

# TERMS OF REFERENCE

## for short-term engagement of expert for assessing status of national minorities' rights in RS (JSTE/EU4CS/4)

### I BACKGROUND

#### *1.1. Beneficiary country*

The action will be implemented in Bosnia and Herzegovina.

#### *1.2. Project description*

*Title: 'EU for Civil Society (EU4CS) - Capacity building of Governments to include CSOs into the decision-making, Bosnia and Herzegovina'*

The *overall objective* of this project is to address the problem of weak cooperation and dialogue between governments and civil society in Bosnia and Herzegovina and to extend support to inclusive social dialogue and social partners (employees, employers, governments) including in relation to legislation, collective negotiations, assessing the need for new legislation, drafting the laws and monitoring the implementation of reforms.

The *specific objective* is to target the problem of weak cooperation and dialogue between governments and civil society in Bosnia and Herzegovina and extend it in direction of support to social dialogue and social partners (employees, employers, governments) including on such issues as legislation, collective negotiations, assessing the need for new legislation, drafting the laws and monitoring the implementation of reforms.

Expected *outputs* to be achieved include:

- Strengthen capacity of the public institutions and CSOs for better cooperation on policy dialogue,
- Strengthen capacity of the CSOs for better cooperation on creating and drafting strategic, legal and policy framework,
- Improved social dialogue between social partners (employees, employers, governments) at all institutional levels,
- Ensure participations of CSOs in the public consultations process/public debates on different institutional levels,
- Improved transparency in financing of CSOs by public institutions and
- Improved CSOs programme and financial reporting system to relevant institutions.

Project '*EU for Civil Society (EU4CS) - Capacity building of Governments to include CSOs into the decision-making, Bosnia and Herzegovina*', is implemented by international consortium led by PCM Consulting, Igor Stojanovic sp, Voždovačka 4, 78000 Banja Luka, Bosnia and Herzegovina  
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#### *1.3. Relevant country background*

Since 1995 and according to the Dayton Agreement the state of Bosnia and Herzegovina has been divided into two political entities – the Republic of Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH) – and the Brčko District (condominium). The RS covers 49 % of the territory and forms a semi-circle around the north and east, while the FBiH occupies the other 51%. Each Entity has its own political structure and administration. The BiH State government consists of a Parliamentary Assembly, which is divided into a House of Representatives and a House of Peoples, a rotating tripartite Presidency (with one member from each of the constituent peoples – Bosniaks, Croats and Serbs), and a Council of Ministers with nine ministries. The political structure of the FBiH is divided into three levels: the Entity level, the Cantonal level and the Municipal level, with each municipality having its own municipal council and administrative structures. By contrast, the Republic of Srpska (RS) has no cantons, only municipalities.

Therefore, in such a complex environment non-state actors (NSA) have difficulties in advocating for reforms in the above mentioned areas.

According to the latest data obtained from the BiH Ministry of Justice<sup>1</sup>, there are more than 27,000 organisations that can be considered as civil society non-profit organisations. At the State and Federation BiH level, the Ministries of Justices are responsible for registration and for keeping the Registry Books for Associations and Foundations. According to RS's Law on Associations and Foundations, associations and foundations register at the Basic Court in the seat of the District Court in the area in which they have their seat.

#### *1.4.Current state of affairs in the relevant sector*

In regards to fundamental rights<sup>2</sup>, significant reforms are needed to ensure that all citizens are able to effectively exercise their political rights. Laws on freedom of assembly have yet to be harmonised across the country and brought in line with European standards, in particular on grounds for restriction and responsibility of organisers. The 2020 Brčko District law on freedom of assembly, largely in line with European standards, should be used as a model in other jurisdictions. Concerning non-discrimination policies, there was no progress in adopting countrywide human rights and anti-discrimination strategies. The 2009 law on the prohibition of discrimination, which aims at full alignment with the EU acquis, is still not applied effectively. Discrimination cases have started to be registered separately within the HJPC- managed Case Management System since early 2021, which should allow for data collection on all categories and types of discrimination as provided by the law.

