

# Y U G O S L A V I A

## SECTION A

### Capital

Beograd (Serbia) 1,087,915 (1991 est.)

Podgorica (Montenegro) 118,059 (1991 est.)

### Area

102,350 sq km (39,449 sq mi)

### Form of government

Parliamentary Democratic Republic

### GDP—per capita

Purchasing power parity—\$1,800 (1999 est.)

### Population

11,206,847 (Serbia—10,526,478; Montenegro—680,369) (July 1999 est.)

### Ethnic composition

Serbs	63%
Albanians	14%
Montenegrins	6%
Hungarians	4%
Other	13%

(Albanians, Bulgarians, Croats, Macedonians, Moslems, Romanies, Rumanians, Slovaks, Turks, Wallachians)

### Official language

Serbo-Croatian

## **Minority languages**

Albanian, Hungarian

## **Legislation dealing with the use of languages**

*Constitution of the Federal Republic of Yugoslavia* (April 27, 1992)

The Constitutional Acts of the FR of Yugoslavia; The Constitution of the FRY was announced on April 27, 1992. The Constitution of Serbia on September 28, 1990. The Constitution of Montenegro on October 12, 1992. The Statute of the Autonomous Province of Vojvodina on June 29, 1991. These regulate the freedoms and rights of the members of minority groups.

*The Law on the Official Use of Language* stipulates that languages and scripts of national minorities are in official use in parallel with the Serbian language in that territory of the Republic of Serbia inhabited by members of national minorities. The Law covers the manner of language use and scripts in different situations, for example, the use of more than one minority language, the inscription of geographical names, names of streets and squares, traffic signs and other public inscriptions etc.

Some rights are regulated by Federal and Republic laws, some by laws at a lower level (decrees, decisions, regulations, municipal statutes) as well as by individual political and legal documents (for instance, the "Declaration on human rights and rights of members of national minorities in the Republic of Serbia").

## **Background notes**

Serbia and Montenegro have asserted the formation of a joint independent state but this entity has not been formally recognized as a state by the US. The US view is that the Socialist Federal Republic of Yugoslavia (SFRY) has dissolved and none of the successor republics represents its continuation.

## **SECTION B**

### **Where does one observe language to be a problem in the country?**

The minority problem is extremely politicized in Yugoslavia. The situation is generally described as one where, despite proclaimed principles of equality and non-discrimination, the ethnic minorities are more and more often facing suppression, and even discrimination. This includes a

reduction in the right to education using their respective mother language. Regression from cultural life and a disappearance of minorities' institutions in the field of culture, media etc. are some of the results. Much of this situation is caused by an outstanding psychological, political and propagandistic pressure organized by state institutions, parties, scientific and cultural institutions, even those within minorities; combined with a very active media role controlled by the State. There are also acts of violence that could be categorized as "genocide".

Albanian, Hungarian and Muslim minorities predominate in Yugoslavia. Other national minorities – Bulgarians, Slovaks, Ruthenians, Romanians, Turks, Romas and others – are not sufficiently organized and their problems are therefore marginal in the eyes of many.

The Hungarians are a minority in Vojvodina, with a local majority in certain municipalities. They neither demand secession, nor seek to rejoin Hungary. The Hungarians in Vojvodina are preoccupied with the need to protect their cultural identity and to protect themselves from discrimination.

The Muslims in Sanjak use the same language as the Serb majority, but like the other minorities, they see themselves as a part of a separate "national entity", whose majority belongs to the neighboring state (Bosnia and Herzegovina). Problems associated with the protection of this minority pertain to the securing of religious freedoms and halting discrimination. It is said that the loyalty of a minority to the State is based upon the conviction of its members that they are equal in their rights and options with other citizens and ethnic communities. In the FRY this is often not the case, primarily because of a widespread chauvinism among members of the majority, as well as among minority ethnic communities.

According to the Laws and the Constitution, minorities are seen as citizens with full rights and as a constructive part of the Yugoslavian community. They should otherwise be kept in their present status, since they are seen as "not constructive" and as "separatist oriented".

### **To what extent are minority groups in this country disadvantaged by their language?**

The Autonomous Province of Vojvodina, in contrast to the Autonomous Province of Kosovo and Metohija, is an example of a markedly multi-ethnic community. The manifestation, preservation and promotion of ethnic affiliation and tolerance against the background of cultural and

ethnic pluralism are the main characteristics of the life of members of national minorities in the territory of AP Vojvodina.

## VOJVODINA

On many occasions the citizens who are members of national minorities in Vojvodina have declared that they consider Yugoslavia their homeland, in which they fully exercise their right to ethnic affiliation. Members of the non-dominant national minorities in Vojvodina maintain that the prerequisite for good inter-ethnic relations is the Constitution of the Federal Republic of Yugoslavia, based on democratic principles of a civil State of equal citizens irrespective of their nationality.

The four largest national minority communities in Vojvodina feel that guarantees of the stability of the status of ethnic groups are to be found in the Constitution and laws. They also believe that such guarantees would help in the promotion of democratic relations, tolerance and confidence, as well as in the consistent observance in practice of the proclaimed rights and adequate material and institutional resources. Members of the dominant and other national minorities are represented in the provincial and, in particular, local authorities.

Based on the above, it appears that members of national minorities in the Federal Republic of Yugoslavia, except for almost all members of the Albanian national minority in Kosovo and Metohija, exercise their right to political organization in compliance with the Constitution and law.

### **What does it cost in terms of money, time and government resources to police the country's language restrictions?**

Yugoslavia has had to publish many laws at the Federal and Republic levels to deal with national minorities. Federal regulations are embodied in The Criminal Code, (Article 134) stipulating the incitement or fanning of national, racial or religious hatred, discord or intolerance shall be punishable by a term of imprisonment ranging from 1 to 10 years. Other pertinent documents include; the Law on the Association of Citizens into Associations; Social Organizations and Political Organizations; The Law on the Basics of the Public Information System; The Law on Criminal Procedure; The Law on Lawsuit Procedure; The Law on the Publication of Federal Laws; as well as other Laws and general enactments.

In the Republic of Serbia there is in addition the Law on Radio and Television, the Law on Elementary Schools, the Law on Secondary Schools, the Law on Post-Secondary Schools and on Universities.

Out of a total of 45 municipalities in the AP Vojvodina, 37 municipalities have regulated the official use of national minorities' languages and

scripts by statute in their respective territories in such a manner that now one or more minority languages are officially used. In parallel with Serbian, the Hungarian language and script are officially used in 31 municipalities, Slovak in 12 municipalities, Romanian in 10 municipalities, Ruthenian in 6 municipalities, and there is 1 municipality where the Czech language is in official use. There are no more than 2,910 Czechs living in Yugoslavia, of whom 1,844 are residents of Vojvodina. In a large number of municipalities, several languages and scripts are used concurrently on an equal footing.

