Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 13100
21 January 2013

Respect of human rights of the Bulgarian national minority in Serbia

Reply to Written question[1]: Written question No. 616 (Doc. 12935)
Committee of Ministers

1. In replying to Written Question No. 616, the Committee of Ministers recalls that religious freedom is protected under both Article 9 of the European Convention on Human Rights and Article 8 of the Framework Convention for the Protection of National Minorities.

2. The Committee emphasises that the question of the language in which worship is conducted is a matter for religious institutions rather than for the State, which has the duty first and foremost to ensure in practice that religious institutions enjoy freedoms such as the freedom to establish themselves with the necessary recognition and legal personality.

3. In its opinion on the second supervisory cycle of the Framework Convention in respect of Serbia adopted on 19 March 2009, the Advisory Committee set up under the Framework Convention made the following recommendations:

> *"147. The Advisory Committee urges the Serbian authorities to ensure that the right of persons belonging to a national minority to establish religious institutions, organisations and associations is fully guaranteed both in the legislation and in its subsequent implementation. This includes the need to remove any requirement that would go beyond the limitations foreseen in Article 9 paragraph 2 of the European Convention of Human Rights as interpreted by the European Court of Human Rights.*

4. 148. The Advisory Committee calls on the Serbian authorities to ensure that there is no unjustified limitation to the right of persons belonging to national minorities to practice their religion in public and in private, alone or in community with others."

5. In this regard, reference is also made to the recommendations of the European Commission against Racism and Intolerance (ECRI).

6. The Committee will attentively follow the action taken by Serbia in response to these recommendations.

1. Adopted at the 1159th meeting of the Ministers' Deputies (16 January 2013).