



UNIVERSITY OF SARAJEVO

FACULTY OF POLITICAL SCIENCES

DEPARTMENT FOR POLITICAL SCIENCE

**ELECTORAL RIGHTS OF NATIONALLY RECOGNIZED  
MINORITIES IN NEWLY ESTABLISHED EASTERN  
EUROPEAN DEMOCRACIES**

Candidate:

Armela Puhalo

1075/II-PIR

Mentor:

Prof. dr. Damir Kapidžić

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## Introduction

This master thesis will focus on electoral rights of nationally recognized minorities in newly established Eastern European democracies with Republic of Croatia, Republic of Serbia, Republic of Slovenia and Montenegro as case studies. We will conduct a comprehensive research on establishment of above mentioned rights in lights of legislation, i.e. theory and practice. With electoral results in these countries, we will elaborate quality of democracy. Scientific objective of this master thesis is to describe how democracy in four newly established democracy is still weak and has questionable elections in regards with minorities and minority rights.

Master thesis will elaborate legal framework for electoral rights of nationally recognized minorities in case studies, i.e. how nationally recognize minorities are defined and how legislation treats members of this group. Furthermore, normative framework for the mentioned will be elaborated in detail, including opinions of relevant institutions and additionally, this master thesis will offer definitions of key terms such as democracy, elections and electoral rights. All mentioned is considered empirical part of this research.

In this research, for qualitative approach methods that will be used are based on the comparative historical research, document analysis, literature reviews and of course, comparison of cases. Internet and legal sources, articles and analysis of published relevant books will be used for document analysis. For quantitative research, examination of statistical results of elections will be analyzed in a manner of participation of nationally recognized minorities in selected case studies. Timeframe is period from 1991 until 2020 and it will be used for quantitative research of election results in Republic of Slovenia, Republic of Croatia, Republic of Serbia and Montenegro with regards to the minorities elected and those who run for seats.

The main findings show that minorities in all selected countries do not have high representation in politics. In the Slovenian National Assembly, out of 90 seats, 2 are reserved for representatives of Italian and Hungarian Community each. In Croatia, the highest number of seats won for minorities in the Croatian Parliament was 8 in the elections held on 2003, 2007, 2011, 2015, 2016 and 2020 while in 2000, 5 seats minorities won. In Serbia, elections for People's assembly in 1997, 4 seats minorities won through coalitions while in 2000, 2003 and 2007 did not won any seats. However, situation after 2007 has changed and minorities in different political groups won 7 (2008), 10 (2012), 11 (2014), 8(2016) and 16 seats (2020). In Montenegro elections for the

National Assembly, the highest number of won seats was in 2006 (15) in comparison to 1998 (1), 2002 (3), 2009 (11), 2012 (4), 2016 (3) and 2020 (4).

## **1. Methodology**

### *1.1 Problem of the study*

The issue of political participation of nationally recognized minorities in Eastern Europe countries is an on-going problem for years now. Recognized members of minority groups in Republic of Slovenia, Republic of Croatia, Republic of Serbia and Montenegro are constantly facing numerous problems, out of which important for this thesis is its political life. This study will explore in depth limitations that constitutions of mentioned countries and its legal framework puts on minorities.

Traditionally, migrations, wars and empires across Eastern Europe (EE) are something well known. These characteristics prevented people from setting up their own nation, regardless of the shared history, language and religion, according to the Constitutional Rights Foundation. Those who won the World War I wanted to create new nations of people in the EE, which led to people belonging to the one nation, ended up in another or even several ethnic minorities found themselves in one nation living closely to the people who they hated. Some time passed and in the 1990s, many ethnic minorities within EE started to assert their nationalism and demand some degree of self - government. The most prominent example of this is the case of Yugoslavia wars. To conclude, it is important to say that in the EE nations, minorities are fighting to maintain its ethnic identities. This ongoing dilemma involves minorities' desire to hold on the separate ways, while majority often and usually holds pressure onto them to adopt the national culture and language.

According to the Roudometof, V. (1996), even since 1989, the consolidation of national minorities in the Southeastern Europe (SEE) has been the major factor for increasing ethnic tensions as well as violence in the region. Close geographic proximity of ethnic minorities in this

region led to their external national homelands being intensified with the structural strain. As Roudometof (1996) argues, the ethnic character of the nation-state provides a long term structural predisposition on the part of ethnic minorities to mistrust state authorities. The evident example is the case of Balkan states that historically are known to pursue its nation-building process on the basis of collectivistic ethnic nationalism, that was even wrote about by Stavrianos 1959., Jelavich and Jelavich 1997., and Jelavich 1983. Perfect options were given by the Hirschmann (1970) where he stated that minorities could either exist the state or have a voice meaning to might attempt to cooperate within the state structure (having a voice within the political system). Worth mentioning is that within this concept, if minorities are loyal to the state, it will opt for participation but if the loyalty is lower, it might attempt to exist from the state.

### *1.2 Objectives of the study*

Scientific objective of this thesis is to describe how democracy in four newly established democracies is still weak and has questionable elections in regards with minorities and minority rights. Furthermore, general objective of this study is to examine existing limitations of both political participation and minority's electoral rights in selected countries.

### *1.3 Hypothesis*

Main hypothesis:

The current constitutional and legal frameworks in Slovenia, Croatia, Serbia and Montenegro do not allow for (or do not fully guarantee and protect) full and effective political participation of nationally recognized minorities in the respective countries.

Auxiliary hypothesis 1:

Political participation (including access to government and legislative structures) of nationally recognized minorities in the respective countries remains disproportionately low

Auxiliary hypothesis 2:

Direct participation in political life in SEE countries empowers minority groups and helps them effectively influencing public decision-making processes and eliminating their marginalization and discrimination

Auxiliary hypothesis 3:

Civil society, including national minorities' associations, represents an important vector for advocacy and legislative activism in promoting national minorities' aspirations for civic participation.

#### *1.4 Timeframe and case selection*

Timeframe is period from 1991 until 2020 and it will be used for qualitative research on election results in Republic of Slovenia, Republic of Croatia, Republic of Serbia and Montenegro with regards to the minorities elected and those who run for seats. Timeframe covers period from independence of these countries until last held elections in 2020. Countries are selected based on the fact that two are members of the European Union and two have tendencies towards EU integration.

Examination of political rights and accordingly problems of nationally recognized minorities in four countries is in the center of this research. Precisely, this thesis analyzed rights of national minorities in terms of the participation on the elections.

Possible limitations of this study can be seen in lack of statistical data.

#### *1.5 Methods and Data collection*

Data was collected through primarily and secondary sources. Primary sources included legislation and electoral results based on the statistics from official state institutions in selected countries, i.e State Election Commission Republic of Slovenia, state Electoral Commission of the Republic of Croatia, Republic Electoral Commission Republic of Serbia and state Electoral Commission Montenegro, while qualitative research conducted on the previous work on the topic, literature reviews as well as meta analysis are considered to be a secondary sources.



Nonetheless, qualitative and quantitative methods are used in combination with mixed-methods approach and small-n comparison of cases.

## **2. Theoretical framework**

In order to best understand what this thesis is about, it is important to define and distinguish key concepts. Those are democracy, electoral rights and political participation. Since the entire paper is about minority political rights in democratic countries, it is crucial to define concept of democracy in terms of minorities, since the bare definition of democracy is government of majority with respect of minorities. Furthermore, electoral rights and political participation are closely connected since quantitative part of this paper will be based on the analysis of election results in terms of minority (re)presentation.

### *2.1 Democracy*

The broadest definition of democracy, upon which this thesis relies is that it is a political regime in which all government belongs to the people. This belonging can be perceived either through elections or influencing direct government representatives. Another definition is given by Lefkofridi (2007) where she states that democracy arised as one form of a regime, quite different from the rule of minority, with special regards to the contemporary democracy that became representative democracy. Furthermore, Dworkin in 1977 argued that equal treatment is itself a fundamental natural right, which is out of importance for this thesis. (Dworkin, 1977:327).

In order to label one country as democratic, one of the main principles to be fulfilled is to have equality before the law with protection of human rights and followed freedoms. Nevertheless, in author's opinion, the most important is to have government composed of majority that respects all rights of minorities. However, in selected countries as cases, there requirements are not fully fulfilled.

## *2.2 Electoral rights*

Lijphart in 1999 argued that election is a core concept of democratic process meaning that it allows various political actors to compete over different issues or problems. Similarly, success of one democracy can be measured and depend on the level of electoral system (Lijphard 1999). We can argue that basic goal of elections is competition, i.e competition between eligible citizens, candidates and electorates in order to exercise its rights in creation of bare concept – government of the people for the people. It is crucial to mention the standpoint of voting being the most important form of political participation in terms of elections since through that process, citizens can influence the behavior of political leaders (Singh, 2013:2).

Important for this paper is standpoint of Dieter who said that elections are democratic only if the voter has alternatives, which basically means that every citizen that has an ambition to participate in politics can do so, under the condition that every vote has equal weight. (Dieter, 2007:30).

European Commission in the Article 22 of the EU Treaty and in the Articles 39 and 40 of the EU Charter of Fundamental Rights stated that all citizens of the European Union have the right to vote and stand as a candidate in local or municipal elections in the country they live in.

## *2.3 Political participation*

In 2016, a great expert, Teorell argued that study of political participation throughout the years, Gave its importance as a subfield of political science, by which it analyzed how different concept-oriented questions can be explained through normative models of democracy that emphasize on human types in terms of political participation. (Teorell, 2016:788). Few decades before, Verba and Nie (1972:2) argued that political participation refers to the activities by private citizens in order to influence the government or government representatives.

Back in 1960, Kaufman, one of the fathers of the term ‘participatory democracy’ argued how significance of participating in politics has grounds on the idea that it fosters human thoughts as such, as well as its actions and feelings (Kaufman 1960:6). However, nowadays the most important part of being active in politics is by participating in the elections. Similarly, voting follows up as conflict activity since it challenges divisions in society, even conflicts itself where

every individual has to in the act of voting; choose one specific side which later on draws collective consequences because voting reflects on all citizens (Verba and Nie, 1972:54).

Banducci, Donovan and Karp in 2005 wrote on the political participation of minorities, arguing that it could result in mitigation of crises referring to the political representativeness, which then could lead to better governance. This means that importance of minority's participation is crucial for achieving good result in terms of its rights as well as higher level of integration to the society (Banducci, Donovan and Karp, 2005:534). However, many authors argue that the highest problem of minority participation is that it often refers only to the couple of seats on the local level of government but for the higher levels, battle is always strong, which will be proven through quantitative research below.

