

Table 1: The Demography of Minorities in the Western Balkans

	Total Population ¹	Minorities		
		Total	Per Cent	Individual Groups ² (total number and per cent of total population)
Albania ³	3,069,275 ⁴	63,700 ⁵	2.15%	Greek: 59,000 (2.0%) Macedonian: 4,700 (0.15%)
Bosnia and Herzegovina ⁶	3,842,762 ⁷	51,989 ⁸	0.8%	Montenegrin: 10,071 (0.2%) Roma: 8,864 (0.2%) Albanian: 4,925 (0.1%)
Croatia ⁹	2001: 4,437,460	331,383	7.47%	Serb: 201,631 (4.5%) Bosniak: 20,755 (0.5%) Italian: 19,636 (0.4%)
Kosovo ¹⁰	1,900,000 ¹¹	228,000	12%	Serb: 133,000 (7%) Other: 95,000 (5%)
Macedonia	2,022,547	724,566	35.8%	Albanian: 509,083 (25.2%) Turks: 77,959 (3.8%) Roma: 53,879 (2.7%)
Montenegro ¹²	620,145	352,476	56.84%	Serb: 198,414 (32.0%) Bosniak: 48,184 (7.8%) Albanian: 31,163 (5.0%)
Serbia ¹³	7,498,001	960,705 ¹⁴	12.52%	Hungarian: 293,299 (3.9%) Bosniak: 136,087 (1.8%) Roma: 108,193 (1.4%)

Table 2: Constitutional and Other Legal Provisions for Minority Rights

	Constitutional Provisions									Other Legislation					
	Non-discrimination	Positive discrimination	Political Participation Rights	Educational/Cultural Rights	Minority Language Rights	Electoral Provisions	Free Choice of Nationality	Ban on Positive Discrimination	Official Language	Minority Law		Language		Other	
										Permissive	Restrictive	Permissive	Restrictive	Permissive	Restrictive
Albania	Yes ¹⁵	No	Yes ¹⁶	Yes ¹⁷	Yes ¹⁸	No	No	No	Yes ¹⁹	N.A.	N.A.	Yes	No	Yes ²⁰	No
BiH	Yes ²¹	No	No	No	No	No	No	No	No	Yes ²²	No	Yes ²³	No	Yes ²⁴	No
Croatia²⁵	Yes ²⁶	Yes ²⁷	Yes ²⁸	Yes ²⁹	Yes ³⁰	Yes ³¹	Yes ³²	No	Yes ³³	Yes ³⁴	No	Yes ³⁵	No	Yes ³⁶	No
Kosovo³⁷	Yes ³⁸	Yes ³⁹	Yes ⁴⁰	Yes ⁴¹	Yes ⁴²	Yes ⁴³	No	No	No	N.A. ⁴⁴	N.A.	N.A.	N.A.	N.A.	N.A.
Macedonia	Yes ⁴⁵	No	Yes ⁴⁶	Yes ⁴⁷	Yes ⁴⁸	Yes ⁴⁹	Yes ⁵⁰	No	Yes ⁵¹	N.A.	N.A.	Yes ⁵²	Yes ⁵³	Yes ⁵⁴	No
Montenegro	Yes ⁵⁵	Yes ⁵⁶	Yes ⁵⁷	Yes ⁵⁸	Yes ⁵⁹	Yes ⁶⁰	Yes	No	No	N.A.	N.A.	Yes ⁶¹	No	Yes ⁶²	No
Serbia	Yes ⁶³	Yes ⁶⁴	Yes ⁶⁵	Yes ⁶⁶	Yes ⁶⁷	No	No	No	Yes ⁶⁸	Yes ⁶⁹	No	Yes ⁷⁰	No	Yes ⁷¹	No

Table 3: International Minority Rights Instruments

	International Convention on the Elimination of All Forms of Racial Discrimination	International Covenant on Economic, Social, and Cultural Rights	International Covenant on Civil and Political Rights	Copenhagen Document of the Conference on European Security and Co-operation	(European) Framework Convention for the Protection of National Minorities	European Charter for Regional or Minority Languages
Albania	Yes	Yes	Yes	Yes	Yes	No
BiH	Yes	Yes	Yes	Yes	Yes	Yes
Croatia	Yes	Yes	Yes	Yes	Yes	Yes
Macedonia	Yes	Yes	Yes	Yes	Yes	Yes
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	Yes	Yes

