

# **Overview of comments by National Councils of National Minorities and responses by line ministries on the Fourth Report on Implementation of the Action Plan for the realisation of the rights of National Minorities**

## **Chapter I - Personal status position**

*Activity 1.1. Supplements and Amendments and to the Law on the Protection of the Rights and Freedoms of National Minorities to regulate the right to enter data on the ethnicity of members of national minorities in public documents, official records, and collections of personal data, in accordance with the constitutional principle of free expression of ethnicity.*

*Deadline: for adoption: II quarter of 2016*

*for implementation: continuously, starting from entry into force*

### **Comment by the National Council of the Croatian National Minority:**

Amendments to the existing Law are of a technical nature and will not significantly improve the position of members of national minorities. This National Council submitted its amendments to the Law but has not received a response to date.

### **Response by the Ministry of Public Administration and Local Self-Government:**

The Draft Law amending the Law on the Protection of the Rights and Freedoms of National Minorities was drafted by the Special Working Group formed by the Minister of Public Administration and Local Self-Government. This Working Group was comprised of representatives of state authorities and representatives of national councils nominated by the Coordination of National Councils.

A public debate was held between 8 and 28 December 2016. Participants in the public debate involved state authorities, authorities of the Autonomous Province of Vojvodina, national councils of national minorities, political parties and movements, citizens' associations and individuals. The Ministry received comments, proposals and suggestions relating to the Draft Law from: the Protector of Citizens; the Provincial Secretariat for Education; the National Council of the Croatian National Minority; the National Council of the Albanian National Minority; the chairperson of the Federation of Jewish Communities; the Serbian Movement Dveri; the Hungarian Movement; the Network for Multiculturalism, which comprises the Ethnicity Research Centre, the Centre for Regionalism, the Belgrade Centre for Human Rights, Urban - In, Damad – In, the League of the Roma and the National Convention on the European Union, as well as Aleksandar Marton, councillor at the Municipal Assembly of Zrenjanin.

The Report of the debate on the Draft Law amending the Law on the Protection of the Rights and Freedoms of National Minorities, with an analysis of proposals and suggestions and a review of specific proposals and suggestions relating to the Draft Law, is available on the website of the Ministry of Public Administration and Local Self-Government.

*Activity 1.2. Amendments to the Law on Registry Books to regulate the manner of entry of data on ethnicity in the birth registry.*

*Deadline: IV quarter of 2016*

**Comment by the National Council of the Croatian National Minority:**

This National Council was not invited to participate in the Working Group tasked with amending the said Law.

**Comment by the National Council of the Hungarian National Minority:**

The Report by the Ministry of Public Administration and Local Self-Government states that the Special Working Group on Preparing the Draft Law amending the Law on Registry Books held seven meetings. Although the national councils of national minorities are identified as implementing agencies for this activity, they have not been able to participate in the said Working Group. This fact should be noted in the Report itself.

**Response by the Ministry of Public Administration and Local Self-Government:**

Amendments to the Law on Registry Books aimed at regulating the manner of recording of ethnicity information in birth registries were due to previous amendments to the Law amending the Law on the Protection of the Rights and Freedoms of National Minorities, which should provide for the right of registration of ethnicity of members of national minorities in public documents, official records and personal data files.

Furthermore, the Special Working Group on Preparing the Draft Law amending the Law on Registry Books has so far held 13 meetings and preparation of the working Draft Law is at the final stage.

Before the Draft Law is submitted to the Government for adoption, it will undergo the regular drafting procedure in accordance with the Government's Rules of Procedure. In this context, the Ministry of Public Administration and Local Self-Government will invite the stakeholders to review the Draft Law and make their proposals, suggestions and comments for its improvement. The Ministry will timely post notice of the public debate on its website.

## **Chapter II – Prohibition of Discrimination**

*Activity 2.3. Suppression of hate speech in the media and social networks.*

*Deadline: continuously*

**Comment by the National Council of the Croatian National Minority:**

No progress has been made in terms of raising awareness of the position and rights of the Croatian community. Negative media reporting about the Republic of Croatia affects the

Croatian community in the Republic of Serbia. Since 2016, we have counted 311 cases of negative media coverage of Croats and Croatia in the media.

**Stakeholders and partners:** the Regulatory Authority of Electronic Media, the Association of Journalists, the Press Council

*Activity 2.4. Initiating the process of protection from hate speech.*

*Deadline: continuously*

**Comment** by the National Council of the Croatian National Minority:

Serbian authorities still attach insufficient attention to hate crimes and to prevention of hate speech. Charges brought by this National Council before Serbian courts in cases involving members of the Croatian community have not resulted in any convictions. During an investigation in the village of Sot in the Vojvodina part of Srem, the police refused to make reports.

**Stakeholders and partners:** National councils of national minorities

*Activity 2.6. Raising awareness of citizens about the causes and consequences of hate crimes and zero tolerance to such acts.*

*Deadline: continuously*

**Comment** by the National Council of the Croatian National Minority:

There have been no media reports, announcements or meetings to raise public awareness of the rights of minorities and of the need to accept diversity – public broadcasting services have not broadcast a single minute of programme designed to achieve that. It is unknown how much funding has been allocated for media programmes promoting linguistic and cultural differences and tolerance.

**Stakeholders and partners:** the Office for Human and Minority Rights, the Ministry in Charge of internal affairs, the Republic Public Prosecutor's Office, the Public Broadcasting Service, and national councils of national minorities

### **Chapter III – Area of Culture and the Media**

*Activity: 3.1. Ensuring the application of Articles 6 and 9 of the Framework Convention and Article 11 of the European Charter through the identification of the appropriate model among the different modalities, such as:*

- *Improvement of project co-financing, especially in relation to the role of national councils of national minorities.*
- *Programme financing of the media, whose founders/editors are national councils of national minorities.*

- *The exclusion of the media owned by the national councils of national minorities from the privatisation process.*
- *Increased amount of content in the languages of national minorities at the Public Broadcasting Services (RTS/RTV) by declaring the broadcast of such content as the satisfaction of public interest.*
- *Connecting the media privatisation with the conditional licencing by RAEM, with the obligation to broadcast a certain amount of programmes in minority languages.*

*At the same time, analyse the impact of the effects of privatisation and digitalisation on the media that broadcast content in minority languages, in consultation with national minorities, in order to ensure the financial sustainability of media in minority languages, through an inclusive process with representatives of national minorities, to ensure the maintenance of the existing level of achievement of the right to information in minority languages.*

*Deadline: I - II quarter of 2016*

**Comment by the National Council of the Croatian National Minority:**

Failed privatisation has resulted in the complete closure of certain media outlets or a complete redesign of the programming concept of the privatised media outlets. As an example, Radio Subotica was privatised in such a way as to avoid the broadcaster's statutory duty to keep the same programming schedule in the next 5 years, so programmes in the Croatian language are now broadcast thanks to an independent production company which pays for such broadcasts. Broadcasting time has been reduced from 21 hours a week, when the Croatian redaction existed to 1 hour a week, nowadays. Radio Sombor has been closed and replaced with a private broadcaster with smaller coverage. The lack of staff in general has resulted in a lower amount of programming in the Croatian language. The existing scope of the right to information in the Croatian language has been reduced due to the privatisation of the electronic media, which is a serious issue for the Croatian national community.

**Response by the Ministry of Culture and the Media:**

Regarding the above comments, this Ministry would like to note that the legislation of the Republic of Serbia provides for the right of members of national minorities to information, in accordance with Articles 6 and 9 of the Framework Convention for the Protection of National Minorities and Article 11 of the European Charter for Regional or Minority Languages. The relevant provisions which guarantee the right of members of national minorities to information were listed in past reports on implementation of the Action Plan for the Realisation of the Rights of National Minorities.