### **3. Historical background of selected case studies**

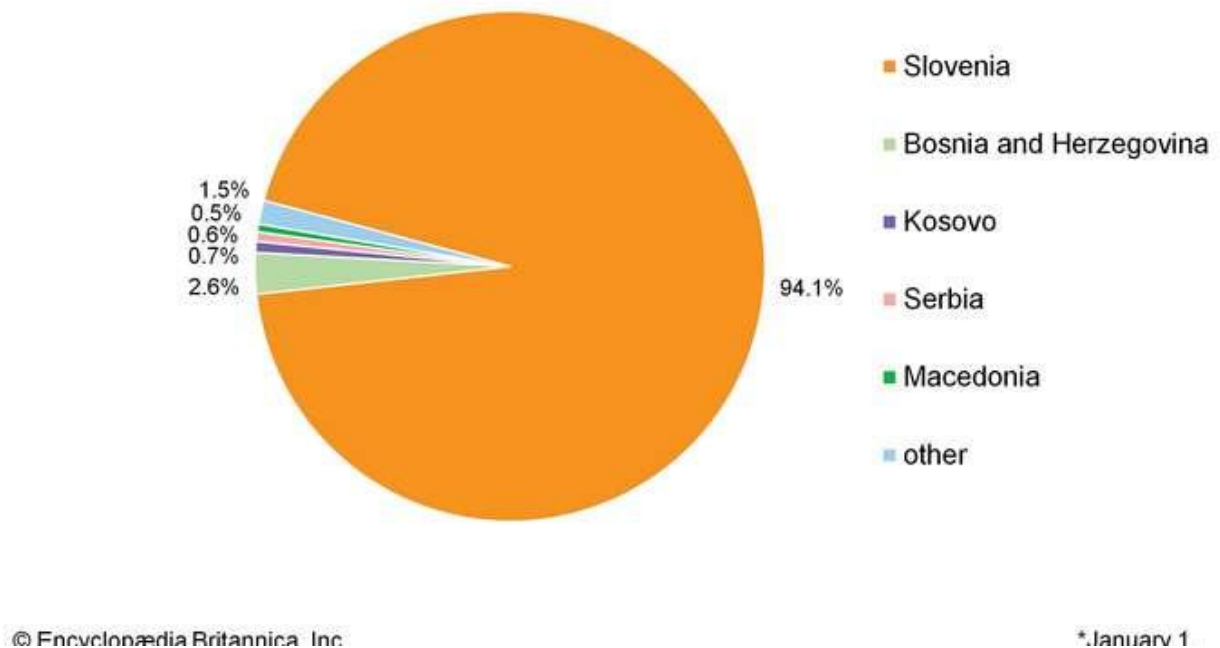
#### *3.1 Republic of Slovenia*

Slovenia declared its independence in June 1991 and since then and until today, it is worked efficiently and effectively towards pluralist democracy and market economy. As other states examined in this paper, Republic of Slovenia is also ethnically homogenous country meaning that “out of 1 964 036 citizens registered at the Census in 2002, 83,06 % are having Slovene ethnic origin, Hungarian community forms 0,32% of the population, while Italian form 0,11% and Roma 0,17%” (Petricusic, 2004:2). As autochthonous groups, Hungarian, Italian and Roma minorities have stronger level of protection as well as privileged treatment by the legislation. Hungarian national community is located mostly in the northern part along with the Hungary border in following municipalities: Hodoš, Moravske toplice, Šalovci, Lendava and Dobrovnik. Italian community is located in three municipalities Koper, Izola and Piran with Italy border while most Roma are located on the Slovenian north-eastern area (Petricusic 2004:2).

Other statistically important ethnic groups are Serbs (1,98%), Croats (1,81%), Bosniaks (1,63%), Albanians (0,31%) and Macedonians (0,20%). (Petricusic, 2004:2)

For the purpose of this paper, it is important to define minority groups in the Republic of Slovenia. Definitions in this paper are definitions by Žargar (2001). He defines Slovenian people (ethnic Slovenians) as autochthonous ethnic community; autochthonous national minorities (Italian and Hungarian) enjoy special Constitution-based protection as well as autochthonous Roma community; minority ethnic communities whose members are citizens of Republic of Slovenia but whose ethnic communities are not in the Constitution as national communities - autochthonous national minorities; immigrants that are not citizens of Republic of Slovenia but have permanent or temporary place of residence in Slovenia.

**Slovenia ethnic composition (by citizenship, 2018\*)**



*Image 1: Slovenia - Ethnic Composition, source Encyclopedia Britannica, Inc.*

### *3.1.1 Elections in the Republic of Slovenia*

For the purposes of this thesis, we have observed only parliamentary elections in the timeframe from 1991 to 2020.

These elections are defined by the Electoral system of Slovenia. In 1992 and 1997, Milan Kučan as independent candidate won, in 2002 Liberal Democratic party with Janez Drnovšek won and

in following 2007, 2012 and 2017 presidential elections, independent candidates won, more precisely in 2007 Danilo Turk won while in 2012 and 2017, Borut Pahor won.

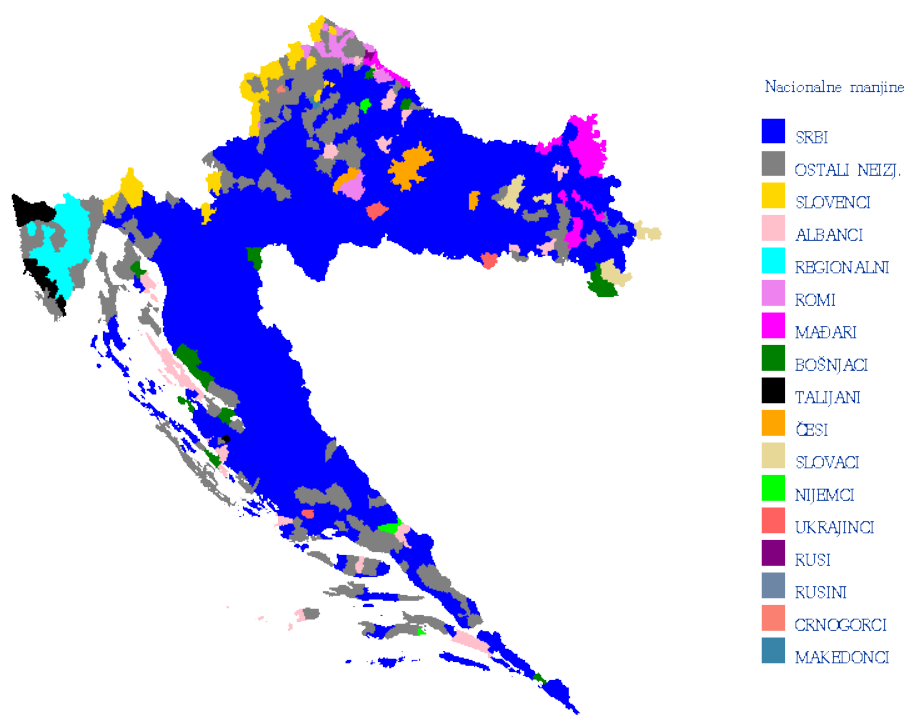
Furthermore, Presidential elections have been held in 1992, 1997, 2002, 2007, 2012 and 2017. Elections for the Slovenian National Assembly that are in our defined timeframe have been held in 1992, 1996, 2000, 2004, 2008, 2011, 2014 and 2018. Finally, elections for the European Parliament are held in 1999, 2004, 2009, 2014 and 2019.

### *3.2 Republic of Croatia*

On 22<sup>nd</sup> April and 06<sup>th</sup> May 1990 first multi-party elections have been held in Republic of Croatia which led to the start of state transformation into the parliamentary democracy followed by the market economy. First civil Constitution in Republic of Croatia was adopted on 22<sup>nd</sup> December 1990 by the Croatian Parliament (MRGI, 2003:11). Constitution defined Croatia as a republic with a semi-presidential government system while in 1992, Franjo Tudjman was elected President.

Minorities in Republic of Croatia are dispersed across the entire state with its communities mostly located in the area of Banija, Baranja, northern Dalmatia, Istria, Kordun, Lika and Eastern and Western Slavonia (MRGI, 2003: 14). Serbian minority is seen to be the most sizeable ethnic minority in Croatia, since they live mostly around Danube and Sava rivers as well as major cities such as Rijeka and Zagreb. Besides Serbian minority, there are many other minority groups in Republic of Croatia, but for the purpose of this paper, we will mention larger minority communities that account for over 10 000 members, according to the 2001 census. Population of Albanian minorities in Croatia is around 15 000, where members of this group originated primarily from Kosovo and North Macedonia. In 1991, they established their first Association called the Union of Albanian Associations in Croatia. A bit larger groups than Albanians, Bosniaks whose group population is more than 20 000, are the second largest ethnic minority group in the Republic of Croatia. Even though being the second largest ethnic minority group, Bosniaks are still in the process of constituting their identity and organization (MRGI, 2003:14). In Croatia, there are more than 10 000 members of the Czech national minority group who mostly lives in the urban areas

of Bjelovar, Daruvar, Garesnica, Grubisno Polje, Kutina, Novaska, Pakrac, Pozega, Vrbovec and Zagreb. A bit more than Czechs, Hungarians group population is for more than 16 000, traditionally living in Bjelovar, Osijek and Zagreb. Roma members count for approximately 9 000 while 1991 census showed that the largest Roma concentration is in the urban areas of Beli Manastir, Cakovec, Varazdin and Zagreb. Similar to Bosniaks, there are more than 19 000 Italians in the Republic of Croatia, mostly based in Istria, Lipik, Split and Zagreb. Slovenians as minority group count in Republic of Croatia for around 13 000 members mostly living in Split and Zagreb while the far most spread minority group and Serbs, with minority population of more than 200 000.



*Image 2: National Minorities in Croatia, source: Croatian Bureau of Statistics*

### *3.2.1 Elections in the Republic of Croatia*

For the purposes of this thesis, we have observed only parliamentary elections in the timeframe from 1991 to 2020.

Presidential elections have been held in 1992, 1997, 2000, 2005, 2009, 2014 and 2019. Croatia Democratic Party (HDZ) won elections in 1997 with Franjo Tuđman and in 2014 with Kolinda Grabar Kitarović while Social Democratic Party of Croatia (SDP) won elections in 2000 and 2005 with Stjepan Mesić, 2009 with Ivo Josipović and finally in 2019 with Zoran Milanović.

Elections for the Parliament are held in 2000, 2003, 2007, 2011, 2015, 2016 and 2020 while local elections have been held in 2003, 2007, 2011, 2015 and 2019.

### *3.3 Republic of Serbia*

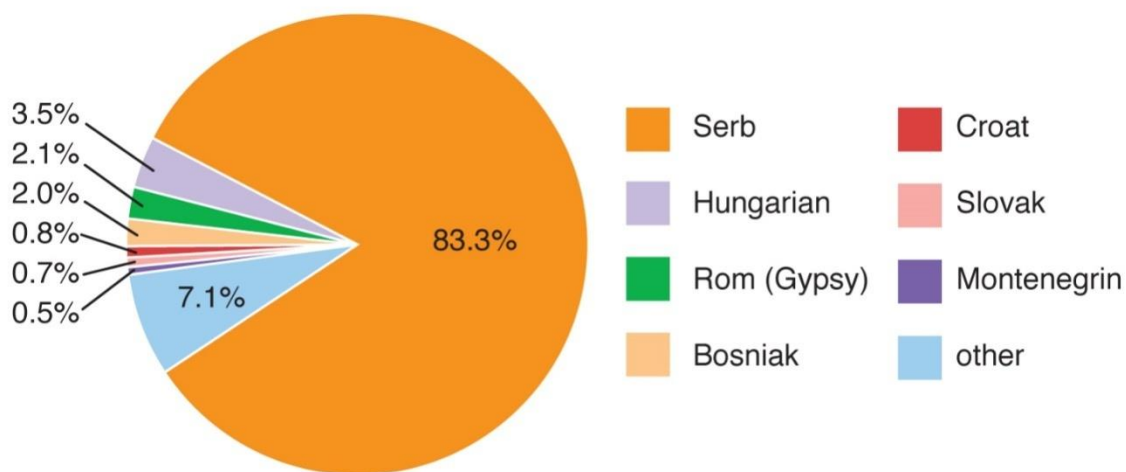
Due to the composition and large number of national minorities in the Republic of Serbia, this state is seen as a heterogeneous state and as such, it allows minorities and minority policies to have big role in country's democratic development. It is important at the beginning to distinguish two features of minorities in Serbia. First one is old, autochthonous minorities while the second one are so called new minorities, formed by the people belonging to the constituent people of the former Yugoslavia. According to the 2011 census, there are more than twenty national communities in the Republic of Serbia. The Serbs are dominant in number, participating with 83,32% in the total population, after which the most numerous national communities in Serbia, i.e. those that make more than 1% of the population are: Hungarians (3,53%), Roma (2,05%) and Bosniaks (2,02%)(Vreme, 2013). Mentioned minority groups are followed by 16 national communities that count more than 2000 members. Those are: Croats, Slovaks, Montenegrins, Vlachs, Romanians, Yugoslavs, Macedonians, Muslims, Bulgarians, Bunjevacs, Rusyns, Gorani, Ukrainians, Germans, Slovenians and Russians. However, all other groups that have more than 2000 members are labeled as "others" and members of the "others" are: Czechs, Ashkali, Egyptians, and Jews.

