



No. 01-39-2-2897-4/16
Sarajevo, 10 January 2017

RESPONSES

to questions raised in the Report on the Country Visit A/HRC/22/49/Add.1 –
Recommendations under Chapter VIII (paragraphs 78 through 106) of the Special
Rapporteur on Minority Issues Rita Izsak-Ndiaye

Question 1.

1. Please provide all information relating to the implementation of the recommendations under the Report A/HRC/22/49/Add.1. In this regard, I am particularly interested to learn about specific laws, policies and programmes that have been applied since my visits, specifically tackling minority rights issues.

2. In case that specific recommendations have been implemented, please indicate to what extent the Government of Your Excellency believes these to be efficient to improve the position of minorities. Please provide evidence in support.

General Recommendations (number 78 through 84) – Responses:

Recommendation (78-80)

The Anti-Discrimination Law of Bosnia and Herzegovina (Official Gazette of BiH, No. 59/09) protects all citizens of Bosnia and Herzegovina against discrimination in all spheres of life, including: employment, welfare and health care, judiciary and administration, housing, public information, education, sport, culture, science, economy, etc., from all forms of harassment, sexual harassment, mobbing, segregation or incitement to discrimination. According to this Law, all public authorities and governments have an obligation and a duty to combat discrimination and refrain from it, eliminating obstacles that may directly or indirectly result in discrimination. Institutions are also required to actively create and facilitate conditions for equal treatment through amendments to the existing and adoption of new laws, policies and practices. Amendments were made to the Anti-Discrimination Law, adopted at the 21st session of the Parliamentary Assembly of Bosnia and Herzegovina held on 14 July 2016. According to the amended Law, possible discrimination grounds were now expanded to also include disability, age and sexual orientation.

Bosnia and Herzegovina has incorporated the postulates of the International Convention on the Elimination of All Forms of Racial Discrimination in its criminal legislation, prescribing criminal penalties for all forms of racial discrimination.

The plan is also to develop a 2016-2021 Anti-Discrimination Strategy of Bosnia and Herzegovina.

Recommendation (81)

- In terms of improving the situation of national minorities and ‘Others’, and the full implementation of the Law on the Protection of National Minorities of Bosnia and Herzegovina, activities are ongoing on amendments to the Law on the Protection of National Minorities of Bosnia and Herzegovina. Article 3 of the Law on the Protection of National Minorities (Official Gazette of BiH, No. 12/03, 76/05 and 93/08) defines the concept and lists national minorities in Bosnia and Herzegovina. The 1991 Population Census in BiH was used as the basis for the introduction of listed national minorities into the Law, as well as the establishment of the most recent National Minorities Council of Bosnia and Herzegovina in 2013, gathering representatives of 17 national minorities recognised under the Law. Lately, in the implementation of the Law, there has been debate over interpretation of Article 3, paragraph (2) of the Law. Namely, based on these provisions, a certain number of new officially registered associations of national minorities in Bosnia and Herzegovina is asking for their inclusion in legislation (such as Austrians, Bulgarians, Greeks and Palestinians) and a more precise definition of the term ‘national minorities’ in the Law. There is a particular emphasis on controversial enforcement of Article 21, which regulates the involvement in the National Minorities Council, as the body of the Parliamentary Assembly of BiH, for associations of national minorities that are not specifically listed under the Law. Such changes in the Law are also needed to implement the recommendations of the Committee of Ministers of the Council of Europe outlined in Resolution CM/ResCMN (2015)5 on the application of the Framework Convention for the Protection of National Minorities in Bosnia and Herzegovina, adopted by the Committee of Ministers on 12 May 2015 as well as recommendations under international documents of the United Nations.

A proposal of the ‘Strategic Platform to Address the Issues of National Minorities in Bosnia and Herzegovina’ has also been prepared, as a document identifying relevant spheres of life and issues of national minorities and defining concrete steps aimed to improve their overall social status. We are currently awaiting the approval of the Government of the Republika Srpska, and adoption by the Council of Ministers of Bosnia and Herzegovina, once all positive opinions on the document had been submitted.