In practice, the process of privatisation of certain local media outlets could only have reduced the total broadcasting time of programmes in the Croatian language, but it could not have affected *the achieved level of exercise of the right to information in the Croatian language*, i.e. the essence and substance of the right to information enjoyed by members of the Croatian national community. The essence and substance of this right guaranteed by the

Constitution depend on a number of factors and do not imply a duty of the State to provide for a certain duration of programming in the Croatian language; indeed, the duty of the State is to ensure continuity and quality of such programming, i.e. to facilitate and encourage the broadcasting of programmes in the Croatian language to the extent that it, directly or indirectly, has the relevant competences, powers or role in the field of public information, while observing the principle of independence and autonomy of the media set forth in Article 11 paragraph 1 of the European Charter for Regional or Minority Languages. By its legislation, the State has enabled members of national minorities to form media outlets and has created conditions for the broadcasting of programmes in national minority languages by private radio and television broadcasters. Public authorities at all levels issue regular calls for the award of funding for media programming projects in the Croatian language. A total of RSD 3,050,000 was awarded in the public calls announced by public authorities for such projects in 2017. In summary, the Republic of Serbia has provided the legislative conditions for regular broadcasting and allocates funds for projects in the Croatian language, in which way it encourages and/or facilitates regular broadcasting of programmes in the Croatian language, without affecting the formation of private radio and television stations or interfering with their editorial policy. Indeed, the State allocates funds for the work of the National Council of the Croatian National Minority, which represents that national minority in the sphere of public information and is authorised to undertake different activities for the benefit of members of the Croatian national minority in that sphere. In addition, sufficient and stable funding for the public broadcaster Radio Television of Vojvodina, which regularly broadcasts programmes in Croatian, is guaranteed by law and ensured in practice.

Regarding the comment that *the lack of staff in general has resulted in a lower amount of programming in the Croatian language*, please note that the Ministry of Culture and the Media and the Provincial Secretariat for Culture, Public Information and Relations with Religious Communities issue annual public calls to provide financial support to media projects which increase media and journalistic professionalism. Funds allocated pursuant to those public calls are also available for professional capacity building of media professionals (journalists, managers, researchers, media law experts etc.) to increase the amount and improve the quality of media programming in the Croatian language. Until now, no projects application have been submitted for professional capacity building of media professionals that would improve media programming in the Croatian language.

*Activity 3.2. Ensuring the sustainability of the media, including the production of media content, whose founders are indirectly national councils of national minorities in the transitional period until the entry into force of the new Law on National Councils of National Minorities.*

*Deadline: From the I quarter of 2016 to the entry into force of the new Law on National Councils of National Minorities*

**Comment by the National Council of the Croatian National Minority:**

The preliminary working draft of the Bill amending the Law on National Councils of National Minorities does not set forth a duty to provide regular funding for such media outlets, which means there is still no political will to enable regular operations of media outlets in the languages of national minorities.

**Response by the Ministry of Public Administration and Local Self-Government:**

Based on the adopted Proposal by the Council for National Minorities, on 8 September 2017, the Minister of Public Administration passed the decision to issue a public call for the award of funding from the Budget Fund for National Minorities in accordance with the Programme for the award of funding from that Fund, which identifies information in the languages of national minorities as a priority area for the funding of programmes and projects from this Budget Fund. The call was open from 20 September to 20 October 2017.

We would like to note that the chairperson of the Coordination of National Councils and chairperson of the National Council of the Hungarian National Minority Jene Hajnal notified the Ministry of Public Administration and Local Self-Government that, in its session held on 21 September 2017 in Belgrade, the Coordination of National Councils passed a resolution pursuant to which information in the languages of national minorities and provision of information to members of national minorities would be proposed as a priority area for the selection of programmes and projects funded from the Budget Fund for National Minorities in 2018, as had been the case in 2017, with the objectives, criteria and standards being identical to those set for 2017.

*Activity 3.3. Ensuring the sustainability of the media, including the production of media content, whose founders are indirectly national councils of national minorities through various forms of funding in accordance with the law regulating the forms of activity of the national councils of national minorities*

*Deadline: II quarter of 2017*

**Comment by the National Council of the Hungarian National Minority:**

The Report indicates as the only activity the decision of the Council for National Minorities passed in its session held on 23 May 2017, in which it adopted unanimously the Draft Programme for the Allocation of Funding from the Budget Fund for National Minorities, which identified public information in the languages of national minorities as a priority area for the funding of programmes and projects from the Budget Fund for National Minorities in 2017. While it is undeniable that progress has been made compared with earlier years and the funding (regardless of the actual amount) allocated in this way will contribute to the work of media outlets formed by national councils of national minorities, it must be noted that this is a one-off activity and the funding from the Budget Fund for National Minorities in 2018 would be allocated for a different area, so this cannot be considered a way of ensuring media sustainability.

**Comment by the National Council of the Croatian National Minority:**

The total amount of funding available from this Fund is not sufficient for achieving media sustainability, which is the point of this activity.

**Response by the Ministry of Public Administration and Local Self-Government:**

While we are aware of the fact that the amount of funding available in the Budget Fund for National Minorities is rather modest, it should be noted that conditions for its allocation have finally been met after 15 years. In this context, please note that, under the Regulation on the Procedure of Allocating Funding from the Budget Fund for National Minorities, the funding is allocated through public calls.

The Ministry of Public Administration and Local Self-Government is making efforts to secure significantly higher amounts for the Budget Fund for National Minorities in the national budget for 2018.

*Activity 3.9. Exercising the participation of national minorities in the election of members of the RAEM Council and the appointment of editor of the programmes in languages of national minorities.*

*Deadline: continuously*

**Comment by the National Council of the Croatian National Minority:**

A member who would represent national minorities at RAEM has not yet been appointed, although national councils submitted a proposal with supporting documentation many months ago.

**Stakeholders and partners:** Radio Television of Serbia/Radio Television of Vojvodina, the Regulatory Authority of Electronic Media

## **Chapter V – Use of Language and Script**

*Activity 5.4. Provision and distribution of additional funding to bodies and organisations on the territory of the local self-governments in which there is the official use of at least one language of a national minority, in order to improve the realisation of the right to official use of languages and scripts, in the RS budget for local self-governments out of AP Vojvodina, and the AP Vojvodina budget for local self-governments in Vojvodina, as well as in the budgets of local self-governments for their territory, through direct allocation of budget funds and the announcement and implementation of the call.*

*For calls: continuously, starting from 2017*

*For direct budget funds: starting from 2017*

**Comment by the National Council of the Hungarian National Minority:**

A report by the Ministry of Public Administration and Local Self-Government on the amount of funds allocated for this purpose is missing. We propose that such report should be subsequently inserted in the report or, if no such report was submitted, that such report should be subsequently obtained.

**Response by the Ministry of Public Administration and Local Self-Government:**

The Ministry of Public Administration and Local Self-Government has not planned to allocate any budget funds to finance this activity, as already stated in our reply relating to this activity in connection with AP NC 23 – measure 3.8.1.34. Namely, the Ministry of Public Administration and Local Self-Government lacks powers for its implementation. It should be noted in particular that local self-governments are not eligible as beneficiaries of funding from the Budget Fund for National Minorities under Article 4 of the Regulation.