The Republic of Montenegro adds the Law on Public Information and the Law on Public Order and Peace.

### **The use of language in everyday life e.g. education, broadcasting and other**

#### **VOJVODINA**

In Vojvodina, the teaching in primary school is in five different languages (Serbian, Hungarian, Slovak, Romanian and Ruthenian) and in secondary schools in four minority languages. College and university education in Hungarian is organized at seven faculties while education in Slovak, Rumanian, and Ruthenian is organized at two faculties for each language.

The Constitution of the FRY guarantees to the national minorities the right to be informed in their own respective languages (Article 46). In Yugoslavia, there exist over 150 newspapers and magazines published in the languages of the national minorities. The Radio and TV Pristina broadcasts its programs in the Serbian, Albanian, Turkish and Romani languages. TV Novi Sad broadcasts its regular programs in five languages - Serbian, Hungarian, Slovak, Rumanian, Ruthenian. The radio stations in Vojvodina broadcast their programs in 8 languages of the national minorities.

Members of national minorities have the right to establish educational and cultural organizations, in conformity with the law, which are financed on the principle of voluntary contributions, and may also receive assistance from the state (Article 47).

#### **KOSOVO**

The members of the Albanian national minority boycott the legal system of education that is offered in Albanian. Such endeavors of the members of the Albanian national minority are against the Constitution and directly opposed to International Law standards concerning the status of national minorities. Before the boycott, there existed 904 Albanian

primary schools, 69 secondary schools and the University in Pristina, with 37,000 students, out of whom 80% were Albanians studying in their language. The Albanians in Kosovo established a parallel educational system, based on extra-legal curricula, criteria and textbooks, whose contents are directed against the Republic of Serbia and the Federal Republic of Yugoslavia. The diplomas issued by that system are recognized neither in the FRY nor abroad.

**Did the country ratify any international treaty dealing with the protection of minorities?**

Yugoslavia ratified the Convention against Discrimination in Education under a 1964 decree. The Convention specifically emphasizes that members of national minorities shall enjoy the right to use their own language and to carry out instruction in it. Such rights should be exercised in a way that does not prevent national minorities from understanding the culture and language of the community at large and from participating in its life, and in a way which does not endanger national sovereignty. The level of instruction in such schools should not be below the general level prescribed or approved by the competent authorities. Attendance at such schools should be a matter of free choice. The aforementioned, as well as other provisions of the Convention, have been incorporated in the Yugoslav internal legal system.

The International Convention on the Elimination of all Forms of Racial Discrimination 1967

The International Covenant on Civil and Political Rights

The International Covenant on Economic, Social and Cultural Rights

The Convention on the Suppression and Punishment of the Crime of Apartheid

**What else can be found about languages and minorities?**

**KOSOVO**

According to an article written by David Pryce-Jones and published in the National Review on April 19, 1999 the situation in Kosovo is comparable with that in Germany during the Second World War. In 1993 the population of Kosovo was 2,100,000 with 90% of Albanians, 8% of Serbs and Montenegrins and 2% of others.

Kosovo is de facto an autonomous province of Serbia. Its Parliament and Government has been illegally suspended. Once an autonomous federal

unit of Yugoslavia, in 1989 it was stripped of its autonomy by the government of Slobodan Milosevic.

After the revocation of Kosovo's autonomy, the Serbian authorities closed schools in the Albanian language, massively dismissed Albanians from state-owned enterprises, and suspended Kosovo's legal Parliament and Government. Serbia instituted a regime of systematic oppression of the Albanian population in Kosovo, and flagrant violations of basic rights of Albanians occurred frequently.

Initially the Albanians responded to the repression with peaceful and passive resistance. In 1992 the people of Kosovo held free elections in which they chose their leadership and expressed their determination for the independence (1991 referendum). In the same year the Kosovo Parliament declared Independence. They formed a parallel government, found means of continuing Albanian-language education outside of occupied premises and providing health care (most Albanian doctors had been dismissed from state-owned hospitals by Serb installed authorities).

In early 1998 the Serbian government began a crackdown against the Kosovo Liberation Army (KLA), creating an exodus of over 1 million refugees and internally displaced persons, and committed horrific atrocities against unarmed civilians, including women and children. The NATO bombing campaign, which began in March 1999 after Serbia's refusal to sign a peace accord for the settlement of the conflict, lasted until June 1999, when the Yugoslav president Slobodan Milosevic capitulated and agreed to withdraw all Serbian security forces from Kosovo.

The war in Kosovo created over 1 million refugees and internally displaced persons, left over 300,000 people without shelter, an estimated 10,000 dead, and mass graves containing bodies of up to 100 civilians, including women and children, who had been summarily executed.

The other side of the argument is presented in the article called "Why a new Albanian State?" According to this article, Albanians achieved an enviable standard of living and a demographic explosion (the highest birth rate in Europe) in the FR of Yugoslavia. However, the Albanian separatists did not want the normalization of life in Kosovo and rejected every dialogue. The high degree of autonomy and of national rights did not satisfy the Albanian nationalists. They organized a separatists' rebellion in 1981, with "Kosovo Republic" as their main slogan. They demanded a change of the Autonomous Province of Kosmet into the Republic of Kosovo.

The Albanian separatist leaders organized elections in 1991, and established institutions of “parallel authority” which represent an “alternative state” of the FRY.

The fact that they did not respect the state in which they lived and worked was reflected in their refusal to serve in the army, their non-participation in elections, non-payment of all state taxes and duties, (though they regularly paid to the parallel authorities 3% of their income), and in their establishment of “parallel schools” exclusively for the members of the Albanian national minority. Teaching in these is according to nationalist and separatist programs, in inadequate premises. The level of knowledge acquired is best shown by the fact that their diplomas are not recognized anywhere in the world.

Generations of Albanian youth were handicapped educationally at the very start. The parallel schools resulted in the final ethnic division among the young, in the attraction of the young members of the Albanian national minority to the dogmas of extreme nationalism and separatism and in the creation of the concept that common life with Serbs is impossible.

The boycott of the educational system of the Republic of Serbia, which guaranteed and assured conditions for teaching in Albanian, prevented the application of the Declaration on the Rights of National, Ethnic, Religious and Language minorities, adopted by the UN General Assembly in 1992.

On the other hand the Albanian minority used all the benefits, which were suitable for them (health insurance, employment in the public and private sectors, all rights of information, passports, vaccination of the population, etc.) given by the State and the system they did not recognize. The Albanian national minority had the Albanian Drama, a Section of the Academy of Science, an Authors' Association, a Musicians' Association and over 100 cultural and artistic associations. The Republic of Serbia finances all of these institutions.



## **SECTION C**

### **Legislation dealing with the use of languages**

#### ***Updated (March 2002)***

At the beginning of March 2002 the Yugoslav Parliament adopted a Draft Law on the Protection of National Minorities' Rights and Freedoms. According to the Yugoslav National Minorities Minister, Rasim Ljajic the law is an entrance ticket to the Council of Europe.

