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## The situation of national minorities in Vojvodina

*Assembly debate* on 1 October 2008 (33<sup>th</sup> Sitting) (see [Doc.11528](#) under, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Herrmann). *Text adopted by the Assembly* on 1 October 2008 (33<sup>th</sup> Sitting).

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**Doc. 11528**

14 February 2008

**The situation of national minorities in Vojvodina (the Romanian ethnic minority in Serbia and of the Vojvodina Hungarians)**

Report

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Jürgen HERRMANN, Germany, Group of the European People's Party

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*Summary:*

The report – which underlines that cultural diversity should be perceived not as a threat, but as a source of enrichment – gives a detailed description of the situation of the national minorities in Vojvodina and covers the debate surrounding the identity of the “Vlach” minority in eastern Serbia.

While the report notes that the situation of minorities in Vojvodina is relatively favourable, it regrets the fact that the Serbian authorities did not react sufficiently promptly to the interethnic incidents which affected the region in 2004. To prevent trouble of this kind recurring, it is essential that the authorities deal promptly and firmly with the perpetrators of interethnic violence.

The report also notes that efforts have been made to improve legislation in favour of minorities but rebukes the chronic failure to implement this legislation and introduce additional legislative or regulatory measures.

The situation of persons belonging to national minorities varies according to the regions where they live. The report notes that the situation of the members of the Vlach/Romanian minority in eastern Serbia is significantly less favourable than that of the inhabitants of Vojvodina.

With regard to the discussions concerning the identity of the “Vlach” minority, the report reiterates the principle set out in Article 3 of the Framework Convention for the Protection of National Minorities and reaffirms that any attempt to impose an identity on a person, or on a group of persons, is unacceptable.

**A. Draft resolution**

1. The Parliamentary Assembly notes that Europe's societies are today multicultural and multiethnic in character.

2. It resolutely defends cultural diversity, the importance of which is highlighted in several Council of Europe instruments and especially the Framework Convention for the Protection of National Minorities (CETS No. 157) and in the European Charter for Regional or Minority Languages (CETS No. 148).

3. Diversity is not to be perceived as a threat, but as a source of enrichment. It should be respected and preserved as a fundamental component of any democratic society. Upholding the principles of human rights, rule of law and democracy is the best guarantee for diversity to be respected.

4. Serbia, like the entire region of the Balkans, is one of Europe's most multicultural countries. It must take up the inherent challenges of all multicultural societies by promoting a vision of society founded on respect for diversity, and by combating all forms of intolerance and discrimination.

5. The region, Serbia included, remains marked by interethnic tensions, which are the legacy of the anti-minority policy of the Milošević era. Even today, incidents of an ethnic nature, with varying degrees of intensity, are recorded in Serbia.

6. The Assembly stresses that intercultural dialogue and respect for the diversity of cultures are guarantees for long-term peace and stability in the region.

7. Whereas the present situation in Vojvodina, a province whose composite ethnic make-up is one of the most pronounced in Serbia, seems satisfactory, and ethnic incidents are few and mild in intensity, it must be noted that in 2004 – a period marked by numerous and alarming interethnic incidents – the authorities reacted far too tardily.

8. The Assembly urges the Serbian authorities always to react with great celerity and firmness against the perpetrators of interethnic violence in all its forms.

9. The Assembly welcomes the fact that a number of praiseworthy initiatives, including the 2002 legislative package, have been taken to advance the rights of national minorities, and encourages the authorities to pursue their efforts.

10. These efforts should be backed up by a communication policy on the part of the state authorities, religious institutions and the media to promote the spirit of tolerance and intercultural dialogue and combat discrimination.

11. The Assembly is pleased to note that a draft law against discrimination has been prepared and submitted for comment to the Venice Commission. Considering that, in Serbia, discrimination against members of minorities is still common, it is especially important that a law of this kind be speedily adopted and implemented.

12. The Assembly is of the opinion that the ombudsman could and should perform an important role here. It therefore welcomes the long-awaited appointment of the Ombudsman of the Republic of Serbia on 29 June 2007.

13. Furthermore, the authorities must make every effort to build the confidence of the minorities in the state's representatives and to combat prejudices against minorities that may persist within the law enforcement agencies and the judiciary. The Assembly welcomes the existence of a programme to increase the representation of members of minorities in the police and judicial establishments, notably the establishment of a multiethnic police force in southern Serbia. It encourages the authorities to extend this initiative to other regions and especially Vojvodina.

14. The Assembly is nonetheless concerned to observe serious deficiencies in the realisation of the rights of minorities. It is the duty of the national, regional and local authorities to ensure full implementation of the relevant legislative provisions.

15. Some legislative provisions have been lacking for several years, and this prevents the potential of the legislative framework developed in 2002 from being exploited to the best effect for the benefit of members of minorities.

16. The Assembly is of the opinion that these shortcomings in the legislative apparatus impair the credibility of the authorities' political will as regards the rights of minorities and is not conducive to building the confidence of the members of national minorities in the authorities.

17. The Assembly is also concerned about divergences observed between regions in the enforcement of the rights of minorities and in the effective access to those rights for their members. It observes, in particular, that the members of national minorities in north-eastern Serbia are in a distinctly less favourable position than those of Vojvodina.

18. As to the question of the identity of minorities, and especially with regard to the debate over the Romanian and Vlach minorities, the Assembly recalls the principle set out in Article 3 of the Framework Convention for the Protection of National Minorities and reaffirms that any attempt to impose an identity on a person, or on a group of persons, is inadmissible.

19. The Assembly therefore encourages the members of the Vlach/Romanian minority in eastern Serbia to combine their efforts and overcome their internal disagreements in their own interest and in order to preserve the distinctive traits that make up their identity. Here the Serbian authorities have a duty not to impede but to support initiatives in that direction.

20. Aware of the criticisms which have been levelled at the law of 2006 on churches and religious organisations in the Republic of Serbia, and particularly the question of (non) recognition of the Romanian Orthodox Church by that law, the Assembly is surprised at the dominant influence of the Serbian Orthodox Church in the recognition of other churches and/or religious communities. The Assembly invites the Serbian authorities to look into this question and to delete the references to the canon law of one church with respect to the other churches or religious communities.

21. Finally, aware that co-operation between the state of residence and the kin-state under bilateral agreements is of real value in guaranteeing stability in Europe, the Assembly calls upon the Serbian authorities to intensify their good neighbourly relations with the kin-states (Romania, Hungary and "the former Yugoslav Republic of Macedonia") by fully implementing the bilateral agreements which they have signed.

22. Accordingly, the Assembly invites the competent authorities of the Republic of Serbia:

22.1. to pay greater attention to allegations of interethnic violence and deal with them expeditiously, firmly and efficaciously, particularly by means of effective police investigations and judicial proceedings;

22.2. to consider re-instating the position of Minister for Human and Minority Rights;

22.3. to ensure that the legislation on the rights of minorities, particularly the laws enacted in 2002, are effectively implemented;

22.4. to establish as speedily as possible the fund for promoting the social, economic, cultural and general development of national minorities provided for in section 20 of the framework law of 2002 on the protection of the rights and freedoms of national minorities;

22.5. to rapidly pass a law against discrimination, taking into account the comments made by the Venice Commission;

22.6. to adopt as a matter of priority the legislative texts on the financing and election of the national councils for national minorities, taking account of the comments by Council of Europe experts on the draft law on elections;

22.7. to define more precisely the functions and obligations of the national councils for national minorities while granting them the necessary funds to accomplish their missions;

22.8. to introduce a mechanism enabling the national councils for national minorities to supervise the acts of the executive with regard to the rights of minorities;

22.9. to convene more frequent and regular meetings of the National Council for National Minorities;

22.10. to envisage appointing a deputy ombudsman in charge of questions relating to the rights of minorities;

22.11. to give the autonomous provinces adequate financial guarantees;

- 22.12. to take positive measures in favour of persons belonging to minorities, including the Vlach/Romanian minority, and to eradicate all discrimination against their members;
- 22.13. to intensify their efforts for the furtherance of initiatives to promote a spirit of tolerance and intercultural dialogue;
- 22.14. to step up initiatives to train teachers with the requisite qualifications for language teaching and teaching in minority languages;
- 22.15. to continue developing bilingual and mother-tongue schools;
- 22.16. to eliminate the regional differences that exist in effective safeguards for the rights of minorities (particularly for the use of minority languages in administration, education in minority languages, freedom of religion, etc.) by the full application throughout the territory of the existing legislation in these matters;
- 22.17. to take the necessary measures in order to provide for the Vlachs/Romanians living in Eastern Serbia (the Timoc, Morava and Danube valleys) access to education, the media and public administration in their mother tongue and to allow them to hold religious services in that language;
- 22.18. to identify and apply technical solutions which would enable persons living in eastern Serbia to receive broadcasts in Romanian made in Vojvodina;
- 22.19. to provide for exceptions to the media privatisation procedures for the benefit of the media operating in minority languages, in order to ensure their viability.
23. The Assembly also calls upon Serbia and the kin-states concerned to convene as early as possible the joint intergovernmental committees provided for in the bilateral agreements concluded by them on co-operation in the field of the protection of national minorities.
24. The Assembly invites its Committee on the Honouring of Obligations and Commitments by member states of the Council of Europe (Monitoring Committee) to take proper account of the proposals contained in this resolution while conducting its dialogue with the Serbian authorities.

## **B. Draft recommendation**

1. The Parliamentary Assembly, referring to its Resolution ... (2008) on The situation of national minorities in Vojvodina and of the Romanian ethnic minority in Serbia, invites the Committee of Ministers to take into account, during its regular monitoring, the recommendations made to the Serbian authorities in the aforementioned Resolution, and bear it in mind in the context of the forthcoming cycle of monitoring under the Framework Convention for the Protection of National Minorities.
2. The Assembly also recommends that the Committee of Ministers and the Serbian authorities consider launching new targeted assistance programmes to support the development of concrete plans of action to promote a spirit of tolerance and intercultural dialogue, and in particular to build the confidence of the minorities in the state institutions and to combat prejudices against minorities that may persist within law enforcement agencies and the judiciary.

## **C. Explanatory memorandum**

by Mr Jürgen Herrmann, Rapporteur

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Appendix II: Programme of the Rapporteur's visit to Serbia on 25-27 September 2007

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## **I. Introduction**

1. On 25 November 2005, the Parliamentary Assembly decided to refer to the Committee on Legal Affairs and Human Rights, for report, the motions concerning the "Precarious situation of national minorities in the Vojvodina province of Serbia and Montenegro" ([Doc 10715](#), Reference No 3147) and the "Violation of the human rights of the Romanian ethnic minority in Serbia" ([Doc 10726](#), Reference No 3148). At its meeting in January 2006, the Committee appointed Mr Jürgen Herrmann (Germany, EPP/CD) Rapporteur.