Table 4: Bilateral Treaties and Agreements

	Partner Countries	Provisions Extending to		
		Mutual Protection of Minorities	Transfrontier Co-operation	Recognition of Existing Borders
Albania	Greece ⁷²	Yes	Yes	Yes
	Macedonia ⁷³	No	Yes	Yes
	Montenegro ⁷⁴	No	Yes	Yes
BiH	Croatia ⁷⁵	No	Yes	N.A.
	Serbia ⁷⁶	No	Yes	N.A.
Croatia	Hungary (1995) ⁷⁷	Yes	Yes	Yes
	Italy (1996) ⁷⁸	Yes	Yes	Yes
	Serbia (2005) ⁷⁹	Yes	Yes	Yes
	BiH ⁸⁰			
Macedonia	Albania ⁸¹	No	Yes	Yes
	Serbia ⁸²	Yes	Yes	Yes
Montenegro	Albania ⁸³	No	Yes	Yes
Serbia	Signed with: Macedonia (2005); Hungary (2004); Romania (2004); Croatia (2005) ⁸⁴	Yes ⁸⁶	Yes	Yes ⁸⁷
	Succession: Ukraine (1996); Slovakia (1996); Macedonia (1998); Croatia (2002)	Collaboration in the fields of culture, education and sports.	Yes	Yes
	Agreement on special parallel relations with Republika Srpska (2006) ⁸⁵		Yes	

