by being part of the DOS coalition, while the Democratic Alliance of Vojvodina Hungarians (SVM) won 1 seat. In the government of the Republic of Serbia, the SMV received one vice-premier's position. Contrary to this, in the parliamentary cycle between December 2003 and January 2007, the Hungarian community did not have its representatives in the National Assembly, because the coalition list of minority and regional parties, "Together for tolerance", did not manage to cross the 5% threshold at the elections held in December 2003.

With the *amendments and additions to the LEMP* and the introduction of the so-called natural threshold, this obstacle has been eliminated for the more numerous national minorities (primarily the Hungarians and Bosniaks), but the issue of the parliamentary representation of small minorities has still not been resolved. At the elections held in January 2007, SVM won 3 seats.

In the period between 2000 and 2004, the Alliance of Vojvodina Hungarians had 17 seats in the APV Assembly, while the Democratic Party of Vojvodina Hungarians had 1 seat out of a total of 120. In the Executive Council of APV, one vice-premier's position went to the SVM, and SVM representatives were at the helm of 3 provincial secretariats (for education and culture, the administration, regulations and national minorities, as well as for privatization, entrepreneurship, small and medium sized enterprises).

At the provincial elections held in September 2004, the Alliance of Vojvodina Hungarians won 11 seats, while the Democratic Party of Vojvodina Hungarians won 1 seat. In the Executive Council of APV, SVM received on vice-premier's positions and SVM representatives are at the head of 4 secretariats (for education and culture, the administration, regulations and national minorities, privatization, entrepreneurship, small and medium-sized enterprises, as well as for environmental protection and sustainable development).

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<sup>326</sup> In the autumn of 2005.



Since the local elections held in September 2004, representatives of the Alliance of Vojvodina Hungarians have been holding the positions of municipality heads in four municipalities (Bačka Topola, Mali Idoš, Senta and Subotica), and they are part of the ruling coalition in 9 municipalities.

#### **National Council of the Macedonian national minority**

*LPRLNM* stipulates that the election of members of National Councils will be regulated by a separate law, but no such law has been passed in 4 years' time.

Even though the *LPRLNM* says that, when employing persons in public services, attention should be paid to the national composition of the population and to adequate representation, the practice in the case of persons belonging to the Macedonian national minority has shown the opposite:

- The Macedonian national minority is insignificantly represented in the Provincial administration:
- Out of 808 persons employed in Provincial administrative bodies, only one belongs to the Macedonian national minority, which is proportionally 0.12% compared to the total structure of the population in APV (according to the results of the latest population census, the representation of the Macedonians is 0.58%).
- Six Macedonians (2.21%) are employed in public administration bodies in the municipality of Pančevo, while the share of the Macedonians in the structure of the population is 4.15% in this municipality.
- Among the employees in the public administration there is not a single Macedonian holding an executive position, and in this regard, the Provincial Ombudsman has concluded that the representation of the Macedonians in Provincial bodies of administration is drastically lower. The situation is similar in bodies of administration of the Republic of Serbia and the local self-government.
- After the proclamation of the independent Republic of Macedonia, there were examples of Macedonians being fired or Macedonian employees working in municipal bodies of the public administration being prematurely retired.

Persons belonging to the Macedonian national minority have used their right to political organizing and have formed a political party – the Democratic Party of Macedonians seated in Novi Sad.

Currently the most active in the protection of the rights of the Macedonian population in Serbia is the National Council of the Macedonian national minority. In 2006, owing to this Council:

- A half-hour program in the Macedonian language started being broadcast on TV Pančevo
- A program in the public service of APV TV Novi Sad was introduced
- The procedure for opening a Macedonian radio and TV service on TV Novi Sad was launched
- A newspaper publishing center was formed, and it prints newspapers and books in the Macedonian language and translate books by authors belonging to other national minorities and the majority nation.
- In the sphere of education, preparations are being made for introducing the Macedonian language with elements of the national culture in environments where persons belonging to the Macedonian community live in a large number
- A request has been filed for introducing the Macedonian language and script as an official language in the Municipalities of Pančevo and Plandište.

#### **National Council of the Roma national minority**

Based on previous public analyses and indicators, in bodies of the state administration, from the local self-government to republican bodies, persons belonging to the Roma national minority are the least represented, i.e. they are represented in a negligible number.