2. On 17 May 2006 in Budapest, the Sub-Committee on Rights of Minorities held an exchange of views on this issue at which several representatives of national minorities took part<sup>1</sup>, as well as Mr Petar Ladjevic, Secretary of the Council of the Republic of Serbia for National Minorities, Mrs Anastasia Crickley, member of the Advisory Committee on the Framework Convention for the Protection of National Minorities, Mr Gobor Zoltan, Deputy to the Ombudsman of the Autonomous Province of Vojvodina, and Mr Stefano Valenti, Special Representative of the Secretary General of the Council of Europe to Serbia and Montenegro (still one single country at that time).

3. On 27 and 28 September 2006, the Rapporteur undertook a fact-finding mission specifically on the situation of national minorities in Vojvodina<sup>2</sup>. Following this visit to the region, the Rapporteur asked the

Committee, on 6 November 2006, to change the title of the report so as to ensure the most objective approach to the issue.

4. On 26 and 27 September 2007, he again went to Serbia to make a fact-finding visit chiefly concerned with the situation of the Romanian ethnic minority.

5. The various stages followed bear witness to the diligence shown by the rapporteur in preparing this report, whose subject-matter is complex.

#### ***i. Context***

6. It should be noted that a major institutional change has occurred in the country visited. The referendum on Montenegro's independence, which took place on 21 May 2006, was followed by the declaration of independence adopted by the Parliament of Montenegro on 3 June 2006. The Republic of Montenegro thereupon found a new place in the international and European community as an independent sovereign state<sup>3</sup>. The State Union of Serbia and Montenegro ceased to exist. This institutional change has had significant implications for the statutory framework in which protection is secured to Serbia's minorities<sup>4</sup>.

#### ***ii. Interpretation of the terms of reference***

7. The rapporteur would point out that his terms of reference stem from two separate motions for resolutions which were merged by the Bureau with a view to the drafting of a report by the Committee on Legal Affairs and Human Rights. The two questions are obviously connected thematically as the subject in either case is the rights of national minorities, but they are geographically distinct and raise specific issues.

8. That is why the rapporteur elected to deal with them separately, both by making specific visits and in the formal presentation of his report.

9. The split between Serbia and Montenegro has not affected the rapporteur's terms of reference, since the two regions concerned lie entirely in Serbian territory.

10. The rapporteur has not addressed the question of the rights of minorities/communities in Kosovo – clearly outside the scope of his terms of reference – but draws attention to the opinion prepared by Mr Pieter Omtzigt, rapporteur of the Committee on Legal Affairs and Human Rights<sup>5</sup>.

### **II. Statutory framework for the protection of national minorities in Serbia<sup>6</sup>**

11. The Republic of Serbia is a party to the Council of Europe Framework Convention for the Protection of National Minorities (in force since 01/09/2001) (hereinafter referred to as "the Framework Convention" and to the European Charter for Regional or Minority Languages (in force since 1 June 2006) (hereinafter referred to as "the European Charter").

12. From 2002 onwards, Serbia and Montenegro developed quite a comprehensive normative framework for the rights of minorities which earned them many positive reactions from the international community.

13. In 2002 a Federal outline law on protection of the rights and freedoms of national minorities was enacted. Furthermore, national councils for national minorities, and a Council for National Minorities at the level of the Republic of Serbia, were instituted. Unfortunately, these innovations, described as "promising" by the Committee of Ministers<sup>7</sup>, have by no means developed their full potential because certain legislative provisions are wanting (see paragraph 26 et seq. below).

14. The 2003 Charter of the State Union on Human and Minority Rights and Civil Liberties ("the Charter") was viewed by international organisations as a sound and adequate instrument. The European Commission for Democracy through Law ("Venice Commission") moreover delivered a highly positive opinion on this text<sup>8</sup>.

15. Admittedly the instrument, formerly an integral part of the Constitutional Charter of the State Union of Serbia and Montenegro, was deprived of its validity by the separation of Serbia and Montenegro. At the same time, the Ministry for Human and Minority Rights ceased to exist. An Agency for Human and Minority Rights has replaced this entity.

16. The expediency of replacing a ministry with an agency may be questioned. Indeed, not all Council of Europe member states have a ministry dedicated to the rights of minorities, far from it, but Serbia is a country where minorities have a very singular configuration. At all events, an agency's representativity and authority do not equal a ministry's, and the symbolism here is such as to hint at a desire to de-emphasise the question of human and minority rights. It might be advisable to consider the possibility of assigning a minister of state, or even a minister without portfolio, responsibility for enforcing the rights of minorities at the political level.

17. The 2002 Federal outline law on protection of the rights and freedoms of national minorities was transposed unchanged into the domestic legal system and is now in force in Serbia<sup>9</sup>. This could have been an opportunity to amplify and/or update it, but that did not eventuate. Indeed, since it is basically an outline law, many supplementary legislative provisions are still needed. The law provided for many constructive initiatives, such as the establishment of a fund for the advancement of national minorities' social, economic, cultural and general development (section 20). No such fund has been instituted to date.

18. Moreover, whereas the Advisory Committee of the Framework Convention for the Protection of National Minorities ("Advisory Committee") welcomed the formation of a working group to draft an anti-discrimination law, this has still not been enacted to date<sup>10</sup>. As the European Commission observed in its report of November 2007, in practice discrimination is commonplace and ethnic minorities are among its most frequent targets<sup>11</sup>, so it is especially important for a suitable legislative text to be promulgated with all dispatch. The rapporteur trusts this may soon become a reality, since a draft law exists. The Venice Commission is studying it at present and one of its members, Mr Ledi Bianku, has concluded that the draft is one of the most comprehensive legislative texts on protection against discrimination<sup>12</sup>. The rapporteur invites the competent authorities to amend the text so as to take account of the observations made by the Venice Commission in its opinion, and to have the law passed at an early date.

*- The new Constitution of 2006*

19. The new Constitution, adopted at a special sitting by the Serbian National Assembly on 29 September 2006 and approved at referendum on 29 and 30 October 2006, was the subject of a Venice Commission opinion<sup>13</sup>. The Venice Commission notes at the outset that "many aspects of this Constitution meet European standards", but also that certain provisions are "unclear or contradictory". This is plainly the outcome of over-hasty drafting, a state of affairs complained of by several of the rapporteur's contacts during the first visit to the country.

20. Where the protection of minorities is concerned, the Venice Commission notes that the linguistic rights of minorities are less well protected than in the 1990 Constitution. In fact, the use of Roman script, more commonly employed among the minorities, no longer receives legal protection under the Constitution<sup>14</sup>.

21. The rights of minorities are dealt with in Part II of the Constitution, in Articles 75 to 81. The Venice Commission makes a positive appraisal of Article 22 (Protection of human rights, minority rights and fundamental freedoms) and praises Chapter III of the Constitution (Rights of persons belonging to a national minority). It nevertheless feels that the provisions of Article 76 allowing positive discrimination in respect of national minorities should be broadened and not restricted to "extremely unfavourable living conditions" alone, and that those made in Article 22 should not be applicable solely to citizens.

22. The Venice Commission stresses that it is now for the authorities to ensure that the rights enshrined in the Constitution become effective. The rapporteur also urges the authorities to take steps in this direction so that, unlike many provisions of the Charter, the rights secured by the Constitution do not come to naught.

23. The rapporteur personally welcomes the explicit prohibition of direct or indirect discrimination laid down in Article 21 of the Constitution.

24. The rapporteur also welcomes the long-awaited appointment<sup>15</sup>, of the Serbian Ombudsman (Civic Defender) on 29 June 2007. He stresses the importance of this institution's effective operation, and shares the concerns raised by the Venice Commission which regrets that the institution should be "supervised" by the National Assembly and not protected against unjustified dismissal at its behest<sup>16</sup>. It might also be envisaged that the ombudsman could appoint deputy ombudsmen dedicated to specific areas. In the case in point, it would be worthwhile to consider appointing a deputy ombudsman in charge of questions relating to the rights of minorities (there is a specific deputy to the Civic Defender for the autonomous province of Vojvodina).



25. The rapporteur is concerned to note a certain regression in the protection of the rights of minorities under Serbian legislation, and calls upon the authorities to remedy it so as to guarantee at least an equal level of legislative protection to what existed prior to the separation of Serbia and Montenegro.

- *The National Council for National Minorities and the national councils for national minorities*

26. An important point has been highlighted during the visit of the Rapporteur to Serbia. It appears that certain legislative and regulatory instruments are lacking in order to organise properly the work of the national councils for national minorities. For example, although the national councils exist since a 2002 law, there still is no law regulating the finances or the election of the boards of those councils. As they will soon reach the end of their first mandate, it is urgent that the Serbian authorities adopt the necessary missing pieces of legislation. In its Opinion, the Advisory Committee already urged the Government to address the issue of funding of the councils as a matter of priority<sup>17</sup>. In September 2006 the rapporteur was assured by the authorities that there was the will to adopt the necessary laws and regulations as soon as possible.

27. The rapporteur is concerned to observe that to date, some of the national councils for national minorities are reaching the end of their term and that, in the absence of legislative provisions on the election of their members, some Councils cannot be reconstituted<sup>18</sup>. This plainly detracts from the effectiveness of the arrangements for representation of national minorities in Serbia. The rapporteur urges the authorities to consider adopting needful legislation as a priority, and asks the appropriate departments (ie the ministry for local self-government and administration) to take account of the observations made by the Council of Europe experts concerning the draft law on the election of the councils for the minorities.

28. The rapporteur furthermore notes with regret that the National Council for National Minorities was convened only once during the year 2006 and not at all in 2007<sup>19</sup>. While commending the Serbian government for having set up a body of this kind in the interest of minorities, he is convinced that by meeting only once in 2006 the Council cannot be capable of functioning effectively. In view of the strong demand expressed by the representatives of the national councils for national minorities to organise more frequent meetings, and having been informed by the authorities that the National Council for National Minorities can meet at the request of only one-third of its members, the rapporteur is genuinely amazed that there was no meeting this year. Indeed, since the National Council for National Minorities is composed of 14 members (7 members from the national councils for national minorities, 6 ministers and the Prime Minister), the members of the national councils for national minorities amply attain the one-third of the members required to initiate the convocation of a meeting.