*Activity 5.5. Encouraging the flexible application of introduction of minority languages into official use in areas traditionally inhabited by national minorities, in accordance with Paragraph 1 of Article 11 of the Law on the Official Use of Language and Script, and the provision of funds to finance these activities from the budget.*

*Deadline: continuously*

**Comment by the National Council of the Croatian National Minority:**

Local self-governments, especially those in multi-ethnic municipalities in the Vojvodina part of Srem, still face the issue of shortage of official forms in the languages of national minorities, including Croatian.

**Stakeholders and partners:** Local self-government units, Councils for Interethnic Relations

*Activity 5.6. Alterations and amendments to the Law on protection of rights and freedoms of national minorities, i.e. the Law on the official use of languages and scripts, in order to allow in some inhabited places on the territory of the local self-government unit, where a certain minority language is not in official use, the printing of topographical signs and other markings in language/speech of a national minority, if the percentage of that national minority in the total population in the territory of the settlement reaches 15% according to the last census.*

*Deadline: I quarter of 2017.*

**Comment by the National Council of the Croatian National Minority:**

Official use of languages is still not fully enforced, especially with regard to topography in minority languages. Examples for this include inhabited places of Žednik and

Bereg, where the State has not yet placed signposts with the names of inhabited places written in Croatian. As early as in 2009, the National Council of the Croatian National Minority passed in one of its sessions a decision on determination of traditional names of inhabited places by Croats (Subotica, Bajmok, Stari Žednik, Ljutovo, Sonta, Bački Breg, Bački Monoštor, Stara Bingula, Sot, Šid); however, that decision was never fully respected or implemented by the Serbian authorities.

**Response by the Ministry of Public Administration and Local Self-Government:**

In view of the fact that, in addition to the Law on the Protection of Rights and Freedoms of National Minorities, issues pertaining to the official use of languages and scripts of national minorities are governed in the legal system of the Republic of Serbia also by the Law on the Official Use of Languages and Scripts, the Republic Secretariat for Legislation prepared the Draft Law amending the Law on the Official Use of Languages and Scripts, to harmonise these two laws and ensure their effective implementation. The said Draft Law contains identical solutions pertaining to the posting of toponyms and other signs in the inhabited places where the percentage of members of national minorities is at least 15% of the population as the Draft Law amending the Law on the Protection of Rights and Freedoms of National Minorities prepared by the Ministry of Public Administration and Local Self-Government.

The Republic Secretariat has obtained all required opinions in connection with the solution contained in the Draft Law amending the Law on the Official Use of Languages and Scripts and it will be submitted for further parliamentary debate at the same time as the Draft Law amending the Law on the Protection of Rights and Freedoms of National Minorities.

As regards practical application of these solutions, the two Draft Laws will include transitional provisions which will specify the exact date/deadline by which signposts and other marks will have to be placed in certain inhabited places in the manner and under the conditions set forth by the law. They also foresee penalties for non-compliance. Thus, after the transitional period in which the relevant entities will have to ensure compliance, the competent state administration laws will conduct continual supervision within their mandate to supervise compliance with the laws governing the official use of languages and scripts.

*Activity 5.7. Raising awareness of national minorities, as regards the exercise of the right to use minority languages in contacts with local authorities and other competent public authorities in areas where national minorities live, through:*

- *The duty of the competent authority to inform the party of the right to use the language and script of a national minority;*
- *Publication on the bulletin board of the information on the right to use the language and script of the national minority;*
- *Implementation of the campaign on the right to use the language and script of the national minority.*

*Deadline: continuously*

**Comment by the National Council of the Croatian National Minority:**

Members of the Croatian community in the Vojvodina part of Srem still face difficulties when obtaining documents in their mother tongue.

**Response by the Ministry of Public Administration and Local Self-Government:**

In 2017, the Administrative Inspectorate of the Ministry of Public Administration and Local Self-Government received no submissions from citizens or legal entities relating to the right of members of the Croatian national minority to use their language and script.

*Activity 5.9. Providing translation in the local self-government units for the languages of national minorities in official use based on the territorial principle (for the territory of one or more connected LSGUs).*

*Deadline: Continuously, starting from I quarter of 2017.*

**Comment by the National Council of the Croatian National Minority:**

The lack of professional translators of Croatian is still an issue.

**Response by the Ministry of Public Administration and Local Self-Government:**

The Ministry of Public Administration and Local Self-Government is not directly responsible for implementing this activity.

*Activity 5.11. Analysis of the normative framework regulating the official use of language and script in judicial and administrative proceedings in order to enable wider use of languages and scripts of national minorities.*

*Deadline: I quarter of 2017*

**Comment by the National Council of the Croatian National Minority:**

This National Council has not been informed of any activities implemented in this area or invited to participate in them.

(Analysis is within the framework of the TAPA project in cooperation with the Council of Europe).

**Stakeholders and partners:** the Ministry in charge of justice, the Ministry in charge of public administration, the Republic Secretariat for Legislation, the Provincial Secretariat

## **Chapter VI – Education**

Activity 6.1. Conduct of an analysis that includes:

- *Comparative legal analysis of models of education in minority languages in the EU;*
- *Analysis of the current situation in the Republic of Serbia; and*
- *Recommendations for the introduction of new models.*

*Deadline: by III quarter of 2016*

**Comment** by the National Council of the Croatian National Minority:

Recommendations for the introduction of new models have not been made.

**No response** by the Ministry of Education, Science and Technological Development.

Activity 6.2. Establishment of the group within the National Education Council to deal with education in languages of national minorities.

*Deadline: I quarter of 2016*

**Comment** by the National Council of the Croatian National Minority:

The group of NES members responsible for education in minority languages does not contact, consult or communicate with the national councils. 3 members nominated by the national councils still do not actively participate in that group.

**Stakeholders and partners:** National Education Council

Activity 6.3. Development and application of models of education in minority languages, through amendments to the legislative framework

*Deadline: III – IV quarter of 2016*

**Comment** by the National Council of the Croatian National Minority:

The national councils have not been contacted on, involved in or consulted in the public debate on the concept of the final primary school examination. Different models of education in national minority languages have not been introduced.

**Response** by the Ministry of Education, Science and Technological Development:

This activity will be executed in cooperation with the Council of Europe, which is in charge of implementing the “Horizontal Facility” project. While preparations for the execution of this project are underway, some of them are beyond the control of the MoESTD. Activities for measure H33: Strengthening the Protection of National Minorities have been

agreed, including Activity 3.1: Expert support to the analysis and development of new models of education for national minorities in line with the international practice.

The Council of Europe expert will develop new models jointly with an informal working group formed within the framework of reporting on implementation of the Action Plan on NC 23 and the Action Plan for the Realisation of the Rights of National Minorities. Representatives of the Coordination of National Councils of National Minorities participate in this informal group.

Activity 6.4. Monitoring the quality of education in minority languages.

*Deadline: continuously*

**Comment by the National Council of the Croatian National Minority:**

- No instruments on pupils' language competences have been developed and
- Results of surveys of pupils' and parents' satisfaction with teaching are missing.

**Response by the Ministry of Education, Science and Technological Development:**

Members of the Working Group tasked with preparing the concept of the final examination included representatives of the Provincial Secretariat for Education, Regulations, Administration and National Minorities/National Communities and the Director of the Pedagogical Institute of Vojvodina. The public debate took part in April this year, when the proposed concept of the final examination was posted on the MoESTD website and available for all to comment on. Furthermore, selected representatives of the Working Group (Dragica Pavlović Babić, PhD, Radivoje Stojković and Biljana Stojanović) held a meeting with representatives of the national councils of national minorities in mid-April 2017. The meeting was attended by State Secretary Anamarija Viček. The national councils accepted the invitation and delegated their representatives.