The biggest number of national communities in Serbia lives in the Autonomous Province of Vojvodina. The most numerous among them are Hungarians that compose 13% of the entire Vojvodina population. Second biggest group are Slovaks with 2,60% with following 2,43% of Croats, 2,19% of Roma minority members, 1,32% of Romanians and with 1,15% of Montenegrins. Percentage of other minority groups in Vojvodina that have less than 1% of Vojvodina population (Forum for Ethnic Relations, 2017).

Furthermore, Bosniak minority is located in Sumadija and region of West Serbia, more precisely 7,02% while this region is also home for Roma (1,02%), Muslims (0,71%) and Montenegrins (0,19%). Romas are the largest national minority in area of East and South Serbia, according to the Forum for Ethnic Relations publication from 2017, that states how 3,66% of Romas lives there while 2,10% of Vlachs live in the East Serbia, followed by Bulgarians (0,99%) and Macedonians (0,23%)(Forum for Ethnic Relations, 2017).

After the fall of Milosevic in fall of 2000, Serbia began its process of democratization and normalization of internal relations, followed by the new institutional system. In that time, question of a new, democratic and minority policy change in Serbia was on the table. The new government's commitment in principle was to build democratic institutions and procedures for solving the status issue, and to protect and promote minority rights (Janjić, 2005:118 - 121).

### **Ethnic composition (2011)**



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*Image 3: Ethnic composition in Serbia, source Encyclopædia Britannica, Inc.*

#### *3.3.1 Elections in the Republic of Serbia*

For the purposes of this thesis, we have observed only parliamentary elections in the timeframe from 1991 to 2020. Worth mentioning are all elections in this timeframe. Therefore, Presidential



elections have been held on 1990 (Slobodan Milošević), 1997 (Milan Milutinović – Socialistic Party of Serbia), 2004, 2008, (Boris Tadić – Democratic Party), 2012 (Tomislav Nikolić (Serbian People's Party) and 2017 (Aleksandar Vučić – Serbian Progressive Party). Elections for the People's Assembly have been held on 1992, 1993, 1997, 2000, 2001, 2003, 2007, 2008, 2012, 2014, 2016 and 2020, while Local elections have been held in 1996, 2000, 2004, 2008, 2012, 2016 and 2020.

### *3.4 Montenegro*

Montenegro officially declared its independence in 2006 with approximately 623 000 inhabitants, while by the end of 2010 it is accepted as a candidate for beginning of negotiation for the EU accession. Law on minority rights and freedoms define in its Article 2 minority as every group of citizens of Montenegro that is numerically smaller than minority population, with common ethnical, religious or language characteristics, historically related for Montenegro.

According to the 2003 Census, national composition of Montenegro population is as follows: Montenegrins 43,16%, Serbians 31,99%, Bosniaks 7,77%, Albanians 5,03%, Muslims 3,97% and Croats 1,10% (The Government of Montenegro, 2008).

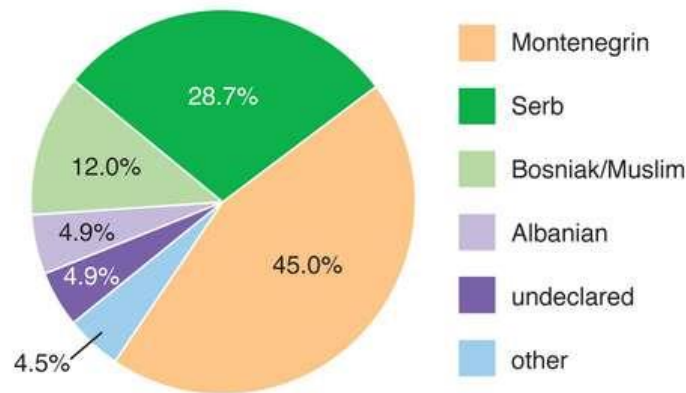
Montenegro is constitutionally in Article I of the Constitution defined as civil, democratic, ecologic and state of social justice, based on the rule of law. Constitution of Montenegro offers legal basis for promotion, enhancing and improvement for protection of basic human rights and freedoms.

Constitution of Montenegro (2017) in its Part II, Article 3. Defines Political rights and freedoms, Article 5 defines Special, Minority rights while Article 6 defines Protection of human rights and freedoms.

Montenegro Ministry of Human and Minority Rights in its proposal of Strategy for Minority Policy (2019), states that Montenegro, as member state of the UN and NATO and candidate state for the EU accession, in line with its internationally recognized obligations based on the membership in international organizations, is required that, based on the constitutional provisions and fundamental solutions given in the Law on minority rights and freedoms, establish Strategy

on Minority Policy as ground planned document that defines policies of Government of Montenegro in areas of respect and protection of rights of people belonging to minorities as well as other minority national communities.

#### **Ethnic composition (2011)**



© Encyclopedia Britannica, Inc.

*Image 4: Ethnic composition in Montenegro, source Encyclopedia Britannica, Inc.*

#### *3.4.1 Elections in the Montenegro*

For the purposes of this thesis, we have observed only parliamentary elections in the timeframe from 1991 to 2020. Worth mentioning are of course Presidential Elections, held on 2008, 2013 (Filip Vujanović – Democratic Party of Socialist of Montenegro) and 2018 (Milo Đukanović - Democratic Party of Socialist).

### **4. International and domestic standards for protection of national minority rights**

For international mechanisms for protection of national minority rights, significant is Universal Declaration of Human Rights, more precisely its Art 2 that states how: “every person has available all rights and freedoms without differences of any form, such as race, color, gender, language, religion, political or other standpoint, national or social origin, property, birth or any

other status and states are obliged to respect and guarantee recognized rights to all individuals that are on its territory.”

Article 5 of the *International Convention on the Elimination of All Forms of Racial Discrimination* (CERD) gives an obligation for all members’ states to: “forbid and abolish racial discrimination in all of its forms and to guarantee right for equality before the law regardless of race, color or national or ethnical origin.”

In terms of minority rights protection, literature often refers to the Protocol 12 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms* that defines obligations of member states to ensure enjoyment of all rights of every person by being established through the law, without any discrimination on any ground.

Similar to mentioned European convention, it is worth mentioning and *Framework Convention for the Protection of National Minorities* from 2004 that actually states that “protection of national minorities, its rights and freedoms is part of international protection of human rights and as such is part of international cooperation, meaning that signed parties are obliged to guarantee equality before the law and equal law protection all to all members of national minorities.”

19<sup>th</sup> International Convention on the elimination of all forms of racial discrimination is adopted on 21<sup>st</sup> of December 1965 and it says that “In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” (International Convention on the elimination of all forms of racial discrimination, 1965)

Accordingly, part of Article 5 states that: “In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as

well as in the conduct of public affairs at any level and to have equal access to public service.  
“(International Convention on the elimination of all forms of racial discrimination, 1965)

International Covenant on Civil and Political Rights, adopted in December 1966 contains some important provisions for protection of rights. Article 2 paragraph 1 states that: “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. “ (International Covenant on Civil and Political Rights, 1966)

Relevant for the topic is also Article 25 that says that: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors “ (International Covenant on Civil and Political Rights, 1966)

#### *4.1 Legal Framework - Republic of Slovenia*

Republic of Slovenia applies Framework Convention for protection of national minorities for members of Italian and Hungary national group in areas that are ethnically mixed, as well as for Roma people while representatives of other groups and so called “new national communities” such as Albanians, Bosniaks, Montenegrins, Croats, Macedonians and Serbians, enjoy its constitutionally guaranteed rights and support when it comes to the questions of culture, media and education, bearing in mind that those rights are not formally included in the Framework Convention (Council of Europe Report, 2018).

After World War II official Slovenian politics, Constitution and legislation accepted and recognized existence of ethnical plurality and began with recognition of minority rights protection. Article 65 of the Constitution states that status and special rights of Roma community that lives in Slovenia will be regulated by law, while articles 16 and 61 of the Constitution guarantees rights of autochthonous Croats and Serbians but without special constitutional or legal minority protection on the individual or collective level (Žagar, 2001:10). Same articles (16 and 61) guarantee rights of immigrants. Article 14 of the Constitution forbids discrimination and

stands for equality before the law while article 63 forbids national, racial, religious or any other hatred.

According to the Minority Rights Group International, Equal Opportunities Act was adopted in 2004, followed by the institution of the Human Rights Ombudsman. Furthermore, Slovenia has a Council for Implementation of the Principle of Equal Treatment whose members are Italian, Hungarian and Roma communities only. Another discriminatory province is the Advocate for the Principle of Equality and Office of Nationalities that deals only with groups that are already mentioned in the Constitution.

When the word is on the laws directly, being Member State of the European Union, Slovenia has all law regulations bounded, including important Directive on Equal Treatment Irrespective of Racial or Ethnic Origin and Directive Establishing a General Framework for Equal Treatment in Employment and Occupation.

#### *4.2 Legal framework -Republic of Croatia*

According to the Constitution of the Republic of Croatia, Republic of Croatia is a unified, democratic state in which the government is performed by the people and as such it belongs to the people, as a community of free and equal citizens. Mentioned right is exercised through the election of representatives via a direct vote. Speaking of political rights, Croatian Parliament has 151 members in Chamber of Representatives, while the Chamber of Counties was abolished in 2001. MPs are elected on a four-year term basis while president holds one more year. Out of 151 members in the Parliament, minorities hold only 11 seats.

By the end of 1991, the Parliament adopted Constitutional Law on Human Rights and Freedoms of National and Ethnic Communities, as it was a precondition of for Croatia to be labeled as an independent state in January 1992 (Petricusic, 2011:39). As a consequence of international pressure, Croatia adopted all international standards for protection of minorities. Croatia signed and ratified the Council of Europe's European Charter on Regional and Minority Languages (ECRML) as well as it adopted the FCNM in 1998. However, civil society organizations such as the Croatian Helsinki Committee and the Association of Serbs in Rijeka, numerous times pointed out that there is a discrepancy between legislation and practice. On the contrary, the Government Office for National Minorities, even in a very difficult political environment, as reported by the MRGI(2003:19), Office undertook important work in supporting ethnic minority

organizations, adding that Croatia was among the first countries in the region to recognize the identity and cultural heritage of ethnic minorities as well as to allocate seats in Parliament for representatives of ethnic minorities.

In May of 2000, the Croatian Parliament amended the 1991 Constitutional Law by introducing some of the suspended provisions regarding the Serb minority. However, this Law had many flaws and as such had a lot of comments on it. Finally, by the end of 2002 final Constitutional Law sought to cover all previous, numerous concerns. One of some key elements in this version was representation in the representative bodies at the state and local level as well as in the administrative and judicial bodies, also participation in public life and management of local affairs through the councils and through representatives of national minorities.