29. The rapporteur takes the view that the powers of the national councils for national minorities should be increased and defined more precisely. For one thing, these councils should be able to perform a function of review in respect of the executive's decisions concerning minorities; besides, their powers should be precisely defined to guard against misuses of a political nature. The national councils in fact receive funds and are empowered to apportion them as they see fit. The funds received obviously do not suffice to finance everything, and the apportionment is marked by political interests.

30. The rapporteur wishes to mention another example of a situation which ought to be improved: following a governmental resolution of 11 May 2006 to increase the participation of members of ethnic minorities in public administrations, the vacancy notices must be published in the newspapers in the minority language<sup>20</sup>. Now, according to the authorities (this is not explicitly stipulated in the resolution of 11 May 2006), it rests with the national councils for the various minorities to decide the paper in which the publication should be made and to finance the translation of the vacancy notices. For want of resources, it would appear that many vacancy notices are finally not published in the papers in question. It would be advisable to define both the powers and the obligations of the national councils, and above all to give them adequate means to fulfil their functions. In the absence of adequate resources, the rapporteur suggests that the Agency for Human and Minority Rights take charge of the publication of the vacancy notices in newspapers in minority languages as prescribed in paragraph 8 of the aforesaid resolution.

### **III. Political representation of national minorities**

31. Serbia's electoral law does not prescribe any minimum threshold which the lists of the political parties representing the national minorities must achieve to obtain seats in parliament. This is a most effective measure and conducive to ensuring that these parties, which by their very nature can only gain the votes of a minority group, are actually represented within the Serbian legislature<sup>21</sup>.

32. In the parliamentary elections of January 2007, after an active campaign, the political parties representing the minorities won eight seats and formed a parliamentary group. One representative was even appointed Vice-Speaker of the Parliament<sup>22</sup>. The European Commission welcomes this positive development in representation of the members of minorities in parliament<sup>23</sup>.

33. The rapporteur would also emphasise that he met some parliamentarians from national minorities but belonging to general political parties. He believes this is an important element to take into consideration in order to gain an accurate picture of the representation of members of minorities in Serbia's political bodies.

34. Furthermore, the rapporteur congratulates the government which, through its Agency for Human and Minority Rights, has initiated research on interethnic relations to enhance the integration of minorities in Serbian society<sup>24</sup>. However, it would seem that the research findings were not made public in detail. The rapporteur considers that the lack of publicity for these results, if it is substantiated, demonstrates a lack of transparency - which always raises queries as to the nature of results capable of generating tensions. In order to dispel these doubts, the rapporteur invites the Agency for Human and Minority Rights to make its research findings public in their entirety, in a spirit of determination to strengthen mutual trust between the authorities, civil society and the members of minorities.

#### **IV. Relations between Serbia and the kin-states<sup>25</sup>**

35. The Republic of Serbia has signed agreements with several kin-states of members of national minorities present in its territory. Such agreements exist with Romania, Hungary and the "former Yugoslav Republic of Macedonia". There again, the practice does not always seem consistent with the declarations of intent made on paper.

36. As the Romanian minority is specifically part of his terms of reference, the rapporteur has chosen to illustrate his remarks by examining the relations between Serbia and Romania.

37. Two texts principally govern relations between Serbia and Romania: a treaty of friendship, co-operation and good neighbourhood between Romania and Serbia (signed on 16 May 1996) and a bilateral agreement between the government of Romania and the Federal Government of the Republic of Yugoslavia on co-operation in the field of protection of national minorities (signed on 4 November 2002).

38. The rapporteur has been informed that the implementation of these texts is unsatisfactory. The Minister for Foreign Affairs of Romania has visited Serbia and requested the convening of the joint intergovernmental commission for national minorities provided for in Article 11 of the bilateral agreement, whose mission is to further the implementation of the agreement.

39. Despite a positive response from the Serbian authorities to this request, the joint intergovernmental commission has still not met. Apparently the implementation of the bilateral agreements with Hungary and "the former Yugoslav Republic of Macedonia" presents the same problem.

40. The rapporteur strongly encourages the Serbian authorities to address the issue and appoint persons qualified to sit on the joint intergovernmental commissions. It is necessary to hold such meetings to keep the bilateral agreements alive.

41. Co-operation between state of residence and kin-state, under bilateral agreements, is of genuine value for guaranteeing stability in Europe, and deserves to be taken seriously. The rapporteur calls upon the Serbian authorities to intensify their good-neighbourly relations with the kin-states by fully implementing the agreements which they have signed.

#### **V. Multi-ethnic character of Vojvodina**

42. The Vojvodina region is composed of a "multi-ethnic society", being ethnically, culturally, and linguistically diverse. According to the last census in 2002, the population of the region is composed of around 26 ethnic groups, of which 65.05% Serbs, 14.28% Hungarians, 2.79% Slovaks, 2.78% Croats, 2.45% Yugoslavs, 1.75% Montenegrins, 1.43% Roma, 1.5% Romanians, 0.97% Bunjevci, 0.77% Rusyns, and 0.58% Macedonians<sup>26</sup>.

43. In the course of history, the ethnical map of the region has undergone very substantial changes. During and after World War II, the composition of the population has been modified first by the decimation of the Jewish population, then by the expulsion of a large number of Germans and

Hungarians, and finally by the arrival of new settlers (around 200,000 people), principally Serbs and Montenegrins. In the aftermath of the 1990s Balkan wars, the region was the destination of a very large number of refugees from Croatia and Bosnia.

44. Furthermore, and consequently, a significant decrease in the number of members of national minorities has been observed between the 1991 and the 2002 census. In 1991, 339,491 Hungarians used to live in Vojvodina whereas there were only 290,207 in 2002. The same applies to the Croats, 74,808 in 1991 and 56,546 in 2002.

#### ***i. Autonomy of the Province***

45. The Autonomous Province of Vojvodina enjoys the status of territorial autonomy in the Republic of Serbia.

46. The Assembly of the Autonomous Province of Vojvodina is the highest representative organ of Province and consists of 120 representatives, but it has no legislative powers. The Executive Council of The Autonomous Province of Vojvodina is the executive organ of the Province. For its actions it is accountable to the Assembly of the Autonomous Province of Vojvodina. The rights and duties of the Executive Council are laid down by the Constitution of the Republic of Serbia and by the Statute of the Autonomous Province as its supreme legal act.

47. Historically, the Province enjoyed much more autonomy between 1974 and 1990 than now, which leads to regular calls for greater autonomy. In this context, in the past years the Executive Council has undertaken a wide range of intensive activities aimed at regaining the competencies of the Province<sup>27</sup>. The 2002 "Omnibus Law"<sup>28</sup> has given back to the Province some of the competencies lost under Milosevic, but its competencies remain limited; it has no authority over the police, or over the judiciary, for example.

48. More autonomy has been regularly solicited for Vojvodina by parties of minorities, as was the case in the framework of the adoption of the new Constitution of the Republic of Serbia<sup>29</sup>. Believing that the new Constitution did not bring the promised degree of autonomy, some parties advocated a boycott of the constitutional referendum (the turnout for which was relatively small)<sup>30</sup>. Furthermore, the question of minority rights was the subject of discussions during the campaign for the 21 January 2007 parliamentary elections<sup>31</sup>. Now the question of autonomy is again being addressed by the parties of the minorities in the context of the next presidential elections in January 2008; the Hungarians' party announced in November 2007 that it would field only one candidate in the presidential elections, supporting greater autonomy for Vojvodina<sup>32</sup>.

49. In this context, it is interesting to note that Article 12 of the new Constitution of the Republic of Serbia provides for the citizens' right to provincial and local autonomy. However, as the Venice Commission points out in its opinion, *"While this is welcome in principle, it seems regrettable that the content of this right is not made concrete in the Constitution which leaves it nearly entirely to the legislature to define the scope of these rights"*<sup>33</sup>. The Venice Commission further considers the guarantees for the financial autonomy of autonomous provinces (Article 184) "rather weak".

#### ***ii. The situation back in 2004***

50. Back in late 2003 and 2004, a number of reports raised serious concerns as regards ethnically motivated incidents in Vojvodina. The incidents reported were quite alarming but nobody was killed. In this context, the European Parliament adopted, on 16 September 2004, a resolution on "harassment of minorities in Vojvodina" stating that *"there has been recent proof of ongoing violence against Serb citizens of Hungarian ethnic origin, which has occurred in several towns in the Province of Vojvodina, such as desecration of tombstones in many towns; a proliferation of anti-Hungarian graffiti; burning of the national flag of the Republic of Hungary; physical aggression by the police against a mayor representing the Hungarian minority"*<sup>34</sup>.

51. The intervention of the international community has been perceived as highly positive and most effective by a number of actors in the region. As stated by the Center for Development of Civil Society (CDCS) in one of its reports *"The interventions of the Parliamentary Assembly of the Council of Europe of 3 October 2004"*<sup>35</sup>, of the special representative of the UN Secretary General of 19 October 2004, monitoring of the OSCE (end of October 2004) and the EU (beginning of February 2005), the report of the Secretary General of the Council of Europe of 16 December 2004, the visit of the High Commissioner for national minorities to Vojvodina on 16 February 2005, the extraordinary session of the Committee to

*the European Parliament for the South-Eastern Europe on 6 June 2005 have all brought positive changes regarding the number of incidents and the attitude of the authorities towards them*<sup>36</sup>.

52. Even though the different sources present different data (including the Serbian Ministry of Interior, who apparently provided at least two different sets of data<sup>37</sup>) - making it difficult to provide reliable statistics as regards the incidents - interethnic incidents were a reality<sup>38</sup> and the reaction of the international community was necessary. But the Rapporteur would like to stress that it was not only the Hungarian national minority which was targeted, but also the Croatian, Slovakian, Roma, Albanian, etc. The Hungarian community is better organised than the other minorities, and this guarantees greater concessions at international level to the Hungarians' interests. It seems that as a result the attention of the international community has focused excessively on the Hungarian minority, which does not appear as a 'special' target within the different national minorities. All minorities should have received equal attention from the international community.

53. Considering the multi-ethnic characteristic of Vojvodina, and of Serbia as a whole, as well as the history of the region punctuated by ethnically motivated conflicts under the Milosevic's era and forced expulsion of groups of population, ethnically motivated violence is a source of particular concern which should be tackled by the authorities in a most rapid and effective manner.

### **iii. Measures undertaken and current situation**

54. Reportedly, the authorities did not react quickly and strongly enough against the incidents to show a real willingness to tackle anti-minority incidents. It has been noted, and it is most regrettable, that the authorities have only been responding slowly and under international pressure to the incidents<sup>39</sup>. In particular the reaction of the police and the judiciary have been criticised as inadequate.