The participation in political and public life of members of national minorities remains low. No progress was made towards adopting a countrywide strategy on national minorities. Inter- ethnic relations in the country remain fragile. The recommendations of the 4th Framework Convention for the Protection of National Minorities review cycle from November 2017 for the authorities to condemn statements of politicians and public figures inciting ethnic hatred and to take measures promoting intercultural dialogue and understanding remain. The national minorities' councils should become more active in developing practical, political and legislative initiatives. In 2021, the Ombudsman received 3 complaints concerning minority rights (compared to 3 in 2020 and 7 in 2019) and issued one recommendation.

The Roma are the most vulnerable and disadvantaged minority. Anti-Roma stereotypes and prejudices, discrimination and anti-gypsyism still hinder their social inclusion. Roma women in particular face multiple forms of discrimination. They often lack resources, access to services, awareness about their rights and information on protection mechanisms. Roma women's rights are also violated in cases of domestic violence, early marriages, trafficking in human beings and labour exploitation of children. In April 2022, the Council of Ministers adopted a countrywide action plan for the social inclusion of Roma men and women 2021-2025, encompassing antidiscrimination and combatting anti-gypsyism, housing, employment, education and healthcare. Its strategic goals and measures are largely harmonised with the Poznan Declaration. The implementation of the Action Plan will require appropriate funding from all levels of government, reversing the declining trend, as well as constant monitoring, including by the Roma Advisory Board (Roma Committee). 12 local communities started revising their local Roma action plans.

No progress was made in developing a methodology for data collection nor in developing a policy for the legalisation of informal economy practices concerning the Roma. Discrimination in employment remains rampant, with very high unemployment rates. Compulsory education enrolment rates have increased, but the number of school drop-outs is still very high. While classes or schools are not segregated, there is no teaching in and of the Romani language, and the awareness of Roma culture among the rest of the population is very limited. Around two thirds of

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<sup>1</sup> For more details please consult <http://zborniregistri.gov.ba/> (only accessible in Bosnia and Herzegovina's official languages)

<sup>2</sup> EU report on BiH for 2022 ([https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2022\\_en](https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2022_en))

Roma have access to healthcare; children outside education and elderly Roma face the biggest hurdles. The process of civil registration is well advanced; a roadmap to end statelessness has been developed. No step was taken to remove administrative obstacles, including residence requirements for birth registration and for access to healthcare and education, and to recognise documents for children born abroad. The authorities acted during the pandemic to support the most vulnerable, however the grants allocated for the social inclusion of the Roma were halved.

RS Ministry for Administration and local self-government signed during June 2023 an Agreement of cooperation with Council of National Minorities of the RS, as an umbrella organization of national minority associations that gathers 22 active associations from 11 national minority groups, in order to improve cooperation among public and civic sector on protecting status of national minorities' rights in RS and strengthening engagement of national minorities' organisations in developing and implementation of RS public policies.

Republic of Srpska adopted 'Strategy for improving and protecting the rights of members of national minorities in the Republic of Srpska 2020-2024' and mentioned Strategy soon enters in last year of its 5 year long duration. Also, since 2005 there is in power RS Law on the Protection of the Rights of Members of National Minorities ("Official Gazette of the Republic of Srpska, No. 2/05).

## **II SCOPE OF THE ASSIGNMENT**

### *2.1. Purpose of the assignment*

The Expert for assessing status of national minorities rights in RS within the actual regulatory framework in Republic of Srpska (hereinafter referred to as "Expert") will:

- conduct research and analyse level of implementation and effects of actual regulatory framework in RS (including but not limited to) Strategy for improving and protecting the rights of members of national minorities in the Republic of Srpska 2020-2024, RS Law on the Protection of Rights of Members of National Minorities, RS Rulebook on co-financing of cultural creativity of the national minorities etc. (the final list of legal acts will be identified during developing of research methodology by the Expert),
- assess current status of national minority's rights in RS and
- create report with key findings and recommendations to be used as input in further policy development and implementation of measures related with protection status of national minorities in RS.