Bosnia and Herzegovina ratified the European Charter for Regional or Minority Languages (2010), as a post-accession commitment towards the Council of Europe. In this regard, Bosnia and Herzegovina will carry out a needs assessment of national minorities after the Census in areas/towns populated by members of national minorities traditionally or in substantial numbers. This needs assessment will concern the use of minority languages in relations with the judicial, administrative bodies and the need for education in the languages of certain ethnic minorities in Bosnia and Herzegovina. In July 2015, Bosnia and Herzegovina adopted the Second Report of Bosnia and Herzegovina on the implementation of measures and principles established by the European Charter for Regional or Minority Languages and forwarded it to the Council of Europe. In early 2016, field visits were also carried out (Sarajevo and Banja Luka) by the Committee of Experts of the Council of Europe, in charge of monitoring the implementation of the Charter. In February 2016, the Committee of Experts adopted also the Report on Bosnia and Herzegovina on 18 March 2016 at its 53rd meeting, and specifically defined the following five priorities:

1. Establishing a structured policy and undertaking flexible measures with a view to facilitating the application of the Charter, including any necessary adjustments to the legislation;
2. Ensuring appropriate forms and resources for teaching in minority languages;
3. Establishing a programme for financing of cultural activities and events related to minority languages;
4. Taking appropriate measures to ensure public broadcasters are offering programmes in minority languages;
5. Adopt and use traditional forms of place names in minority languages.

- Continued strengthening and expansion of a network of non-governmental organisations of national minorities, especially the Roma, and their networking at the level of Bosnia and Herzegovina (there are about 90 officially registered Roma associations, 64 associations of national minorities and nine alliances in Bosnia and Herzegovina).

- Bosnia and Herzegovina is actively involved in the implementation of various projects of the Council of Europe and the European Union, such as the project on 'Improvement of Human Rights and Protection of Minorities in South East Europe', as well as in the work of the Council of Europe, the Committee of Experts on Roma Issues of the Council of Europe – CAHROM, and encourages regional cooperation by organising regional conferences and thematic visits. Bosnia and Herzegovina chaired the process of the 2005-2015 Decade of Roma Inclusion in 2014 and 2015.

Through implementation of the above measures, conditions have been created also institutionally enabling national minorities to preserve and develop their ethnic, national, religious and cultural identity and integrate into society of Bosnia and Herzegovina.

Recommendation (82)

- Bosnia and Herzegovina has ensured the involvement of associations of national minorities in the work of state and entity National Minorities Councils with the Parliamentary Assembly of Bosnia and Herzegovina and entity parliaments/National Assembly, as well as the Roma Committee, which was formed in the Council of Ministers of Bosnia and Herzegovina, thus ensuring participation of all national minorities in legislative and executive branch. The role and funding of the National Minorities Council at the Parliamentary Assembly of BiH and representatives of national minorities and non-governmental organisations has been strengthened, coupled with their greater involvement in the work of government bodies at state, entity, cantonal and local levels.

- In addition to the above activities, the line ministry regularly provides and ensures support to the work and activities of the Roma Committee of Bosnia and Herzegovina with the Council of Ministers of Bosnia and Herzegovina, which is an advisory and coordinating body, and which also follows and monitors the implementation of both the Strategy and action plans. Budgetary funds for projects of other national minorities in Bosnia and Herzegovina have been allocated this year as well. The decision was adopted to award funds in the amount of BAM 70,000 for the work and activities of associations of national minorities in Bosnia and Herzegovina for 2016.

- The process of analysis and mapping of needs in the coming period is carried out continuously, including planning of resources for implementation of the Roma Strategy and Action Plans in Bosnia and Herzegovina.

Recommendation (83)

- A single institution of the Human Rights Ombudsman of Bosnia and Herzegovina was set up and is now running in its full capacity. Amendments were made to the Law on Human Rights Ombudsman in order to improve the functioning of the institution in accordance with the Paris Principles and the establishment of National Preventive Mechanisms, as suggested in the concluding observations and recommendations of the UN Committee on the prohibition of torture and other inhuman and degrading treatment of punishment.

Recommendation (84)

- The Law on Freedom of Religion and Legal Position of Churches and Religious Communities in Bosnia and Herzegovina (from 2004) guarantees the right of every person to freedom of religion or belief, freedom of acceptance and change of religion, and freedom – either alone or jointly with others, in privacy or in public – in any way, to manifest his religion or belief, rituals, adherence to religious regulations, respect for customs and other religious activities. Compared to the pre-existing socialist legislation, there is a frequent use of the term ‘public’ observed, being a place for expressing religion, thus abandoning the earlier understanding of religion as a ‘private matter’, which in effect had limited the expression of religion to the private sphere of the individual and premises of religious facilities.