55. The authorities began to show their intention to tackle the problem only in late 2004, when in September the Prime Minister Vojislav Koštunica visited several towns in Vojvodina and had discussions on this issue with representatives of the police, the judiciary and the public administration. The Committees for Security and Inter-ethnic Relations of the Parliament of Serbia held a joint meeting in the presence of political leaders of national minorities on 10 September 2004 in Subotica.

56. Indeed, tangible results of a better understanding of the problem at the political level have been noted, as well as a positive change in the police attitude, which worked more efficiently<sup>40</sup>. Consequently, a substantial decrease of anti-minority incidents has occurred since the end of 2004, a tendency which has been confirmed throughout 2005 and 2006<sup>41</sup>. It shows that a more rapid and firm reaction at political level would probably have avoided the escalation of the incidents throughout 2004. At that time, the authorities certainly failed to react in an appropriate manner. It seems, however, that the reaction at the judicial level and in terms of prosecution was much slower and complaints were made to the Rapporteur that even if the work of the police has improved considerably, the investigations are still often blocked at the level of the prosecutor.

57. The Deputy Ombudsperson of the Autonomous Province of Vojvodina stated before the Sub-Committee on Rights of Minorities of the Committee on Legal Affairs and Human Rights on 17 May 2006 in Budapest that *"the length of police investigation against perpetrators of harassments and assaults, the number of cases where the police is not able to find the perpetrators at all, the way of presentation of such cases on the national television indicate that the Republic of Serbia contributes to the constant appearance of similar cases by non-action or dilatory actions."* While emphasising that *"compared to the year 2004, the effectiveness of the police in identification of the perpetrators of these assaults increased in 2005"*<sup>42</sup>. The Rapporteur finds it encouraging that several persons have been convicted of extremist behaviour and incitement to racial or religious hatred<sup>43</sup>.

58. Generally speaking, some concrete improvements with regards to minority rights were made prior to 2004 and have already been welcomed<sup>44</sup>.

59. One should consider as significant the institutional changes and legal regulations launched in 2002 in the spheres of decentralisation, minority protection, and minority policy conditions (omnibus law, minority law, establishment of national councils for national minorities, modifications of the Serbian and Vojvodina parliamentary electoral laws taking into consideration the principle of positive discrimination with regard to minorities<sup>45</sup>) as well as the establishment of the institution of the Province Ombudsperson<sup>46</sup>. Those measures established by the Republic of Serbia are extremely positive in the field of the protection of minority rights and all representatives of national minorities the Rapporteur met praised the highly positive step of the institution of national councils for national minorities.

60. On 17 September 2004, a Decree on the establishment of the Council of the Republic of Serbia for National Minorities was passed. Accordingly, it aims at ensuring continuous communication between the representatives of National Councils of the national minorities.

61. Although a substantial part of this favourable legal framework already existed at that time, 2004 has been the scene of an escalation of inter-ethnic violence in Vojvodina. This worrying reality shows that important work must be undertaken at the level of improving tolerance between communities. It is particularly worrying to note that, although the number of incidents has decreased, inter-ethnic violence still exists and occurs mainly between young people, as it has been reported by many of the Rapporteur's interlocutors during his visit to Novi Sad<sup>47</sup>. There is a great need for educational measures towards better acceptance of the different communities. In its Opinion, the Advisory Committee already stressed that initiatives aimed at promoting a spirit of tolerance and intercultural dialogue need to be further reinforced<sup>48</sup>.

62. In September 2005, a project for the 'Promotion of multiculturalism and tolerance in Vojvodina' – which aims at improving interethnic relations – was launched by the Vojvodina Secretariat for Legislation, Administration and National Minorities. The targets of this initiative are mostly school children and the project includes a media campaign for multiculturalism. The Rapporteur welcomes this initiative as a step in the right direction, hoping that it will be followed by further projects on a larger scale. The rapporteur stresses the importance of this type of scheme in view of the tensions that may exist between members of different minorities. Indeed, it is disturbing to observe, in particular, a certain distrust towards displaced Roma. The rapporteur notes for instance certain intolerant reactions on the part of members of minorities about using the abandoned houses in Vojvodina for the readmission and accommodation of people due to be expelled from the European Union in the coming months<sup>49</sup>. In this context, the authorities should nevertheless take care to abide closely by the provisions of Article 16 of the Framework Convention while fostering mutual respect and tolerance among members of minorities<sup>50</sup>.

63. Furthermore, efforts have been undertaken to increase the proportion of members of national minorities in especially sensitive state services such as the police, prosecution and the courts, in which they remain by far underrepresented<sup>51</sup>. These efforts were welcomed by the NGOs the Rapporteur met during his visit to Novi Sad, which also stated that no systematic discrimination towards members of minorities can be noticed in this field. However, one regrets that there is apparently a real lack of civil servants speaking the language of the minority even in municipalities in which they represent a very large majority of inhabitants. The Rapporteur is aware of the building of a multi-ethnic police force in South Serbia and thinks that such an initiative could also be an appropriate solution for Vojvodina. The rapporteur furthermore congratulates the Ombudsperson of Vojvodina who has published recommendations aimed at increasing the representation of minorities in public administration.

64. As regards minority language education, the Opinion of the Advisory Committee noted various positive measures, highlighting the situation in Vojvodina as a positive example, but also concluding that there are gaps in some areas in the provision of teaching in or of certain minority languages. Therefore it urged the authorities to take more proactive measures to analyse the level of demand and review the situation, with a view to ensuring that the domestic legislation pertaining to the teaching in or of minority languages is fully implemented<sup>52</sup>. In this respect, the Rapporteur was told that there is a lack of well-qualified teachers for minority languages. At the same time, on-going positive initiatives to tackle this problem were reported, such as the creation of a teachers' faculty in Subotica.

65. As regards education issues generally, NGO representatives expressed to the Rapporteur their regrets that young members of national minorities seem to have an increasingly bad command of the Serbian language, while Serbian young people generally do not speak any minority languages (even if they live in a city with a numerically very large minority). They put forward the idea of developing bilingual schools, which would allow the communities to get to know one another better and also be an effective tool in promoting a spirit of tolerance.

66. One should also underline the role played by the media. Indeed media coverage is an important factor in the global approach and perception of problems. In this case, it seems that the certain media played an undermining role in the recognition of the anti-minority violence by almost ignoring the incidents for several months and sometimes even by relaying the information with a nationalistic undertone. The authorities should make a real effort to ensure that the media report in a most objective way, respecting their duty to inform and warn the public, without contributing to an anti-minority atmosphere. For this purpose, they should ensure by all legal means, and *via* law pursuits when necessary, that the Law against hate speech is adequately implemented. Concerns have also been expressed as to the lack of independence of the directors of TV programmes in minority language in Vojvodina<sup>53</sup>.

67. The media should shoulder their own special responsibility to promote a climate of intercultural tolerance and respect, as set out in Recommendation (97)21 of the Committee of Ministers on the media and the promotion of a culture of tolerance.

68. In this context, the rapporteur notes with satisfaction that the Agency for Human and Minority Rights has concluded an agreement with the television companies and the national councils for minorities on the content of programmes concerning the minorities in order to foster a spirit of tolerance.

## **VI. Vlach/Romanian ethnic minority**

69. Several questions arise concerning the Romanian ethnic minority in Serbia. The rapporteur noted disputes over the very definition of the Romanian ethnic minority, as well as regional inequalities in the effective exercise of the rights of national minorities.

### ***i. Definition of the Romanian ethnic minority in Serbia: Vlachs/Romanians***

70. The contours of the Romanian ethnic minority are extremely hard to discern clearly.

#### ***- Relevant issues***

71. Firstly, it appears very difficult to quantify the proportion of the Serbian population originating from the Romanian ethnic minority. Indeed, the various censuses show huge differences. While the 1991 census recorded 42 331 Romanians and 17 807 Vlachs in Serbia<sup>54</sup>, 34 576 and 40 054 were the respective figures recorded at the 2002 census<sup>55</sup>. The rapporteur notes the unsubstantiated allegations of several of his informants that the censuses were tampered with<sup>56</sup>.

72. The Romanian ethnic minority is settled in quite distinct regions of Serbia's territory. Its principal homeland is Vojvodina and eastern Serbia, to be more exact in the Timoc, Morava and Danube valleys. The Vlachs are settled almost exclusively in eastern Serbia.

73. The Vlachs are an ethnic group present in Serbia and other adjacent countries, culturally and linguistically related to the Romanians.

74. Some believe that the Vlachs are part and parcel of the Romanian minority, others that they are a separate minority. The fact that the Vlachs have organised themselves independently from the Romanian minority by founding their own Council for the Vlach national minority shows that some of the Vlachs do not regard themselves as belonging to the Romanian minority.

75. The rapporteur observes that the process of instituting a National Council for the Vlach minority was long and arduous. Indeed, for a long time the Serbian government refused to register such a council because it was indistinguishable from the national council for the Romanian minority already in existence. The statutes proposed for the registration of a national council for the Vlach minority, as well as bearing the same name in Romanian as the council for the Romanian minority, provided that the Vlach minority's language/the council's working language should be literary Romanian. This led the government to believe that they were one and the same minority, and the law does not permit the formation of more than one national council for one minority (a national council for the Romanian minority had already been registered).

76. Language is a subject on which the different sensibilities of the 'Romanian' ethnic minority clash. Some consider that since the Vlach language has no written form, the only written language common to the Romanian ethnic minority is literary Romanian. They see this as evidence that the Vlachs are members of the Romanian minority. Others, however, are making attempts to codify the Vlach language in order to assert this minority's independence and distinctiveness a little more strongly.

77. Finally, shortly before the rapporteur's visit to eastern Serbia, a vote among the members of the future national council for the Vlach minority allowed its statutes to be amended with the inclusion of the provision that the language would be "Serb and the 'mother' tongue". Following this amendment, the national council for the Vlach minority could be legally registered on 31 July 2007. Within this national council, two tendencies are represented, one that considers the Vlach minority altogether independent from the Romanian minority, the other taking the opposite view that it is the same minority.



78. The rapporteur heard all parties and was able to discern that the vote on amendment of the statutes was markedly contested among the members of the Vlach minority, some of whom demanded reconsideration of the decision. According to the information supplied to the rapporteur, it would moreover appear that a decision to that effect (reaffirming that the written language of the minority is literary Romanian) was taken within the national council for the Vlach minority. But the authorities have informed the rapporteur that the consequence of going back on this amendment of the statutes would be the removal of the national council for the Vlach minority from the registers. To date, however, the rapporteur has not been informed of a move in that direction.