After this meeting, once the text of the concept for the final examination was agreed, the next step was drafting a rulebook on state final examination, which took place in May 2017. A draft of the rulebook has been prepared and is awaiting publication.

The MoESTD (Department of Secondary Education and Adult Education) sent a questionnaire to gymnasiums to survey the opinions of teachers on the future direction of general secondary school education (gymnasium education) reform. The questionnaire includes questions relating to the concept of final examination. Around 90% of respondents had favourable opinions on the proposed concept of state final examination.

It is planned to include the competences and standards of pupils' educational achievement at the end of secondary legislation in the mother tongues of national minorities (those which are eligible for use in teaching the curriculum – Albanian, Bosnian, Bulgarian, Hungarian, Romanian, Ruthenian, Slovakian and Croatian) in the IPA 2015 project relating to final secondary school examination. The standards of pupils' educational achievement will inform the development of an instrument to test pupils' achievement in their mother tongue in those cases where the mother tongue/national minority language is a compulsory subject for the pupils who are taught in that language. The anticipated time of launch of this project is the beginning of 2018.

Activity 6.6. Further development of professional training programmes of teachers and associates who teach in the languages of national minorities

- Connection with the Education Development Strategy in the Republic of Serbia by 2020 and the accompanying Action Plan, in accordance with action PD-ON04

*Deadline: continuously*

**Comment by the National Council of the Croatian National Minority:**

The number of professional training programmes relevant for the Croatian community is 0.

**Response by the Ministry of Education, Science and Technological Development:**

An analysis of the Catalogue of Continual Professional Training Programmes for Teachers, Educators and Teaching Assistants for the school years 2016/2017 and 2017/2018 shows that there is only one approved programme implemented in the Croatian language. It is the programme titled “Culture of Dialogue against Violence” (catalogue number 950).

It should be noted that the Competition by the Pedagogical institute of Vojvodina for approval of continual professional development programmes for teachers, educators and teaching assistants in languages of national minorities in the Autonomous Province of Vojvodina for the school years 2018/2019, 2019/2020 and 2020/2021 is currently open. All necessary pieces of information are available at:  
[http://www.pzv.org.rs/files/KONKURS\\_2017.pdf](http://www.pzv.org.rs/files/KONKURS_2017.pdf).

Activity 6.7. Improving the education of teachers as regards the Serbian language as a second language, through:

- Analysis of the needs and current situation,
- Enrolment of teachers in HEIs in accordance with identified needs.

*Deadline: For the analysis: until the end of II quarter of 2016*

*For enrolment: In accordance with the dynamics of enrolment in HEIs*

**Comment by the National Council of the Croatian National Minority:**

- We did not have access to the report on the needs and the quality of the current situation.
- Harmonised enrolment in HEIs in accordance with identified needs – this has not been implemented.

**No response by the Ministry of Education, Science and Technological Development.**

*Activity 6.8. Development of standards for Serbian as a second language and implementation of the new curriculum of Serbian as a second language for primary and secondary school, taking into account the initial understanding of the Serbian language  
- Connection with the Education Development Strategy in the Republic of Serbia by 2020 and the accompanying Action Plan, in accordance with action PU-OŠ02*

*Deadline: III quarter of 2017*

**Comment by the National Council of the Hungarian National Minority:**

Primary School “10. oktobar”, Horgoš is listed among the visited institutions in the report, although this school has been operating under the name Primary School “Karas Karolina”, Horgoš for several years.

**Comment by the National Council of the Croatian National Minority:**

Textbooks for Serbian as a second language have not been prepared.

**Response by the Ministry of Education, Science and Technological Development:**

The Institute for Improvement of Education (IIE) is preparing a framework document titled the National Education Framework. This document is a starting point for preparation of curricula and syllabuses. Also, the IIE must to prepare by the end of the calendar year new curricula and syllabuses for the first and the fifth grade of primary education and the first grade of gymnasium. Serbian as a second language is included in new curricula and syllabuses. New curricula should be based on learning outcomes, i.e. teachers must achieve outcomes and develop pupils’ competences, while the level of achievement of outcomes and of development of competences will be measured by pupil achievement standards (final examination in primary education and state secondary school graduation examination, as well as international evaluations of pupils’ achievements – TIMSS and PISA).

*Activity 6.10. Recognition of foreign higher education qualifications through the establishment of the Enic-Naric Centre for evaluation of foreign study programmes.*

*Deadline: For establishment – IV quarter of 2015*

*For recognition of diplomas – continuously, starting from the establishment of the Centre*

**Comment by the National Council of the Croatian National Minority:**

Diplomas acquired in the Republic of Croatia are recognised, but the number of earned credits is decreased during recognition (from 360 to 300 ECTS) – two such cases have been observed so far. Persons with such diplomas are not able to find appropriate employment and cannot take the state qualifying examination.

**Response by the Ministry of Education, Science and Technological Development:**

As regards dentistry diplomas from the Republic of Croatia, when the Enic-Naric Centre first started operating, two decisions were passed based on harmonisation with the List of Titles in the Republic of Serbia, which includes the level of integrated academic studies of up to 300 ECTS, so that the above persons can work in the Republic of Serbia with this number of credits, taking into account that the level of 360 ECTS does not exist for this type of studies. Since, in spite of this fact, reviewers later provided their expert opinions for that study programme of 360 ECTS and since these cases were processed by a recently hired employee, we can make Correction to Decision for both these cases.

As regards the state qualifying examination, there is a problem with stating a source title, which colleagues from the Ministry of Health do not want to accept; instead, they use an obsolete recognition method which implies award of a local title. Since its foundation, the Enic-Naric Centre issues decisions with source titles, in accordance with the revised Lisbon recommendations (the document in English is available at the official website of the Ministry: [www.mpn.gov.rs](http://www.mpn.gov.rs), heading ENIC/NARIC).

*Activity 6.11. The provision of all textbooks and teaching aids, envisaged in the textbook plan, through:*

- Full implementation of the new Law on Textbooks,
- Provision of a sufficient number of textbooks in the languages/speech of national minorities,
- Establishment of a system for providing high-quality translation.

*Connection with AP 23 activity 3.8.1.6.*

*Deadline: For the approval of textbooks – III quarter of 2016*

*For the approval of textbooks for primary school – III quarter of 2017*

**Comment by the National Council of the Croatian National Minority:**

Planned measures do not include textbooks for secondary schools.

**Response by the Ministry of Education, Science and Technological Development:**

Taking into account that primary education is compulsory in the Republic of Serbia, priority is given to textbooks for primary schools.

In addition, taking into account that 6 national minorities are eligible only for the elective subject “*Mother Tongue with Elements of National Culture*”, and in the majority of cases they do not have all textbooks, our next task is to prepare Memorandums for printing of these textbooks based on Memorandums of Cooperation for printing of missing textbooks in languages and scripts of national minorities (8 national minorities that have entire education in their mother tongues).

Secondary education is also a priority for us and we hope we will address this issue soon.

*Activity 6.12. Strengthening the linguistic capacity and learning of professional terminology for students belonging to national minorities in the minority language in order to access the labour market and ensure professional development.*

*Deadline: Continuously, starting from I quarter of 2016*

**Comment by the National Council of the Croatian National Minority:**

- No course or module to strengthen linguistic capacities in the Croatian language has been held;
- The described programmes implemented with the Republic of Croatia are in no way linked to the Croatian community in Serbia.

