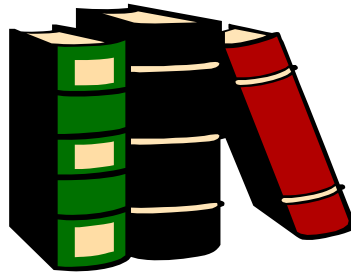




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LAW ON RIGHTS OF NATIONAL MINORITIES

“Official Gazette of Bosnia and Herzegovina”, 12/03

NOTE: The Law on Amendments to the Law on Rights of National Minorities, published in the “Official Gazette of Bosnia and Herzegovina”, 76/05 (10/31/05), is not included in this translation.

NOTE: The Law on Changes and Amendments to the Law on Rights of National Minorities, published in the “Official Gazette of Bosnia and Herzegovina”, 93/08 (11/18/08), is not included in this translation.

Pursuant to the Article IV Item 4 a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly at the session of the House of Representatives held on 20 June 2002 and the House of Peoples at its session held on 12 April 2003 have adopted the following:

LAW ON RIGHTS OF NATIONAL MINORITIES

I BASIC PROVISIONS

Article 1.

The Law hereto shall regulate the rights and obligations of members of national minorities in Bosnia and Herzegovina (hereinafter BiH) and duties of the authorities in BiH to respect and protect, preserve and develop the ethnic, cultural, linguistic and religious identity of each member of national minorities in BiH, who is a citizen of BiH.

Article 2.

Protection of national minorities and the rights and freedoms of these minorities shall be an integral part of international protection of human rights and freedoms.

The Council of Europe's Framework Convention for Protection of National Minorities shall directly apply and be an integral part of the legal system in BiH and the entities within BiH.

Article 3.

A national minority, in terms of this Law, shall be a part of the population-citizens of BiH that does not belong to any of three constituent peoples and it shall include people of the same or similar ethnic origin, same or similar tradition, customs, religion, language, culture, and spirituality and close or related history and other characteristics.

BiH shall protect the status and equality of members of national minorities as follows: Albanians, Montenegrins, Czechs, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Romas, Romanians, Russians, Rusins, Slovaks, Slovenians, Turks, Ukrainians and other who meet requirements referred to in Paragraph 1 of this Article.

Article 4.

Every member of a national minority shall have right to choose freely to be treated or not to be treated as such and may not be put into an adverse position due to such a choice nor may be subject to any other form of discrimination on these grounds.

Assimilation of members of national minorities against their will shall not be allowed.

Article 5.

Members of national minorities shall have right to organise and gather in order to express and protect their cultural, religious, educational, social, economic and political freedoms, rights, interests, needs and identities.

Article 6.

BiH shall facilitate and financially assist the upholding and development of relations between the members of national minorities in BiH and members of the same national minorities in other countries and with the peoples in their countries of descent.

Article 7.

Entities, cantons, cities and municipalities in BiH, within the scope of their competencies, shall in detail regulate by their laws and other regulations rights and duties arising from the Law hereto and international conventions regulating the issues of importance for national minorities.

Article 8.

Within their budgetary resources BiH, entities, cantons, cities and municipalities in BiH shall secure funds for the exercise of rights the national minorities are entitled to pursuant to this Law.

Article 9.

The members of a national minority shall be obliged to respect the rights of other national minorities, as well as constituent peoples in BiH, in the cities, municipalities, and local communities (or inhabited areas) where they constitute majority, respecting the principles of their full equality.

II INSIGNIA AND SYMBOLS

Article 10.

Members of national minorities may freely display and bear insignia and symbols of a national minority they belong to, as well as their organisations, associations and institutions.

When using insignia and symbols referred to in Paragraph above, the members of national minorities shall be also obliged to display the official insignia and symbols of BiH, as well as the symbols and insignia of the Entities, cantons and municipalities, in accordance with their regulations.

III USE OF LANGUAGES

Article 11.

BiH shall recognise and protect the right of each member of a national minority in BiH to use his/her language freely and without any hold-ups, both in private and in public, both orally and in writing.

The right stated in Paragraph above shall also embrace the right of a member of national minority to use his/her name in the language of minority and to request it to be used as such in public.

Article 12.

The authorities in the cities, municipalities, and local communities (or inhabited places) in which the members of national minority represent an absolute or relative majority of population shall ensure that the minority language is used between such members and the authorities; that the inscriptions on institutions shall be also displayed in a minority language, and that the local names, street names, and other topographic signs intended for the public be also written and displayed in the language of the minority requesting that.

Cities and municipalities may determine by its statutes that the rights referred to in Paragraph above may be used by the members of national minorities even when they do not constitute absolute or relative majority of population, but when they constitute more than a third of the population in the city, municipality or populated area.

IV EDUCATION

Article 13.

The Entities and Cantons in the Federation of BiH shall determine by their legislation the possibilities for the members of national minorities to establish and preserve their own private institutions for education and vocational training.

The national minorities shall be obliged to secure financing of the institutions referred to in Paragraph above.