At the initiative of the Matica Romska (Central Roma Cultural and Publishing Society) and the Roma Party, the Executive Council of APV passed a *Decision on Forming a Council for Roma Integration in APV*<sup>327</sup>, as an occasional working body. Nine members were appointed to the Council, seven of whom are of Roma nationality. Some of the Council's goals and tasks are to propose to the Executive Council and provincial bodies of administration measures and activities whose goal is the integration of the Roma in APV and to review and give its opinion about the measures and activities being carried out by the Executive Council and provincial bodies in the process of the integration of the Roma.

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<sup>327</sup> March 2, 2005

In cooperation with the Executive Council and with the support of the OSCE, the Council has so far initiated and held numerous panel discussions, symposiums, seminars and round table discussions about the position and integration of the Roma in APV, including meetings with representatives of state institutions, for the purpose of improving relations and cooperation with the Roma. Last year, with the support of the Executive Council, scholarships in the amount of a million dinars were granted to seventy students of the Roma nationality at the Novi Sad University and considerable funds were ensured for programs and projects of education in the sphere of self-employment.

By the Decision of the APV Assembly<sup>328</sup> the Office for Roma Inclusion in APV was established and its work is primarily directed towards four priority fields, in line with the Declaration of the Decade of Roma: education, housing, employment and health care, as well the implementation and monitoring of projects aimed at improving the position of the Roma.

At the elections for the Serbian Parliament<sup>329</sup>, the Republican Election Commission decided that all the pure minority parties, which pass the so-called natural threshold at the elections, will have the right to enter parliament, regardless of the true threshold. Owing to this, the Roma Union of Serbia and the Roma Party entered the Serbian Parliament with one seat each, this being a unique case in Serbia for the Roma national minority to have its representatives in the Assembly.

When speaking of municipal councils for inter-ethnic relations, persons belonging to the Roma national minority have been appointed to only a few of them, in the following municipalities: Novi Bečej, Plandište, Kovačica, Apatin and Subotica.

#### **National Council of the Romanian national minority**

With the change of the election law at the level of Republic, preference has been given to the more numerous national minorities: Hungarians, Bosniaks, Albanians and Roma, which the elections in January 2007 confirmed. The natural election threshold remained impossible for less numerous national minorities to reach.

The councils for inter-ethnic relations in local communities have still not started functioning. There is no unified practice for their election, field of activity, etc. For example, the municipalities of Zrenjanin, Alibunar, Apatin and Sečanj requested the opinion of the National Council of the Romanians about the election of members of the council for inter-ethnic relations, even though the Romanian language is not in official use in the municipality of Apatin. On the other hand, in the municipality of Vršac, where the Romanian language is in official use, the municipal council took the decision to receive a member into the council of inter-ethnic relations, without a single consultation with representatives of the National Council of the Romanian national minority.

#### **German Association “Donau”, Novi Sad**

Due to inadequate legal solutions pertaining to the founding of national councils, the German community has so far not been able to realize its constitutional and legal rights and to form a national council of the German national minority. This was not done even after a large number of attempts and numerous requests and proposals forwarded to the former Ministry of Human and Minority Rights. There is hope that the new law on minorities will make it possible for them to do so.

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<sup>328</sup> In May 2006

<sup>329</sup> Held on January 21, 2007

## Recommendations

### National Council of the Bunjevac national minority

- In the realization of the right to the employment of persons belonging to national minorities, it is necessary to eliminate the influence of political parties. The lack of any participation of persons belonging to the Bunjevac national minority in the structures of power regulating the spheres of education, culture and information, point to the neglect of differences.
- Under the law, persons belonging to national minorities would have to have direct access to employment in bodies of local and provincial administration, public enterprises and institutions, courts and internal affairs bodies, proportionally to their representation in environments where they live according to the population census in 2002. Be at issue the municipality, province or state administration, it is their professionalism that should have priority, and not their membership in a certain political party.

### Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”

- To create legal guarantees for the equal representation of representatives of minorities.
- To create the legal and institutional framework for minorities to be represented in bodies of the administration.
- To introduce guaranteed seats for minorities in the republican and provincial assemblies.
- To divide up the country into several constituencies.

### National Council of the Roma national minority

- Through measures of affirmative action to enable the employment of a larger number of Roma who possess the necessary level of education in bodies of the state administration.
- To enable the adequate advancement of the Roma in the jobs where they are already employed.

### National Council of the Romanian national minority

- To improve the republican election legislation and to envisage the political presentation of small national minorities as well (similarly as in Romania or Croatia).
- To change the Decision of APV concerning the elections and to create conditions for the political presentation of persons belonging to national minorities.
- To improve the *LLSG* and to specify the manner of electing members of councils of inter-ethnic relations, their field of activity and competencies.