**No response by the Ministry of Education, Science and Technological Development.**

*Activity: 6.13. Optimisation of the network of schools and classes where teaching is carried out in the languages of national minorities, in accordance with the Education Development Strategy by 2020 and the accompanying Action Plan and the specifics of each local community in a way that:*

- *establish criteria for the network of pre-school, primary, and secondary schools, which provide members of national minorities with the opportunities to exercise their right to education in their mother tongue;*
- *define specific criteria for forming classes in the languages of national minorities in accordance with the principle of ensuring affirmative actions.*

*Deadline: IV quarter of 2018.*

No comments.

**Response by the Ministry of Education, Science and Technological Development:**

A total of 1432 candidates applied for the competition carried out in November 2016. A total of 200 candidates were selected, who “cover” a total of 43 subjects in primary schools, general secondary education (gymnasium), vocational education, music education and education of pupils with developmental disabilities.

The School Administration Sombor, the territory of which has the highest number of pupils taught in the Croatian language, selected a total of 26 candidates who complied with the requirements of the competition (this number was planned by the competition). According to the competition, each school administration, including the School Administration Sombor, selected candidates in accordance with the set criteria, and also in accordance with the needs of school administrations in connection with profiling of advisors/external associates.

A total of 5 candidates applied, with a recommendation of the National Council of the Croatian National Minority who also complied with all the requirements of the competition, of whom 2 candidates were selected. Although the remaining three candidates also complied

with the requirements, they were not selected because their profiling was not a priority of the School Administration Sombor.

The specific reasons for this are as follows:

1. A teacher of technical and IT education was not hired because preference was given to a candidate who teaches bilingual classes.

2. A pedagogue was not hired because the School Administration Sombor already has an education advisor who is a qualified pedagogue.

3. A class teacher was not hired because the School Administration Sombor has three educational advisors who are teachers and masters of classroom teaching, by profession.

Overall, taking into account all languages in which classes are held in the School Administration Sombor and all types of education programmes implemented in schools, the commission concluded that 2 advisors/external associates would be sufficient, who would be hired for teaching in the Croatian language. In addition, it should be noted that under the Law on Basic Elements of Education System, advisors/external associates should provide assistance in expert pedagogical supervision and external evaluation, which is why their ethnicity is not relevant; instead, only understanding of a language in which classes are held is relevant (because supervision and evaluation include visiting classes, interviews and analysis of school documentation). All selected advisors/external associates can join these tasks in schools and classes taught in the Croatian language.

Activity 6.14. Strengthening the capacity of professional and inspection services

*Deadline: IV quarter of 2017*

**Comment** by the National Council of the Croatian National Minority:

There are no advisors/external associates for the Croatian language.

**Response** by the Ministry of Education, Science and Technological Development is included in the end part of the response for activity 6.13.

Activity 6.15. Enhancing the educational role of schools by developing tolerance and preventing segregation, through:

- *Development of extracurricular activity programmes that encourage tolerance,*
- *Development of programmes to encourage multiculturalism.*

*Deadline: Continuously*

**Comment** by the National Council of the Croatian National Minority:

- No programme that encourages tolerance has been implemented in cooperation with the Croatian community.
- No by-laws have been adopted that ensures prohibition of segregation in accordance with the law.

- No analysis has been implemented to encourage multiculturalism.

**No response** by the Ministry of Education, Science and Technological Development.

*Activity 6.18. Establishment of cooperation in the field of professional development of teachers, with the purpose of:*

- *Provision of training of teachers in the profession and knowledge of minority languages, exchange and stay in the home country, in accordance with the signed agreements*
- *signing agreements on recognition of accredited professional trainings from home countries of ethnic minorities.*

*Deadline: II quarter of 2017*

**Comment** by the National Council of the Croatian National Minority:

- The number of offered agreements with the purpose of providing professional trainings for teachers is 0;
- The number of signed agreements through which professional development of teachers is provided is 0;
- The number of implemented programmes is 0.

**No response** by the Ministry of Education, Science and Technological Development.

*Activity 6.19. Establishment of cooperation in the field of providing quality textbooks and teaching materials*

*Deadline: II quarter of 2017.*

**Comment** by the National Council of the Croatian National Minority:

An agreement with the Republic of Croatia has not been signed.

**Reply** by the Ministry of Education, Science and Technological Development:

During the conference titled “*Western Balkans Steering Platform on Research & Innovation*” 6<sup>th</sup> Ministerial Meeting, held in Belgrade from 28 to 29 September 2017, two bilateral meetings were held on the margins of the conference with representatives of the Ministry of Civil Affairs of Bosnia and Herzegovina, the Ministry of Science and Education of the Republic of Croatia and the delegation of the Republic of Albania. The importance of bilateral cooperation was presented, which implies reciprocity in rights and duties of home countries in relation to national minorities. Participants in meetings agreed that this process was important and that they would work on expediting the process in their countries.

Since the National Council of the Bosniak National Minority on officially declared Bosnia and Herzegovina as their home country, an invitation for the Ministry of Civil Affairs of Bosnia and Herzegovina is being prepared for the drafting of a bilateral agreement.

The Ministry of Education, Science and Technological Development plans to hold working meetings with representatives of line ministries of home countries and national councils of national minorities which have entire education in their mother tongues with the aim of creating bilateral agreements.

## **Chapter VII – Democratic Participation**

*Activity 7.1. Conducting comparative legal analysis of the practice of EU Member States in the region, in order to identify best practices and appropriate models of participation of national minorities in the electoral process and the adequate representation of national minorities in elected bodies at national, provincial, and local levels.*

*Deadline: For the formation of multi-field group – IV quarter of 2015*

*For the analysis – II quarter of 2016*

### **Comment** by the National Council of the Croatian National Minority:

The National Council of the Croatian National Minority received an analysis from another national council. The analysis is disputable, because conclusions resulting from the analysis do not correspond to the actual needs of the Croatian minority, since there is still no reference to the legal concept of guaranteed seats planned under the bilateral agreement of 2004.

### **Response** by the Ministry of Justice:

The above activity in the Action Plan for Realisation of Rights of National Minorities sets as an indicator that the comparative law analysis of the practice of EU Member States in the region has been conducted. Based on this, the working group prepared a comparative law overview of the existing models in countries in the region, including Croatia and Romania which recognise the legal concept of guaranteed seats from members of national minorities. In addition, in preparation of the comparative law analysis, the working group took into account not only the existing practice in the region, but also the existing democratic participation system for members of national minorities in the Republic of Serbia, with the aim of identifying a model which would ensure a wider representation of national minorities while at the same time maintaining the achieved level of protection of minority rights on participation.

### **Response** by the Ministry of Public Administration and Local Self-Government:

The text of the Comparative Law Analysis contains comparative law solutions which include affirmative measures for improvement of democratic participation of national minorities within the existing constitutional system.

The analysis has been prepared with the aim of learning about the best positive law solutions of EU Member States and countries in the region.

The text of this analysis was submitted to the then Chairperson of the Coordination of National Councils, Sulejman Ugljanin PhD, on 7 July 2016 and on 27 July 2016 it was submitted to all national councils of national minorities.

The text of the Comparative Law Analysis of democratic participation of national minorities will, in accordance with the Government's Rules of Procedure, be submitted to the working group of the Serbian National Assembly for amendments to the Constitution and change of the electoral system.

*Activity 7.2. Based on the analysis and comparative legal practice, identify potential models of democratic participation of national minorities in the electoral process, including less numerous national minorities, provided with adequate representation of national minorities in elected bodies at national, provincial, and local levels, taking into account the prevention of potential misuse of more flexible provision regarding the parties of national minorities*

*Deadline: II quarter of 2016*

**Comment by the National Council of the Croatian National Minority:**

The legal concept of guaranteed seats planned under the bilateral agreement of 2004 has still not been identified.