- *Position of the governments concerned*

79. The position of the Romanian authorities in this respect is very clear-cut, President Basescu having moreover described the division as an "error" and called upon the two associations to unite<sup>57</sup>. He considers that Romania can offer its protection to the Romanian ethnic minority and thus to the Vlachs as well. Moreover, he regards the division as detrimental to the protection of the Romanian ethnic minority's interests as it weakens their representation. Clearly, the Romanian authorities are doing everything to induce the members of the Vlach minority to organise under conditions of union with the members of the Romanian minority in Serbia while respecting each individual's freedom to choose his own identity<sup>58</sup>.

80. The rapporteur points out that this stance of the Romanian authorities is of some interest since the Romanian minority would undergo a very large potential numerical increase if the Vlachs joined it. In this way, the Romanian ethnic minority would come close in numbers to the Hungarian minority (Serbia's largest at present), or even outstrip it.

81. The Serbian government for its part wishes to be as non-committal as possible on this issue. Some of the rapporteur's contacts told him of their convictions that it is altogether in the interests of the Serbian authorities for the Romanian ethnic minority to remain divided so that it keeps smaller proportions, and that they would do everything to preserve an artificial division within it. Others have gone so far as to claim that the authorities' passiveness towards the Vlach minority is tantamount to tacit assimilation. Remarks of the same kind have reached the rapporteur concerning the Croat minority and the Bunjevci minority, or again the Ukrainian minority and the Rusyn minority<sup>59</sup>.

82. However, the rapporteur could not find any real interference by the authorities regarding this question. He does not consider abusive the conditions for registering an independent national council for the Vlach minority. At his explicit request during his meetings on the spot, the Serbian authorities assured the rapporteur that they would not object to the Vlachs' joining with the Romanians under the umbrella of the national council for the Romanian minority if they decided to form a single large Romanian ethnic minority. The authorities do not encourage this amalgamation (that is not their role), neither do they prevent it.

83. It should also be observed that the 2002 census mentioned both the Romanian minority and the Vlach minority. The Advisory Committee saw this as a positive factor bearing witness to the authorities' equal recognition of the identity of the two minorities within the meaning of Article 3 of the Framework Convention<sup>60</sup>.

- *Position of the rapporteur: recapitulation of the principles*

84. Consequently, the rapporteur thinks that the position of the Serbian authorities in the matter is reasonable *a priori* and has not hampered the freedom of the members of national minority to recognise themselves as such or to refrain from doing so, in accordance with Article 3 of the Framework Convention, whose provisions must stand as the basic reference here. The rapporteur therefore calls upon the authorities to take positive steps on behalf of the minorities, including the Vlach minority, and to ensure the abolition of all discrimination against its members.

85. The rapporteur was struck by the divergences of viewpoint even among the members of the Vlach minority over the question whether or not they belong to the Romanian ethnic minority. This argument causes infighting coloured by contrasting political interests, so much so that some members of the minority known as 'Vlach', who are even among the founding member of the national council for the Romanian minority based in Vojvodina, are almost considered traitors by their peers who advocate a separate Vlach minority.

86. In no circumstances is it for the rapporteur to set himself up as a judge and rule on this question. He would reiterate the fundamental principle stated in Article 3 paragraph 1 of the Framework Convention, that "Every person belonging to a national minority shall have the right freely to choose to be treated or

*not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice". The rapporteur recalls that any attempt to impose an identity on a person or group of persons is inadmissible<sup>61</sup>.*

**ii. Question of the (non) recognition of the Romanian Orthodox Church as a traditional church**

87. The new law of 2006 on churches and religious organisations in the Republic of Serbia<sup>62</sup> does not recognise the Romanian Orthodox Church as a traditional church. The seven traditional churches recognised under this law are the Serbian Orthodox Church, the Roman Catholic Church, the Slovak Evangelical Church, the Evangelical Christian Church, the Reformed Church, the Islamic Community and the Jewish Community. The reasons why the Romanian Orthodox Church is not on this list can be queried<sup>63</sup>. Moreover, the Romanian Orthodox Church is not even on the list of religious denominations set out in section 17 of the aforesaid law.

88. This new law, when at the draft stage, received a number of criticisms from the Venice Commission<sup>64</sup>. In substance, the Venice Commission raised several questions as to the possible discriminatory application of the criteria stipulated in the registration procedure. It also expressed anxiety at the possibility of registration becoming a requirement for basic rights (inter alia, acquisition of legal personality) and recalled that the application of Article 9 ECHR could not be made subject to a registration system.

89. More specifically, where the rights of minorities are concerned, the Venice Commission notes that certain provisions (sections 33 and 34) *"could provoke some bias in favour of the dominant local Church and discrimination against local minorities"*.

90. The new law, and its application by the ministry for religious affairs, considered arbitrary<sup>65</sup> or discriminatory in some cases, have apparently eroded respect for freedom of religion in Serbia.

91. According to information conveyed to the rapporteur by the Serbian authorities, the Romanian Orthodox Church is recognised in Serbian law. It would also appear that to quite a large extent the relations between the Serbian Orthodox Church and the Romanian Orthodox Church are settled directly by the church authorities themselves, relations between the Serbian Orthodox Church and its Romanian counterpart being governed by canon law. The two churches have concluded an agreement on mutual recognition. In November 2006, the Serbian Orthodox Church recognised the Dacia Felix diocese professing Romanian Orthodoxy, while the Romanian Orthodox Church recognised the Serbian Orthodox diocese of Timisoara in Romania. However, this agreement reportedly does not give the Romanian Orthodox Church's diocese jurisdiction over the Timoc region, placed in the exclusive purview of the Serbian Orthodox Church. Indeed, this is the region where the members of the Romanian ethnic minority complain most of not being able to engage freely in their worship.

92. At present, the Romanian Orthodox Church is therefore represented by a Vicar in Serbia. Some would like it to be possible for a diocese to be created. The Parliament of Vojvodina has approved a proposal for amendment to add the Romanian Orthodox Church to the list of traditional churches set out in the law of 2006.

93. At Negotin in the Timoc valley, the rapporteur conferred with a group including Bojan Aleksandrovic, a priest of the Romanian Orthodox denomination. The Rev. Aleksandrovic complained that administrative barriers had been raised deliberately to prevent him from building a church for his parish. He also claimed to have received death threats and been prevented from lodging a complaint on the ground that there was no legal basis for such a proceeding. He considers that the Serbian Orthodox Church is actually the State Church since the construction of a church of another denomination requires permission from the Serbian Orthodox Church authorities (as was pointed out to him in writing by the competent ministry).

94. In Belgrade the rapporteur met officials of the Romanian Orthodox Church (notably the Vicar) who expressed complete satisfaction with the situation of the Romanian Orthodox Church in Serbia which numbers 39 parishes (in addition to certain smaller entities). Contrary to the positions reported by the press, they consider that the Romanian Orthodox Church is quite adequately recognised in Serbian legislation, and cited the regulations on the content and keeping of the register of churches and religious communities (Official Gazette of the Republic of Serbia, 26 July 2006, No. 43/2006), providing in article 2 that *"With the consent of the Serbian Orthodox Church, the Romanian Orthodox Church's organisational unit of Banat shall be entered in the register"* (unofficial translation)<sup>66</sup>.



95. There was also question of the situation regarding Romanian Orthodox religious instruction in schools, the teachers moreover being paid by the Serbian state authorities. The representatives of the Romanian Orthodox Church informed the rapporteur that there were schoolbooks in Romanian (and let the rapporteur have some copies).

96. Furthermore, the representatives of the Romanian Orthodox Church diocese informed the rapporteur that the Rev. Aleksandrovic was not recognised by their church (not having completed the requisite training in the faculty of theology). In eastern Serbia, the position is that at present no competence exists for the Romanian Orthodox Church, so that every parish of this faith needs the permission of the Serbian Orthodox Church authorities. According to the representatives of the Romanian Orthodox Church in Serbia, the Serbian Orthodox Church is ready to have masses said in Vlach//Romanian since priests of Vlach origin have been ordained. However, that would require an agreement between the two churches. But if things are that simple and call for a mere understanding between the two churches, the rapporteur wonders why no solution has yet been found.

97. So, while the rapporteur could observe the apparent cordiality of relations between the clergy of Serbian Orthodox Church and the Romanian Orthodox Church of Serbia, he is surprised that so much latitude of decision is left to Serbian Orthodox Church, whose influence in the recognition of other churches or religious communities seems exaggerated. He is also surprised at the importance of the status evidently granted to canon law in a secular state. He fears this may point to an incomplete separation of church and state. This situation would not be worrying *per se* if the competences were clearly defined, but in actual fact some uncertainty seems to prevail. The Venice Commission moreover clearly recommended that a more precise conception of the legal status of canon laws and ecclesiastical decisions be provided.

98. As to the practical possibility of attending a mass according to Romanian Orthodox liturgy and in Vlach/Romanian, the situation is very uneven depending on the region considered. 'Romanians' living in Vojvodina have no trouble attending a mass celebrated according to Romanian Orthodox liturgy and in their mother tongue. The position is more complex for the members of the Romanian or Vlach minority dwelling in eastern Serbia. It would appear to be possible at times in certain villages, but not consistently so. Moreover, any fresh attempt to hold a mass according to Romanian Orthodox liturgy in a locality of eastern Serbia is allegedly subjected to strong pressure and hostile reactions.

99. The rapporteur urges the Serbian authorities to co-operate with the representatives of the two churches in finding a practical solution whereby freedom of religion is made a reality in eastern Serbia too. It seems necessary to think about the possibility of granting a see to the Romanian Orthodox Church, for instance by extending the territorial jurisdiction of the Dacia Felix diocese.

### ***iii. Use of the Vlach/Romanian language in administration, education and the media***

100. It has been reported that the use of the Vlach language in local administrations is not even entrenched in localities where the members of this minority represent over 15% of the population. This 15% proportion is prescribed by the national legislation for the use of a language in administration to be permissible. Now, the Vlach language is not one of the minority languages on which Serbia has made an undertaking in accordance with the Charter for Regional or Minority Languages. Indeed, the rapporteur considers it necessary to recall that certain of the Charter's provisions apply to all minority languages including those not mentioned in the instrument of ratification<sup>67</sup>. By virtue of the principles stated in Part II of the Charter, particularly Article 7, the Vlach language should benefit from the measures to protect regional or minority languages<sup>68</sup>.

101. The problem of education in the minority language is twofold: on the one hand it is hardly possible to teach in Vlach as this is an essentially oral language, and besides there is a shortage of qualified teachers to teach in Romanian.

102. The Serbian authorities and the representatives of the minorities should combine their efforts to find practical solutions to this problem. A proactive policy on this would be highly desirable since teaching in, or of, the mother tongue is undeniably a factor enabling a minority to remain in existence. Education underpins pluralism, since language is the essential ingredient of the various cultures.