## Article 16

*The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present Framework Convention.*

## Normative Framework

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## Implementation

### Voivodina Center for Human Rights

Most refugees in Serbia have settled in Serbia's developed areas: around 40% in APV and 30% in Belgrade, while IDPs mostly live in central Serbia (64%), Belgrade (28%) and Voivodina (6%).

The settling of refugees in APV in 2002 led to the growth of the population in the province and it partly compensated for the depopulation of APV. In the territorial sense, the settling was uneven,

since the largest part of the refugees inhabited Srem and Bačka, while a very small number came to Banat. In the 1996 refugee census 257,729 refugees were registered, which is approximately equal to the number of persons who settled in APV during the colonization after World War II. Out of this number, 120,737 refugees were registered in Bačka, 91,272 in Srem and 45,720 in Banat.

The inflow of refugees has disrupted the dispersion of the population, which was quite even prior to the mentioned event. They concentrated mostly along the lines of two highways – Šid- Belgrade and Belgrade-Novı Sad. Despite complaints by persons belonging to the Hungarian national minority, statistical data indicate that very few refugees came to municipalities with a majority Hungarian population: the municipality of Senta received one refugee per 100 inhabitants, while Ada and Kanjiža received 1.6. The situation is similar with Kovačica, which has a large Slovak population and which received 2.2 refugees per 100 inhabitants. The population ratio was disrupted the most in Srem, in places that had previously been inhabited mostly by Croats: Hrtkovci received 123.3 refugees per 100 inhabitants, Kukujevci 117.6, Stari Slankamen 109.2, Gibarac 108.2, Sremska Rača 89.2, Jarkovac 87.4, Novi Slankamen 80.2 etc. Persons belonging to the Croatian national minority in these areas permanently exchanged their property with Serbs from Croatia, this having led to an exchange of inhabitants between Serbia and Croatia.

#### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

There were initiatives for changing the ethnic composition of the population during the wars in Croatia and Bosnia-Herzegovina.

In more recent times, cases of changing the ethnic composition of the population have been registered in Sonta and Golubinci, since houses for the permanent accommodation of refugees are being built in settlements with a Croatian majority.

### **Recommendations**

#### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

- To take measures to prevent the changing of the ethnic composition of the population.

## **Article 17**

*1. The parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other states, in particular those with whom they share an ethnic, cultural, linguistic or religious identity or a common cultural heritage.*

*2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organizations, both at the national and international levels.*

### **Article 17, paragraph 1**

#### **Normative Framework**

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## Implementation

### National Council of Macedonian National Minority

Cooperation between persons belonging to the Macedonian national minority in Serbia with Macedonians in other countries is maintained through various cultural, educational and sports gatherings. Macedonians from Serbia maintain good relations with Macedonians in former Yugoslav republics.

- For example, a three-day meeting was held in Zagreb<sup>330</sup>, where participants discussed the position and exercise of rights of Macedonians in former Yugoslav republics.

Persons belonging to the Macedonian national minority cooperate with persons belonging to the Macedonian community worldwide through the World Macedonian Congress seated in Skopje, and cooperation with their kin state is maintained through the Embassy of the Republic of Macedonia in Serbia and through the Macedonian Agency for Immigration, the Macedonian Ministry of Foreign Affairs, the Macedonian Ministry of Culture, the Macedonian Ministry of Education, etc.

Multiethnic fellowship societies have been established with the purpose of friendship building between the Serb and Macedonian peoples in the fields of culture, education, communication, economic cooperation, programme exchange etc. Thus far, two such societies were formed in Serbia:

- “The Society of Serbian and Macedonian Friendship “Šar – planina” seated in Belgrade, with branch offices in all larger cities in Serbia.
- “Municipal society of Serbian-Macedonian friendship” seated in Zrenjanin.

### German Association “Donau”, Novi Sad

The support of Germany to persons belonging to the German national minority in Serbia is selective and inadequate. Persons belonging to the German national minority face difficulties in obtaining the German visa, since they are not granted any visa facilitation by the kin state.

### Voivodina Center for Human Rights

For information on the support of the Czech Republic to the speakers of the Czech language, see information on the culture and language learning.

### Society of Slovenians «Kredarica», Novi Sad

The Slovenian Bureau for Slovenians in Neighbouring and other Countries and the Ministry of Education and sport in Slovenia, aid Slovenian minority associations in Serbia, by financing cultural and art events, Slovenian language courses and through institutional support.