OSCE High Commissioner on National Minorities, Rolf Ekéus praised the adoption of the new "minority law", saying that it was an important step by the Yugoslav Government to overcome inter-ethnic conflicts which have scarred Yugoslavia's recent history. The High Commissioner's Office has been closely engaged in assisting with preparation of the draft law. In a letter to the Yugoslav Foreign Minister, Ekéus noted the importance of implementing the law. According to CoE's monitoring principle of the Framework Convention for the Protection of National Minorities, Yugoslavia is due to present its first report on the implementation of the convention in September this year.

#### ***Updated (October 2002)***

### **ETHNIC ROMANIANS IN SERBIA**

Four organizations of ethnic Romanians (Vlachs) in Serbia signed in a middle of May 2002 a common declaration asking for the right to study their mother tongue in elementary schools and to use it publicly and during religious services. Vlachs asked the Serbian government to participate in the projects aimed to develop cultural traditions of their population.

In Serbia, almost 500,000 Romanians live in the area between the Danube, Morava and Timoc rivers. Serbian authorities consider these people to be an "ethnic group," without a mother country, as it is with Roma people. Consequently, Vlachs have no right to speak their mother language, to have schools, particular religious services and press or cultural institutions working in their language.

Source: Minelres Archive, <http://lists.delfi.lv/pipermail/minelres/>, No. 9/ May 27, 2002 Belgrade

**Did the country ratify any international treaty dealing with the protection of minorities?**

***Updated (March 2003)***

Yugoslavia signed the Framework Convention on the Protection of National Minorities on May 11, 2001, as a non-member state of the Council of Europe. The Federal Parliament ratified it and it entered into force on September 1, 2001.

***LEGAL***

Passage of the federal Act on Protection of the Rights and Liberties of National Minorities (Minorities Protection Act) from February 26, 2002 created a basic structure for implementation of the main principles set out in the Convention.

The Federal Republic of Yugoslavia came into being in 1992 as a federation of the constituent Republics of Serbia and Montenegro, two of the six Republics creating the former Socialist Federal Republic of Yugoslavia.

There is a notable lack of harmony between three Constitutions currently in force (the Federal Constitution of April 1992, the Serbian Constitution of September 1990, and the Montenegrin Constitution of 1992), particularly in respect of the Serbian Constitution, which was promulgated before the Federal Constitution. A large number of republican laws have not been brought into conformity with federal laws and; furthermore, such major pieces of federal legislation as the Criminal Code, the Minorities Protection Act and others have not been applied in Montenegro yet.

Following the federal presidential election of September 24, 2000 and the change of government in October of that year, the federal government established the Ministry for National and Ethnic Communities, which works actively on a project of a new minority policy in Yugoslavia. After ratifying the Framework Convention, the Federal Parliament adopted the Minorities Protection Act, which for the first time comprehensively regulated the rights of minorities.

***Article 3 (Freedom to Choose One's Nationality)***

*1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights, which are connected to that choice.*

*2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.*

Article 45 (1) of the Federal Constitution guarantees freedom of expression of national sentiments and the use of one's mother tongue, and paragraph 2 states that no one is obliged to declare his nationality. The corresponding articles of the republican constitutions are very similar. These provisions are of major importance for the protection of minority rights.

#### **Article 4 (Equality and Non-Discrimination)**

*1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*

*2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.*

*3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.*

The Yugoslav, Serbian, and Montenegrin Constitutions and the Kosovo Constitutional framework guarantee equality before the law and equal protection to all people, including persons belonging to national minorities and ethnic groups.

The Serbian and Montenegrin Parliaments have special bodies dealing with the minority rights (the Committee on Inter-Ethnic Relations in Serbia, and the Committee on Human Rights and Freedoms in Montenegro). Representatives of minorities serve in these committees. In addition to the Federal Ministry for National and Ethnic Communities, the Montenegrin government has a Department for National and Ethnic Groups, which is ranked as the Ministry and is headed by a representative of a minority group. There is no Ministry in Serbia charged specifically with the protection of minority rights.

The provincial administration of Vojvodina has also set up a Secretariat for Regulations, Administration and National Minorities, which is headed by a representative of the ethnic Hungarians, the largest minority community in Vojvodina. The Kosovo Assembly has the Committee on

the Rights and Interests of Communities made up of two members of each community elected to the Assembly. At the request of any member of the Assembly Presidency, any proposed law is submitted to the Committee, which by the majority of votes decides whether to make some recommendations regarding the law.

The new Act on Local Self-government in Serbia (Sluzbeni glasnik RS, No. 9/2002) envisages in Article 63 establishment of the Councils on Inter-Ethnic Relations. These councils are made up of representatives of all national and ethnic communities in ethnically mixed municipalities (municipalities where one national community accounts for over 5 percent of the total population, or in which members of all minority groups make up over 10 percent of the population according to the latest census). Communities where minorities create more than 1 percent of the population can delegate representatives to the councils. Focusing on the exercise of national equality, its protection and promotion, the councils address their opinions and recommendations to the local municipal assemblies. The assemblies are bound to place these on their agendas within 30 days at the latest. Under the law, the councils are local bodies set up to consider the multi-ethnic dimensions of ethnically mixed communities and to promote inter-ethnic cooperation. Their basic role is coordination.

Article 3 of the Minorities Protection Act prohibits any discrimination on national, ethnic, racial or linguistic grounds. Under paragraph 2, government agencies at all levels - federal, republican, provincial and municipal - may not bring discriminatory laws or take any measures of a discriminatory nature.

The Serbian Act on Elementary Schools contains in Article 7 the provision prohibiting any activities in schools which threaten or disparage groups and individuals on the grounds of race, nationality, language, religion or gender, incitement to such activities, and corporal punishment or humiliation of schoolchildren.

The Serbian Labor Act in Article 12 prohibits discrimination and states that both persons seeking employment and those already employed may not be disadvantaged on the basis of their sex, birth, language, race, nationality, religion, etc.

The Serbian Broadcasting Act lays down in Article 3 (6) that regulation of relations in the field of broadcasting is based, inter alia, on "the principle of the prohibition of discrimination."

## **Article 5 (Culture, Preservation of Identity, Refraining from Assimilation)**

*1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*

*2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

Under the Serbian Act on Local Self-Government, municipalities are entitled to set up cultural institutions whose activities they monitor and support (Article 18, par. 14). Although with a long tradition, minority cultural institutions face several difficulties. Despite obligation of the state to maintain and develop culture of the minorities, cultural projects do occasionally receive the state support.

Since Yugoslavia's accession to the Framework Convention, the state has taken no measures specifically designed for maintenance and development of the language and culture of the ethnic Albanians in Serbia. Only some necessary steps have been taken in Presevo, due to the efforts of local authorities.