103. According to the information conveyed to the rapporteur, on several occasions members of the Vlach/Romanian minority have collected signatures in a petition asking for instruction in their language to be provided, without success.

104. Regarding the media, the members of the Romanian and/or Vlach minority residing in eastern Serbia are plainly at a great disadvantage compared to those living in Vojvodina.

105. While the members of the Romanian minority of Vojvodina have access to a fairly wide range of printed, radio and television media in Romanian, there is no such offer in eastern Serbia. Residents of north-eastern Serbia cannot pick up the programmes broadcast by Vojvodina television. In reply to the rapporteur's enquiry, his informants, including the authorities, invoked technical constraints in that access to the broadcasts from Vojvodina was by cable only. Certain initiatives have been launched to introduce a news programme in Romanian in eastern Serbia but have evidently not been successful.

106. The authorities have pointed out that the obligation under the Charter for Regional or Minority Languages to have printed media in minority languages does not apply to Vlach which was not included by Serbia in the instrument of ratification. Here, the rapporteur reiterates the points made in paragraph 100 above.

107. Having noted the demand raised by the members of the Vlach/Romanian minority in the Timoc valley, the rapporteur calls upon the Serbian authorities and the players concerned to consider means of extending the availability of Romanian-language televised media in Vojvodina so that interested persons can also benefit from it in eastern Serbia. In the current state of technology, this is probably not an unfeasible demand.

108. Moreover, the rapporteur was informed of the current privatisation of the printed media in Serbia and is aware that small entities, particularly those using minority languages, will not be able to survive a wave of privatisation. The rapporteur invites the authorities to provide for exceptions so as to ensure the viability of the minority language media.

109. In conclusion, the rapporteur has been able to ascertain that the Vlach minority are afraid of losing their identity, their distinctive traits and their mode of expression, and on that score are fighting to be recognised independently from the Romanian minority. Yet he has also observed that two elements of the one minority are working towards the same end, though employing completely different means. These divergences can only impair protection of the rights of this minority, and present the danger of being readily exploitable with a view to assimilating the members of the minority more and more with the national majority. The rapporteur has strong fears that if the internal disputes persist or intensify, a loss of identity for some of the members of this minority will be virtually inevitable. On the other hand, if the members of the minority – whether one wishes to call it Romanian or Vlach is of little account – unite, they will have a real opportunity to secure respect for the rights conferred on them by the law and international standards.

## **VII. Concluding remarks**

110. As already noted by the Advisory Committee in its opinion (mentioned above), the Balkans region remains marked by interethnic tensions, the dismal legacy of the anti-minority policy of the Milosevic era. Even today, incidents of an ethnic nature, with varying degrees of violence and intensity, are recorded in Serbia. Quite plainly it is still necessary today to rebuild trust between minorities and the Serbian authorities as well as between minorities. The authorities should take more measures of a positive and proactive kind in that direction, and above all ensure that they are fully and effectively implemented.

111. The situation of national minorities in Vojvodina received considerable attention from the international community in 2004, which resulted in better handling of anti-minority violence at the political level. It was urgent to react as the incidents were increasing at an alarming rate. However, it should be emphasised that in many respects national minorities enjoy a far better protection of their rights in Vojvodina than anywhere else in Serbia. Yet, if such incidents have decreased, they have not disappeared; the society is thus not completely out of any danger of nationalistic rhetoric. In the view of **the debates on the status of Kosovo**, it is of outmost importance that the authorities of the Republic of Serbia continue their efforts as regards national minorities and take all necessary actions to avoid any fresh escalation of inter-ethnic violence.

112. The rapporteur notes that in many respects (education in and protection of the mother tongue, worship in the mother tongue, representation in political bodies and administrations, cultural initiatives, etc.) the situation of the Vlach minority in eastern Serbia is distinctly less favourable than for the members of national minorities living in Vojvodina. Whereas a number of initiatives in Vojvodina have been considered commendable by the Advisory Committee, it has noted in particular that the situation of the Vlach minority in north-eastern Serbia is far less advanced.

113. In 1997 the Parliamentary Assembly already said that it was *"concerned about the critical situation of the Aromanian culture and language, which have existed for over two thousand years in the Balkan peninsula"*<sup>69</sup>.

114. The rapporteur can only confirm the danger which he was able to ascertain. Vlach (or "Aromanian") culture is indeed threatened. Nobody disputes the very close links between Romanian culture and Vlach culture but – without entering into discussion of the designation of these minorities – there are certain distinctive traits, and it is these that are threatened with extinction.

115. Each regional culture, or culture specific to a given population group, is a building-block of cultural pluralism and thus enhances the wealth of our societies.

116. The rapporteur strongly encourages the members of the Vlach/Romanian minority in eastern Serbia to combine their efforts and overcome their internal conflicts in their own interest and in order to preserve the distinctive traits that make up their identity. Here the Serbian authorities have a duty not to impede but to support initiatives in that direction.

117. Furthermore, one of the constant problems in Serbia, a crippling one when it comes to effectively guaranteeing fundamental rights and freedoms, is inadequacies in the legislative sphere and in the application of the laws.

118. Indeed, as already noted by the Committee of Ministers, *"The main problems in the protection of national minorities in Serbia [...] pertain to the implementation of the relevant norms in practice"*<sup>70</sup>. This finding is still valid today. However, while the Advisory Committee, in its 2004 opinion, held that these problems were partly due to poor co-operation between the entities of the State Union of Serbia and Montenegro, today this can no longer be blamed for the non-application of the standards in practice.

119. The rapporteur urges the Serbian authorities to ensure the full and effective application of the standards laid down for protection of national minorities. Trust between the various groups making up the population of Serbia, and interethnic peace, depend on it.

120. Lastly, and this is an essential point of the rapporteur's conclusions, the Serbian authorities have the duty to limit regional differences in protection of the rights of minorities and to take appropriate initiatives; the blatant geographical discrimination that exists is unacceptable.

121. More specifically, the rapporteur invites the competent authorities:

- to pay greater attention to allegations of interethnic violence and deal with them expeditiously, firmly and efficaciously, particularly by means of effective police investigations and judicial proceedings;

- to consider re-instating the position of Minister for Human and Minority Rights;

- to ensure that the legislation on the rights of minorities, particularly the laws enacted in 2002, are effectively implemented;

- to establish as speedily as possible the fund for promoting the social, economic, cultural and general development of national minorities provided for in section 20 of the framework law of 2002 on the protection of the rights and freedoms of national minorities;

- to rapidly pass a law against discrimination, taking into account the comments made by the Venice Commission;

- to adopt as a matter of priority the legislative texts on the financing and election of the national councils for national minorities, taking account of the comments by Council of Europe experts on the draft law on elections;

- to define more precisely the functions and obligations of the national councils for national minorities while granting them the necessary funds to accomplish their missions;

- to introduce a mechanism enabling the national councils for national minorities to supervise the acts of the executive with regard to the rights of minorities;

- to convene more frequent and regular meetings of the National Council for National Minorities;
- to envisage appointing a deputy ombudsman in charge of questions relating to the rights of minorities;
- to give the autonomous provinces adequate financial guarantees;
- to take positive measures in favour of members of minorities, including the Vlach minority, and to eradicate all discrimination against their members;
- to intensify their efforts for the furtherance of initiatives to promote a spirit of tolerance and intercultural dialogue;
- to step up initiatives to train teachers with the requisite qualifications for language teaching and teaching in minority languages;
- to continue developing bilingual schools;
- to eliminate the regional differences that exist in effective safeguards for the rights of minorities (particularly for the use of minority languages in administration, education in minority languages, freedom of religion, etc.) by the full application throughout the territory of the existing legislation in these matters;
- to consider technical solutions which would enable persons living in eastern Serbia to receive broadcasts in Romanian made in Vojvodina;
- to provide for exceptions to the media privatisation procedures for the benefit of the media operating in minority languages, in order to ensure their viability.

122. The rapporteur also calls upon Serbia and the kin-states concerned to convene as early as possible the joint intergovernmental committees provided for in the bilateral agreements concluded by them on co-operation in the field of protection of national minorities.

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### **The situation of national minorities in Vojvodina and of the Romanian ethnic minority in Serbia**

Recommendation 1845 (2008)<sup>1</sup>

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1. The Parliamentary Assembly, referring to its Resolution 1632 (2008) on the situation of national minorities in Vojvodina and of the Romanian ethnic minority in Serbia, invites the Committee of Ministers to take into account, during its regular monitoring, the recommendations made to the Serbian authorities in the aforementioned Resolution, and bear it in mind in the context of the forthcoming cycle of monitoring under the Framework Convention for the Protection of National Minorities.

2. The Assembly also recommends that the Committee of Ministers and the Serbian authorities consider launching new targeted assistance programmes to support the development of concrete plans of action to promote a spirit of tolerance and intercultural dialogue, and in particular to build the confidence of the minorities in the state institutions and to combat prejudices against minorities that may persist within law enforcement agencies and the judiciary.

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<sup>1</sup> *Assembly debate* on 1 October 2008 (33<sup>th</sup> Sitting) (see [Doc.11528](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Herrmann). *Text adopted by the Assembly* on 1 October 2008 (33<sup>th</sup> Sitting).

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**Doc. 10262**

3 August 2004

**Situation of the Vojvodina Hungarians**

Motion for a recommendation

presented by Mr Gedei and others

1. The Assembly is concerned that the situation in Vojvodina, Serbia is threatening the Hungarian population living in the area.
2. It is particularly worrying that the atrocities and maltreatments of the Hungarian population are on the rise.
3. The Assembly is concerned that the attacks carried out against Hungarian individuals and institutions in Vojvodina mark the deterioration of the situation and status of minorities in Serbia.
4. The Assembly welcomes the recently adopted laws on autonomy, self-government and the protection of national minorities but notes that the protection of minorities in Serbia is not yet properly ensured and the framework for autonomy is still not satisfactory.
5. The Assembly notes that particular government policies of helping the Serbian refugees settling down are creating tensions in Vojvodina and that the policies are against the spirit of the adopted law on the protection of national minorities.
6. The Assembly welcomes the willingness of the Serbian government to co-operate in solving the issue and to prevent further acts of vandalism against Hungarian and other minorities in Serbia.
7. Therefore, the Assembly recommends that the Committee of Ministers :
  - i. to investigate the atrocities committed against Hungarians in Vojvodina;
  - ii. make efforts to urge Serbian authorities to do their best to identify, prosecute and punish the perpetrators of these crimes;
  - iii. take further measures to ensure that the dignity and integrity of minorities including Hungarians in Vojvodina are protected and minority rights in general are respected.