In addition, the Law on Freedom of Religion prohibits discrimination based on religion or belief, disrupting religious services or other religious activities, attacks and insults against religious officials, attacks and damage to places of worship, and other religious properties, activities and actions aimed at inciting religious hatred against any religious community or its members, contempt or ridicule of any religion, as well as forcing a person to express religion or belief.

Freedom of religion or belief is protected under criminal laws in Bosnia and Herzegovina, in the context of the following crimes: violation of the equality of man and citizen, disruption or prevention of religious ceremonies, or denial and limiting the freedom of religion and its practice of the denial of the rights of religious groups to equality and exercise of religious ceremonies in public and inciting national or ethnic, racial and religious hatred, discord or intolerance.

Census - Responses:

Recommendation (No. 85-86)

The Law on Census of Population, Households and Dwellings in BiH in 2013, and the methodology for the preparation, organisation and conducting the 2013 Census of Population, Households and Dwellings in BiH regulate the rights and obligations of all citizens of Bosnia and Herzegovina. During the preparation of fieldwork and data processing, all provisions of the Law were implemented relating to the protection and prevention of all forms of discrimination.

Respondents had the right and opportunity to provide any answer they desire to the question on ethnic/national affiliation, including the expression of multiple affiliations. Enumerators were required to register the exact answer that the respondent gave. Also, Article 12 of the Census Law regulates that an individual is free not to declare own ethnic/national affiliation.

The questionnaire contained questions on nationality, ethnic/national affiliation, religion and mother tongue. Citizens had a full freedom of expression when it comes to questions pertaining to nationality, ethnic/national affiliation, religion and mother tongue.

The enumerator had no right to suggest an answer; therefore, citizens could declare themselves any way they feel, since it was possible to provide and fill in an answer that does not fall under proposed modalities. Enumerators recorded all the answers, and statistical institutions assigned codes to these answers, which are then recorded as such in the database.

Enumeration was done in Bosnian, Croatian or Serbian language, by using Latin or Cyrillic script. Census questionnaires and methodological guidelines were published in Bosnian, Croatian and Serbian language, Latin and Cyrillic script. Every enumerator had a manual with questionnaires in the languages of national minorities living in Bosnia and Herzegovina. Before enrolment, a member of a minority had the right to review a provisional questionnaire in the language and script of their national minority. During their fieldwork, enumerators have used 'Multilanguage Collection', containing forms in minority languages represented in Bosnia and Herzegovina (Albanian, Czech, English, Italian, Hebrew, Hungarian, Macedonian, German, Polish, Romany, Russian, Slovak, Slovenian, Turkish and Ukrainian language).

Preliminary census results were published on 1 July 2016. According to the final, internationally comparable census results, the number of permanent residents living in Bosnia and Herzegovina is 3,531,159, of which 2,219,220 (62.85%) in the Federation of BiH, 1,228,423 inhabitants (34.79%) in the Republika Srpska and 83,516 inhabitants (2.37%) in the Brcko District of BiH.

When it comes to ethnic breakdown, 50.11 percent of the population living in Bosnia and Herzegovina declared themselves as Bosniaks, 30.78 percent as Serbs and 15.43 percent declared themselves as Croats. The question on ethnicity was not answered by 0.77 percent of the population, while less than 3 percent (96 539 persons) fall under the category of 'Others', including members of 17 national minorities and other ethnic groups.

Political role (paragraphs 87-90) – Responses:

Recommendation (87-88)

- Efforts are made in accordance with Articles IV and V of the Constitution to resolve the right of ethnic minorities, referred to under the Constitution as 'Others', which is characterised as discrimination in the decision of the Strasbourg-based ECoHR in the case Sejdic and Finci vs. BiH due to favouring and granting special privileges and benefits of the constituent peoples (Bosniaks, Serbs and Croats) as compared to other ethnic groups, or 17 such groups in total in Bosnia and Herzegovina, as determined under the Law on the Protection of National Minorities, adopted in 2003. The implementation and enforcement of decisions of the European Court of Human Rights in Strasbourg (Sejdic-Finci, Zornić, Pilav, Slaku et al.) will allow members of national minorities in Bosnia and Herzegovina to have an equal status as do other three constituent peoples in terms of their participation in public and political life.

In accordance with the decision of the European Court of Human Rights in this case, it is necessary to prepare and submit into parliamentary procedure, through authorised proponents, amendments to the Constitution of Bosnia and Herzegovina and the Bill on Amendments to the Election Law.