When it comes to the minority representation, it is important to mention that the new Constitutional Law and recent bilateral agreements with neighboring support links between minority groups and their 'kin state' in order to ensure the promotion of their common ethnic, cultural and linguistic heritage. Minority communities enjoy the right to form their own associations, and a range of autonomously established associations and institutions have been set up. Article 19 of the CLNM guarantees members of national minorities the right to representation in the Croatian parliament, providing Serbs to elect three MPS, Italians to elect one MP, Czech and Slovaks to elect one MP, Albanians, Bosniaks, Macedonians, Montenegrins and Slovenes to elect one MP as well as Austrians and other small minorities to elect one MP. When it comes to the Parliamentary committees, Parliament has appointed the Human Rights Committee within which the Sub-Committee for Ethnic Minority Rights is operating.

#### *4.3 Legal framework - Republic of Serbia*

Legal framework for protection of nationally recognized minorities in Republic of Serbia is based on the Constitution of the Republic of Serbia, ratified international treaties, laws and regulations as well as general regulations by autonomous provinces and units of local government. As other states examined in this paper, Serbia's legal framework also guarantees a long list of rights and freedoms of national minorities or people belonging to them. However, this paper will also examine respect and use of mentioned rights.

By the end of 2001, Serbia passed the Law on Ratification of the Framework Convention for the Protection of National Minorities ("Official Gazette of the FRY - International Treaties", no.

6/98), a first international document ratified by the National Assembly of the Republic of Serbia. In February of 2002, Federal Assembly of FRY passed the Law on the Protection of Rights and Freedoms of National Minorities. Mentioned means that the Republic of Serbia guaranteed protection of minority rights through international and national instruments. Until now, almost all international documents have been ratified and incorporated into the Serbian legal system. The laws of the Republic of Serbia are considerably harmonized with ratified international documents thus suggesting that the legal system of the Republic of Serbia is in compliance with the international framework and that it provides a very high level of protecting minority rights and general human rights, which is particularly important in the context of strategic objectives related to the EU integration process. However, as it is case with other countries, Serbia also has discrepancy between proclamation and reality when it comes to the respect of persons belonging to national minorities. In line with this thesis goes the fact that in the Constitution, there is one entire section about human and minority rights and freedoms.

In contemporary Serbia status of the minorities is primary defined by Constitution adopted in 2006 and with specific focus such as: Law on protection of national minorities' rights and freedoms (2002), Law on official use of language and alphabet, Law on educational system and upbringing and Law on local self-governance (2002/6/7). Furthermore, Serbia with Croatia, Romania, Hungary and North Macedonia signed bilateral contracts on minority protection.

As mentioned before, Constitution of the Republic of Serbia, originating in 2006, is a base ground for development of minority protection. Constitution defines and regulates status of minorities as well as it protects its identity and rights. To be more precise, Constitution defines equality of citizens, freedom of expression when it comes to the identity, prohibits discrimination, racial, religious or any other hatred, and of course, collective rights of national minorities. As it is case with constitution of other states included in this thesis, Constitution of Republic of Serbia also declares all citizens equal in front of all, regardless of their race, gender, nationality of any other distinctive characteristic one individual could have. Constitution from 2006, unlike version from 1990, defines state of Serbia as state of Serbian people and all its citizens, while the rights of minorities are defined and regulated by another special laws. We will describe basic laws for protection of rights of minorities in the following paragraphs.

The Law on protection of rights and freedoms of national minorities, adopted in 2002, is used as a basic law for regulation of minority rights' and status. Its history on the federal level goes back to the Federal Republic of Yugoslavia but it is in force in Serbia after the 2006 referendum. It is worth mentioning that mentioned Law opens up approach of defining minority identities, stating

that general concept of a national minority is an asset for different understanding of identities. Furthermore, this Law anticipated the foundation of minority self-government meaning that the first national council Hungarians founded, where others followed. However, two problems arise in this manner. First problem is that minority members that live away from their traditional centers can have no influence on politics while the opposite, other problem is when minority political parties have too much of the influence.

Another important law to mention is the Law on local self-governance (2002/6/7), considered to be essential when the word is on the minority issues, since it defines completely new ideas about citizen participation. It stipulates that local self-governances shall provide good conditions for preservation and fostering of minority identities (Cierco, 2017:123). In its Article 63, it orders formation of the Councils for interethnic relations in multiethnic municipalities. However, up to this day, it remained unclear for members should be elected and what is its authorization.

#### *4.4 Legal framework - Montenegro*

The constitution of Montenegro (2007) represents the necessary legal regulations which determine the manner of exercising the right to vote and the procedure for organizing elections at all levels in Montenegro. According to chapter nr. 45 citizen of Montenegro has turned 18 years old and has at least two years of residence in Montenegro has a right to vote and be elected. (Constitution, 2007)

The Law on Election of Deputies and Councilors determine the way and the procedure for electing councilors to the Assembly, Municipalities, in the Capital and Members of Parliament in the Parliament of Montenegro; the organization, composition, and authority of the election administration body; determining voting results and the distribution of mandates; protection of the right to vote and other matters of importance for the organization and conduct of elections. (Constitution, 2007)

The last reform of this Law was in 2014, which bring new amendments in the Montenegrin election legislation. Those changes bring voter identification devices, different methods of "positive discrimination" by minority parties, and more reliable protection of gender quotas. In addition to the Constitution and the Law on the Election of Deputies and Councilors, a set of



laws in the field of electoral legislation also include the Law on Financing Political Entities and Election Campaigns; Law of Electoral Register and the Law on Political Parties.

State Election Commission (SEC) - The highest body of electoral administration is the State Election Commission (SEC). State Election the committee consists of 11 members: the President, the secretary, and nine permanent members, and one authorized representative of the candidate of the electoral roll, who has the same rights and obligations, but whose rights and obligations finish on the date of publication final election results. All members except the President and representatives of the civil sector are also entitled to their alternate, and each member must be a lawyer, a citizen of Montenegro, and have passive suffrage. (Constitution, 2007)

Law on the Minority Rights and Freedoms as well as Law on the Protector of Human Rights and Freedoms are in force and it stipulates that everyone is equal before the law, rights and freedoms are established based on the Constitution and recognized international agreements. It is important to mention further agreements and conventions in force in Montenegro that serve for protection of minority rights. Those are UN Universal Declaration of Human Rights; Protocol on civil and political rights (PGP); Protocol on economic, social and cultural rights (PESK); European Convention for protection of human rights and fundamental freedoms. Furthermore, international organizations and its specialized agencies play an important role in protection of minority rights in Montenegro.

## **5. Results of elections in selected countries, held during the period 1991 - 2020**

As it was mentioned in the introduction, quantitative part of this research will be conducted in order to examine statistical results of election in countries – case studies, in a manner of participation of nationally recognized minorities. Timeframe is period from 1991 until 2020 and it will be used for quantitative research of election results in Republic of Slovenia, Republic of Croatia, Republic of Serbia and Montenegro with regards to the minorities elected and those who run for seats. Mentioned timeframe covers period from independence of these countries until last held elections in 2020. Countries are selected based on the fact that two are members of the European Union and two have tendencies towards EU integration.

## *5.1 Republic of Slovenia*

Electoral system of Slovenia defines elections to the National Assembly, presidential elections as well as elections to the European Parliament. Paragraphs below are mainly to summarize the process of mentioned elections in this state.

### *5.1.1. Elections to the Slovenian National Assembly*

When it comes to the Slovenian National Assembly, as stated by the State Election Commission, the right to vote is universal which means that every citizen that has 18 years has possibility to vote and be voted for, regardless of its class, nationality, race and economic standing. Rule applied during Slovene elections, so called ‘Equal voting rights’ means that there is active right to vote and that every vote from every voter has the same value, only one vote and that one vote cannot have precedence over another vote. In terms of minorities, according to the State Election Commission, exception to this principle is the voting right exercised by members of the Italian and Hungarian national communities, meaning that each community is represented by one deputy in the National Assembly, with members of these communities being entitled to vote for other National Assembly deputies as well. (State Election Commission official webpage). Also, worth mentioning is that by the Slovenia’s electoral legislation, candidates can be proposed either by political parties or by voters. Furthermore, country is divided into eight electoral units for these elections, then divided into 11 districts with 11 deputies. Defined by law is that one candidate is elected in each electoral district while special electoral units are formed in order to serve those areas in which the Italian and Hungarian national communities reside. Hungarian and Italian minorities elect 1 representative each by first-past-the-post preferential vote

Elections for the Slovenian National Assembly that are in our defined timeframe have been held in 1992, 1996, 2000, 2004, 2008, 2011, 2014 and 2018, results are shown in the tables below.

<b>Political Party</b>	<b>Votes won</b>	<b>Seats won</b>
Liberal Democratic Party (LDS)	278,638	22
Slovenian Christian Democrats	172,304	15

Associated List*	161,297	14
Slovenian National Party	119,010	12
Slovenian People's Alliance	103,199	10
Democratic Party	59,460	6
Green Party of Slovenia	44,002	5
Social Democratic Party of Slovenia	39,650	4
National Minorities**	n.a.	2

*Table 1. Results on the 1992 elections, source Inter Parliamentary Union*

<b>Political Party</b>	<b>Votes won</b>	<b>Seats won</b>
Liberal Democracy of Slovenia (LDS)	288,783	25
Slovene People's Party (SLS)	207,186	19
Social Democratic Party of Slovenia (SDS)	172,470	16
Slovene Christian Democrats (SKD)	102,852	10
Associated List of Social Democrats (ZLSD)	96,597	9
Democratic Party of Pensioners of Slovenia	46,152	5
Slovene National Party (NP)	34,422	4
Representatives of ethnic minorities	-	2

*Table 2. Results on the 1996 elections, source Inter Parliamentary Union*

Title of electoral list	Number of won votes	Number of mandates
Liberal Democrats	389.485	34
Social Democrats	169.957	14
United List	129.749	11
Slovenian People's Party	102.550	9
New Slovenia /NSI/People's Christian Party	92.823	8
Democratic Party of Pensioners	55.468	4
Slovenian National Party	47.095	4

Party of Young People	46.594	4
Other Parties	40.311	2

*Table 3. Results on the 2000 elections, source Electionguide.org*

Title of electoral list	Number of won votes	Number of mandates
Slovenian Democratic Party	281.710	29
Liberal Democrats	220.848	23
Others	113.682	2
United List of Social Democrats	98.527	10
New Slovenia /People's Christian Party	88.073	9
Slovenian People's Party	66.032	7
Slovenian National Party	60.750	6
Democratic Party of Retired (Persons) of Slovenia	39.150	4

*Table 4. Results on the 2004 elections, source Electionguide.org*

Title of electoral list	Number of won votes	Number of mandates
Social Democrats	320.248	29
Slovenian Democratic Party	307.735	28
For Real	98.526	9
Democratic Party of Pensioners of Slovenia	78.353	7
Slovene National Party	56.832	5
Slovene People's Party	54.809	5
Liberal Democracy of Slovenia	54.771	5
Others	44.779	2
New Slovenia – Christian People's Party	35.774	-

*Table 5. Results on the 2008 elections, source Electionguide.org*

Title of electoral list	Number of won votes	Number of mandates
ZoranJanković's List – Positive Slovenia	314.273	28
Slovenian Democratic Party	288.719	26
Social Democrats	115.952	10
GregorVirant's Civic List	92.282	8
Democratic Party of Pensioners of Slovenia	76.853	6
Slovenian People's Party	75.311	6
New Slovenia – Christian People's Party	53.758	4
Others	49.054	2
Slovenian National Party	19.786	-
Liberal Democracy of Slovenia	16.268	-

*Table 6. Results on the 2011 elections, source Electionguide.org*

Title of electoral list	Number of won votes	Number of mandates
Party of Miro Cerar	301.563	36
Slovenian Democratic Party	181.052	21
Democratic Party of Pensioners of Slovenia	88.968	10
Social Democrats	52.249	6
Left Unity	52.189	6
New Slovenia/NS/People's Christian Party	48.846	5
Alliance of Alenka Bratušek	38.293	4

*Table 7. Results on the 2014 elections, source Electionguide.org*

Title of electoral list	Number of won votes	Number of mandates
Slovenian Democratic Party	220.042	25
List of Marjan Sarec	112.250	13
Social Democrats	88.524	10
Party of Modern Center	86.868	10
Left	83.108	9
New Slovenia – Christian Democrats	63.792	7
Alliance of Alenka Bratušek	45.492	5
Democratic Party of Pensioners of Slovenia	43.889	5
Slovenian National Party	37.182	4

*Table 8. Results on the 2018 elections, source Electionguide.org*

### *5.1.2. Elections for the minority representatives to the Slovenian National Assembly*

According to the data available on the official webpage of Slovenia State Election Commission: “One deputy each from the Italian and Hungarian ethnic communities in Slovenia are always elected to the National Assembly. With the exception of the deputies from the Italian and Hungarian ethnic communities, deputies are elected through the proportional representation

system, with a 4 percent threshold for taking a seat in the National Assembly. Voters have a decisive influence on the allocation of mandates to candidates. The voting system is regulated in detail by the National Assembly Elections Act.”