Article 14.

Entities and cantons in F BiH shall be obliged to secure within their educational system (pre-school, primary, secondary) that the members of national minorities shall be enabled to have education in the minority language in the cities, municipalities, and inhabited areas in which the members of national minorities represent an absolute or relative minority.

Regardless of the number of members of national minorities the entities and cantons shall be bound to secure that the members of national minority, if they request so, may have instructions on their language, literature, history, and culture in the language of minority they belong to as additional classes.

For the purposes of the realisation of rights referred to in Paragraph above the Entity, cantonal, city and municipal authorities shall be bound to secure funds, means for the education of teachers to teach in the language of the national minority, to ensure the space and other requirements for the additional classes as well as printing of textbooks in the languages of national minorities.

V INFORMATION

Article 15.

Members of national minorities in BiH shall have a right to establish radio and TV stations, issue newspapers and other printed information journals in the language of a minority they belong to.

Article 16.

Radio and TV stations whose founders are BiH, entities, cantons, cities, and municipalities and which have the role of a public service shall be obliged to provide in their program schedules the special programs for members of national minorities and they may also provide for other materials in the minority languages.

Radio and TV stations as public services of BiH shall secure informative program for members of national minorities in their language at least once a week.

By their regulations the Entities and cantons shall identify the rights referred to in Paragraph 1 of this Article pursuant to the percentile representation of national minorities in the Entity, canton, city and municipality.

VI CULTURE

Article 17.

Members of national minorities shall have right to establish libraries, video libraries, cultural centres,

museums, archives, cultural, artistic and folklore associations and all other forms of free cultural expression and to take care of preservation of their monuments of culture and cultural heritage.

The contents in the languages of a national minority shall be provided in the institutions for cultural activities in the cities, municipalities, and local communities (or inhabited places) in which members of national minorities make over one third of population.

Archives, museums, and institutions for protection of monuments of culture and tradition in BiH and its Entities shall also ensure the proportional representation of all national minorities in BiH in their programs and contents and shall protect monumental heritage and cultural heritage of national minorities.

VII ECONOMIC AND SOCIAL RIGHTS

Article 18.

In the cities, municipalities, and local communities (or inhabited areas) in which the members of national minority make an absolute or relative majority of population, the authorities shall ensure that the use of minority language and the treatment in minority language is facilitated in financial and banking institutions and other services of public sector through the payment receipts and forms as well as in hospitals, old people nursing homes and other social institutions.

VIII PARTICIPATION IN THE AUTHORITIES

Article 19.

Members of national minority referred to in Article 3 of this Law shall be entitled to the participation in the authorities and other public services at all levels in proportion to the percentage of their participation in the population in line with the latest census in BiH.

Article 20.

Manner and criteria of electing representatives of national minorities into parliaments, assemblies and councils in terms of Article above shall be closely regulated by the Election Laws of BiH and the Entities, as well as the Statutes and other regulations in cantons, cities and municipalities.

A special law and other regulations of BiH, Entities, cantons, cities and municipalities shall regulate manner of the representation of members of national minorities in executive and judicial authorities as well as public services.

Representatives of national minorities in the structure of authorities shall be the representatives of all national minorities and shall be obliged to protect interest of all national minorities.

Article 21.

The BiH Parliamentary Assembly shall establish the BiH Council of National Minorities as a special advisory body that will consist of members of national minorities referred to in Article 3 of the Law hereto.

Article 22.

The BiH Council of National Minorities shall give opinions, advice and proposals to the BiH Parliamentary Assembly on all matters regarding the rights, status and interest of national minorities in BiH.

The BiH Council of National Minorities may delegate an expert to work with the Constitutional-Legal Commission and the Human Rights Commission in both houses of the BiH Parliamentary Assembly.

Article 23.

The Parliament of the BiH Federation and the National Assembly of Republika Srpska shall establish Councils of National Minorities of the BiH Federation and of Republika Srpska as well as advisory bodies whose scope of work and work method shall be defined by the Entity regulations.

IX INTERNATIONAL SUPERVISION AND CO-OPERATION

Article 24.

BiH shall co-operate and exchange knowledge with the governments and institutions of the interested states as well as with the international institutions, with a view to implementing the human rights and national minority rights to the highest extent possible.

X PENAL PROVISIONS

Article 25.

In accordance with the criminal laws of the entities in BiH, any action, encouragement, organisation and aiding and abetting of the activities that could imperil survival of a national minority, initiate ethnic hatred, lead to discrimination or bringing members of a national minority into unequal position shall be prohibited.

XI TRANSITIONAL AND CLOSING PROVISIONS

Article 26.

Republika Srpska and the BiH Federation shall adopt and harmonise their regulations on national minority rights, as well as other laws and regulations prescribing and protecting the rights of national minorities with this Law within 6 months of the day of entering into force of this Law.

Article 27.

This Law shall enter into force on the eighth day of its publication in the "Official Gazette of BiH" and it shall be published in official gazettes of the Entities and Brcko District of Bosnia and Herzegovina.