## Recommendations

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### Article 17, paragraph 2

#### Normative framework

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#### Implementation

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National Council of Macedonian National Minority  
(See article 7)

## Recommendations

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<sup>330</sup> In December 2005.

## Article 18

*1. The parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other states, in particular neighbouring states, in order to ensure the protection of persons belonging to national minorities to the national minorities concerned.*

*2. Where relevant, the Parties shall take measures to encourage trans-frontier co-operation.*

### **Article 18, paragraph 1**

#### **Normative framework**

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#### **Implementation**

##### **Voivodina Center for Human Rights**

Bilateral treaties on the mutual protection of minorities, comprising provisions on preserving and fostering languages, have so far been signed with Romania, Hungary, Croatia and Macedonia, but the committees in charge of co-operation have not started to operate yet.

Activities of individual minority association including cross-border contacts are co-financed from the budget of the APV, with very modest amounts.

##### **National Council of Hungarian National Minority**

The Agreement between Serbia and Montenegro and the Republic of Hungary on the protection of rights of the Hungarian national minority living in Serbia and Montenegro and of the Serb national minority living in the Republic of Hungary was signed on 21 October 2003 in Budapest. Following ratification by the Parliament of the Republic of Hungary and the Assembly of Serbia and Montenegro, the Agreement became effective on 26 June 2004.

Pursuant to Article 16 of the Agreement, the Intergovernmental Joint Committee for national minorities was established for monitoring of the implementation of the provisions of the Agreement. Besides government representatives of the two states, the Committee also comprises representatives of national minorities, i.e. the president of the National Council of the Hungarian national minority and the president of the Self-government of Serbs in the Republic of Hungary.

According to the provisions of the Agreement, the Intergovernmental Joint Committee shall meet at least once a year. Since its establishment, the Committee has held two sessions<sup>331</sup>. The Committee has not convened in 2006 in spite of their obligation to do so under the Agreement. Based on the minutes of Committee meetings held thus far, Serbia undertook a significant number of obligations in the form of recommendations aimed at improving the position of the Hungarian national minority, however they have been fulfilled only in part.

##### **National Council of the Macedonian National Minority**

In June 2004, the Republic of Serbia and the Republic of Macedonia signed the Agreement on the protection of rights of the Serb national minority in the Republic of Macedonia and of the Macedonian national minority in the Republic of Serbia. Until this date, a joint committee for the monitoring of this Agreement has still not been formed.

##### **Croatian Cultural and Educational Society “Matija Gubec” and the Croatian Cultural and Educational Society “Tomislav”**

The Croatian minority was not involved in the drafting of the Intergovernmental Agreement between the Republic of Serbia and the Republic of Croatia on the protection of minorities, even

<sup>331</sup> On 13 December 2004 in Budapest and on 10 November 2005 in Subotica

though they are the object of that Agreement. In spite of the fact that they signed the Agreement, Serbian authorities refuse to implement its provisions (e.g. on guaranteed representation of the Croatian minority in the national Parliament of Serbia).

#### **National Council of the Rumenian National Minority**

Although the Intergovernmental Agreement on the protection of minorities was signed and ratified between Serbia and Romania in 2003, a Joint Committee has still not been formed.

### **Recommendations**

#### **National Council of the Hungarian national minority**

- In order to fulfill more efficiently the recommendations that are being adopted at sessions of the Inter-governmental Mixed Commission, it would be necessary, after the signing of minutes from the commission's session, for the Government of the Republic of Serbia to instruct, in the form of a conclusion, all responsible ministries to take measures for the purpose of implementing the recommendations.

#### **Croatian Cultural and Educational Society "Matija Gubec" and the Croatian Cultural and Educational Society "Tomislav"**

- To implement the inter-state agreement on the mutual protection of minorities in practice.

### **Article 18, paragraph 2**

#### **Normative framework**

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### **Implementation**

#### **National Council of the Bunjevac national minority**

The problems that Bunjevac community encounters in exercising their rights prevent them from establishing better cross-border cooperation with Bunjevacs living in the neighbouring Republic of Hungary, Croatia and the Federation of Bosnia and Herzegovina<sup>332</sup>.

#### **National Council of the Hungarian national minority**

An Agreement on Scientific and Technological Cooperation was signed between Serbia and Montenegro and the Republic of Hungary<sup>333</sup>. The Agreement came into effect<sup>334</sup> following its ratification by the Parliament of the Republic of Hungary and the Assembly of Serbia and Montenegro, and Article 8 of the Agreement envisages that the Joint Committee for Scientific and Technological Cooperation shall develop a two-year cooperation programme. Since such a document has not been prepared as yet, the Agreement has still not come to life in practice.