### *2.2. Geographical area*

The geographical area to be covered is BiH entity Republic of Srpska.

### *2.3. Target groups*

Within the realization of the planned research, the following members of target group are to be engaged (the list is not final – may be improved within the process of finalization of research methodology): Civic Society Organisations active in area of human rights and national minorities in RS, ministries of RS Government (Ministry of Administration and Local Self-Government, Ministry of Internal Affairs, Ministry Education and Culture, Ministry of Spatial Planning, Construction and Ecology, Ministry of Finance), RS Public institutions (Republic Secretariat for Religion, Employment Institute, Council of National Minorities, Health Insurance Fund, Child Protection Fund), Association of National Minorities, Union of Municipalities and Cities of RS, local governments in RS, BiH Ombudsman for Human Rights and RS Ombudsman for Children that will serve as key informants on data needed for the research as well as stakeholders for later expected policy improvement and implementation stage.

### *2.4. Tasks and deliverables to be provided by the Expert*

Tasks description:

- Developing research methodology and plan,
- Conducting research according to approved methodology, plan and time frame,

- Creation of Report on status of minorities rights in RS with accompanied recommendations for both legislative improvements and enhancing practice of relevant public bodies in protecting status of national minorities in RS.

Expert will provide the following deliverables:

No	Description of the deliverable	Number of assignments days	Due date
1.	Research methodology and plan (in one of BiH official languages)	2	At least 7 working days after assignment starts
2.	Draft research Report (in one of BiH official languages) based on findings from conducted research	12	At least one two months from approval of Research plan
3.	Final research Report (in one of BiH official languages)	1	1 week after receiving aggregated feedback from contracting authority on draft Report submitted

### 2.5. Payment

The payments will be completed upon the full completion and acceptance of the contract's obligations, and upon the approval of the Experts' time and log sheets from the EU programme manager.

## III METHODOLOGY

Work Methodology will be based on approach taken in relation to policy effectiveness - dual perspective, combining a theory-based top-down assessment and a bottom-up, observed outcomes-based assessment.

The top-down approach is particularly suitable for identifying policies that may serve as examples of good practice that can be applied elsewhere, while bottom-up approach, based on relevant indicators, complements the analysis and contributes in particular to the quantification and the identification of needs for further action

## IV REQUIREMENTS

### 4.1. Expert's profile

#### Qualifications and skills

- At least Bachelor degree in Social sciences, Law and/or related fields;
- Computer literacy;
- Fluency in both written and spoken English and BiH languages is advantage.

#### Professional experience

General professional experience:

- Minimum 10 years of general professional experience;

Specific professional experience:

- At least 5 years of professional experience in assessing of policy effectiveness and national minorities' rights - related with purpose of this assignment,
- Experience in working in IPA countries (Croatia, The former Yugoslav Republic of Macedonia, Turkey, Albania, Bosnia and Herzegovina, Montenegro, Serbia, and Kosovo (under UNSCR 1244)) will be considered an advantage

**Please note that, civil servants and other staff of the public administration of the beneficiary country cannot be recruited as experts, unless prior written approval has been obtained from the European Commission.**

## **V EVALUATION**

Received applications from the experts will be evaluated against evaluation criteria development in line with required qualifications and experiences of the experts, as presented within the section 4 of this ToR.

## **VI DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS**

*6.1. Applicants shall submit the following documents:*

- Personal CV including information on experience in similar projects / assignments
- Offeror's Letter to EU4CS confirming interest and availability for the expert assignment with Financial Proposal, indicating fee per working day.

*6.2. Application Procedure*

Applicants interested in applying should submit documents from 6.1. via email on following email address [info@eu4cs.ba](mailto:info@eu4cs.ba).

Application must contain reference number JSTE/EU4CS/4 in the subject line.

Deadline for submission: October 1<sup>st</sup>, 2023 (16:00h)