An increasing proportion of the Bosniac children in Kosovo have to attend Albanian-language elementary schools since education in their own language is not provided. Kosovo high-school graduates have no possibility to obtain a higher education in the Bosniac language.

The Turkish minority is in a better situation because the Turkish government grants scholarships for students to study at schools and universities in Turkey. The majority of Roma children in Kosovo do not go to school at all and those who do attend classes study in a language spoken in a particular area. The Ashkali and Egyptians who speak Albanian are in a slightly better position.

The HLC (Humanitarian Law Center) registered no direct and forcible assimilation in the areas where it conducted its research, although various actions taken by the authorities and the absence of appropriate measures resulted in a loss of national or ethnic identity. In Serbia, Montenegro and Kosovo such actions are present mostly in the field of education when an approach to secondary and higher education in the minority languages is unbalanced. The problem with classes providing

instruction in minority languages is the most acute in Vojvodina where students who are unable to enroll in a class providing instruction in their language are forced to attend Serbian language classes.

### **Article 9 (Access to the Media and Use of Own Media)**

*1. The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.*

*2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.*

*3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.*

*4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.*

Legislation guarantees an access to the media and public information in minority languages. In July 2002, the Serbian Parliament adopted the Broadcasting Act, the first law dealing with public information since the change of government in October 2000. Under this Act, broadcasting is regulated by an independent Broadcasting Agency. One out of nine members of this agency shall be from an organization focusing primarily on the protection of freedom of speech, the rights of national and ethnic minorities, and the rights of the child.

TV Novi Sad covers the whole territory of Vojvodina and broadcasts daily news in Hungarian, Slovak, Romanian and Ruthenian. Weekly programs in Romani and Croat have been introduced recently. Depending on their size and interests, all minority communities in Vojvodina have their own printed media, and there are no restrictions, formal or otherwise, in this regard.

Sandzak Bosniacs have a large number of printed and electronic media, most of which are based in Novi Pazar. However, there are neither Bosniac language programs, nor programs on Bosniac traditions and culture broadcast with any regularity in the Serbian state television.

Thanks to a cable TV system in Dimitrovgrad and Bosilegrad, Bulgars in these municipalities can watch three channels from neighboring Bulgaria. Broadcasting of weekly news and an information program in Bulgarian was discontinued in 1999 and has not been resumed yet. Bulgars do not have their own daily newspapers, and Bulgarian newspapers reach Belgrade with several days' delay.

The weekly "*Jehona*" is the only Albanian language printed media in Serbia. In 2001, it, for the first time, received a financial assistance from the local government in Bujanovac. There were no Albanian language printed or electronic media in Presevo, Bujanovac and Medvedja municipalities before the armed conflict in the region. The situation improved in 2001 when Radio Presevo was launched and a private radio station in Bujanovac started to be supported.

In Montenegro the Parliament is a founder and a publisher of the Albanian language magazine "*Koha Javore*." A number of private radio and television stations in Podgorica and Ulcinj municipalities broadcast Albanian language programs, and Ulcinj also receives several radio and TV programs from neighboring Albania. The only Bosniac/Muslim printed media in Montenegro is the "*Almanah*" magazine dealing with the cultural and historical heritage of Bosniacs/Muslims in Montenegro.

A large number of minority communities in Kosovo have applied for the licenses to establish a private radio station. Brief news programs in the Bosniac and Serb language are broadcast for members of these communities by local stations and Kosovo Radio and Television.

Roma have only one periodical on cultural topics. There is no longer any radio and television program in this language. Publication of the only Turkish language newspaper "*Tan*," which came out for 30 years, has been discontinued.

### **Article 10 (Official Use of Minority Languages)**

*1.The Parties undertake to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*

*2.In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall*

*endeavor to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.*

*3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.*

Article 49 of the Yugoslav Constitution guarantees everyone the right to use his own language in proceedings before a court or other authorities and organizations and in the course of those proceedings to be informed in his own language. Under the Act on Official Use of Languages and Scripts, local communities decide whether a minority language will be officially used alongside Serbian in their territory.

In Vojvodina, this matter is regulated by Article 10 (4) of the province's Statute under which the Hungarian, Slovak, Romanian, Ruthenian and, since recently, also Croatian language is officially used along with Serbian. Use of all minority languages is compulsory in the Vojvodina Executive Council (provincial government). Birth certificates and other official forms are multilingual and are filled out in a minority language upon request. One minority language in addition to Serbian is used in twenty Vojvodina municipalities; two minority languages and Serbian are in use in eleven Vojvodina municipalities, and three minority languages and Serbian are used in five Vojvodina municipalities and in the capital of Novi Sad.

Croats in Montenegro, who live mainly in Kotor and Tivat municipalities, are unable to use their language in relations with the administrative bodies.

Albanian is in use in Presevo municipality together with Serbian. Following the change of a local government, the same decision was taken in Bujanovac. The Serbian language and Cyrillic script are in official use in Medvedja municipality where Albanians make up approximately 30 percent of the population.

Serbian is the only official language in Montenegrin municipality of Bar in which Albanians constitute 12.5 percent of the population although the municipal assembly's statute envisages the possibility to use also the Albanian language.

Election legislation lays down the compulsory use of minority languages in the election process (the Act on Election of Parliamentary Deputies



and the Act on Local Elections). This provision creates practical problems and considerably increases costs (e.g. Backa Topola municipality).

Federal legislation and regulations significant for the implementation of the rights and liberties of persons belonging to national minorities are required to be published in the minority languages.

Since Bulgars constitute a majority in Dimitrovgrad and Bosilegrad municipalities, Bulgarian should be the official language along with Serbian. This, however, is not the case; when all forms and documents issued by the local administration and republican agencies, including birth, marriage and death certificates, are only in Serbian.

In contrast, the situation is different in the ethnically mixed municipalities of Vojvodina. In Alibunar municipality, the Romanian and Slovakian language is used along with Serbian, enabling persons belonging to these minorities to communicate with the administrative authorities in their own languages.

Bosniac is in the official use in Novi Pazar, Sjenica and Tutin where this minority lives in substantial numbers. In Prijepolje municipality where Bosniacs account for some 45 percent of the population, only Serbian is used. The Minorities Protection Act envisages in Article 11 (2) that “units of local self-government shall introduce into the equal official use the language and script of a national minority when the national minority constitutes 15 percent of the population of the municipality according to the latest Census.”

Sessions of the Kosovo Assembly and its committees are conducted in Albanian and Serbian, and all official documents are in both these languages. Deputies belonging to other ethnic communities may address the Assembly and its committees orally and in writing in their own languages. The situation is identical for the Kosovo government and its agencies. Turkish, however, is no longer the official language in Kosovo. Persons belonging to minorities can use their languages in judicial proceedings, with the assistance of an interpreter.