We believe that the enforcement of these decision would adequately tackle discriminatory provisions for national minorities and members of 'Others', and introduce into legal arrangements adequate new terminology to be used for persons belonging to national minorities.

The Council of Ministers of Bosnia and Herzegovina adopted an Action Plan for the implementation of this decision of the Strasbourg-based Court of Human Rights.

Recommendation (89-90)

- Members of national minorities, in accordance with the BiH Election Law, have the right to be represented in the municipal assembly, or in the municipal council and the city assembly or city council in proportion to the percentage of their share in the population according to the last census conducted in Bosnia and Herzegovina. This effectively means that the number of members of ethnic minorities who are directly elected in the municipal assembly or municipal council and city assembly or city council should be defined under a city or municipal statute, whereby members of all national minorities are guaranteed at least one seat provided that they account for more than 3% in the total population of that constituency according to the last census. In October 2016, 143 representatives of national minorities in Bosnia and Herzegovina took part in local elections.

- Implementation of the Gender Equality Law in Bosnia and Herzegovina (Official Gazette of BiH, No. 16/03 and 102/09) regulates, promotes and protects gender equality, guarantees equal opportunities and equal treatment of all people regardless of gender, in public and private spheres, and protection against discrimination based on sex. In all segments of life and the exercise of public authority in Bosnia and Herzegovina, the attempt is to enhance the implementation of this Law and increase the representation of women.

The position of Roma (paragraphs 91-97) – Responses:

The fact is that in recent years the situation of the Roma community significantly improved thanks to the implementation of the Roma Strategy and accompanying action plans. Roma have been involved in the process through Roma NGOs and Roma communities, and are institutionally active through the work of the Roma Committee with the Council of Ministers as well as through their representatives in the national minorities councils across various levels of government. The Council of Ministers of Bosnia and Herzegovina has continued to regularly allocate funds annually from the budget of the line Ministry for Human Rights and Refugees (approximately 2.5 million BAM) earmarked for implementation.

Roma live almost on the entire territory of Bosnia and Herzegovina, in 71 local government units, and in significant numbers in 30 of them. According to the OSCE Mission to BiH in 2014 in Bosnia and Herzegovina, there were 35,644 Roma living in 7,225 families.

Improvement of the rights of the Roma minority

In order to continue providing adequate solutions to issues faced by Roma, being one of the largest and most vulnerable ethnic minorities in Bosnia and Herzegovina, implementation continues for strategic documents aimed to promote the rights of the Roma minority, namely: the Roma Strategy of Bosnia and Herzegovina (2005), the Action Plan for Roma in the field of Employment, Housing and Health Care by the Council of Ministers of BiH (2008), the Action Plan on Educational Needs of Roma (2010).

From 2009 to 2015, the budget of the Ministry for Human Rights and Refugees of BiH has allocated 17,337,000 for employment, housing and health care of Roma. In addition, co-funding

was also provided in the same period in the amount of 9,378,308.57 BAM, totalling to 26,715,308.57 BAM allocated to tackle Roma issues. **In particular, attempts have been made to ensure mutual links between the existing four action plans, and housing component with employment, education and provision of health care for individuals and entire families.**

However, despite positive developments and the results achieved, the Roma population in Bosnia and Herzegovina is still going through the same problems and challenges of social exclusion and visible poverty.

In this regard, there came a need to revise the existing Roma Action Plan. Goals and objectives of the Declaration of the 2005-2015 Roma Inclusion Decade, but also the Framework of the European Union for National Roma Integration Strategy by 2020.

At its 75th session held on 11 December 2013, the Council of Ministers of Bosnia and Herzegovina, at the proposal of the Ministry for Human Rights and Refugees of BiH, adopted the 2013-2016 Revised Action Plan for Roma in the areas of Employment, Housing and Health Care (hereinafter: RAP).

Authorities and institutions of Bosnia and Herzegovina, entities, the Brcko District of BiH and cantonal authorities were all involved in the preparation of the RAP, together with representatives of the Roma non-government sector.

A number of objectives and measures has been identified under the RAP by timeframe, indicating the responsible institutions and organisations for their implementation, monitoring of specific indicators, and planning of budgetary resources needed for implementation.

Report on the implementation of programmes and activities established under the Revised Action Plan (RAP):

- Roma Employment

With the adoption of the 2013-2016 Revised Action Plan for Roma in the areas of Employment, Housing and Health Care, activities continued to improve the employment of Roma.

Every year, funds are regularly planned for Roma employment, yet are insufficient to meet all requirements.

