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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**DRAFT LAW ON RIGHTS OF ETHNIC AND
NATIONAL COMMUNITIES AND MINORITIES
IN BOSNIA AND HERZEGOVINA**

Pursuant to the Article IV 4 a) of the Constitution of Bosnia and Herzegovina, the House of Representatives upon its session held on ____, and the House of Peoples of the Parliamentary Assembly of BiH at its ___ session held on ____, have adopted the following:

**LAW
ON RIGHTS OF ETHNIC AND NATIONAL
COMMUNITIES AND MINORITIES
IN BOSNIA AND HERZEGOVINA**

Article 1

The Law on Rights of Ethnic and National Communities and Minorities shall regulate the rights of ethnic and national communities and minorities as provided for by the Framework Convention on Protection of National Minorities.

Article 2

The Law on Rights of Ethnic and National Communities and Minorities (hereinafter: national minorities) in Bosnia and Herzegovina shall harmonise the rights of national minorities in Bosnia and Herzegovina with the Framework Convention on Protection of National Minorities.

Article 3

Bosnia and Herzegovina shall protect in all segments the equality of members of national minorities: Albanians, Montenegrins, Checks, Jews, Hungarians, Macedonians, Germans, Poles, Romani, Rumanians, Russians, Slovaks, Slovenians, Italians, Turks, Ukrainians, and other national minorities and it shall encourage their versatile development and improvement.

Article 4

Members of national minorities shall have, in accordance with the Framework Convention on Protection of National Minorities, all religious and political rights in Bosnia and Herzegovina, including the right to be elected.

Article 5

1. Nothing in this Law shall be interpreted as implying any right to perform any activity or committing an act contrary to the fundamental principles of the international law, and in particular the territorial sovereignty and independence of Bosnia and Herzegovina.
2. The territorial sovereignty and independence of Bosnia and Herzegovina guarantee full equality of peoples, national minorities and all citizens of Bosnia and Herzegovina.

Article 6

1. This Law shall, in accordance with the European Charter on Regional Languages or Languages of Minorities, enable to national minorities the right to use language, script and education of national minorities, which shall be regulated by a special law on language, script and education of national minorities which live in Bosnia and Herzegovina.

2. In accordance with the European Charter on Regional Languages and Languages of Minorities, national minorities shall be entitled to information in the language of the respective national minority.

Article 7

1. Entity, canton, municipality or city may provide that within its area in which the members of national minority represent a majority of population, and where both the language and script of the national minority are in use, legal and natural persons who perform a public activity shall be entitled to inscribe names in two or more languages and to give places and geographic localities such names which shall reflect the presence and existence of such national minority.
2. Entity, canton, municipality or city shall enable to national minorities to display their insignia at appropriate places.
3. When displaying their insignia members of a national minority shall be obliged to also display insignia of Bosnia and Herzegovina, relevant Entity, canton, municipality and city.

Article 8

Bosnia and Herzegovina shall promote both cooperation between national minorities in Bosnia and Herzegovina and cooperation of national minorities from Bosnia and Herzegovina with national minorities in other countries and with peoples in their home country.

Article 9

The Law shall enter into force on the eighth day of the date of its publishing in the "Official Gazette of BiH".

Reasoning

The constitutional basis for adoption of this law are the Preamble of the BiH Constitution and Article II of the BiH Constitution – human rights and fundamental freedoms, which clearly guarantee the right of all BiH citizens to equality in terms of human rights, political engagement, use of language and other rights in Bosnia and Herzegovina which have been regulated by this law in a more definitive manner.

The basic principle on which this law is based is the principle of equality of citizens regardless of their sex, colour, religion, race, nationality and political belief.

Under the last census there are numerous minorities living in the territory of BiH and they must therefore be provided with a possibility to enjoy all rights under conventions, charters and declarations on the rights of national minorities. Some of these rights, including the right to education and information in languages of national minorities, have been specifically stressed in the European Charter on Regional Languages and Languages of National Minorities.

By adopting this Law Bosnia and Herzegovina would start the implementation of ratified international documents that regulate these issues, which would be a significant contribution to the recognition of human rights and freedoms in this area.

No special funds shall be required for the implementation of this Law.

**Proponent:
DELEGATE
Ibrahim Spahic**