*Signed (see overleaf)*

*Signed* <sup>1</sup>:

GEDEI József, Hungary, SOC

ALIBEYLI Gulamhuseyn, Azerbaijan, EDG

ATEŞ Abdülkadir, Turkey, SOC

ÉKES József, Hungary, EPP/CD

GOULET Daniel, France, LDR

GROSS Andreas, Switzerland, SOC

KELEMEN András, Hungary, EPP/CD

KLYMPUSH Orest, Ukraine, EDG

MERCAN Murat, Turkey, EPP/CD

SLUTSKY Leonid, Russia, SOC

STANTCHEVA Darinka, Bulgaria, LDR

SYSAS Algirdas, Lithuania, SOC

TABAJDI Csaba, Hungary, SOC

WOHLWEND Renate, Liechtenstein, EPP/CD

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<sup>1</sup> SOC: Socialist Group

EPP/CD: Group of the European People's Party

EDG: European Democratic Group

LDR : Liberal, Democratic and Reformers' Group

UEL: Group of the Unified European Left

NR: not registered in a group

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*Reporting committee:* Committee on Legal Affairs and Human Rights

*Reference to committee:* Docs 10715 and 10726, Reference No 3147 of 25 November 2005

*Draft resolution and draft recommendation* adopted unanimously by the Committee on 22 January 2008

*Members of the Committee:* Mrs Herta **Däubler-Gmelin** (Chairperson), Mr Christos **Pourgourides**, Mr Pietro Marcenaro, Mrs Nino Nakashidzé (Vice-Chairpersons), Mr Miguel Arias, Mr José Luis Arnaut, Mr Jaume Bartumeu Cassany, Mrs Meritxell **Batet**, Mrs Marie-Louise **Bemelmans-Videc**, Mrs Anna Benaki, Mr Luc Van den Brande, Mr Erol Aslan Cebeci, Mrs Ingrida Circene (alternate: Mr Boriss **Cilevičs**), Mrs Alma Čolo, Mr Joe Costello, Mrs Lydie Err, Mr Valeriy **Fedorov**, Mr Aniello Formisano, Mr György Frunda, Mr Jean-Charles Gardetto, Mr József **Gedei**, Mr Valery Grebennikov, Mrs Carina Hägg, Mr Holger Haibach (alternate: Mr Jürgen **Herrmann**), Mrs Gultakin **Hajiyeva**, Mrs Karin Hakl (alternate: Mrs Michaela **Sburny**), Mr Andres Herkel, Mr Serhiy Holovaty (alternate: Mr Ivan **Popescu**), Mr Michel **Hunault**, Mr Rafael Huseynov (alternate: Mr Ali **Huseynov**), Mrs Fatme Ilyaz, Mr Kastriot Islami, Mr Želiko Ivanji, Mrs Iglia **Ivanova**, Mrs Kateřina **Jacques**, Mr Karol Karski, Mr András Kelemen, Mrs Kateřina **Konečná**, Mr Nikolay Kovalev, Mr Eduard **Kukan**, Mr Oleksandr **Lavrynovych**, Mrs Darja Lavtižar-Bebler, Mrs Sabine **Leutheusser-Schnarrenberger**, Mr Humfrey Malins, Mr Andrija Mandić, Mr Alberto Martins, Mr Dick **Marty**, Mr David Marshall, Mrs Assunta Meloni, Mr Morten Messerschmidt, Mrs Ilinka **Mitreva**, Mr Philippe Monfils, Mr Felix Müri (alternate: Mr Andreas **Gross**), Mr Philippe Nachbar (alternate: Mr Michel **Dreyfus-Schmidt**), Mr Fritz Neugebauer, Mr Tomislav Nikolić, Mr Anastassios **Papaligouras**, Mr Ángel Pérez Martínez, Mrs Maria **Postoico**, Mrs Marietta **de Pourbaix-Lundin**, Mr John Prescott, Mr Jeffrey Pullicino Orlando, Mr Valeriy Pysarenko (alternate: Mr Hryhoriy **Omelchenko**), Mrs Marie-Line **Reynaud**, Mr François Rochebloine, Mr Francesco Saverio Romano, Mr Paul Rowen, Mr Armen Rustamyan (alternate: Mr Raffi **Hovannisian**), Mr Kimmo **Sasi**, Mr Ellert Schram, Mr Christoph Strässer, Mr Mihai Tudose, Mr Tuğrul **Türkes**, Mrs Özlem **Türküne**, Mr Vasile Ioan Dănuț **Ungureanu**, Mr Øyvind Vaksdal, Mr Egidijus **Vareikis**, Mr Klaas **de Vries**, Mrs Renate **Wohlwend**, Mr Marco Zacchera, Mr Krzysztof Zaremba, Mr Łukasz **Zbonikowski**, Mr Vladimir Zhirinovskiy, Mr Miomir Žužul

N.B.: The names of the members who took part in the meeting are printed in **bold**

*Secretariat of the Committee:* Mr Drzemczewski, Mr Schirmer, Mrs Maffucci-Hugel, Ms Heurtin

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<sup>1</sup> Of the Hungarian, Croatian and Slovakian national minorities.

<sup>2</sup> See the programme of the visit in the appendix.

<sup>3</sup> Montenegro subsequently acceded to the Council of Europe, becoming the 47th member state. See the Parliamentary Assembly's opinion on the accession of the Republic of Montenegro to the Council of Europe ([Opinion No. 261 \(2007\)](#)), and the reports of the committees seized for opinion ([Doc. 11205](#) and [Doc. 11207](#)).

<sup>4</sup> See for example 'The inter-ethnic incidents in Serbia in 2006 – Further reducing in the run-up to solving the status of Kosovo', CDCS, 18.12.2006 (English only).

<sup>5</sup> See [Doc. 11498](#). The Committee reporting on developments as regards the future status of Kosovo is the Political Affairs Committee; see [Doc. 11472](#), 20.12.2007.

<sup>6</sup> For a more exhaustive description, the rapporteur refers to the Alternative Report submitted pursuant to Article 25 § 1 of the FCNM', Voivodina Center for Human Rights, Voivodina/Serbia, 09.2007 (English only) p. 4 ff.

[http://www.minelres.lv/coe/report/ShadowReport\\_Voivodina\\_VHRC.pdf](http://www.minelres.lv/coe/report/ShadowReport_Voivodina_VHRC.pdf).

<sup>7</sup> See [ResCNM\(2004\)12](#) of 17.11.2004.

<sup>8</sup> See CDL(2003)10fin.

<sup>9</sup> See 'Alternative Report submitted pursuant to Article 25 § 1 of the FCNM', Voivodina Center for Human Rights, Voivodina/Serbia, 09.2007 (English only).

<sup>10</sup> See 'Alternative Report submitted pursuant to Article 25 § 1 of the FCNM', Voivodina Center for Human Rights, Voivodina/Serbia, 09.2007 (English only), p. 19.

<sup>11</sup> See Serbia 2007 Progress Report, SEC(2007) 14535, 06.11.2007, Commission staff working document, COM(2007) 663 final, p. 14.

<sup>12</sup> See Mr Ledi Bianku's comments on the draft law against discrimination of the Republic of Serbia (English only), Opinion no. 453/2007, CDL(2007)120.

<sup>13</sup> See Opinion CDL-AD(2007)004, [Opinion No. 405/2006](http://www.venice.coe.int/docs/2007/CDL-AD(2007)004-e.asp) adopted on 16 and 17.03.2007 ([http://www.venice.coe.int/docs/2007/CDL-AD\(2007\)004-e.asp](http://www.venice.coe.int/docs/2007/CDL-AD(2007)004-e.asp)).

<sup>14</sup> See Article 10 (1) of the Constitution; also read the 'Initial periodical report presented to the Secretary General of CoE in accordance with Article 15 of the Charter [for regional or minority languages]', MIN-LANG/PR(2007)4, 11.07.2007 (English only), § 2.3. p. 22.

[http://www.coe.int/t/e/legal\\_affairs/local\\_and\\_regional\\_democracy/regional\\_or\\_minority\\_languages/2\\_monitoring/2.2\\_States\\_Reports/Serbia\\_report1.pdf](http://www.coe.int/t/e/legal_affairs/local_and_regional_democracy/regional_or_minority_languages/2_monitoring/2.2_States_Reports/Serbia_report1.pdf)

<sup>15</sup> The law instituting the Civic Defender in Serbia in fact dates from 2005, Official Gazette of the Republic of Serbia No. 79/2005.

<sup>16</sup> CDL-AD(2007)004, § 58, op cit.

<sup>17</sup> [ACFC/INF/OP/I\(2004\)002](#), 27.11.2003.

<sup>18</sup> See the CDCS announcement of 04.06.2007.

<sup>19</sup> The rapporteur finally received the authorities' confirmation of this information, derived from various sources, they having initially announced that the National Council for National Minorities had met twice in 2007.

<sup>20</sup> A copy in English of this governmental resolution is held by the secretariat of the Committee on Legal Affairs and Human Rights.

<sup>21</sup> See the Advisory Committee's opinion advocating the removal of such thresholds, [ACFC/INF/OP/I\(2004\)002](#), 27.11.2003, § 102.

<sup>22</sup> See Secretary General's information document on compliance with obligations and commitments and implementation of the post-accession co-operation programme by Serbia, SG/Inf(2007) 05 final, 18.07.2007.

<sup>23</sup> See Serbia 2007 Progress Report, SEC(2007) 14535, 06.11.2007, Commission staff working document, COM(2007) 663 final, p. 15.

<sup>24</sup> See CDCS announcement of 04.06.2007.

<sup>25</sup> Further information on the question of the role of kin-states can be found in 'The protection of national minorities by their kin-state', Venice Commission, 02.2003, Council of Europe Publishing.

<sup>26</sup> Only groups over 10,000 included.

<sup>27</sup> See in this respect:

[http://www.vojvodina.sr.gov.yu/index.php?option=com\\_content&task=view&id=165&Itemid=74](http://www.vojvodina.sr.gov.yu/index.php?option=com_content&task=view&id=165&Itemid=74)

<sup>28</sup> Published in the "Official Gazette of the Republic of Serbia" No. 6, on 07.02.2002.

<sup>29</sup> A number of concerns were expressed during the Rapporteur's visit to Serbia regarding the circumstances of the adoption of the new Constitution. It was alleged that the procedure followed was



not transparent enough, nor did it provide for enough time for consultation. One can indeed express some doubts as to the real reasons for the sudden speeding up of this process and believe that it had no other reasons than political ones, especially with regard to the Kosovo issue.