Two measures from the Revised Action Plan were implemented, namely (i) co-financing of the employer and (2) financing of self-employment of Roma. Roma Employment Programme is implemented by the entity employment offices and the Employment Office of the Brcko District of BiH, based on the Memorandum on the implementation that employment institutes sign every year with the Ministry of Human Rights and Refugees of BiH. When it comes to the composition of commissions for selection of beneficiaries of the funds for the Roma employment, the employment offices have also included representatives of Roma non-governmental sector, which has so far been the practice and is fully respected.

The Ministry for Human Rights and Refugees of Bosnia and Herzegovina in 2013 allocated 710,000 BAM for Roma employment. Employment offices had placed funds through public calls. In 2013, there were 141 beneficiaries in total when it comes to funds in Roma employment and self-employment programmes. In 2014, the Ministry had earmarked 500,000 BAM for Roma employment and self-employment programmes. In 2014, 500,000 BAM was allocated for Roma employment and self-employment, specifically 313,300.00 BAM in the FBiH, 156,700.00 BAM for Roma employment in the RS and 30,000.00 BAM for Roma employment in the BD. Based on the allocations, the RS Employment Office has awarded funds to 40 beneficiaries, and the BD Employment Office to two beneficiaries. The FBiH Employment Office has delays in

implementation of the grant, and as a result, issued a public call only in December 2015. Funds were disbursed through public calls.

So far a total of 475 Roma went through Roma employment programmes, which is an indication of positive efforts and results, regardless of the reported much greater needs.

Problems in the implementation of previous employment programmes as encountered by employment offices and services are still present, and especially concern the following problems: low qualification structure, lack of knowledge and skills for managing their own business, limited interest of employers to hire Roma, lack of good communication and coordination, etc.

In the future, it is necessary to work more on an integrated approach, that is, linkingg housing and employment.

As for the programme of additional training and re-training, a certain number of Roma registered as unemployed has acquired specific knowledge and skills through NGOs and the Red Cross of the BD (for example, computer course, project ‘Young Roma men and women with business ideas towards success’). The Employment Office offers the possibility of to any applicant seeking funding support for self-employment, provided that the applicant is actively registered as unemployed, to undergo training in entrepreneurship. Such training can be carried out through the CISO centres. Further in terms of allocation of grant funds for Roma employment, as allocated by the Ministry for Human Rights and Refugees of BiH, the employment institutes announce public calls for employers, aimed to improve the Roma employment.

- Roma Housing

The Ministry of Human Rights and Refugees of BiH and the Council of Ministers of BiH passed the decision to allocate 3,000,000 BAM for Roma, every year from the state budget. Of this amount, 2,000,000 BAM is awarded for Roma housing, on annual basis.

Based on the planned budget, every year the Ministry annually publishes public call for proposals for Roma housing, and based on the priorities established on the ground, a decision is made as to which projects will be financed from these budget funds.

Budget funds have increased thanks to co-financing of implementing bodies and local governments, which allowed for a higher number of housing units.

Priority was given to the construction of housing units for Roma, reconstruction and improvement of living conditions and infrastructure for socially vulnerable Roma families.

It can be concluded that Bosnia Hercegovina has made the most progress in tackling Roma housing and so far a total of 740 housing units was built or reconstructed, with over 1,000 Roma families as beneficiaries of infrastructure projects. Projects were implemented in 60 municipalities/locations, and the total funds invested are around 21 million BAM, including the IPA funds.

The Ministry of Human Rights and Refugees of BiH regularly applies for IPA funds and, in 2012, an amount of EUR 5 million was approved, with implementation in two phases. In 2013, implementation of the first phase of the IPA project started, in the amount of 2.5 million EUR, while 80% of the funds will be directly invested in Roma housing. This IPA project foresees construction or reconstruction of another 150 housing units. In 2016, the second phase of the IPA project will commence.

Good examples of best practice in tackling housing for homeless Roma families, that is, social housing, are found in Zenica, Bihac, Mostar, Teslic, Srbac, Bugojno, and other places. Municipalities have allocated sites for homeless Roma, and housing units were constructed thanks to planned budget funds.

The Ministry is constantly monitoring the implementation of projects in the field, and improving the methodology based on lessons learned and experience acquired.

- Roma Health Care

Most of the specific activities for 2013, 2014, 2015 and 2016 were implemented on the ground in local Roma communities, focusing on concrete advancement and improvement of health care of Roma in Bosnia and Herzegovina.