### ***Article 11 (Use of Names in Minority Languages)***

*1.The Parties undertake to recognize that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.*

*2.The Parties undertake to recognize that every person belonging to a national minority has the right to display in his or her minority language*

*signs, inscriptions and other information of a private nature visible to the public.*

*3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavor, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.*

The use of personal names in the minority languages has not been accepted by the domestic law. All personal and public documents are in the Serbian language and Cyrillic script, and the first and last name cannot be spelled in a minority language. This occasionally has inappropriate and even derogatory outcomes, causing dissatisfaction among persons belonging to minorities. When parents insisted on a name in a minority language, registrars refused to write it to the Register of Births (case in Bosilegrad).

Displaying of inscriptions with traditional local names, street names and other topographical indications in minority languages depends on the official use of minority languages at local level. Under the Act on Official Use of Languages and Scripts, inscriptions intended for the public are both in Serbian and in a minority language used in a particular area. Such inscriptions are commonly to be found in municipalities where a minority constitutes the majority of the population (Subotica, Coka, Presevo, Ulcinj, Novi Pazar), and are regulated by the statutes of local assemblies. Inscriptions on the buildings of republican agencies in multi-ethnic communities are in Serbian alone.

### ***Article 12 (Right to Education of Persons Belonging to Minorities)***

*1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history and religion of their national minorities and of the majority.*

*2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*

*3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

Article 13 of the Minorities Protection Act guarantees the right of national minorities to be educated in their languages from pre-school to secondary school level. In practice, however, in case of some minorities,

education in their language is ensured only up to a certain level (e.g. from grades 1 to grade 4).

Under the Serbian Act on Secondary Education (Article 4 (1)), classroom instructions are in Serbian, while Article 5 (2) states that instructions are in a minority language or two languages only when requested by at least 15 children in a first-grade class. The new Serbian University Act states that instruction in the institutions of higher education may also be in the minority and foreign languages.

The Hungarian and Slovak communities have the best access to education in their languages from the lowest to the highest level. There are several elementary and secondary schools providing instruction in Romanian (Vrsac, Alibunar, Plandiste,) as well as a class at the Teachers College in Vrsac. Persons belonging to the Romanian community can obtain higher education in their language at the Novi Sad University of Languages, which has a Romanian Studies Department.

In the school year 2002/2003, Subotica educational authorities made it possible for Croatian children to start education in their language. Thus 41 first-graders are receiving instruction in Croatian at three schools in the municipality. The curriculum was drawn up by the Croat Academic Society in Subotica and approved by Vojvodina educational authorities.

Education of Bulgar children is organized in Bosilegrad and Dimitrovgrad municipalities. Besides Serbian, the curriculum offers two Bulgarian language lessons a week. As for secondary education for Bulgarian children, they get instruction in Serbian with two lessons of the Bulgarian language a week since there was not enough interest to study in all-Bulgarian or combined Bulgarian-Serbian schools. Students may take their secondary school final examinations in the Bulgarian language (an option chosen only by two students in 2001).

There are no institutions of higher education in Serbia providing instruction in Albanian. Diplomas obtained in Kosovo were not recognized by the Serbian authorities up to 2001.

Elementary and secondary school textbooks in the Albanian language are almost exclusively translated from Serbian textbooks, are out of date and virtually none of them have anything to say about the culture and traditions of Albanians.

Albanian language elementary education in Montenegro is provided in Ulcinj, Podgorica, Bar, Plav and Rozaje municipalities while the only pre-school institutions are located in Ulcinj and Tuzi near Podgorica. Secondary education in this language is available in Ulcinj, Plav and Tuzi. The Montenegrin government recently decided to establish an

Albanian language chair at the Faculty of Humanities in Niksic. Since the government disregarded the request of Albanian political parties to locate the chair in the area where Albanians constitute the majority of the population, not enough students enrolled.

**Article 14 (Right to Learn Minority Languages)**

*1.The Parties undertake to recognize that every person belonging to national minority has the right to learn his or her minority language.*

*2.In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavor to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*

*3.Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching of this language.*

As the 1992 Serbian legislation on elementary education was restrictive with regard to the minority rights, it was amended on April 25, 2002. However, the rule that a class receiving instruction in a minority language or in two languages must have at least 15 students continues to apply. For establishment of the class with a smaller number of students the approval of the Minister of Education is required. Students receiving instruction in their own language have an obligation to learn Serbian. Schools with Serbian instruction provide opportunities for students who belong to minorities to learn their own languages. A minority language is an elective subject when two consecutive lessons are taught once a week, mainly on Saturdays, if there is a sufficient demand.

Source: Shadow Report on the Implementation of the Framework Convention for the Protection of National Minorities in Serbia, Montenegro, and Kosovo prepared by the Humanitarian Law Center (HLC), 2002, [http://www.minelres.lv/coe/report/FRY\\_NGO.htm](http://www.minelres.lv/coe/report/FRY_NGO.htm)

## APPENDIX A

### MAP OF YUGOSLAVIA



## **APPENDIX B**

### **YUGOSLAVIA – CONSTITUTION**

(Adopted on April 27, 1992)

(Document Status on April 27, 1992)

#### **Article 11**

The Federal Republic of Yugoslavia shall recognize and guarantee the rights of national minorities to preserve, foster and express their ethnic, cultural, linguistic and other peculiarities, as well as to use their national symbols, in accordance with international law.

#### **Article 15**

(1) In the Federal Republic of Yugoslavia, the Serbian language in its ekavian and ijekavian dialects and the Cyrillic script shall be official, while the Latin script shall be in official use as provided for by the Constitution and law.

(2) In regions of the Federal Republic of Yugoslavia inhabited by national minorities, the languages and scripts of these minorities shall also be in official use in the manner prescribed by law. Simultaneously with the Serbian language, Hungarian, Slovak, Rumanian and Ruthenian languages are in official use in Vojvodina, and Albanian in Kosovo and Metohija.

#### **Article 20**

(1) Citizens shall be equal irrespective of their nationality, race, sex, language, faith, political or other beliefs, education, social origin, property, or other personal status.

#### **Article 23**

(3) Every person taken into custody must be informed immediately in his mother tongue or in a language, which he understands of the reasons for his arrest, and he shall be entitled to demand that the authorities inform his next of kin of his detention.

#### **Article 45**

(1) Freedom of the expression of national sentiments and culture and the use of one's mother tongue and script shall be guaranteed.

(2) No one shall be obliged to declare his nationality.

#### **Article 46**

(1) Members of national minorities shall have the right to education in their own language, in conformity with the law.

(2) Members of national minorities shall have the right to information media in their own language.

#### **Article 47**

Member of national minorities shall have the right to establish educational and cultural organizations or associations, in conformity with the law, which are financed on the principle of voluntary contributions, and may also receive assistance from the state.