88 of 90 possible seats in the National Assembly of Slovenia are reserved through proportional representation while the remaining two are dedicated for the Italian and Hungarian minority, through preferential system. Additionally, these two minority representatives are elected through two special constituencies and only by those registered as members of these communities. Deputies are elected for a four-year term.

## 5.2 Republic of Croatia

Elections in the Republic of Croatia are held for the president, members of the Croatian Parliament, members to the European Parliament as well as local elections. Tables below are to presents results of all elections held for the Parliament as well as minority representation in those elections.

### 5.2.1 Elections for the representatives to the Croatian Parliament

Political Party	Number of votes won	Number of Seats
Croatian Democratic Union (HDZ)	1,176,437	85
Croatian Social Liberal Party (HSLs)	466,356	14
Social Democratic Party (SDP)	145,419	11
Croatian People’s Party (HNS)	176,214	6
Croatian Party of Rights (HSP)	186,000	5
Croatian Peasant Party (HSS)	111,869	3
Serbian National Party (SNS)	28,620	3
Independents	n.a.	5
Regional group	83,623	6

*Table 9. Results on 1992 Parliamentary Elections, source Inter-Parliamentary Union*

<b>Political Party</b>	<b>Number of seats won</b>
Croatian Democratic Union (HDZ)	75
Joint list	20
Croatian Social Liberal Party (HSLs)	11
Social Democratic Party (SDP)	9
Croatian Party of Rights (HSP)	4
Others	8

*Table 10. Results on 1995 Parliamentary Elections, source Inter-Parliamentary Union*

<b>Political Party</b>	<b>Number of seats won</b>
Croatian Democratic Union (HDZ)	40
Croatian Peasants' Party (HSS)	9
Croatian Social-Liberal Party (HSLs)	6
Social Democratic Party (SDP)	4
Istrian Democratic Assembly (IDS)	2
Croatian Party of Rights (HSP)	2

*Table 11. Results on 1997 Parliamentary Elections, source Inter-Parliamentary Union*

<b>Political Party</b>	<b>Number of votes won</b>	<b>Number of seats won</b>
SDP - HSLs	1 138 318	71
Croatian Democratic Community (HDZ)	784 192	40
HSS - IDS - LS - HNS - ASH	432 527	24
Representatives Croatian abroad	107 928	6
Representatives of minorities	21 342	5
HSP - HKDU	152 699	5

*Table 12. Results on 2000 Parliamentary Elections, source Inter-Parliamentary Union*

<b>Political Party</b>	<b>Number of votes</b>	<b>Number of seats</b>
------------------------	------------------------	------------------------



	won	won
Croatian Democratic Union (HDZ)	840 692	66
SDP-IDS-SLD-LS	560 593	43
HNS-SBHS-PGS	198 781	11
Croatian Peasants' Party (HSS)	177 359	9
Croatian Rights Party (HSP) - Zagorian Democratic Party (ZDS )	157 987	8
Minority groups		8
Croatian Social Liberal Party (HSLs) - Democratic Center (DC)	100 335	3
Croatian Pensioners Party (HSU)	98 537	3
Croatian Democratic Peasant Party (HDSS)	24 872	1

*Table 13. Results on 2003 Parliamentary Elections, source Inter-Parliamentary Union*

Political Party	Number of Seats Won
Croatian Democratic Union (HDZ)	66
Social Democratic Party (SDP)	56
Peasant Party (HSS) - Social Liberal Party (HSLs) Coalition	8
Croatian People's Party (HNS)	7
Croatian Democratic Alliance of Slavonia and Baranja (HDSSB)	3
Istrian Democratic Assembly (IDS)	3
Croatian Party of the Right (HSP)	1
Croatian Party of Pensioners (HSU)	1

*Table 14. Results on 2007 Parliamentary Elections, source Inter-Parliamentary Union*

Political Party	Number of seats

	won
Alliance for Change (KUKURIKU)	80
Croatian Democratic Union (HDZ)	30
Croatian Democratic Union (HDZ) - Croatian Civil Party (HGS)	13
Representatives of ethnic minorities	8
Croatian Democratic Alliance of Slavonia and Baranja (HDSSB)	6
Croatian Labour-Labour Party (HL-SR)	6
Croatian Democratic Union (HDZ) - Democratic Centre (DC)	4
Ivan Grubisic Independent List	2
Croatian Peasant Party (HSS)	1
Croatian Party of Rights (HSP) - Croatian Pure Party of Rights (HCSP)	1

*Table 15. Results on 2011 Parliamentary Elections, source Inter-Parliamentary Union*

Political Party	Number of votes won	Number of seats
Croatian Democratic Union	621.034	66
Restart Coalition	414.645	41
Miroslav Škoro Homeland Movement	181.493	16
Bridge of Independent Lists (MOST)	123-194	8
Green-Left Coalition	116.483	7
Pametno coalition	66.399	3
Human Shield	37.628	-
Croatian People's Party – Liberal Democrats	21.727	1
People's Party - Reformists	16.900	1

*Table 16. Results on 2020 Parliamentary Elections, source [electionguide.org](https://electionguide.org)*

### *5.2.2 Elections for the minority representatives to the Croatian Parliament*

According to the State Electoral Commission, members of the Croatian parliament are elected by direct and secret vote on the four years mandate. As on the presidential elections, Croatia citizens aged 18 and older have the right to vote on these elections and can also stand for the election to an office, regardless of their place of residence. When it comes to the minorities and based on the Constitutional Act on the Rights of National Minorities, those that are appropriately represented in the total population of country shall have the right to elect eight representatives to the Croatian Parliament, elected in a separate electoral district. Political parties registered in the Republic of Croatia, voters and associations of national minorities have the right to propose candidates for the representatives of the national minorities and its deputies.

There is no data on elected minority members on the 1993 and 1997 parliamentary elections. With available data, tables per electoral years are presented below, with stated communities, number of proposed candidates and seats won.

Candidates	Proposed candidates	Seats won
Community		
Serbian National Community	4	1 + 1 deputy
Hungarian National Community	4	1 + 1 deputy
Italian National Community	5	1 + 1 deputy
Czech and Slovakia National Community	9	1 + 1 deputy
Austrian, Germany, Ukrainian, Russian and Jew National Community	8	1 + 1 deputy

*Table 17. Results of 2000 Parliamentary Elections, source State Electoral Commission Republic of Croatia*

Candidates	Proposed candidates	Seats won
Community		
Serbian National Community	17	3 + 3 deputies
Hungarian National Community	4	1 + 1 deputy
Italian National Community	5	1 + 1 deputy
Czech and Slovakia National	7	1

Community		
Austrian, Germany, Ukrainian,	12	1
Russian and Jew National		
Community		
Albanian, Bosnian, Montenegrin,	8	1
Macedonian and Slovenian National		
Community		

*Table 18. Results of 2003 Parliamentary Elections, source State Electoral Commission Republic of Croatia*

Candidates	Proposed candidates	Seats won
Community		
Serbian National Community	20	3 + 3 deputies
Hungarian National Community	5	1 + 1 deputy
Italian National Community	3	1 + 1 deputy
Czech and Slovakia National	9	1
Community		
Austrian, Bulgarian, Germany,	22	1
Poland, Roman, Romanian, Turkey,		
Ukrainian, Russian and Jew National		
Community		
Albanian, Bosnian, Montenegrin,	13	1
Macedonian and Slovenian National		
Community		

*Table 19. Results of 2007 Parliamentary Elections, source State Electoral Commission Republic of Croatia*

Candidates	Proposed candidates	Seats won
Community		
Serbian National Community	13	3 + 3 deputies

Hungarian National Community	2	1 + 1 deputy
Italian National Community	1 + 1 as a deputy	1 +1 deputy
Czech and Slovakia National Community	5	1
Austrian, Bulgarian, Germany, Poland, Roman, Romanian, Turkey, Ukrainian, Russian and Jew National Community	23	1
Albanian, Bosnian, Montenegrin, Macedonian and Slovenian National Community	12	1

*Table 20. Results of 2011 Parliamentary Elections, source State Electoral Commission Republic of Croatia*

Candidates	Proposed candidates	Seats won
Serbian National Community	11 + 11 as a deputies	3 + 3 deputies
Hungarian National Community	2 + 2 as a deputies	1 + 1 deputy
Italian National Community	3 + 3 as a deputies	1 +1 deputy
Czech and Slovakia National Community	2	1
Austrian, Bulgarian, Germany, Poland, Roman, Romanian, Turkey, Ukrainian, Russian and Jew National Community	11	1
Albanian, Bosnian, Montenegrin, Macedonian and Slovenian National Community	12	1

*Table 21. Results of 2015 Parliamentary Elections, source State Electoral Commission Republic of Croatia*

Candidates	Proposed candidates	Seats won
Community		
Serbian National Community	7 + 7 as a deputies	3 + 3 deputies
Hungarian National Community	2 + 2 as a deputies	1 + 1 deputy
Italian National Community	2 + 2 as a deputies	1 + 1 deputy
Czech and Slovakia National Community	2	1
Austrian, Bulgarian, Germany, Poland, Roman, Romanian, Turkey, Ukrainian, Russian and Jew National Community	8	1
Albanian, Bosnian, Montenegrin, Macedonian and Slovenian National Community	8	1

*Table 22. Results of 2016 Parliamentary Elections, source State Electoral Commission Republic of Croatia*

Candidates	Proposed candidates	Seats won
Community		
Serbian National Community	6 + 6 as a deputies	3 + 3 deputies
Hungarian National Community	1 + 1 as a deputy	1 + 1 deputy
Italian National Community	1 + 1 as a deputy	1 + 1 deputy
Czech and Slovakia National Community	2	1
Austrian, Bulgarian, Germany, Poland, Roman, Romanian, Turkey, Ukrainian, Russian and Jew National Community	4	1
Albanian, Bosnian, Montenegrin, Macedonian and Slovenian National Community	7	1

*Table 23. Results of 2020 Parliamentary Elections, source State Electoral Commission Republic of Croatia*

### *5.3 Republic of Serbia*

#### *5.3.1 Elections for the National Assembly*

According to the constitution of the Republic of Serbia, Article 100, People's Assembly is consisted of 250 members, selected by secret voting with ensuring equality in representatives of national minorities, in line with the Law. Elections for Members of Parliament of the Republic of Serbia (Parliamentary Elections) are held every four years, which is the length of one term the National Assembly according to the Constitution of the Republic of Serbia. In addition to regularly scheduled elections, early elections can be called as well when the National Assembly is dissolved by decree of the President of the Republic in cases stipulated by the Constitution. Elections have been held in 1992, 1993, 1997, 2000, 2003, 2007, 2008, 2012, 2014 and 2016. Tables below are to show election results per electoral year.