**Response by the Ministry of Justice:**

The indicator for the above activity is designed so that the working group is tasked with identifying models of democratic participation of national minorities in the electoral process, including less numerous national minorities, provided with adequate representation of national minorities in elected bodies at national, provincial, and local levels and submission of such models to the Action Group for reform of the political system within the National Assembly. The comparative law analysis presented the models which exist in the region, with concluding observations, and looked into potential advantages and disadvantages of these models in the context of the legal system and demographic characteristics of the Republic of Serbia. The models presented in the analysis also include the guaranteed seats model which is of special interest for the Croatian National Council.

**Response by the Ministry of Public Administration and Local Self-Government:**

In accordance with the Government's Rules of Procedure, text of the Comparative Law Analysis of democratic participation of national minorities will be submitted to the working group of the Serbian National Assembly for amendments to the Constitution and change of the electoral system, which will review the proposed democratic participation models for national minorities, with the aim of ensuring adequate representation of national minorities in representative bodies at the national, provincial, and local levels to the highest extent possible.

## **Chapter VIII – Appropriate Representation of National Minorities in Public Sector and Public Enterprises**

*Activity 8.1. Supplements and amendments to the Law on Protection of Rights and Freedoms of National Minorities in order to create a basis for prescribing the affirmative measures as regards national minorities, through the introduction of provisions in special laws regulating the labour law status of employees in the public sector, which will enable the preference to national minorities in employment/dismissal under the same conditions, until appropriate structure of public sector employees at all levels of territorial organisation is achieved.*

*Deadline: II quarter of 2016*

### **Comment by the National Council of the Croatian National Minority:**

Serbian authorities and institutions have still not ensured and created adequate mechanisms to monitor proportional employment of members of national minorities, including the Croatian minority. The National Council of the Croatian National Minority emphasized this as a problem on several occasions at round tables and public meetings, but recommendations have not been accepted so far under the excuse that everyone has the right not to declare his/her ethnicity. Records are not kept even in the cases where individuals declared their ethnicity.

### **Response by the Ministry of Public Administration and Local Self-Government:**

Article 4 of the Draft Law amending the Law on Protection of Rights and Freedoms of National Minorities sets out that government authorities in the Republic of Serbia can, in accordance with the Constitution and the law, pass regulations and individual legal enactments and undertake measures with the aim of ensuring full and effective equality of national minorities which are in essentially unequal position compared with other citizens and that measures for improvement of full and effective equality in employment and benefits in case of dismissal in the public sector at all levels of territorial organisation, which are specified by provisions of special laws providing for the labour law status of public sector employees, will not be considered discrimination if such measures are applicable until adequate representation of members of national minorities set by those laws is achieved.

The National Assembly passed the Law on Employees in Autonomous Provinces and Local Self-Government Units (Official Gazette of RS, No. 21/16) in March 2016, which took effect on 1 December 2016.

The Law for the first time comprehensively regulates the employment relations system in autonomous provinces and local self-government units. The aim of this Law is to establish the main civil service principles, based on standards accepted in modern comparative law systems, which complies with the main assumption for full professionalization and depoliticizing of human resources in autonomous provinces and local self-government units.

The Law provides for the principle of equal access to jobs. Under Article 19, paragraph 3, recruitment must ensure that the ethnic structure of employees, gender representation and the

number of persons with disabilities reflects as much as possible the composition in the general population.

Article 47, paragraph 2 sets out that the Government will specify in detail by a regulation the criteria for job classification and guidelines for description of jobs for civil servants, while taking in account knowledge of languages and scripts of national minorities as a special requirement for tasks on posts that are relevant for the exercise of citizens' rights to official use of languages and scripts of national minorities. In regulation of the criteria for job classification and guidelines for job description for civil servants, the Government will take special account of the national composition of the population and adequate representation of members of national minorities for the purpose of achieving full equality between members of national minorities and citizens belonging to the majority (paragraph 3). The same legal arrangement is planned for public employees (Article 185, paragraphs 1 and 2 of the Law).

Under Article 101, paragraphs 3 and 4 of the Law, the Government must pass a regulation which will provide for the internal and public job announcement procedures for staffing and determine which professional competences, knowledge and skills are evaluated in the selection procedure, the manner of their verification and the selection criteria for jobs, and which will set the selection criteria for jobs that will ensure giving preference to equally qualified candidates who are members of national minorities with the aim of achieving adequate representation of members of national minorities and full equality between members of national minorities and citizens belonging to the majority.

Article 190 of the Law provides for keeping human resource records, which should *inter alia* contain data on mother tongue (paragraph 2, item 2), it being understood these data are entered into human resource records with employees' written consent, while employees do not have a duty to declare on these issues (paragraph 5). In addition to these data, the same Article sets out that data on a language in which primary, secondary and higher education is completed should be entered into human resource records (paragraph 2, item 3) Also, under the same Article (paragraph 4), human resource records also contains data on civil servants' and employees' ethnicity in accordance with a regulation providing for a register of employees in public administration in the Republic of Serbia; data on civil servants' and employees' ethnicity is entered in human resource records with employees' written consent, without the duty to declare one's ethnicity (paragraph 6).

On proposal of the Ministry of Public Administration and Local Self-Government, the Serbian Government adopted the Regulation on Job Classification Criteria and Job Description Guidelines for Civil Servants in Autonomous Provinces and Local Self-Government Units (*Official Gazette of RS*, No. 88/16) and the Regulation on Job Classification Criteria and Job Description Guidelines for Public Employees in Autonomous Provinces and Local Self-Government Units (*Official Gazette of RS*, No. 88/16). The above mentioned by-laws set out that an autonomous province, a local self-government unit or a city municipality where a language and script of a national minority are officially used must impose a specific requirement relating to the knowledge of that national minority's language and script in the job requirements for any posts that involve direct verbal and written communication with citizens. Also, the Serbian Government adopted the Regulation on Internal and Public Job Announcement Procedures in Autonomous Provinces and Local Self-government Units (*Official Gazette of RS*, No. 95/16), which *inter alia* specifies that if there is a need to employ

members of national minorities who are underrepresented in the workforce, job announcements must specifically state that national minorities would be given preference if eligible candidates score equally on all other requirements.

In addition, it is stipulated that job announcements for employee posts in respect of which knowledge of a national minority language and script is a specific requirement must clearly state such requirement and knowledge of the language should be tested in writing as appropriate.

We believe that this Law and the accompanying by-laws envisaged affirmative measures relating to the employment of national minorities, which gives high priority to their employment in public administration.

*Activity 8.2. Analysis of the situation in order to determine the criteria and standards for prescribing adequate representation of national minorities in certain parts of the public sector, through:*

- Analysis of comparative legal practice in the EU countries in the region;*
- Analysis of positive regulations governing the employment and legal status of employees in the public sector;*
- Analysis of the necessary conditions for carrying out activities in certain parts of the public sector, according to the functions performed by the public sector, which have an impact on the rights of national minorities to communicate in a language which is in official use.*

*Deadline: 1 quarter of 2017*

**Comment** by the National Council of the Croatian National Minority:

The National Council is not aware of the analysis, nor has such analysis been submitted to the office of the National Council of the Croatian National Minority.