#### **Article 48**

Members of national minorities shall be guaranteed the right to establish and foster unhindered relations with co-nationals within the Republic of Yugoslavia and outside its borders with co-nationals in other states, and to take part in international non-governmental organizations, provided these relations are not detrimental to the Federal Republic of Yugoslavia or to a member republic.

#### **Article 49**

Everyone shall be guaranteed the right to use his own language in proceedings before a tribunal or other authority or organization which in the performance of their public powers decide on his rights and duties and in the course of these proceedings to be informed of the facts in his own language.

#### **Article 50**

Any incitement or encouragement of national, racial, religious or other inequality as well as the incitement and fomenting of national, racial, religious or other hatred and intolerance shall be unconstitutional and punishable.

Note: The complete text of the Constitution of Yugoslavia (Serbia and Montenegro) and further information on the constitutional background of are provided by the International Constitutional Law Project at the University of Wuerzburg

# **LAW ON PROTECTION OF RIGHTS AND FREEDOMS OF NATIONAL MINORITIES**

[Official Gazette of FRY No. 11, February 27, 2002]<sup>1</sup>

## **PART ONE**

### **GENERAL PROVISIONS**

#### **Article 1 (Subject of the Law)**

This Law shall govern the manner of exercising individual and collective rights of national minorities set forth in the Constitution of the Federal Republic of Yugoslavia and guaranteed by international treaties.

This Law shall further regulate protection of national minorities from any form of discrimination in exercising their rights and freedoms, and instruments shall be established to ensure and protect particular rights of national minorities in respect of self-government, language, information and culture, and institutions shall be established to facilitate participation of minorities in government and public administration.

The Republic and Province regulations may specify, in accordance with the Constitution and law, issues regulated by this Law.

#### **Article 2 (Definition of National Minority)**

For the purpose of this Law a national minority shall be any group of citizens of the Federal Republic of Yugoslavia numerically sufficiently representative and, although representing a minority in the territory of the Federal Republic of Yugoslavia, belonging to a group of residents having a long term and firm bond with the territory of the Federal Republic of Yugoslavia and possessing characteristics such as language, culture, national or ethnic affiliation, origin or confession, differentiating them from the majority of the population and whose members are distinguished by care to collectively nurture their common identity, including their culture, tradition, language or religion.

All groups of citizens termed or determined as nations, national or ethnic communities, national or ethnic groups, nationalities and nationalities,<sup>2</sup>

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<sup>1</sup> Translated by OSCE Mission to FRY Legal Translation Unit, March 5, 2002, Translation funded by the United Kingdom

<sup>2</sup> Translator's note: in Serbian: "*narodi, nacionalne i etnicke zajednice, nacionalne i etnicke grupe, nacionalnosti i narodnosti.*" Translated by OSCE Mission to FRY



and which meet the conditions specified under paragraph 1 of this Article shall be deemed national minorities for the purpose of this Law.

## PART TWO

### BASIC PRINCIPLES

#### **Article 3 (Prohibition of Discrimination)**

Any form of discrimination based on national, ethnic, racial, or linguistic basis against persons belonging to national minorities shall be prohibited.

The federal, republic, province, city and municipal authorities may not pass legal acts or undertake measures contrary to paragraph 1 of this Article.

#### **Article 4 (Measures Ensuring Equality)**

The authorities in the Federal Republic of Yugoslavia may, in accordance with the Constitution and law, pass regulations, individual legal acts and undertake measures aimed at ensuring full and effective equality between members of national minorities and members of the majority population.

The authorities shall pass legal acts and undertake measures specified in paragraph 1 of this Article with the aim of improving the position of persons of the Roma national minority. Regulations, individual legal acts and measures specified in paragraph 1 of this Article may not be considered an act of discrimination.

#### **Article 5 (Freedom of National Affiliation and Expression)**

In accordance with the freedom of national affiliation and expression set forth in the Constitution of the Federal Republic of Yugoslavia, no one may suffer injustice due to his/her commitment or expression of national affiliation or refraining from doing so. Any registration of persons belonging to a national minority obliging them to declare their national affiliation against their will shall be prohibited. Any action or measure of forced assimilation of persons belonging to a national minority shall be prohibited.

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## **Article 6 (The Right to Interact with Compatriots at Home and Abroad)**

The persons belonging to national minorities shall be entitled to freely establish and maintain peaceful relations within the Federal Republic of Yugoslavia and outside of its borders with persons legally residing in other countries, particularly those with whom they share a common ethnic, cultural, linguistic and religious identity or common cultural heritage.

The State may envisage relieves directed at facilitating exercise of rights specified in paragraph 1 of this Article.

## **Article 7 (The Duty to Respect the Constitutional Order, Principles of International Law and Public Morality)**

Every misuse of rights provided under this Law directed at violent subversion of the constitutional order, violation of territorial integrity of the Federal Republic of Yugoslavia or member republic, violation of guaranteed freedoms and rights of man and citizen and instigation of national, racial and religious intolerance and hatred shall be prohibited. The rights provided under this Law may not be used to further goals that are in contravention with principles of international law or are directed against public safety, morals or health of people. Exercising of rights guaranteed by this Law may not affect duties and responsibilities deriving from citizenship.

## **Article 8 (The Protection of Acquired Rights)**

This Law shall not change or abolish rights of persons belonging to national minorities acquired pursuant to regulations in force on the day this Law becomes effective, as well as rights acquired pursuant to international conventions to which the Federal Republic of Yugoslavia is a signatory.

### **PART THREE**

#### **THE RIGHT OF PRESERVATION OF IDENTITY**

## **Article 9 (The Choice and Use of Personal Name)**

The persons belonging to national minorities shall have the right to free choice and use of personal name and the name of their children, and enlisting of the personal names to all public documents, official records and personal databases in the language and script of the person belonging to the national minority.

The right specified in the paragraph 1 of this Article shall not exclude the corresponding entry of the name in accordance with the Serbian spelling and script.

### **Article 10 (The Right of Use of Mother Tongue)**

The persons belonging to national minorities may freely use their language and script in both private and official use.

### **Article 11 (The Official Use of Language and Script)**

The language and script of national minorities may be in equal official use within their respective territories of the local self-government units traditionally inhabited by persons belonging to national minorities.

A local self-government unit shall equally introduce the official use of the language and script of a national minority where the percentage of the persons belonging to national minorities in comparison to the total number of population on its territory reaches 15 percent in accordance with the results of the last census.

Where a language of national minorities was in official use in a local self-government unit at the moment of issuance of this law, the same shall remain in official use.

The official use of the language of a national minority specified in paragraph 1 of this Article shall mean: use of the language of national minorities in administrative and court procedures and administrative and court procedure in the language of national minorities, use of the language of national minorities in communication between administrative bodies and residents; issuance of public documents and keeping official records and personal data bases also in the language of national minorities and recognizing the documents written in these languages as valid, use of the language on the ballots and material used in voting, use of the language in the work of the representative bodies.