Significant progress has been made in particular when it comes to the introduction of many Roma families in the health care system in the Federation of Bosnia and Herzegovina (2013-2016 through the funding of the Ministry for Human Rights and Refugees of BiH, social welfare centres and cantonal ministries of education), or 934 individuals in total. Important progress has been made also when it comes to education of the Roma population on the manner of exercising the right to health care, raising awareness about the importance of health care in the Roma communities, immunisation of Roma children and reproductive health and maternity care, on education of Roma NGOs in the local communities in this area, as well as the implementation of prevention programmes, namely screening for specific diseases (cervical cancer, breast cancer, colon cancer) in Roma communities.

- The drafting of the new 2017-2020 Action Plan of Bosnia and Herzegovina to address the problems of Roma in the areas of employment, housing and health care (AP) is ongoing. This document is made based on the actual situation of the Roma minority, cited legal framework, as well as the results of implementation of the Revised Action Plane (Report for 2013, 2014 and 2015) and the recommendations that emerged from this analysis. It also takes account of the EU framework with recommendations to states to:

- Identify national goals for Roma integration to bridge the gap between Roma and the general population, including especially access to education, employment, health and housing for Roma;
- Map socially disadvantaged micro-regions or segregated settlements;
- Regularly allocate funds in the budget, which will be complemented by international funds and the EU funds;
- Establish successful methods of monitoring;
- Ensure close cooperation with Roma representatives at local and regional level;
- Revise action plans in accordance with these principles and ensure a coordinating role for Roma representatives.

By applying this approach, Bosnia and Herzegovina is continuing with its efforts in the integration of Roma in Bosnia and Herzegovina, both at regional and local level, with the aim to combine efforts of all levels of government, especially local governments, and other civil society organisations and Roma associations.

- It was ensured that all authorities, budgetary institutions, with Roma living in their areas, plan funds for Roma according to the adopted Action Plan. This was followed by institutions, particularly at the local level, resulting in allocations of substantial funds for associations of national minorities (especially Roma).

- In addition to these activities, the Ministry of Human Rights and Refugees of BiH is regularly providing and supporting the work and activities of the Roma Committee of Bosnia and Herzegovina with the Council of Ministers of Bosnia and Herzegovina, which is an advisory and coordinating body, and which also tracks and monitors the implementation of the strategies and action plans.

Recommendations (93)

- When it comes to civil registration, there has also been progress achieved in this area for the Roma minority community. The Law on Personal Names in the Federation of BiH prescribed that the entry of a name in the register of births of persons belonging to a national minority may be made in the language and script of the national minority unless opted otherwise. The Law on Vital Records stipulates that the personal name in the certificates and excerpts on the facts and data from vital records for members of minorities is issued written in the language and script in which it had been entered in the records. Regulations in the field of vital records and personal name prescribe a facilitated mode and mechanisms of registration in vital records whereby registrars and other officials, in accordance with the Law on Administrative Procedures, are required to provide assistance and protection of the rights of citizens upon entry in vital records.

Thus, Article 52 of the Law on Vital Records (Official Gazette of the FBiH, No. 37/12 and 80/14) stipulates that a municipality, that is, a city, canton and the Federation of BiH must organise free professional assistance for recording in the birth and death register for those with the status of socially vulnerable persons or national minorities, that is, create conditions for all those persons to be enrolled in the birth and death register. When it comes to the registration of such individuals in vital records of municipalities or cities, the municipality, that is, the city must exempt them from the costs and fees of registration in the birth and death register. The guardianship body should appoint a special guardian for the subsequent registration of these individuals in the birth and death register.

Education (No. 98-101) – Responses:

Exercise of the rights of national minorities in the field of education laid down in the laws of Bosnia and Herzegovina, entities and cantons, can be viewed in two segments, namely:

- exercise of the right to education of other minority communities in BiH, and
- exercise of the right to education of Roma as the largest minority.

Exercising the right to education of other minorities in Bosnia and Herzegovina can be provisionally described as integrated in the economic, social, cultural and other structures of the community. Members of the minority communities direct their activities in the field of education primarily towards providing additional classes for children to learn the language of the nation of origin. This function has been successfully achieved thanks to links with diplomatic representatives and non-governmental organisations of countries of origin or it is organised in the framework of the association (NGO) or clubs of economically independent organisations of minorities (Slovenians, Jews, Hungarians).