(The analysis is funded under the IPA 2017 – based on the report, the project has not yet been approved)

**Stakeholders and partners:** Ministry of Public Administration and Local Self-Government, in cooperation with the Ministry of Labour, Employment, Veterans' and Social Affairs, Ministry of Interior, Ministry of Defence, Ministry of Finance, and the ministries responsible for certain public services, Ministry of Justice

*Activity 8.4. The adoption and implementation of the Law on Employees in the Autonomous Provinces and Local Self-Government Units, which:*

- Establishes the principle of equal access to jobs, and provides that, in the recruitment, it must be taken into account that, among other criteria, the ethnic composition reflects, to the greatest extent possible, the structure of the population;*

– *Stipulates keeping personnel records with the employer, including information on education in minority languages.*

*Deadline: IV quarter of 2015*

**Comment by the National Council of the Croatian National Minority:**

National councils were not involved in the preparations for drafting the law.

(The Law on Employees in Autonomous Provinces and Local Self-Government Units (Official Gazette of RS No. 21/16) was **adopted in March 2016** and its implementation began on 1 December 2016)

**Stakeholders and partners:** The Ministry responsible for public administration and local self-government

*Activity 8.6. Analysis of the situation in the public prosecutors' offices and courts in the areas inhabited by the national minorities, in terms of*

– *Representation of members of national minorities as holders of judicial and public prosecution offices;*

– *Representation of members of national minorities as judicial and prosecutorial staff (judicial and prosecutorial assistants and employees);*

– *Knowledge of languages of national minorities.*

*Connection with AP NC 23 activity 3.8.1.16, deadline in AP NC 23 I-II quarter of 2016*

*Deadline: IV quarter of 2015*

**Comment by the National Council of the Croatian National Minority:**

The document entitled “Analysis of the Situation in the Public Prosecutor's Offices” was drawn up and presented (among others) to the representatives of the national minorities' councils. The problem that arises here is the document's credibility, since the responses to a non-binding, anonymous survey among the employees served as its data source. The activity clearly predicts the need for a formal analysis (which is not the same as poll or questionnaire or survey) made on the basis of the official statistical data, which has not been the case. In addition, one of the questions in the survey was: “Do you speak any minority languages”, while in the “Analysis” the data obtained from the answers to this question were presented as “proficiency level knowledge of a minority language”, which means that the proficiency in one of the national minority languages was reduced to the level of everyday communication.

**Stakeholders and partners:** State Prosecutorial Council, High Court Council

*Activity 8.7. The development and adoption of the Rulebook on the criteria and standards for the assessment of qualification, competence, and worthiness for nomination and election of candidates for the holders of public prosecutorial functions, including the provisions relating to the implementation of the Article 82 of the Law on Public Prosecution, which stipulates*

*that in the nomination and election of public prosecutors and deputy public prosecutors, the ethnic composition of the population, adequate representation of members of national minorities, as well as knowledge of professional legal terminology in national minority languages in official use in courts shall be taken into account. – Connection with AP NC 23*

*Deadline: IV quarter of 2015 – I quarter of 2016*

**Comment by the National Council of the Hungarian National Minority:**

The Action Plan indicators section states that “the Rulebook [...] (has been) adopted and implemented”. According to the report, the first element of the indicator – that the Rulebook was adopted – is indisputable, but the second element – its implementation and its effects – is not corroborated by quantifiable facts (the number of newly elected holders of the public prosecutor’s office from the national minorities’ communities). We suggest updating the report with this information in the next quarter.

**Stakeholders and partners:** State Prosecutorial Council

*Activity 8.8. The development and adoption of the Rulebook on the criteria and standards for the assessment of qualification, competence, and worthiness for nomination and election of judges and presidents of courts, including the provisions relating to the application of Article 46 of the Law on Judges, which stipulates that, in the nomination and election of judges, the ethnic composition of the population, adequate representation of national minorities, and knowledge of professional legal terminology in minority languages in official use in court must be taken into account.- Connection with AP NC 23*

*Deadline: IV quarter of 2015 – I quarter of 2016*

**Comment by the National Council of the Hungarian National Minority:**

The Action Plan indicators section states that “the Rulebook [...] (has been) adopted and implemented”. According to the report, the first element of the indicator – that the Rulebook was adopted – is indisputable, but the second element – its implementation and its effects – is not corroborated by quantifiable facts (the number of newly elected holders of the public prosecutor’s office from the national minorities’ communities). We suggest updating the report with this information in the next quarter.

**Stakeholders and partners:** High Judicial Council

## **Chapter IX – National councils of national minorities**

*Activity 9.3. The establishment of the multi-field working group in order to draft a new Law on National Councils of National Minorities, in line with the results of the analysis, with the active participation of national councils of national minorities.– Connection with AP NC 23 measure 3.8.1.30.*

*Deadline: IV quarter of 2015*

**Comment by the National Council of the Hungarian National Minority:**

The working group considered certain provisions of the law, but some of the key provisions were not considered at its meetings, and the draft may or may not be considered to have been prepared, or it cannot be considered to have been prepared by the working group (but instead, by possibly another, non-inclusive group). In any case, the statement is inaccurate.

**Comment by the National Council of the Croatian National Minority:**

Although the representatives of the national councils of national minorities participate in the working group activities, we have been informed by some members of the working group that the process is completely non-inclusive and that the approach is restrictive and far from the principle of dialogue.

The current version of the draft law on amendments to the Law on National Councils of National Minorities provides for extremely restrictive solutions in a series of provisions, while completely avoiding stipulating the obligation of regular funding of the institutions founded by national councils of national minorities, which is one of the basic purposes of this activity.

**Response by the Ministry of Public Administration and Local Self-Government:**

Regarding the work on the amendments and supplements to the Law on National Councils of National Minorities whose amendments are also stipulated in the Action Plan for the Realization of the Rights of National Minorities, we inform you that the working group, which has held 6 meetings so far, has prepared a draft law, as well as that, in line with the recommendation of the OSCE Mission to the Republic of Serbia, which provides support for the drafting of this Law, and for the purpose of efficiency, 4 separate meetings with the representatives of state bodies were held, at which the provisions that prescribe the powers of the national councils were considered.

At the proposal of the Coordination of National Councils, the representatives of the 5 national councils are the members of the working group for amending the said Law, and have participated in the work of the said working group, as well as the representatives of the OSCE Mission to Serbia and the EU Delegation to Serbia.

The preparation of the Draft Law is in the final stage, and before its text is sent to the Government for adoption, it will pass the regular law drafting procedure in accordance with the Government's Rules of Procedure. In this regard, the Ministry of Public Administration and Local Self-Government will invite the interested public to get acquainted with the text of the Draft Law and to submit their proposals, suggestions and comments for its improvement. The Ministry will publish the invitation to participate in the public hearing in a timely manner on its website.

*Activity 9.7. Providing the necessary financial resources for the Budget fund for national minorities (Article 119 of the Law on National Councils of National Minorities) for program activities, projects of national minorities and civil society organisations dealing with issues of national minorities. The distribution of funds from the Budget Fund for national minorities in accordance with the bylaw referred to in measure 9.6.*

*Deadline: Starting from I quarter of 2016*

**Comment by the National Council of the Croatian National Minority:**

The planned amount of funds of RSD 1,800,000 is insufficient for the realization of this activity.

