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“Promoting Human Rights and Minority Protection in South East Europe”
Regional Joint Project between the European Union and the Council of Europe

**“Enhancing cooperation among the institutions dealing with
the promotion and protection of national minorities
in the Republic of Serbia”**

**Ways to improve the functioning of the National Councils for
National Minorities (“Minority Councils”)**

Belgrade, Hotel Metropol

22 April, 2013

BRIEFING PAPER

event hosted by



**The Republic of Serbia
Government
Office for Human and Minority Right**

The conference is organized within the framework of a joint project of the Council of Europe and the European Union entitled "Promoting Human Rights and Minority Protection in South East Europe". The project covers Serbia, Albania, "the former Yugoslav Republic of Macedonia", Bosnia and Herzegovina, Montenegro, Croatia and Kosovo.¹

The main objective of the project is to improve respect for human and minority rights by enhancing the capacities of relevant national bodies and institutions, and to facilitate the implementation of national legislation in this field. After the establishment of national networks of minority rights bodies, it is envisaged to bring them together in a South East European Network of Minority Rights Defenders and organize the exchange of experiences / best practices between the members of that new network.

As concerns Serbia, it would seem that there is a satisfactory legal framework for the protection of the rights of national minorities, But there are difficulties in the implementation of some of the rights guaranteed to minorities. The conference aims to bring together relevant government authorities in charge of national minorities, National Councils for National Minorities ("Minority Councils"), independent institutions for the protection of human rights in Serbia, and representatives of non-governmental organizations to jointly make recommendations and suggestions for the improvement of minority rights protection, through enhancing their cooperation, and by amendments to the Law on Minority Councils.

The Law on Minority Councils of 2009 regulates in detail their competencies in the field of education, culture, information, official use of languages, as well as the designation of their members and the rules for their funding. In 2010 elections of Minority Councils were held and 19 councils were elected. Some of them had existed and operated already for more than ten years, others had just begun their work or were only formally established in 2010.

* All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation's Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Previous experiences have shown that the elections of the Minority Councils are largely depended on the engagement of minority and majority political parties.

As to the possibility for the Minority Councils to fulfil their mandates effectively this depends to a large extent on whether there is education in minority languages, if there are media in minority languages and if minority languages are in official use. Also, there is an evident gap between the treatment given to Minority Councils by national and by provincial authorities.

Another problem is of a legal nature. The Law on Minority Councils is not harmonized with certain other laws, such as the Law on Culture, which

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provides various solutions in terms of appointment of members / board members at “institutions of special significance for a national minority”. The right to set up such institutions or to qualify existing institutions as being of special significance for a national minority lies with the Minority Councils. But the criteria for doing so are not clearly defined, nor are the modalities for their funding.

Also, quite a number of issues regarding the Minority Councils themselves are still in need to be settled, including their organisational structure, etc. The fact that nine procedures regarding the Law on Minority Councils have been initiated before the Constitutional Court and that the major independent human rights institutions of the country (Ombudsman of the Republic of Serbia, Commissioner for Equality, Ombudsman of the Vojvodina Province) have issued recommendations on it testifies to the necessity of amending the Law on National Councils. The Conference participants will debate on this.