<sup>30</sup> For example, the Liberal Democratic Party, the League of Social Vojvodina's Democrats, the Civic Alliance of Serbia and the Social Democratic Union. After the adoption of the new Constitution, G17 Plus member Ivana Dulic-Markovic has openly criticised the text, pointing out that it does not provide enough autonomy for Vojvodina.

<sup>31</sup> The Democratic Community of Vojvodina Hungarians (DZVM) declared that it was not willing to be part of the government without a general agreement on the revision of the system of the rights of national minorities, Vecernie Novosti, 30.11.2006.

<sup>32</sup> Position stated by Sandor Pal, leader of the Democratic Community of Vojvodina Hungarians, in an open letter of November 2007.

<sup>33</sup> See opinion CDL-AD(2007)004, op. cit..

<sup>34</sup> European Parliament Resolution on harassment of minorities in Vojvodina, P6\_TA(2004)0016, 16.09.2004.

<sup>35</sup> See [Resolution 1397 \(2004\)](#) on the Functioning of democratic institutions in Serbia and Montenegro which reads as follow:

*"12. Recently, there have been reports of an increase in the number of incidents against members of the Hungarian and other minority communities in Vojvodina. Given the difficult legacy of the past, the politically volatile situation and the deteriorating social conditions, it is clear that even a single ethnically-motivated incident may have far-reaching and seriously damaging consequences.*

*13. In this context the Assembly notes that as a consequence of the policy of the Milosevic regime the ethnic composition of Vojvodina, where many national and religious communities used to coexist peacefully, has substantially changed. The Assembly draws the attention of the authorities in Serbia and Montenegro to the relevant provisions of the Framework Convention for the Protection of National Minorities of the Council of Europe, in particular to Article 16, which recommends refraining from changing the ethnic composition in geographical areas where a substantial national minority is living."*

*and "22. The Assembly is concerned by the risk of deteriorating inter-ethnic relations in Serbia, and particularly in Vojvodina. It calls on the authorities to properly investigate and sanction any ethnically-motivated incidents, but also to reinforce the dialogue with the representatives of the minority in order to prevent any attempt to damage the inter-ethnic relations in the country. On the other hand, all attempts to politically exploit inter-ethnic tensions for political purposes, whether locally, nationally or internationally, should be immediately stopped and unconditionally condemned. The Assembly also notes with concern continuing reports of the ill-treatment of Roma by law enforcement officers, continued unlawful evictions and the absence of any real progress in addressing discrimination against Roma with regard to their gaining access to basic social and economic rights."*

<sup>36</sup> See the report of the Center for Development of Civil Society (CDCS) on "Ethnic incidents in Vojvodina", dated 24.10.2005.

<sup>37</sup> See '[Ethnic Violence in Vojvodina: Glitch or Harbinger of Conflicts to come](#)', European Center for Minority Issues, Working Paper, 27.04.2006.

<sup>38</sup> In most cases, graffiti and property damage.

<sup>39</sup> See '[Ethnic Violence in Vojvodina: Glitch or Harbinger of Conflicts to come](#)', European Center for Minority Issues, Working Paper, 27.04.2006; in this respect, the Committee of Ministers of the Council of Europe stated "Inter-ethnic relations are still affected by the difficult legacy of the past regime and the deteriorating social conditions. Despite marked progress, manifestations of inter-ethnic tension are still reported and raise concern. Efforts to build tolerance and trust, which have been valuable, for example in respect of Albanian minority in southern Serbia, need to be expanded further in other parts of Serbia and Montenegro including notably in Vojvodina. **The protection of national minorities should receive greater attention from law-enforcement agencies regarding especially the effective investigation and prevention of violent incidents recently committed against persons**

**belonging to Hungarian and some other national minorities.** All attempts to exploit inter-ethnic tensions for political purposes, be it locally, nationally or internationally, should be immediately stopped and unconditionally condemned." in its [ResCNM\(2004\)12](#), 17.11.2004 (emphasis added).

<sup>40</sup> See the paper of the Center for Development of Civil Society (CDCS) on "Managing Crisis in Interethnic Relations in Vojvodina", dated 22.11.2005.

<sup>41</sup> See the report of the Center for Development of Civil Society (CDCS) on "The inter-ethnic incidents in Serbia in 2006" dated 18.12.2006.

<sup>42</sup> Statement filed by the Secretariat of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly.

<sup>43</sup> See Serbia 2007 Progress Report, SEC(2007) 14535, 6.11.2007, Commission staff working document, COM(2007) 663 final, p. 15.

<sup>44</sup> [ACFC/INF/OP/I\(2004\)002](#), 27.11.2003 and [ResCNM\(2004\)12](#), 17.11.2004.

<sup>45</sup> One point of concern remains that for both minority and majority parties, 10,000 signatures are accordingly requested to go on to elections (see paper of the Center for Development of Civil Society (CDCS) on the "Situation in the protection of the national minorities, especially the Romanian and Vlasian national minorities), this is a real problem for the small minorities. In this context, one should underline the initiative of the Republic Electoral Committee to facilitate the submission of list of candidates for political parties of national minorities mentioned in the First Report presented by the Secretary General of the Council of Europe on Compliance with obligations and commitments and implementation of the post-accession co-operation programme, [SG/Inf\(2006\)15 final](#), 18/12/2006.

<sup>46</sup> [Decision on the Province Ombudsperson](#); the Province Ombudsperson issued in 2004 a general announcement regarding the frequent inter-ethnic incidents in Vojvodina, pointing out that in the multinational environment of the Province; community living represents the way of life of its people; see the Summary of the Annual Report of the Ombudsperson for 2004.

<sup>47</sup> Some of which even mentioned a real 'ethnic radicalisation' of the youth.

<sup>48</sup> [ACFC/INF/OP/I\(2004\)002](#), 27.11.2003 and [ResCNM\(2004\)12](#), 17.11.2004.

<sup>49</sup> See position of Bálint Pásztor, Democratic Community of Vojvodina Hungarians, 18.10.2007, <http://serbie-droitshumains.blogspot.com/2007/10/iniquite-en-vovodine.html> (French only).

<sup>50</sup> Article 16: "The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention".

<sup>51</sup> A decision dated 11.05.2006 has been taken in order to increase the number of members of national minorities in Public Administration. In Vojvodina, it is now possible to write the entrance exam into the police school in the Hungarian language.

<sup>52</sup> [ACFC/INF/OP/I\(2004\)002](#), 27.11.2003 and [ResCNM\(2004\)12](#), 17.11.2004.

<sup>53</sup> Concerns expressed by the President of the Croatian National Council before the Sub-Committee on Rights of minorities on 17.05.2006. He complained about the "lack of cooperation" with the national councils of the redactions of TV programmes in minority languages on TV Novi Sad.

<sup>54</sup> See report presented by the Federal Republic of Yugoslavia in accordance with Article 25 § 1 of the Framework Convention for the Protection of National Minorities, 16.10.2002, [ACFC/SR\(2002\)003](#).

<sup>55</sup> See official results of the 2002 census at <http://www.statserb.sr.gov.yu/Ter/epop.htm>.

<sup>56</sup> It was claimed inter alia that forms had been completed in lead pencil and could thus be altered at will.

<sup>57</sup> Declaration made on 19.04.2006 during the Romanian President's official visit to Serbia.

<sup>58</sup> See in this connection the statements of the Romanian Ambassador to Serbia, Mr Ion Macovei: "We have tried to draw closer to our minority in Vojvodina, but also to the Romanians in eastern Serbia. There, some declare themselves Romanians, others say they speak Romanian but do not know whether they are Romanian or Vlach. All these questions could be answered if we conferred frankly at the bilateral level. Yet everything depends on the citizens themselves. They must express themselves, by themselves, on their identity. We regard them as Romanians, but will not force them to express themselves as to what they are not or do not wish to be. It is the choice of every individual.", Romania - Serbia: diplomatic alliance and good neighbourly relations, "Courrier des Balkans", 11.12.2007, <http://balkans.courriers.info/article9363.html>. Published in the press: 11.12.2007 (French only).

<sup>59</sup> See also 'Alternative Report submitted pursuant to Article 25 § 1 of the FCNM', Voivodina Center for Human Rights, Voivodina/Serbia, 09.2007 (English only), page 15 ff.

<sup>60</sup> ACFC/INF/OP/I(2004)002, 27.11.2003.

<sup>61</sup> See in this connection §§ 26 and 123 of the Advisory Committee's opinion, ACFC/INF/OP/I(2004)002, 27.11.2003.

<sup>62</sup> Enacted in April 2006, took effect on 07.05.2006.

<sup>63</sup> This is even stranger as the Advisory Committee considered in its opinion (above) that the authorities should pay special attention to differences in treatment between religions so as to ensure equal protection before the law for persons belonging to national minorities. In the case in point, it is open to question whether persons belonging to the Romanian minority actually enjoy the same level of protection for their freedom of religion as the members of other national minorities whose church is presumably recognised in the law of 2006.

<sup>64</sup> See CDL-AD(2006)24, 14.06.2006.

<sup>65</sup> See *International Religious Freedom Report 2007* by the Bureau of Democracy, Human Rights and Labour of the US State Department, available at <http://www.state.gov/g/drl/rls/irf/2007/90198.htm>.

<sup>66</sup> An excerpt from the regulations in question was passed to the rapporteur during this meeting.

<sup>67</sup> According to the instrument of ratification deposited by Serbia, Albanian, Bosnian, Bulgarian, Hungarian, Roma, Romanian, Rusyn, Slovak, Ukrainian and Croat are protected by the provisions of the Charter.

<sup>68</sup> On this subject, see 'Initial periodical report presented to the Secretary General of the Council of Europe in accordance with Article 15 of the Charter' – Serbia – MIN-LANG/PR(2007)4, 11.07.2007, p. 122.

[http://www.coe.int/t/e/legal\\_affairs/local\\_and\\_regional\\_democracy/regional\\_or\\_minority\\_languages/2\\_monitoring/2.2\\_States\\_Reports/Serbia\\_report1.pdf](http://www.coe.int/t/e/legal_affairs/local_and_regional_democracy/regional_or_minority_languages/2_monitoring/2.2_States_Reports/Serbia_report1.pdf)

<sup>69</sup> See PACE [Recommendation 1333](#) (1997).

<sup>70</sup> Resolution ResCMN(2004)12 on the implementation of the Framework Convention for the Protection of National Minorities by Serbia and Montenegro, 17.11.2004.

<sup>71</sup> Accompanied by Ms Isild Heurtin, Deputy Secretary of the Committee.

<sup>72</sup> Accompanied by Ms Isild Heurtin, Deputy Secretary of the Committee.