**Response by the Ministry of Public Administration and Local Self-Government:**

Based on the Article 3 of the Decree on the Procedure for the Allocation of Funds from the Budget Fund for National Minorities (“Official Gazette of the Republic of Serbia” No. 22/16), the Minister of Public Administration and Local Self-Government issued the Decision on Call for Applications for the Funds from the Budget Fund for National Minorities on 8 September 2017. Subsequently, the Competition commission held two sessions at which it defined additional criteria, clearer standards and a specific objective for the selection of the programs and projects at the competition for allocation of funds from the Budget Fund, with prior consultations with the National Councils of National Minorities, by which the conditions for calling the Competition were established. On 20 September 2017, the Ministry of Public Administration and Local Self-Government announced the Competition for allocation of funds from the Budget Fund for National Minorities for the implementation of programs and projects in the field of information in the languages of national minorities, published on the official website of the Ministry, the Office for Human and Minority Rights, the Office for Cooperation with Civil Society and the e-Government Portal. The Competition was open from 20 September to 20 October 2017. After 15 years, the process of allocation of funds from the Budget Fund for National Minorities was formally and effectually initiated (the envisaged amount of funds was RSD 1,800,000), and the funds were planned by the RS budget for 2017.

The Ministry of Public Administration and Local Government is making efforts to allocate significantly more funds for the Budget Fund for National Minorities in the 2018 budget.

## **Chapter X – Economic status of members of minority communities**

*Activity 10.2. Economic recovery and development of underdeveloped regions which have traditionally been inhabited by national minorities (Eastern Serbia, Preševo, Bujanovac, and Medveđa), through:*

- *Recovery of enterprises that were responsible for the development of these regions;*
- *Supporting small and medium enterprises, entrepreneurs and cooperatives;*
- *Attracting investment.*

*Deadline: Continuously*

### **Comment** by the National Council of the Croatian National Minority:

The activities do not mention the areas in Vojvodina that are traditionally inhabited by members of the Croatian national community.

**Stakeholders and partners:** The ministry responsible for the economy, Coordinating body for Preševo, Bujanovac, and Medveđa

*Activity 10.3. Attracting investment in municipalities that are classified in III and IV group based on development in accordance with the Law on Regional Development.*

*Deadline: Continuously*

### **Comment** by the National Council of the Croatian National Minority:

Representatives of the National Council were not invited to take part in these activities.

**Stakeholders and partners:** Development Agency of Serbia, Chamber of Commerce and Industry of Serbia, Local self-government units, Autonomous Province of Vojvodina (APV), Regional Chambers of Commerce

*Activity 10.4. Improving employability and encouraging the employment of unemployed persons belonging to national minorities, primarily in the category of less employable, through the implementation of active employment policy*

*Deadline: Continuously*

### **Comment** by the National Council of the Croatian National Minority:

Since there are no adequate mechanisms that would monitor the proportionality of the employment of members of national minorities, it is impossible to determine the relevance of the activities.

**Stakeholders and partners:** National Employment Agency (NEA), The Ministry responsible for labour, employment, veteran and social policy, Province Secretariat for Economy, Employment, and Gender Equality, Local self-government units, Social partners, National councils of national minorities

*Activity 10.5. Stimulating investments from the home countries of national minorities in the areas inhabited by members of national minorities, with the aim to increase the percentage of employment of national minorities.*

*Deadline: Continuously*

**Comment** by the National Council of the Croatian National Minority:

Representatives of the National Council were not consulted during the implementation of these activities.

**Stakeholders and partners:** Chamber of Commerce and Industry of Serbia, Local self-government units, APV, Regional Chambers of Commerce, National councils of national minorities

## **Chapter XI – International Cooperation**

*Activity 11.2. Organising regional seminars, in cooperation with the EU, Council of Europe and OSCE, for sharing experiences on the international standards and best practices in terms of the position of national minorities*

*Deadline: Continuous*

**Comment** by the National Council of the Croatian National Minority:

Representatives of the National Council have not been invited to similar seminars so far. Invitations to conferences concerning international standards for the protection of national minorities have so far been received only from non-governmental organisations dealing with the rights of national minorities.

**Stakeholders and partners:** Ministry of Foreign Affairs, Line ministries

*Activity 11.6. Increasing awareness about the opportunities and the importance of cross-border cooperation of local self-government units.*

*Deadline: Continuous*

**Comment** by the National Council of the Croatian National Minority:

Cross-border cooperation projects implemented in cooperation with the Republic of Croatia are not focused on the issue of improving the status of national minorities.

**Stakeholders and partners:** The Ministry responsible for public administration and local self-government, Ministry for European Integration

*Activity 11.1. Continued international cooperation, especially in the region, i.e. in the area of former SFRY and Southeast Europe, through:*

– *Concluding and implementing bilateral and multilateral documents in relation to issues of importance to the region and relations between states, such as the protection and realisation of the rights of minority communities;*

– *Renewal of the work of existing bilateral committees for national minorities.*

*Deadline: Continuous*

**Comment by the National Council of the Croatian National Minority:**

Not all the records from all interstate commissions in charge of monitoring the implementation of the bilateral agreement between the Republic of Croatia and the Republic of Serbia have been completed yet. The Republic of Serbia has not yet appointed the co-chairperson of the IMC (Intergovernmental Mixed Commission for National Minorities).

The 2004 Bilateral Agreement has not yet been fully implemented, since the Serbian side is still waiting for the establishment of the guaranteed reserved political positions institute under Article 9 of the Bilateral Agreement on Mutual Protection of National Minorities of 2004.

*Activity 11.4. Provide all conditions on the part of the Republic of Serbia, so that the intergovernmental committees that were established by bilateral agreements could hold regular sessions and make full use of their competences prescribed by bilateral agreements.*

*Deadline: Continuously*

**Comment by the National Council of the Croatian National Minority:**

The Republic of Serbia has not yet taken adequate steps to organise the 7th Session of the IMC with the Republic of Croatia. Although at several public gatherings the representatives of the National Council appealed for the necessity to re-activate the work of the Mixed Commissions, which did not happen.

**Response by the Ministry of Foreign Affairs to the activities 11.1 and 11.4:**

Having in mind that the Ministry of Foreign Affairs, in accordance with Art. 13 of the Law on Ministries (Official Gazette of the Republic of Serbia No. 44/2014, 14/2015, 54/2015, 96/2015 – as amended by other Law and 62/2017) is not responsible for implementation of the rights and improvement of the status of the national minorities in the Republic of Serbia, and that the Ministry's competence is solely protection of the rights and interests of our citizens and legal entities abroad, i.e. the relations between the Republic of Serbia and the

Diaspora and Serbs in the region (which is within the competence of the Office for Cooperation with the Diaspora and Serbs in the Region as an administrative body within the Ministry of Foreign Affairs), the Ministry of Foreign Affairs is not in a position to respond to the comments of the National Council of the Croatian National Minority.

In accordance with the Ministry's competences for foreign policy and maintaining relations with other countries, international organisations and institutions, however, the Ministry of Foreign Affairs, although not legally authorised to deal with the rights and the status of the national minorities in the Republic of Serbia, has an advisory and technical role in this issue (transfer of requests and attitudes of the two countries' competent authorities on this issue), as well as a political role (giving opinions, analysing and evaluating the requests and activities of both parties in this field, in the context of the bilateral relations and foreign policy position of the Republic of Serbia).

When it comes to the meetings of Intergovernmental Mixed Commissions for National Minorities (IMC), whose members are the representatives of this Ministry too, having in mind the above mentioned and the fact that there are no appointed IMC co-chairpersons from the Ministry of Foreign Affairs, the competence of the Ministry of Foreign Affairs, in addition to performing the aforementioned role, refers solely to the issue of implementation of rights and the improvement of the status of the Serbian community in the countries concerned. This competence extends to the issue of harmonizing the IMC meetings minutes, as well as to the implementation of the signed bilateral agreements in the field of the protection of national minorities.