Notes

- ¹ Official census data, unless otherwise indicated.
- ² Largest three minority groups per country.
- ³ 2001 Census; http://www.instat.gov.al/repoba/Rezultate_linqe/Tabelat_Web/Kapitulli1/tab_1.1.xls
- ⁴ 2001 Census http://www.instat.gov.al/repoba/english/default_english.htm
- ⁵ Minority data for Albania are estimates by the Minority Rights Group International (<http://www.minorityrights.org/?lid=1376>). The 2001 census did not include any question on ethnic identity.
- ⁶ *Demographics, Thematic Bulletin*, Agency for Statistics of Bosnia and Herzegovina, Sarajevo, December 2007 p. 28. <http://www.bhas.ba/Arhiva/2007/TB/Demografija-hr.pdf>.
- ⁷ These and all further data in this row represent estimates as of 30 June 2006. See note 8.
- ⁸ Figure is from 1991 census and includes others, but without Bosniaks, Serbs, Croats, undeclared and undefined, Yugoslavs, regional affiliation and unknown.
- ⁹ The Bureau of Statistics of Croatia, *Population Census 2001*. Zagreb: The Bureau of Statistics of Croatia, 2002.
- ¹⁰ *Demographic changes of the Kosovo population 1948-2006, SOK March 2008*, Statistical Office of Kosovo: <http://www.ks-gov.net/ESK/>. Also includes data on earlier censuses. Note that due to the widespread refusal of Albanians to contribute, the Yugoslav Statistical Office estimated the 1991 figures on the basis of 1981 census data and demographic indicators for the Kosovo Albanian population.
- ¹¹ Statistical Office of Kosovo (2003). Kosovo and its Population: A Brief Description, June 2003 (revised version). Pristina: Statistical Office of Kosovo. Available at http://www.sokkosovo.org/pdf/population/kosovo_andits_population.pdf. This and the following data in this row represent estimates only.
- ¹² Statistical Office of Montenegro, *Population Census 2003*. <http://www.monstat.cg.yu/engPopis.htm>.
- ¹³ Statistical Office of the Republic of Serbia, *Population Census of 2002* [for Serbia and Vojvodina only], <http://webrzs.statserb.sr.gov.yu/axd/Zip/NEP1.pdf>.
- ¹⁴ Figure includes others, but without Montenegrins, undeclared and undefined, Yugoslavs, regional affiliation and unknown.
- ¹⁵ Albanian Constitution (21.10.1998), Art. 18 (2) <http://www.ipls.org/services/constitution/const98/cp2.html>
- ¹⁶ Idem. Art. 45 (1) and 46 (1); <http://www.ipls.org/services/constitution/const98/cp2.html>
- ¹⁷ Idem. Art. 10 (1); 20 and 24 (2). <http://www.ipls.org/services/constitution/const98/cp1.html>
- ¹⁸ Idem, Art. 20; <http://www.ipls.org/services/constitution/const98/cp2.html>
- ¹⁹ Idem. Art 14 (1). <http://www.ipls.org/services/constitution/const98/cp1.html>
- ²⁰ Law no 9087/2003, revised January 2004- The electoral code of the Republic of Albania; Art. 3 (2); <http://www.lexadin.nl/wlg/legis/nofr/eur/lxwealb.htm>
- ²¹ BiH Constitution Art III, 4. + Art II, 2: reference to the international HR regulations: ‘The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law.’
- ²² Law on the Protection of Minority Rights 2003, provisions on proportional representation of minorities in executive and judiciary + public services: VIII, 19 + 20 (Arts 21-23 on National Councils of Minorities)
- ²³ Law on the Protection of Minority Rights 2003, provisions on minority language use: III, 11 + 12.
- ²⁴ Law on the Protection of Minority Rights 2003, provisions on education IV, 13 + 14. + informing in minority languages 15+16; culture 17.
- ²⁵ We subsume provisions in the Constitution of the Republic of Croatia (<http://www.constitution.org/cons/croatia.htm>) and in the Constitutional Law on the Rights of National Minorities (http://www.osce.org/documents/mc/2002/12/1921_en.pdf) under ‘constitutional provisions’.
- ²⁶ Croatian Constitution, Historical foundations, Art. 3
- ²⁷ Croatian Constitution, Article 15; Constitutional Law Art. 22 paragraph 4 (priority in filling posts, under equal conditions)
- ²⁸ Croatian Constitution, Article 15; Constitutional Law Art. 19 – parliamentary representation; Art 20 – local self-government representation; Art 22 – proportional representation in executive of local governments; minority representation ensured in administrative and judicial bodies; Art. 23 allows ‘councils and representatives of national minorities in self-government units’ + Art 25.
- ²⁹ Croatian Constitution Art. 15 guarantees ‘freedom to use their language and script, and cultural autonomy’, but there is no explicit reference to education (though that is regulated in the Law on Minority Language’. Article 40 guarantees religious freedoms.
- ³⁰ Croatian Constitution Art. 12
- ³¹ Croatian Constitution Art. 15
- ³² Croatian Constitution Art. 15 outlines: ‘Members of all national minorities shall be guaranteed freedom to express their nationality, freedom to use their language and script, and cultural autonomy.’ Constitutional Law, Article 5: ‘Every citizen of the Republic of Croatia shall have: the right to express freely that he is a member of a national minority in the Republic of Croatia;’
- ³³ Croatian Constitution Art. 12; Constitutional Law Art. 11 paragraph 5 – ‘right and obligation’ of minority to learn the Croatian language and script.