Title of electoral list	Number of won votes	Number of mandates
SPS	1.359.086	101
SRS	1.066.765	72
DEPOS	797.131	50
DS	196.347	6
DZVM	140.835	9
SSS	128.240	3
KDR	71.865	2
Arkan	17.352	5
DRSM	6.336	1
Others	663.903	-

*Table 24, Results of 1992 elections for People's Assembly, source [electionguide.org](http://electionguide.org)*

Title of electoral list	Number of won votes	Number of mandates
SPS	1.576.287	123
DEPOS	715.564	45
SRS	595.467	39
DS	497.582	29
DSS	218.056	7
DZVM	112.342	5
KPZDD-DPA	29.342	2

*Table 25. Results of 1993 elections for People's Assembly, source [electionguide.org](http://electionguide.org)*

Title of electoral list	Number of won votes	Number of mandates
SPS-JUL-ND	1.488.669	110
SRS	1.159.868	82
SPO	793.244	45
Coalition "Vojvodina"	112.215	4
DA	60.855	1
SMV	50.960	4
Coalition "List for Sandžak"	48.486	3
Democratic coalition "Preševo – Bujanovac"	14.179	1

*Table 26. Results of 1997 elections for People's Assembly, source [electionguide.org](http://electionguide.org)*

Title of electoral list	Number of won votes	Number of mandates
Serbian radical party – Vojislav Šešelj	322.615	23
Serbian Movement of Renewal – Vuk Drašković	141.401	0
Socialistic Party of Serbia – Slobodan Milošević	516.326	37
Democratic Opposition of Serbia – Vojislav Koštunica	2,406.758	176



Party of Serbian Unity – BorislavPejević	200.052	14
Democratic Socialistic Party – MiroslavVučelić	31.973	0
Yugoslovenian Left – JUL	14.324	0
Serbian Socialdemocratic Party – ZoranLilić	29.400	0

*Table 27. Results of 2000 Elections for People's Assembly, source Republican Electoral Commission*

Political Party	Number of mandates	Number of won votes
Serbian Radical Party	82	1.056,256
Democratic Party of Serbia	53	678.031
Others	-	537.355
Democratic Party	37	481.249
G-17 Plus	34	438.422
Serbian Renewal Movement – New Serbia	22	293.082
Socialist Party of Serbia	22	291.341

*Table 28. Results of 2003 Elections for People's Assembly, source electionguide.org*

Political Party	Number of mandates	Number of won votes
Serbian Radical Party	81	1.152.105
Democratic Party	64	915.014
Democratic Party of Serbia (DSS) – New Serbia (NS)	47	666.889
Other Candidates	-	521.873
G17 Plus	19	274.874
Socialist Party of Serbia	16	227.304
Liberal Democratic Party	15	214.028

*Table 29. Results of 2007 Elections for People's Assembly, source electionguide.org*

Political Party	Number of mandates	Number of won votes
For a European Serbia	102	1.590,200
Serbian Radical Party	78	1.219,436
Democratic Party of Serbia – New Serbia	30	480,987
Socialist Party of Serbia	20	313,896
Liberal democratic Party	13	216,902
Hungarian Coalition	4	78,847
Bosniak List for European Sandžak	2	38,148
Coalition of Albanians	1	16,801

*Table 30. Results of 2008 Elections for People's Assembly, source electionguide.org*

Political Party	Number of mandates	Number of won votes
Let's get Serbia Moving	73	940.659
Choice for a Better Life	67	863.294
IvicaDačić List	44	567.689
Democratic Party of Serbia	21	273.532
Turnover	19	255.546
United Regions of Serbia	16	215.666
Serbian Radical Party	-	180.558
Alliance of Vojvodina Hungarians	5	68.323
Party of Democratic Action of Sandžak	2	27.708
All Together	1	24.993
None of the Above	1	22.905
Albanian Coalition from Preševo Valley	1	13.384

*Table 31. Results of 2012 Elections for People's Assembly, source electionguide.org*

Political Party	Number of mandates	Number of won votes
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AleksandarVučić – A Future We Believe In	158	1.736.920
IvicaDačić Coalition	44	484.607
With the Democratic Party for Democratic Serbia	19	216.634
Boris Tadić Coalition	18	204.767
Democratic Party of Serbia	-	152.436
Dveri movement	-	128.458
ČedomirJovanović Coalition	--	120.879
United Regions of Serbia	-	109.167
Alliance of Vojvodina Hungarians	6	75.294
Enough of That	-	74.973
Serbian Radical Party	-	72.303
Party of Democratic Action of Sandžak	3	35.157
Party for Democratic Action	2	24.301
Third Serbia	-	16.206
Russian Party	-	6.547
Montenegrin Party	-	6.388
Patriotic front	-	4.514
All Together	-	3.983
Coalition of Citizens of All Nations and National Communities	-	3.182

*Table 32. Results of 2014 Elections for People's Assembly, source electionguide.org*

Political Party	Number of mandates	Number of won votes
Serbian Progressive Party	131	1.823.147
Socialist Party of Serbia	29	413.770

Serbian Radical Party	22	306.052
Enough is enough	16	227.626
Democratic Party	16	227.589
DSS - Dveri	13	190.530
Coalition for a Better Serbia	13	189.564
Alliance of Vojvodina Hungarians	4	56.620
Bosniak Democratic Community of Sandžak	2	32.526
Party of Democratic Action of Sandžak	2	30.092
Green Party	1	23.890
Party for Democratic Action	1	16.262

*Table 33. Results of 2016 Elections for People's Assembly, source electionguide.org*

### *5.3.2. Elections for the minority representatives to the People's Assembly*

Below are results from elections for the People's Assembly for the selected timeframe in terms of minority participation. However, there is lack of data of minority representation on the elections held on 2003, 2001, 2000, 1997 and 1993.

Political Party	Number of mandates	Number of won votes
Union of Vojvodina Hungarians	4	50 960
Democratic Party of Vojvodina Hungarians	0	19 968
Democratic Community of Vojvodina Hungarians	0	16 812
Democratic Union of Croats in Vojvodina	0	5 357
Movement of vojvodina Hungarians	0	2 181

*Table 34. Results of 1997 Elections for People's Assembly, source publikacije.stat.gov.rs*

Political Party	Number of mandates	Number of won votes
Coalition List for Sandžak	2	33823
Union of Roma of Serbia	1	17128
Roma Party	1	14631
Coalition Hungarian Unity	0	12940

*Table 35. Results of 2007 Elections for People's Assembly, source publikacije.stat.gov.rs*

Political Party	Number of mandates	Number of won votes
Hungarian Coalition	4	74 874
Bosnian List for European Sandžak	2	38148
Albanian Coalition of Prešev Valley	1	16801
Roma Party SrđanŠalj	0	9103
Roma for Roma MilošPaunković	0	5115
Roma Union of Serbia drRajkoĐurić	0	4732
Montenegrin Party NenadStevović	0	2923

*Table 36. Results of 2008 Elections for People's Assembly, source publikacije.stat.gov.rs*

Political Party	Number of mandates	Number of won votes
SDA of Sandžak	0	28 977
All Together: BDZ, GSM, DZH, DZVM, Slovak Party - Emir Elfić	1	24 993
Albanian Coalition of Prešev Valley	1	13 384

Montenegrin Party	0	3 855
NenadStevović		

*Table 37. Results of 2012 Elections for People's Assembly, source publikacije.stat.gov.rs*

Political Party	Number of mandates	Number of won votes
Republican Party - Republikánuspárt -Nikola Sandulović	6	75 294
SDA of Sandžak	3	35 157
Party for Democratic Action RizaHalimi	2	24 301
Russian Party	0	6 547
Montenegrin party - Josip Broz	0	6 388
List of National Communities BDZ – MPSZ – DZH – MRM – MEP – Emir Elfic	0	3 983
Coalition of citizens of all nation and nationalities (RDS-SDS)	0	3 182

*Table 38. Results of 2014 Elections for People's Assembly, source publikacije.stat.gov.rs*

Political Party	Number of mandates	Number of won votes
BDZ of Sandžak – Zukorlic	2	32 526
Serbian-Russian movement	0	10 016
Vajdasági Magyar Szövetség - PásztorIstván -Alliance of Vojvodina Hungarians - Istvan Pastor	4	56.620
Russian Party	0	13 777
Republican Party - Republikánuspárt -Nikola Sandulović	0	4 522

*Table 39. Results of 2016 Elections for People's Assembly, source publikacije.stat.gov.rs*

Political Party	Number of mandates	Number of won votes
Alliance of Vojvodina	9	71.893
Hungarians - Istvan Pastor		
Muamer Zukorlić -Just the right - (SPP) - (DPM)	4	32.170
Albanian Democratic Alternative – United Valley	3	26 437
Russian Party – Slobodan Nikolic	0	6 295

*Table 40. Results of 2020 Elections for People's Assembly, source publikacije.stat.gov.rs*

## 5.4 Montenegro

### 5.4.1 Parliamentary elections

According to the constitution, Assembly of Montenegro has 81 members. Tables below show results of all elections held for this body as well as minority representation in those elections.

Political Party	Number of won votes	Number of seats won
Democratic party of socialists	125.576	45
Liberal alliance MNE	35.564	13
People's Party	37.532	14
Serbian labor party	22.265	8
Socialdemocratic party of reform	12.994	4

*Table 42. Results of 1992 Elections for Montenegrin Assembly source electionguide.org*

Political Party	Number of won votes	Number of seats won
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Democratic Party of Socialists	150.140	45
NS	74.954	9
SDA	10.147	3
DSCG	5.289	2
DUA	5.849	2
Other parties	48.698	

*Table 42. Results of 1996 Elections for Montenegrin Assembly source electionguide.org*

Political Party	Number of won votes	Number of seats won
Democratic Party of Socialists, People's Party of Montenegro and Social Democratic Party of Montenegro	170.080	42
Socialist People's Party	123.957	29
Liberal Alliance of Montenegro	21.612	5
Democratic Union in Montenegro	5.425	1
Serbian Radical Party	4.060	-
Democratic League of Albanians	3.529	1

*Table 43. Results of 1998 Elections for Montenegrin Assembly, source electionguide.org*

Political Party	Number of won votes	Number of seats won
Democratic List for European Montenegro	167.166	39
Coalition "Together for Changes"	133.900	30
Liberal Alliance in Montenegro	20.365	3
Coalition "Albanians together"	8.498	3



*Table 44. Results of 2002 Elections for Montenegrin Assembly, source electionguide.org*

Political Party	Number of won votes	Number of seats won
Democratic Party of Socialists – Social Democratic Party	164.737	41
Serbian List	49.730	12
Socialist People's Party, People's Party and Democratic Serb Party	47.683	11
Movement for change	44.483	3
Liberal Party – Bosniak Party	12.748	3
Coalition of Democratic Alliance in Montenegro and Party of Democratic Prosperity	4.373	1
Democratic Union of Albanians	3.693	1
Civic List	2.906	-
Albanian Alternative (group of citizens)	2.656	-
Yugoslavian Communists of Montenegro	2.343	-
New Democratic Power FORCA	2.197	-
Democratic Party of Montenegro – Northern League	1.284	-

*Table 45. Results of 2006 Elections for Montenegrin Assembly, source electionguide.org*

Political Party	Number of won votes	Number of seats won
Coalition for a European Montenegro	168.290	48
Socialists People's Party of Montenegro	54.547	16

New Serbian Democracy	29.883	8
Movement for Change	19.546	5
People's Coalition: People's Party and Democratic Serbian Party	9.448	-
Coalition for a different Montenegro: Liberal Party and Democratic Center	8.759	-
Democratic Union of Albanians	4.747	1
New Democratic Power FORCA	2.939	1
Albanian List – List Shquiptare- Democratic Alliance in Montenegro	2.898	1
Albanian Coalition "The Perspective"	2.619	1