It should also be noted that the census results have not yet been published (exact data on the number of every national minority and ‘Others’ in Bosnia and Herzegovina), and therefore, there is no identification of interests and demands of minorities in terms of these rights under the Law on Protection of Rights of Members of National Minorities.

When it comes to the solution of the phenomenon of mono-ethnic schools and ‘two-schools-under-one-roof’ in the field of education to eliminate segregation in the education system, it should be noted that this does not apply to national minorities in Bosnia and Herzegovina and the Roma national minority in Bosnia and Herzegovina. Instead, this phenomenon

primarily relates to the constituent peoples in Bosnia and Herzegovina, hence the need to ensure integrated education for all citizens of Bosnia and Herzegovina.

Roma

At its 128th session held on 14 July 2010, the Council of Ministers of BiH adopted the Revised Action Plan of Bosnia and Herzegovina on the Educational Needs of Roma (hereinafter: BiH RAP).

BiH RAP was prepared in accordance with the recommendations and proposals agreed at the 16th meeting of the International Steering Committee of the Decade of Roma Inclusion programme.

This document sets out four goals and forty-seven measures so that this marginalised group of children would have equal access to quality education and a possibility to acquire the necessary knowledge for later better integration into society.

In order to monitor the BiH RAP, the Minister for Human Rights and Refugees of BiH issued the Decision on Establishing the Expert Team for Monitoring the Application (Implementation) of the Revised Action Plan of Bosnia and Herzegovina on the Educational Needs of Roma (Official Gazette of BiH, No. 5/11) (hereinafter the Decision on Establishing the Expert Team) and the Decision amending the Decision on Establishing the Expert Team for Monitoring the Application (Implementation) of the Revised Action Plan of Bosnia and Herzegovina on the Educational Needs of Roma (Official Gazette of BiH, No. 15/13).

The Expert Team to Monitor the Application (Implementation) of the Revised Action Plan of Bosnia and Herzegovina on the Educational Needs of Roma (hereinafter the BiH Expert Team), in accordance with Article 3, items a) and b) and Article 8 of the Decision on Establishing the Expert Team has prepared a methodology for monitoring the application (implementation) of the BiH RAP.

The methodology was made so as to ensure data collection from the education authorities, local communities and NGOs and is in line with the contents of the BiH RAP in relation to the objectives and measures following the principle of setting a certain number of issues for each measure.

According to this methodology, so far four reports have been prepared and adopted by the Council of Ministers of BiH concerning the implementation of the BiH RAP, the most recent one for the school year 2014/2015, adopted at the 41st session of the Council of Ministers, held on 28 January 2016. In this report, with monitoring of indicators for all four goals under the BiH RAP, statistical data are presented for the school year 2014/2015, with the conclusions on progress and recommendations to competent authorities and local communities to improve activities on implementation of measures to ensure that problems of Roma children relating to quality and responsible approach to the right to education are addressed.

In the Federation of BiH, Roma are largely settled in six cantons, according to the Analysis of Recording Needs of the Roma (2011), with 1,716 Roma in the Central Bosnia Canton, 488 in the Herzegovina Neretva Canton, 2593 in the Sarajevo Canton, 3917 in the Tuzla Canton, 737 in the Una-Sana Canton and 3,495 in the Zenica Doboje Canton.

In the Republika Srpska, the greatest number of Roma is in seven regions. According to the analysis, there are 2,969 Roma recorded and 825 Roma in the BD.

Certainly, the data may not be fully accurate, but are nevertheless important to highlight with regard to the methodology used by the Expert Team in the selection of the sample data collecting on the implementation of the BiH RAP.

The actual number of Roma or Roma children will be known once the results of the 2013 Censuses in Bosnia and Herzegovina are published. These data on the number of Roma children are necessary to draw conclusions on the percentage of participation of Roma children in

compulsory primary education, or the percentage of Roma children who are not included in compulsory primary education in Bosnia and Herzegovina.

Returnee communities (paragraphs 102-106) – Responses:

- With a view to implementing the strategic objectives of the Revised Strategy of BiH for the Implementation of Annex VII of the Dayton Peace Agreement, of the estimated amount of 21.1 billion BAM for reconstruction of housing and infrastructure, from 2009 to 2015, total funds have been provided in the amount of about 777 million BAM from loans and donor funds, funds joined in the BiH Fund for Return and the budgetary resources of the entities and the Brcko District of BiH.

The implementation of important projects is currently ongoing (Regional Housing Programme, CEBI, OPEC, SRF project of the Saudi Development Fund, IPA 2012), with goals including other support measures to sustainable return, on top of renovation and reconstruction of housing units.