The names of the administrative bodies, local self-government units, towns and villages, squares and streets and other toponyms shall in the territories referred to in the paragraph 2 be also written in the language of national minorities, in accordance with their tradition and orthography.

The Federal laws and regulations shall also be published in the language of national minorities, in accordance with a special regulation.

The person belonging to national minorities that in their number reach at least 2 percent of the total number of the population of the Federal

Republic of Yugoslavia in accordance with the last census, may communicate with the Federal bodies in their own language and shall have the right to get an answer in the same language.

A deputy in the Federal Assembly who is a member of a national minority that in number reaches at least 2 percent of the total number of the population of the Federal Republic of Yugoslavia, in accordance with the last census, shall have the right to speak in his/her native tongue before the Federal Assembly, which shall be more closely regulated through the rules of the Federal Assembly Councils.

### **Article 12 (The Right to Preserve Culture and Tradition)**

The expression, preservation, cherishing, developing, handing down and public demonstration of national and ethnic, cultural, religious and language specificity as a part of the tradition of the residents, national minorities and the persons belonging to national minorities shall be their inalienable individual and collective right.

For the purpose of preservation and development of the national and ethnic specificity, persons belonging to national minorities shall have the right to found separate cultural, artistic and scientific institutions, societies and association in all spheres of cultural and artistic life.

The above-mentioned institutions, societies and associations shall be independent in performance of its activities. The State shall participate in financing of these societies and associations in accordance with its possibilities. The societies and associations specified in paragraph 5 of this Article may form special funds in respect of incitement and support to these institutions.

The museums, archives and institutions for protection of the cultural monuments whose founder is the State, shall ensure presentation and protection of the cultural and historical heritage of the national minorities on its territory.

The representatives of the national councils shall have the right to participate in decisions on the manner of presentation of the cultural and historical heritage of the respective community.

### **Article 13 (Education in Mother Tongue)**

The persons belonging to national minorities shall have the right to education in their own language in the institutions of pre-school education, elementary and high school education.

If at the moment of issuance of this Law the public education system for national minorities specified in paragraph 1 of this Article does not include education in the language of national minorities, the State shall create the conditions for organizing education in the language of national minorities, and in the meantime shall provide bilingual classes or studying of national minorities language with elements of national history and culture for the persons belonging to national minorities.

In order to exercise the rights specified in paragraph 1 and 2 of this Article, a minimum number of pupils may be prescribed, where the number may be less than the minimum number of pupils prescribed by the law in respect of ensuring the appropriate forms of tuition and education.

The education in the language of national minorities shall not exclude the mandatory studying of the Serbian language. The educational curricula specified in paragraph 1 of this Article, in the part, which refers to the national content, shall include significant part of the subjects, which refer to the history, art, and culture of the respective national minority.

The national councils of national minorities shall participate in preparing curricula of for the subjects that represent specific character of the national minorities, bilingual classes and studying of languages of national minorities with the elements of the national culture specified in paragraph 1 of this Article. The curricula in educational institutions for education and schools with tuition in the Serbian language should, aiming at promoting tolerance in respect of national minorities, contain the tuition that includes history, culture and position of the national minorities, and other contents that improve mutual tolerance and coexistence.

In the territories where the language of national minorities is in official use, the curricula in schools should contain the possibility of studying the language of the respective national minority.

## **Article 14**

For the purpose of education in the language of national minorities in Article 13, paragraph 1, the departments and faculties shall be established as a part of the higher education where pre-school teachers, elementary and junior schoolteachers of the national minority languages may be educated.

The faculty shall, apart from the higher education mentioned in the previous paragraph of this Article, organize instructorship in the languages of national minorities, where students belonging to national

minorities may learn the professional terminology also in the language of the respective national minority.

The State shall, apart from the obligations specified in paragraphs 1 and 2 of this Article, assist in professional training and advanced training in terminology for junior schoolteachers for the needs of education specified in paragraph 1 of this Article.

The State shall improve the international co-operation, aiming at enabling the persons belonging to national minorities to study abroad in their mother tongue and recognition of such diplomas in accordance with the law.

### **Article 15**

The persons belonging to national minorities shall have the right to found and maintain private schools or universities, where education shall be organized in languages of national minorities or bilingually, in accordance with the law. Both local and foreign organizations, foundations and individuals may participate in financing of the education in the languages of national minorities in accordance with the law.

In case of financial and other donations mentioned in the previous Article, the State shall provide certain relief and exemption from levies.

### **Article 16 (Use of National Symbols)**

The persons belonging to national minorities shall have the right to choose and use national signs and symbols.

The national signs and symbols may not be identical to the signs and symbols of another state.

The national councils shall propose national signs, symbols and national minorities' holidays. The Federal Council for National Minorities shall verify the symbols, signs and holidays of national minorities.<sup>3</sup>

The signs and symbols of a national minority may be officially displayed during public holidays and holidays of the national minorities on buildings and in the premises of local bodies and organizations with administrative authority in the territory in which the language of the national minority is in official use.

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<sup>3</sup> Translator's note: *in Serbian – “vaspitaci, ucitelji i nastavnici”*

The signs and symbols of the Federal Republic of Yugoslavia or a member Republic shall be displayed together with the symbols of a national minority officially used as referred to in paragraph 2 of this Article.

#### **Article 17 (Public Information in Languages of National Minorities)**

The persons belonging to national minorities shall be entitled to complete and impartial information in their own language, including the right of expression, receipt, sending and exchange of information and ideas via press and other mass media.

The State shall provide information, cultural and educational content in the language of national minorities in programs of the public service TV and radio, and may also establish special radio and TV stations to broadcast programs in the language of national minorities.

The persons belonging to national minorities shall have the right to establish and maintain media in their own language.

#### **PART FOUR**

#### **EFFECTIVE PARTICIPATION IN DECISION-MAKING ON ISSUES RELATED TO SPECIFICITIES OF NATIONAL MINORITIES AND GOVERNMENT AND PUBLIC ADMINISTRATION**

#### **Article 18 (The Federal Council for National Minorities)**

The Federal Government of Yugoslavia shall establish the Federal Council for National Minorities (hereinafter: the Council) for the purpose of preservation, promotion and protection of national, ethnic, religious, linguistic and cultural specificity of the persons belonging to national minorities and exercise of their rights.

The Federal Government shall determine the composition and responsibilities of the Council. The representatives of the national councils of national minorities shall be members of the Council.

#### **Article 19 (The National Councils of National Minorities)**

The persons belonging to national minorities may elect national councils (hereinafter: the council) with the purpose of exercising rights of self-government regarding the use of language and script, education, information and culture.

The council shall be a legal entity.

The council shall have not less than 15, and not more than 35 members, depending on the total number of the national minority population, who shall be elected for a four-year period. It shall adopt its statute and budget in accordance with the Constitution and law and it shall be financed from the budget and donations.