*Table 46. Results of 2009 Elections for Montenegrin Assembly, source [electionguide.org](http://electionguide.org)*

Political Party	Number of won votes	Number of seats won
Coalition for a European Montenegro	165.380	39
Democratic Front	82.752	20
Socialist People's Party of Montenegro	40.079	9
Positive Montenegro	29.885	7
Bosniak Party	15.124	3
Serbian Unity	5.275	-
For Unity	5.224	-
Albanian Coalition	3.845	-
Serbian National Alliance	3.085	-
Democratic Union of Albanians	2.852	-
Croatian Civic Initiative	1.514	1

Together	1.384	-
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*Table 47. Results of 2012 Elections for Montenegrin Assembly, source electionguide.org*

Political Party	Number of won votes	Number of seats won
Democratic Party of Socialists	158.301	35
Democratic Front	77.491	18
Key Coalition	42.271	9
Democratic Montenegro	38.183	9
Social Democratic Party	19.977	4
Social Democrats of Montenegro	12.447	2
Albanians Decisively	12.236	2
Croatian Civic Initiative	1.801	1

*Table 48. Results of 2016 Elections for Montenegrin Assembly, source electionguide.org*

Political Party	Number of won votes	Number of seats won
Democratic Party of Socialists	143.515	40
For the Future of Montenegro	133.261	27
Peace is Our Nation	51.298	10
Civic Movement United Reform Action	22.679	4
Social Democrats of Montenegro	16.769	3
Bosniak Party	16.279	3
Social Democratic Party	12.835	2
Albanian Coalition	4.675	1
Albanian List – List Shquiptare – Democratic Alliance in Montenegro	3.488	1

*Table 49. Results of 2020 Elections for Montenegrin Assembly, source electionguide.org*

#### *5.4.2. Elections for the minority representatives to the Assembly*

Political Party	Number of won votes	Number of seats won
Serbian Radical Party	4.060	-
Democratic League of Albanians	3.529	1

*Table 50. Results of 1998 Elections for Montenegrin Assembly, source electionguide.org*

Political Party	Number of won votes	Number of seats won
Coalition “Albanians together”	8.498	3

*Table 51. Results of 2002 Elections for Montenegrin Assembly, source electionguide.org*

Political Party	Number of won votes	Number of seats won
Socialist People’s Party, People’s Party and Democratic Serbian Party	47.683	11
Liberal Party – Bosniak Party	12.748	3
Democratic Union of Albanians	3.693	1
Albanian Alternative (group of citizens)	2.656	-
Yugoslavian Communists of Montenegro	2.343	-

*Table 52. Results of 2006 Elections for Montenegrin Assembly, source electionguide.org*

Political Party	Number of won votes	Number of seats won
New Serbian Democracy	29.883	8
People’s Coalition: People’s Party and Democratic Serbian Party	9.448	-
Coalition for a different Montenegro: Liberal Party and Democratic Center	8.759	-
Democratic Union of Albanians	4.747	1
Albanian List – List	2.898	1

Shqiptare- Democratic Alliance in Montenegro		
Albanian Coalition “The Perspective”	2.619	1

*Table 53. Results of 2009 Elections for Montenegrin Assembly, source electionguide.org*

Political Party	Number of won votes	Number of seats won
Bosniak Party	15.124	3
Serbian Unity	5.275	-
Albanian Coalition	3.845	-
Serbian National Alliance	3.085	-
Democratic Union of Albanians	2.852	-
Croatian Civic Initiative	1.514	1

*Table 54. Results of 2012 Elections for Montenegrin Assembly, source electionguide.org*

Political Party	Number of won votes	Number of seats won
Albanians Decisively	12.236	2
Croatian Civic Initiative	1.801	1

*Table 55. Results of 2016 Elections for Montenegrin Assembly, source electionguide.org*

Political Party	Number of won votes	Number of seats won
Bosniak Party	16.279	3
Albanian Coalition	4.675	1
Albanian List – List	3.488	1
Shqiptare – Democratic Alliance in Montenegro		

*Table 56. Results of 2020 Elections for Montenegrin Assembly, source electionguide.org*

## 6. Reports by international institutions for protection of electoral rights of national minorities in selected countries

In 2000, European Union stated that most of the international legislation in field of minority rights' protection have been ratified. Minorities are represented in the Government Commission for Nationalities / the Commission for the Roma. The special status of the Roma community is guaranteed in the Constitution, which foresees (Article 65) the adoption of a special law for protection of the Roma. Such a law has not been adopted by the 2000, but the rights of the Roma community are covered in various sectoral laws, such as the Law on local self-government, the Law on local elections, and the Law on organization and financing of education. Furthermore, US Department of State in its 2020 Country Reports on Human rights Practices reported that “two constitutionally recognized national minorities and one ethnic minority living in the country: Roma, Hungarians, and Italians. Other minorities living in the country are not officially recognized, such as Germans, Albanians, Bosniaks, Croatians, Macedonians, Montenegrins, and Serbs. Only members of official minorities are guaranteed special parliamentary seats to represent their communities. The German-speaking community called on the government to recognize the community as a minority officially in the constitution. The community called on the government to include German as a language of instruction in schools, recognize the minority language in radio and television programming, and provide additional funds to support German culture.” US Department of State in its report in 2021 stated that: “The ethnic Albanian, Bosniak, Croatian, Macedonian, Montenegrin, and Serbian communities also called on the government to recognize their communities officially in the constitution. In 2019 the government established the Government Council for Ethnic Communities of Members of Former Yugoslav Nations in Slovenia as a consultative body to address issues faced by such ethnic groups living in the country.”(US Department of State 2021).

In 2005, European Union stated that in Croatia, in the area of human rights and minorities an appropriate legal framework was in place. The position of minorities was in general continued to improve since the Opinion. However, implementation of the Constitutional Law on National Minorities in particular was slow by the 2005. Serbs and Roma continued to face discrimination and the need to improved their situation especially with respect to job opportunities and as well as creating a more receptive climate in the majority community is an urgent priority

In 2020, the Freedom House stated that in Slovenia, citizens enjoyed full political rights followed by the electoral opportunities. When it comes to the minorities, Hungarian and Italian minorities each elect their own lawmaker to the National Assembly. However, Roma councilors sit on 20 municipal councils, but are not represented in the national legislature.

US Department of State in its Annual Report for 2020 stated that there is no laws limit participation of members of minority groups in the political participation, since those groups are guaranteed eight seats in the 151 seat-parliament. Furthermore, eight parliamentary seats held by representatives of the national minorities became the main partner to the ruling HDZ's coalition government following the July 5 parliamentary elections. Boris Milosevic, a member of parliament from the Serb national minority was appointed deputy prime minister in charge of social affairs issues and human rights.(US Department of State, 2021)

In Montenegro, European Union stated that, based on the State Election Commission's (SEC) final results, ruling party Democratic Party of Socialists and its junior coalition partners from the previous legislature (SD, Bosniak party and Albanian lists) got 38 seats together, except for the Croatian minority party, which for the first time will not be represented in the parliament.

Before the 2020 elections, there were 16 political parties represented in Parliament. Out of 81 MPs, four represented ethnic minorities, while three operated as independent MPs. Five coalitions and four political parties are represented in the new parliament's composition. Out of 81 MPs, five represent ethnic minorities. Regardless of mentioned, legal framework for Minority Councils may need to be reviewed regarding their establishment, legal status and gender balance. The preferential treatment offered by the electoral legislation to numerically small national minorities to ensure their political representation has not been extended to Roma and Egyptians, therefore they have no representative in the national or local parliaments. Furthermore, US Department of State reported that the largest minority groups in the Montenegro (i.e., Serbs, Bosniaks, Albanians, and Croats) had representatives in parliament while others such as Roma, Ashkali, and Balkan-Egyptians remained unrepresented. Although the law provides representation to minority-affiliated parties that win less than 3 percent of the vote or constitute less than 15 percent of the population, the law does not apply to the Romani community. At the end of 2019, the Democratic Roma Party became the first Romani political party established in the country. Mentioned Law also provides for positive discrimination in the allocation of electoral seats at the municipal level for minorities constituting 1.5 to 15 percent of the population. There were no political representatives of Roma, Ashkali, or Balkan-Egyptians at the municipal level. (US Department of State, 2021)

In February 2020, the ruling coalition in Serbia and as reported by the European Union, proposed the lowering of the electoral threshold from 5% to 3% and a formula for enhanced

representation of national minority lists. These key amendments were passed in parliament in a swift manner and without prior consultations, limiting the inclusiveness of the process.

Furthermore, European Union reported that legal framework for respect and protection of minorities and cultural rights is broadly in place and generally upheld, in line with the Council of Europe Framework Convention on National Minorities.

Four parties representing national minorities, which are exempt from the threshold, obtained overall 19 seats in 2020 Elections.

Furthermore, the US Department of State in 2021 reported that Minority groups in Serbia “need only 1,000 signatures to register political parties, compared with 10,000 for nonminority parties which means that mentioned lower electoral threshold could allow them to enter the Parliament even with having lower percentage of votes in comparison to the nonminority parties. (US Department of State, 2021)

## **7. Comparison of electoral rights of nationally recognized minorities in selected countries**

Two constitutionally recognized national minorities and one ethnic minority living in the Slovenia Roma, Hungarians, and Italians. Other minorities living in the country are not officially recognized, such as Germans, Albanians, Bosniaks, Croatians, Macedonians, Montenegrins, and Serbs. Only members of official minorities are guaranteed special parliamentary seats to represent their communities.

As we mentioned above, Hungarian and Italian national minorities have two reserved seats each in the National Assembly following with representation in 3 out of 212 municipalities. In addition, Law on self-governance from 2002 ensures that in municipalities where Roma population is autochthonous, which is in 20 out of 212 municipalities, this minority have to have reserved seats on the local level of government, i.e local councils.

Citizens from former Yugoslavian nations are treated as non-autochthonous minorities in Slovenia and, therefore, are not granted any special status or collective rights, even though the National Assembly passed the Declaration on the Situation of National Communities from the



Former Yugoslavia in 2010, that stipulated willingness of Slovenia to regulate collective rights of mentioned groups. In addition, German minority is in the recent years expressed pressure in order to have a stronger regulation that would lead to insurance of its collective rights. However, this has not been successful so far.

According to the State Electoral Commission of the Republic of Croatia, Right to vote in elections of deputies of municipality heads, mayors and county prefects from among national minorities have voters who are members of those minorities entitled to have a deputy that have place of residence in the area where elections are held.

State Election Commission of Croatia on its webpage stated that: “Right to stand as candidate for deputy municipality head, deputy mayor, and deputy county prefects from among national minorities, have voters who members of those minorities over the age of eighteen residing, on the day the resolution to call the elections enters into force, in the territory of local and regional self-government unit in which the election takes place, provided they are not banned from candidacy under the Local Elections Act.” Furthermore, the right to propose candidates for deputy municipality head, deputy mayor, and deputy county prefects from among national minorities and Croatian nationality have political parties registered in the Republic of Croatia on the day the resolution to call the elections enters into force, as well as voters.

In Serbia National councils of national minorities are existing, whereby those present organizational form of minority self-government being a constitutional category in the legal system of this country. These councils can make contact with the authorities on all levels of government in all matters affecting their rights. Furthermore, there is a possibility for participation of these representatives in certain bodies of importance for protection of minority status as well as its direct participation in decision—making.

According to the Constitution of Montenegro, national minorities have the right to an authentic representation in parliament whereby the Constitution gives the same rights to all ethnic and religious groups. For example, for one minority nation or minority national community to be on the electoral list for MP, it has to receive a minimum of 0.7% of valid votes.