- Projects that are currently implemented in Bosnia and Herzegovina (Regional Housing Programme and project on Support to Durable Solutions of Annex VII of the Dayton Peace Agreement) are intended for the most vulnerable families of returnees, internally displaced persons and refugees from BiH.

The project on ‘Support to durable solutions of Annex VII of the Dayton Peace Agreement’ is currently implemented in 10 local communities, with support in terms of livelihoods provided to IDPs and returnees, in addition to housing reconstruction, particularly in support of development of value chains in agriculture and support in the form of free legal aid. In the course of project implementation, working groups were formed in local communities for social protection and inclusion, sustainability and housing, consisting of representatives of associations of returnees and displaced persons, municipalities and partners who have implemented the project.

- In early 2003, the Strategy of Bosnia and Herzegovina for the Implementation of Annex VII of the Dayton Peace Agreement was adopted, as the first joint, framework document at the level of Bosnia and Herzegovina which defines the objectives and plans for necessary actions and reforms towards final implementation of Annex VII of the General Framework Agreement for Peace in BiH.

The Strategy defines the following strategic objectives:

1. Completion of the process of return of refugees from BiH and displaced persons in BiH;
2. Implementation of property return and tenancy rights;
3. Completion of reconstruction process of housing units for return;
4. Ensuring conditions for sustainable return and reintegration process in BiH.

During the process of implementation of the Strategy, with the aim of reviewing and investing additional efforts to implement Annex VII of the Dayton Peace Agreement, the Ministry of Human Rights and Refugees of BiH and UNHCR, together with other key stakeholders, have initiated the revision of the Strategy for the Implementation of Annex VII of the Dayton Peace Agreement. In 2010, the Parliamentary Assembly of BiH adopted the Revised Strategy of Bosnia and Herzegovina for the Implementation of Annex VII of the Dayton Peace Agreement.

The Revised Strategy provided an analysis of the situation and gave specific recommendations in ten target areas:

1. Reconstruction of housing units of refugees, displaced persons and returnees, closing down collective centres and resolving the issue of alternative accommodation of displaced persons and returnees and social housing with particular reference to problems of displaced persons and refugees and housing of vulnerable categories of returnees;
2. The process of restitution of property and tenancy rights of refugees, displaced persons and returnees;
3. Electrification of returnees' settlements and housing units of returnees;
4. Reconstruction of infrastructure in places of interest for the return of refugees, displaced persons and returnees;
5. Health care of displaced persons and returnees;
6. Social protection of displaced persons and returnees;
7. Exercising the right to education of displaced persons and returnees;
8. The right to work and employment of displaced persons and returnees;
9. Safety of displaced persons and returnees and de-mining areas of return;
10. The right to compensation for displaced persons, refugees and returnees

In late 2015, the Ministry of Human Rights and Refugees of BiH prepared the Report on the Implementation of the Revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement, which the Parliamentary Assembly adopted on 27 April 2016, with certain conclusions.

3. In case that certain recommendations have not been implemented, please elaborate on the reasons thereof.

Recommendation 87 relating to enforcement and implementation of decisions of the European Court of Human Rights in Strasbourg (Sejdic-Finci, Zornic, Pilav, Slaku et al.) has not yet been implemented to enable members of national minorities in Bosnia and Herzegovina an equal status to that of other three constituent peoples when it comes to participation in public and political life.

In accordance with the decision of the European Court of Human Rights in this case, it is necessary to prepare amendments to the Constitution of Bosnia and Herzegovina and the Bill on Amendments to the Election Law.

We believe that the enforcement of these decision would adequately tackle discriminatory provisions for national minorities and members of 'Others', and introduce into legal arrangements adequate new terminology to be used for persons belonging to national minorities.

Implementation of these decisions of the European Court require a political agreement in Bosnia and Herzegovina.

4. As for recommendations that have not yet been implemented, please provide information on any future steps envisaged for their implementation, including deadlines.

It is expected that Recommendation 87 would be resolved soon considering that the Council of Ministers of Bosnia and Herzegovina is working to solve this problem and it has adopted the

Action Plan for the implementation of the decision in the case *Sejdic and Finci v. BiH*, as well as other decisions under the same or similar grounds before the European Court of Human Rights in Strasbourg. In order to address obligations arising from these decisions, it is necessary to reach a political agreement in Bosnia and Herzegovina.