- ³⁴ Constitutional Law, Art. 7;
- ³⁵ Constitutional Law, Art. 12, 13; + Law on the Use of Language and Script of National Minorities in the Republic of Croatia 2000
- ³⁶ Constitutional Law Art. 18,19 – Radio&TV broadcasting in minority languages.
- ³⁷ In relation to Kosovo, we draw on the constitution as approved by the Parliament of Kosovo on 9 April 2008; available at <http://www.kosovoconstitution.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf>.
- ³⁸ Constitution of the Republic of Kosovo, Art. 1 (2); 3; 7; Chapters 2 and 3.
- ³⁹ Constitution of the Republic of Kosovo, Art. 59 (3, 10, 11); 61; 62; 64 (2).
- ⁴⁰ Constitution of the Republic of Kosovo, Art. 60; 62; 64 (2); 96 (2, 3); 103 (3); 104 (2, 3).
- ⁴¹ Constitution of the Republic of Kosovo, Art. 47; 58; 59.
- ⁴² Constitution of the Republic of Kosovo, Art. 5; 58; 59.
- ⁴³ Constitution of the Republic of Kosovo, Art. 45; 62; 64.
- ⁴⁴ At time of completing this Report, no information was available about further legislation.
- ⁴⁵ Amendments of the 1991 Constitution (2001)
http://www.minelres.lv/NationalLegislation/Macedonia/Macedonia_Const2001_excerpts_English.htm
- ⁴⁶ 20.11.1991 Constitution; Articles: 69 (1991 Constitution + 2001 Amendments), 77 (1; 2); 78 (2); 109 (2); 114 (1; 5);
- ⁴⁷ Amendments of the 1991 Constitution (2001); Articles: 19 and 48;
- ⁴⁸ Idem; Article 48;
- ⁴⁹ Idem; Articles: 86 (2) and 104 (2);
- ⁵⁰ Idem; Article 42 (2);
- ⁵¹ Amendments of the 1991 Constitution (2001); Article 7 (2) introduces the 20% limit for the minority population.
- ⁵² Law on Self-Government (2002), XIV. Official Languages in the Municipality: Art 90 (1;2)
Law on Primary Education (1995) Articles: 8 (2), 13 (1; 2), 67 (1; 2; 3) and 81 (1; 2);
http://www.minelres.lv/NationalLegislation/Macedonia/Macedonia_PrimEduc_excerpts_English.htm
Law on Secondary Education (1995), Art. 3 (2) and 4 (2);
http://www.minelres.lv/NationalLegislation/Macedonia/Macedonia_SecEduc_excerpts_English.htm
- ⁵³ Law on the publication of the laws and other regulations and acts in the “Official Gazette of the Republic of Macedonia (1999)
Law on Secondary Education (1995), Art. 4 (3);
http://www.minelres.lv/NationalLegislation/Macedonia/Macedonia_SecEduc_excerpts_English.htm
Law on Higher Education (2000), Art. 95 (1);
http://www.minelres.lv/NationalLegislation/Macedonia/Macedonia_HighEduc_excerpts_English.htm
- ⁵⁴ Criminal Code 1996; Chapters 15 (Art. 137 and 138), 28 (Art. 319) and 34 (Art. 403, 408 and 417)
http://www.minelres.lv/NationalLegislation/Macedonia/Macedonia_CrimCode_excerpts_English.htm
Law and Civic Procedure (1998),
http://www.minelres.lv/NationalLegislation/Macedonia/Macedonia_CivProc_excerpts_English.htm
Law on Holidays of the Republic of Macedonia (1998), Art. 4;
Law on Identity cards (1995),
http://www.minelres.lv/NationalLegislation/Macedonia/Macedonia_ID_excerpts_English.htm
Framework Agreement (13.08.2001),
Law on Personal Names (1995)
http://www.minelres.lv/NationalLegislation/Macedonia/Macedonia_Names_excerpts_English.htm
Law on the usage of Macedonian Language (1998)
http://www.minelres.lv/NationalLegislation/Macedonia/Macedonia_Language_English.htm
- ⁵⁵ The Constitution of the Republic of Montenegro (19 October 2007), Art. 25.
<http://www.legislationline.org/upload/legislations/01/9c/b4b8702679c8b42794267c691488.htm>
- ⁵⁶ Idem. Art 80.
- ⁵⁷ Idem. Art 22; 46; 53; 79 (5)-autonomy; 79 (9)-political participation; 83.
- ⁵⁸ Idem. 14; 79 (1; 6)-Special Section on Minority Rights (Section 5; Article 79).
- ⁵⁹ Idem. Art. 13; 79 (4; 7; 8; 11)
- ⁶⁰ Idem. Art. 45; 79 (9;10).
- ⁶¹ Law on General Education (2003); Art. 11. <http://www.gom.cg.yu/files/1101305312.pdf>
- ⁶² Law on General Education (2003); Art. 9. <http://www.gom.cg.yu/files/1101305312.pdf>
Law on Primary Education (2003); Art. 2.
- ⁶³ Serbian Constitution Art 14. ‘The Republic of Serbia shall protect the rights of national minorities. The State shall guarantee special protection to national minorities for the purpose of exercising full equality and preserving their identity.’ + Art 75 (individual and collective rights guaranteed); Art 76 discrimination prohibited
- ⁶⁴ Serbian Constitution Art 77 ‘When taking up employment in state bodies, public services, bodies of autonomous province and local self-government units, the ethnic structure of population and appropriate representation of members of national minorities shall be taken into consideration.’ Article 76: ‘Specific regulations and provisional measures which the Republic of Serbia may introduce in economic, social, cultural and political life for the purpose of achieving full equality among members of a national minority and citizens who belong to the majority,

shall not be considered discrimination if they are aimed at eliminating extremely unfavourable living conditions which particularly affect them.’