## Conclusion

This master thesis focused on electoral rights of nationally recognized minorities in newly established Eastern European democracies with Slovenia, Croatia, Serbia and Montenegro as case studies. We conducted a comprehensive research on establishment of above mentioned rights in lights of legislation, i.e. theory and practice. With electoral results in these countries, we elaborated quality of democracy. Electoral results focused primarily on Parliamentary elections (i.e. elections for the People's Assembly) in the timeframe of 199 until 2020, with special emphasis on the results of national minority political parties, how many votes they won and therefore how many seats were reserved for them.

Prior to the quantitative part of this research, we elaborated legal framework for electoral rights of nationally recognized minorities in case studies, i.e. how nationally recognize minorities are defined and how legislation treats members of this group. Furthermore, normative framework for the mentioned was described in detail, including opinions of relevant institutions and additionally, this master thesis offered definitions of key terms such as democracy, elections and electoral rights.

Research we have conducted was both qualitative and quantitative. Qualitative approach to researching this topic included document analysis, comparison of cases and comparative literature overview while quantitative research was based on the examination of statistical results of elections.

Main hypothesis went as follows: *The current constitutional and legal frameworks in Slovenia, Croatia, Serbia and Montenegro do not allow for (or do not fully guarantee and protect) full and effective political participation of nationally recognized minorities in the respective countries.*

Republic of Slovenia is also ethnically homogenous country meaning that “out of 1 964 036 citizens registered at the Census in 2002, 83,06 % are having Slovene ethnic origin, Hungarian community forms 0,32% of the population, while Italian form 0,11% and Roma 0,17%” (Petricusic, 2004:2). Other statistically important ethnic groups are Serbs (1,98%), Croats (1,81%), Bosniaks (1,63%), Albanians (0,31%) and Macedonians (0,20%). (Petricusic, 2004:2)

Minorities in Republic of Croatia are dispersed across the entire state with its communities mostly located in the aread of Banija, Baranja, northern Dalmatia, Istria, Kordun, Lika and Eastern and Western Slavonia. In Serbia, it is important to distinguish two features of minorities

in Serbia. First one is old, autochthonous minorities while the second one are so called new minorities, formed by the people belonging to the constituent people of the former Yugoslavia. According to the 2011 census, there are more than twenty national communities in the Republic of Serbia. The Serbs are dominant in number, participating with 83,32% in the total population, after which the most numerous national communities in Serbia, i.e. those that make more than 1% of the population are: Hungarians (3,53%), Roma (2,05%) and Bosniaks (2,02%) (Vreme, 2013). Mentioned minority groups are followed by 16 national communities that count more than 2000 members. Those are: Croats, Slovaks, Montenegrins, Vlachs, Romanians, Yugoslavs, Macedonians, Muslims, Bulgarians, Bunjevacs, Rusyns, Gorani, Ukrainians, Germans, Slovenians and Russians. However, all other groups that have more than 2000 members are labeled as “others” and members of the “others” are: Czechs, Ashkali, Egyptians, and Jews.

When it comes to the Montenegro, it is important to say that according to the 2003 Census, national composition of Montenegro population is as follows: Montenegrins 43,16%, Serbians 31,99%, Bosniaks 7,77%, Albanians 5,03%, Muslims 3,97% and Croats 1,10% (The Government of Montenegro, 2008).

Additional value to this thesis was overview of legal framework for protection of nationally recognized minorities whereby we elaborated international standards such as Universal Declaration of Human Rights, International Convention on the Elimination of All Forms of Racial Discrimination, European Convention for the Protection of Human Rights and Fundamental Freedoms as well as Framework Convention for the Protection of National Minorities. Besides international standards, we gave an overview of domestic laws in these countries that regulated the status of national minorities and their electoral rights.

Furthermore, we gave short overview of reports by international institutions for protection of electoral rights of national minorities in selected countries after which we concluded this thesis by offering comparison of electoral rights of nationally recognized minorities in these countries.

After writing all of this, we came to conclusion that legal framework for protection of nationally recognized minorities in the newly established Eastern European democracies is strong. All of examined states have adopted many international standards for protection of minority rights and domestic legal instruments are harmonized with those mechanisms. However, its implementation is yet quite low, as it was shown throughout electoral results that without any doubt, confirmed our main as well as additional hypothesis. In terms of auxiliary hypothesis, research confirmed all

of them. Accordingly to them, we came to findings that nationally recognized minorities in all of four selected case countries have disproportionately low political participation. However, with possibilities to be active in politics through elections, direct participation in SEE countries empowers minorities to influence public decision-making process which of course, can lead to elimination of discrimination and marginalization of minorities. Additionally, organizations of minorities and its associations, help promote aspirations of mentioned groups for more active civil participation.

For example, we came to finding that Montenegro has the highest percentage of minority population in comparison to other observed states. However, only in 2006 minorities had higher number of won seats (16) which on the latter elections began to decrease. On the contrary, Croatia had the same number of won seats (8) throughout six elections. Situation in Serbia on this regard was different as well, where findings show that after three elections with zero seats won, minority representation in the People's Assembly after 2007 changes for the better and number of seats is increased up till 16 in 2020. All of the mentioned confirms our thesis that political participation of minorities in Slovenia, Croatia, Serbia and Montenegro is still not on the satisfactory level. However, as the data shows, there is tendency for the improvement.

## Literature

Auerbach, K. (2011). Political Participation of National Minorities: Standards and State Practice in the Implementation of Article 15 of the Council of Europe's Framework Convention for the Protection of National Minorities. Analitika – Centar za društvena istraživanja

Axford et al. (1997). Politics: An Introduction. London: Routledge

Banducci S. A., Donovan T. and Karp J. A. (2004). Minority representation, empowerment, and participation, the journal of politics, Vol. 66, No. 2, May 2004, Pp.534-556.

BTI 2020 Country Report Slovenia

Centar za slobodnu izbore i demokratiju (1997). Oko izbora, Izveštaj centra za slobodnu izbore i demokratiju sa parlamentarnih i predsjedničkih izbora u Srbiji (septembar-oktobar 1997).

Cierco, T. (2017). *The Limits of Europeanization on Minority Rights in Serbia: The Roma Minority*. International Journal on Minority and Group Rights, 123-149.

COMMISSION STAFF WORKING DOCUMENT Serbia 2020 Report Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2020 Communication on EU Enlargement Policy

Commission Staff Working Document – Montenegro 2020 Report, Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social committee and the Committee of the Regions. 2019 Communication on EU Enlargement Policy

Council of Europe, Framework Convention for the Protection of national Minorities

Dahl, R. (1989). Democracy and Its Critics. New Heaven: Yale University Press.

Dalton, Russell J. (2017) The Participation Gap. Social Status and Political Inequality. Oxford University Press, Chapter "Online Activism".

Dworkin, R. (1977). Taking Rights Seriously. Massachusetts: Harvard University Press.

Dymarski M. (2017). Polska academia umjetnosci. Political situation of ethnic minority groups in independent Montenegro

European Convention on Human Rights and Fundamental Freedoms

Forum for Ethnic Relations (2017). *National Minorities in Serbia's Relationship with the Neighbours, The Status of National Minorities in Serbia and EU Negotiations: The role of Neighbouring Countries.*

Government of Montenegro, Ministry for the Protection of Human and Minority Rights (2008). Strategy for Minority Policy, The Policy of the Government of Montenegro in the Area of Respect and Protection of Minority Rights.

Kaufman, A. (1960). Human nature and participatory democracy. In C. Friedrich (ed.)

Kaufman, A. (1960). Human nature and participatory democracy. In C. Friedrich (ed.)

Kymlicka, W. (1995). *Multicultural citizenship, A Liberal Theory of Minority Rights.* Oxford: Clarendon Press.

Lamb R., Varettoni B. & Shen C. (2015). Participatory development and the World Bank. *International Affairs Review*, volume 14, No. 2. fall 2005.

Leften S. Stavrianos, *The Balkans Since 1453.* New York: Rinehart and Co., 1958. 970 pp.

Lefkofridi, Zoe. *Democratic Representation: Theory and Empirical Research.* Habilitation, University of Salzburg, 2017, Part I, "Theory", 11-34.

OFFICE FOR HUMAN AND MINORITY RIGHTS, 2013, Information on best practice in the application of traditional values in the promotion and protection of human rights and the respect for human dignity in accordance with the Human Rights Council Resolution 21/3

OSCE/ODIHR Election Assessment Mission Final Report, republic of Slovenia Early Elections of the National Assembly 4 December 2011, Warsaw 2012

Parry, G., Moyser, G., Day, N., *Political participation and democracy in Britain,* Cambridge: Cambridge University Press, 1992

Petricusic, A (2004.) *Slovenian legislative system for minority protection*. Noves SL. Revista de Sociolingüística, available at <http://www.gencat.cat/llengua/noves/noves/hm04tardor/docs/petricusic.pdf>

Petricusic, A (2011). *Ethno-Mobilisation and its Consequences in Croatia*. Southern Europe Periodical, 39-61

Raosaljević, R. (2014). *Zaštita manjina u Bosni i Hercegovini prema međunarodnim standardima ljudskih prava*.

Republic electoral Commission of the Republic of Serbia, official webpage <https://www.rik.parlament.gov.rs/>

Roudometof, Victor (1996). The consolidation of national minorities in Southeastern Europe. *Journal of Political and Military Sociology*; Winter 1996; 24, 2; Sociology Database pg. 189

State Electoral Commission of the Republic of Croatia, official webpage <https://www.izbori.hr/site/en/homepage/18>

State Election Commission of the Republic of Slovenia, official webpage <https://www.dvk-rs.si/index.php/en>

State Electoral Commission of Montenegro, official webpage <https://dik.co.me/>

Teorell, Jan (2006) Political participation and three theories of democracy. A research inventory and agenda. *European Journal of Political Research* 45(5), pp. 787-810.

The Government of Montenegro, The Ministry for the Protection of Human and Minority Rights (2008). *Strategy for Minority Policy, The Policy of the Government of Montenegro in the Area of Respect and Protection of Minority Rights*

United Nations, Universal Declaration of human Rights (UDHR)

United Nations, International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

U.S. Department of State, 2020 Country Reports on Human Rights Practices, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, MARCH 30, 2021

U.S. Department of State, 2020 Country Reports on Human Rights Practices: Croatia, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, MARCH 30, 2021

U.S. Department of State, 2020 Country Reports on Human Rights Practices: Slovenia, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, MARCH 30, 2021

U.S. Department of State, 2020 Country Reports on Human Rights Practices: Montenegro, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, MARCH 30, 2021

U.S. Department of State, 2020 Country Reports on Human Rights Practices: Serbia, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, MARCH 30, 2021

Verba, S. & Nie, N. (1972). Participation in America: Political democracy and social equality. New York: Harper & Row.

Verba, S., Nie, N. & Kim, J. (1978). Participation and political equality: A seven-nation comparison. Chicago, IL: Chicago University Press

Vreme (2013). Rezultati popisa stanovništva, Srbija 2011, Dokument: Stanovništvo Srbije po veroispovesti, maternjem jeziku i nacionalnoj pripadnosti, available at <https://www.vreme.com/projekat/rezultati-popisa-stanovnistva-srbija-2011/#nacionalnom%20opredeljenju>

Weller, M., & Nobbs, K. (Eds.) (2010) Political Participation of minorities: a commentary on international standards and practice. Oxford University Press, USA.

Žagar, M. (2001). Položaj i prava nacionalnih manjina u Republici Sloveniji. Politička misao, 38 (3), 106-121. Preuzeto s <https://hrcak.srce.hr/24575>





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