The relevant federal body shall maintain the register of elected councils.

The council shall represent the national minority in respect of official use of language, education, information in the language of the minority, culture, and participate in decision-making or decide on issues in these fields, as well as establish institutions in these fields.

In deciding on issues specified in paragraph 5 of this Article, the bodies of the government, territorial autonomy or local self-government unit shall request the opinion of the council.

The council may address the authorities mentioned in paragraph 6 of this Article in respect of all issues affecting the rights and status of the national minority.

A part of the powers in fields specified in paragraph 5 of this Article may be delegated to the council, and the government shall provide funds necessary for their exercise.

In determining the scope and type of powers from paragraph 8 of this Article, the requests of the national council shall be taken into account.

The council shall be established based on the principles of voluntarism, electiveness, proportionality and democracy.

Rules on the election of national councils shall be prescribed by law.

## **Article 20 (The Federal Fund for National Minorities)**

The Federal Fund for the promotion of social, economic, cultural and overall development of national minorities (hereinafter: the Fund) is hereby established.

The Fund shall take part in financing activities and projects from the budget related to the improvement of the status and development of cultural creative work of national minorities.

The Federal Government shall pass more specific regulations defining the Fund's composition and activities.



## **Article 21 (Participation in Public Life and Equal Employment Opportunities in the Public Sector)**

In respect of employment in public services, including the police, attention shall be paid to the national composition of the population, appropriate representation and competence in the language spoken in the territory of the relevant body or service.

### **PART FIVE**

#### **PROTECTION OF RIGHTS AND FREEDOMS OF MINORITIES**

## **Article 22 (Prohibition of Violation of the Rights of Minorities)**

Measures that change the proportion of population in a territory inhabited by national minorities are hereby prohibited, as well as those impeding enjoyment and exercise of the rights of national minorities.

## **Article 23 (Protection of Rights by Courts and Constitutional Court)**

In order to protect their rights, the persons belonging to national minorities and the national councils of national minorities may file a claim for compensation to the competent court.

In accordance with the provisions of the Law on the Federal Constitutional Court, the Federal Ministry for National and Ethnic Communities and the National Councils of National Minorities shall be authorized to file a complaint to the Federal Constitutional Court, they should find out whether constitutional rights and freedoms of the persons belonging to national minorities have been violated, or should a person belonging to a national minority appeal to them claiming that his/her rights and freedoms have been violated.

### **PART SIX**

#### **FINAL AND TRANSITIONAL PROVISIONS**

## **Article 24**

The national councils of national minorities shall be elected by the assemblies of national minorities' electors until the Law specified in Article 19, paragraph 11 hereof is passed.

The national minorities electors mentioned under paragraph 1 of this Article may be federal and republican deputies and autonomous province deputies who have been elected as persons belonging to a particular

national minority, or who declare themselves as persons belonging to that minority and speak the language of the minority.

The national minorities electors from paragraph 1 of this Article may also be councilors who belong to particular national minority, and have been elected for a local self-government unit where the language of the respective minority is in official use.

An elector may be any resident declaring to belong to the national minority whose candidacy is supported by at least 100 members of the national minority with voting right, or is nominated by an organization or association of the national minority.

Other issues related to the powers and method of work of the assembly of national minority's electors shall be regulated by the federal body responsible for minority's rights within 30 days of entering into force of this Law.

## **Article 25**

This Law shall come into force eight days upon its publication in the "Official Gazette of the FRY."

## **APPENDIX C**

### **“Language in Montenegro”**

According to the Constitution (Ustav) of the Republic of Montenegro, in Montenegro the Serbian language of the jekavian dialect is the official language. Unlike in Serbia, Cyrillic and Latin alphabets are deemed to be equal. In the municipalities in which the majority or a substantial number of the population consists of the national minorities and ethnic groups, their respective languages and alphabet are in official use.

This official view is in line with the significant number of scholars and common people in Yugoslavia who share the belief that spoken and written languages in Montenegro, Serbia, Croatia, and Bosnia Herzegovina, are various idioms of the same language\*. They argue that, since these idioms have the same phonological system any average educated individual can effortlessly and unmistakably analyze the text written in any of these languages (D. Skiljan 1996).

Growing number of opponents of this view insist that, the syntagm “the same system” should be used instead of “the same language”. They argue that, the term system (Serbian-system; Croat-sustav), is a synonym notion for every language. Therefore, it is more appropriate, for the exposition of scientific facts to note that Montenegrin, Serbian, Croatian, and Bosnian languages have the one (stockavian) system, but that they are socio-linguistically, etiologically, or culturally and structurally, separate languages. Besides, Croatian language, apart from stockavian, also has kajckavian and cackavian dialects, while Serbian language also has torlackian dialect (V.Nikcevic 1996).

Moreover, as the argument develops, the language is not defined only by its system, or phonemes (letters), but also by genesis, the way of being in existence and functioning. In short, it is the whole history - history of language, grammar, orthography and vocabulary (V.Nikcevic 1996). Reducing a language on a system only means exclusion of all others determinants that signify its existence as the concretely marked and recognizable people’s and national language (ibid.).

In recent years, considerable effort has been made to present the spoken and written language of Montenegro scientifically and appropriately within traditional linguistic framework. It is not an accident, that in the long-lasting process of censorship and editorial harmonization of opposite views, the earlier officially published titles “Montenegrin speech” gave a way to the new one; Montenegro-language.

As far as a status and a rank of Montenegrin language is concerned, its scientific study and demonstration in diachronic and synchronic time levels, the furthestmost have gone the scientists who recognized its autochthonic character. These are linguists and other scholars who believe that Montenegrins speak and write their own, unique language, and consequently should be called by its real name - Montenegrin. Thus, the Montenegrin language is its people's and national language, which possesses concrete structural forms and functions, its own history, genesis and typology, periodisation and classification, spoken and written or standard way of self-consumption, variety of styles, cultural superstructure and other unique characteristics (V. Nikcevic 1978).

The Declaration (deklaracija) of Montenegrin P.E.N. Center regarding the Constitutional status of the Montenegrin language states, "all the Slavonic languages, except the language of Montenegrins, have their ethnic, national name. From the viewpoint of science and the interest of Montenegro, there is no scientific or political reason, for the Montenegrin language not to be named, scientifically and constitutionally, by its name".

The Montenegrin language is known under that name since beginning of the 19<sup>th</sup> century. In its literal (standard) executable form, the Montenegrin language has 33 letters (phonemes).

\*There is probably an even more significant number of people that would not share with others the common name for that language. With the collapse of SFR of Yugoslavia, where the official name for language was "Serbo-Croatian", each of its republics, except Montenegro, adopted a new name for its national language (Serbian, Croat, Bosnian) in place of former Serbo-Croat language.

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