#### **National Council of the Roma National Minority**

In 2006 several conventions were held of the European Roma Forum based at the Council of Europe. Romani persons from APV and Serbia are also members of the Forum.

Cooperation and several joint events have been established between the Roma organizations in the region. Some of those events, particularly in the field of culture, have developed into a tradition, such as conventions of cultural societies of European Roma held in Croatia, Poland, in India.

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<sup>332</sup> According to our information, there are over 400,000 Bunjevacs living in the Republic of Croatia, but they do not declare themselves as Bunjevacs, since they are not recognized as a separate national community. Attempts to win recognition of Bunjevacs as a separate national community in Hungary were unsuccessful.

<sup>333</sup> On 14 September 2004 in Belgrade

<sup>334</sup> On 26 February 2005

## **Recommendations**

### **National Council of the Bunjevac national minority**

- Inter-state cooperation between persons belonging to the Bunjevac national minority in neighboring countries should be improved through bilateral agreements and with official diplomacy.

## **Article 19**

*The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in the 'Protection of Human Rights and Fundamental Freedoms', in so far as they are relevant to the rights and freedoms flowing from the said principles.*

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**References to the Resolution ResCMN(2004) 12<sup>335</sup>  
on the implementation of the Framework Convention for the Protection of National  
Minorities by Serbia and Montenegro**

After the fundamental changes undergone by the constitutional structures, and the decisive steps taken by the authorities in Serbia to protect minorities in such fields as education and language rights, the passing of the Union's *Charter of Human Rights and Minority Rights* and *LPRLNM* constituted a good basis for the implementation of the Framework Convention – especially with respect to the innovations in establishing the national councils of national minorities, the initial commitment has disappeared, especially after the changes in the political climate in the country, conditioned by: the assassination of Prime Minister Zoran Đinđić, the disintegration of the Serbia and Montenegro State Union, the discontinuation of negotiations with the European Union, the tensions related to the future status of Kosovo.

In the legislative field, a number of shortcomings remain, while the legal status of national minority-related legislation has not been resolved yet. The provisions of *LPRLNM* have not been harmonised with the rest of laws regulating the implementation of national minority rights, e.g. in the field of: local self-government, education, information, culture and elections, and there is still no synchronisation between the provisions of the Republic's laws and the Province's decisions.

Inter-ethnic relations are still affected by the difficult legacy of the past regime and the deteriorating social conditions, and since the time of first reporting, when it was established that visible progress was achieved in suppressing inter-ethnic conflicts, in the APV inter-ethnic incidents escalated having a climax in 2004 after the March events in Kosovo, when violence was committed against the Serb population. The number of incidents has been declining since then, which is largely conditioned by the internationalisation of the mentioned issue. Efforts to build tolerance and trust are more visible in the APV than in Serbia. Although there are some improvements in conducting effective investigation procedures, law-enforcement forces should pay greater attention to this issue. In view of preventing violent incidents, whereas the Hungarian national minority is especially emphasized in the Resolution, attention should be directed to the protection of Roma<sup>336</sup>, Albanians, Ashaklis and Croats, who were and still are the subjects of violence.

For the data on the representation of Bosniacs in the territory of Serbia proper and Sandžak, and other national minorities in the law-enforcement agencies and within the judiciary, see Article 15 (in this Report and in the Shadow Report for Serbia).

The need for the implementation and application of legislative and practical measures to improve the implementation of the principles of non-discrimination and full and effective equality still exists. As earlier, the difficulties are particularly apparent in such fields as healthcare, housing, education and employment but also in the current practice of undue placing of Roma children in schools for persons with mental disabilities. The difficulties faced by displaced persons and the Roma will soon be increased by those of the persons, who will under the Agreements on Readmission soon be returned from EU countries and according to unofficial estimates, their number will be between 80.000 and 120.000.

The variations between regions in terms of the efforts made to protect the languages and cultures of national minorities are still apparent in various regions of Serbia, and it especially refers to the variations in the enjoyment of rights of the minorities in the APV in relation to the Vlachs in north-eastern Serbia.

<sup>335</sup> Adopted 17, November 2004 by the Committee of Ministers on the 904th session of deputy ministers.

<sup>336</sup> More information about the discrimination against Roma in Serbia are available from the Minority Rights Centre : [www.mrc.org.yu](http://www.mrc.org.yu)