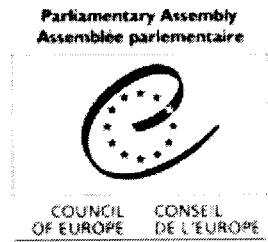


Parliamentary Assembly
Assemblée parlementaire



Provisional edition

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

Resolution 1632 (2008)¹

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 (ETS No. 157) and in the European Charter for Regional or Minority Languages (ETS 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. 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 ethnic incidents are currently few in the Serbian province of Vojvodina, a province whose composite ethnic make-up is one of the most pronounced in Serbia, 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 and the new 2006 Serbian Constitution, have been taken to advance the rights of national minorities, and encourages the authorities to pursue their efforts.
10. In this respect, the Assembly is very pleased to note that since the last elections the position of Minister for Human and Minority Rights has been re-instated and that the representatives of minorities are part of the ruling coalition with ministerial mandates.
11. 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.
12. The Assembly is pleased to note that a draft law against discrimination has been prepared and submitted for comment to the European Commission for Democracy through Law ("Venice Commission"). The speedy adoption and implementation of this law is especially important for the prevention of any future discrimination against members of national minorities.
13. 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.

14. Furthermore, the authorities must continue their efforts in building 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 and apply this initiative to other regions and especially Vojvodina.

15. 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.

16. 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.

17. 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.

18. 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 eastern Serbia are in a distinctly less favourable position than those of Vojvodina.

19. 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.

20. The Assembly therefore encourages the members of the Romanian and Vlach minorities 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 identities. Here the Serbian authorities have a duty not to impede but to support initiatives in that direction.

21. The Assembly is aware of the concerns raised by the Venice Commission on the 2006 Law on churches and religious organisations in the Republic of Serbia and shares its recommendation that a more precise conception of the legal status of canon laws and ecclesiastical decisions be provided. Furthermore, the Assembly urges the Serbian authorities to co-operate with both the Serbian Orthodox church and the Romanian Orthodox church in finding a practical solution whereby freedom of religion is made a reality in eastern Serbia, as it is already the case in Vojvodina.

22. 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, Croatia and "the former Yugoslav Republic of Macedonia") by fully implementing the bilateral agreements which they have signed. The same applies to the authorities of the kin-states.

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

23.1. 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;

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

23.3. 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;

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

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

- 23.6. define more precisely the functions and obligations of the national councils for national minorities while granting them the necessary funds to accomplish their missions;
- 23.7. introduce a mechanism enabling the national councils for national minorities to supervise the acts of the executive with regard to the rights of minorities;
- 23.8. convene more frequent and regular meetings of the National Council for National Minorities;
- 23.9. envisage appointing a deputy ombudsman in charge of questions relating to the rights of minorities;
- 23.10. while acknowledging the improvements contained in the new Constitution in this respect, to further strengthen the stability of the budgets of the autonomous provinces;
- 23.11. take positive measures in favour of persons belonging to all national minorities, and to eradicate all discrimination against their members;
- 23.12. intensify their efforts for the furtherance of initiatives to promote a spirit of tolerance and intercultural dialogue;
- 23.13. step up initiatives to train teachers with the requisite qualifications for language teaching and teaching in minority languages;
- 23.14. continue developing bilingual and mother-tongue schools;
- 23.15. 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;
- 23.16. take the necessary measures in order to facilitate 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 enable them to hold religious services in that language;
- 23.17. identify and apply technical solutions which would enable persons living in eastern Serbia to receive broadcasts in Romanian made in Vojvodina;
- 23.18. provide for exceptions to the media privatisation procedures for the benefit of the media operating in minority languages, in order to ensure their viability.
24. 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.
25. 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.

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

See also Recommendation 1845 (2008).