⁶⁵ Serbian Constitution Art 75 ‘Persons belonging to national minorities shall take part in decision-making or decide independently on certain issues related to their culture, education, information and official use of languages and script through their collective rights in accordance with the law.’

⁶⁶ Serbian Constitution Art 79 + 75 (participation in decision-making on matters of minority concern – language, culture etc).

⁶⁷ Serbian Constitution Art 79.

⁶⁸ Serbian Constitution Art 10.

⁶⁹ 2002 Law on Protection of Rights and Freedoms of National Minorities (Serbia)

⁷⁰ 2002 Law on protection of Rights and Freedoms of National Minorities (Serbia), Art. 10, 11 + 9 (personal name) + 13, 14, 15 (education)

⁷¹ 2002 Law on protection of Rights and Freedoms of National Minorities (Serbia), Art 5 ‘Any registration of persons belonging to a national minority obliging them to declare their national affiliation against their will shall be prohibited.’ + Art 17 (public information in minority languages) + Art 18-19 (The National Councils of National Minorities)

⁷² Friendship, Cooperation, Good Neighbourliness and Security Agreement (1996).

⁷³ Agreement on Educational, Academic and Technical Cooperation (includes provisions for the mutual recognition of university diplomas).

⁷⁴ In the framework of cross-border cooperation in the areas inhabited by the Serbo – Montenegrin minority, during June 2006, bilateral agreements were signed for the cooperation in the field of the environment around Shkodra Lake and in the field of transportation for the railway network through Bajza. Connection in the Shkodra Lake has been achieved through the opening of the fourth border crossing point between the two countries, in Ura e Bunës and Vir Pazar.

⁷⁵ The Agreement on Special Relations between the Republic of Croatia and the Federation of Bosnia and Herzegovina (22 November 1998) <http://www.ohr.int/docu/d990512a.htm>

⁷⁶ Agreement on the Establishment of Special Parallel Relations Between the Republic of Serbia and Republika Srpska 26.09.2006; (replacing earlier Agreement on the Establishment of Special Parallel Relations Between the Federal Republic of Yugoslavia and Republika Srpska (5 March 2001)

⁷⁷ Agreement between the Republic of Croatia and the Republic of Hungary on the protection of the Croatian minority in the Republic of Hungary and of the Hungarian minority in the Republic of Croatia (5 April 1995)

⁷⁸ Treaty between the Republic of Croatia and the Italian Republic concerning minority rights (15.11.1996). Note also: The *Law on the Measures in favour of the Italian Minority in Slovenia and Croatia*, 21 March 2001 no. 73 (extending the validity of Article 14 § 2 of the *Provisions for the development of economic activities and international cooperation of the Region Friuli-Venezia Giulia, the province of Belluno and the neighbouring areas*, 9 January 1991, no. 19) (Italy); and: Memorandum of understanding among Croatia, Italy and Slovenia on the protection of Italian minority in Croatia and Slovenia (15 January 1992).

⁷⁹ Agreement between the Republic of Croatia and Serbia and Montenegro on the protection of the Croatian minority in Serbia and Montenegro and Serbian and Montenegrin minority in the Republic of Croatia (15 November 2004)

⁸⁰ The Agreement on Special Relations between the Republic of Croatia and the Federation of Bosnia and Herzegovina (22 November 1998) <http://www.ohr.int/docu/d990512a.htm>

⁸¹ Agreement on Educational, Academic and Technical Cooperation (includes provisions for the mutual recognition of university diplomas).

⁸² For details, see information on Serbia.

⁸³ See note 75 above.

⁸⁴ Agreement on the normalisation of the relations between the Federal Republic of Yugoslavia and the Republic of Croatia, (23 August 1996).

⁸⁵ Agreement on the Establishment of Special Parallel Relations Between the Republic of Serbia and Republika Srpska (26 September 2006).

⁸⁶ There is no explicit commitment to minority protection in the agreements with Croatia and Romania.

⁸⁷ Additionally, there is a trilateral agreement on the border between Serbia-Montenegro, Hungary and Romania (2006).