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**REPORT SUBMITTED BY THE  
FEDERAL REPUBLIC OF YUGOSLAVIA  
PURSUANT TO ARTICLE 25, PARAGRAPH 1  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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**FEDERAL REPUBLIC OF YUGOSLAVIA  
FEDERAL MINISTRY OF NATIONAL AND ETHNIC COMMUNITIES**

**THE FIRST REPORT BY THE  
FEDERAL REPUBLIC OF YUGOSLAVIA  
ON THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION  
FOR THE PROTECTION OF NATIONAL MINORITIES**

**Submitted pursuant to Article 25, paragraph 1, of the  
Framework Convention for the Protection of National Minorities**

**Belgrade 2002**

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**THE FIRST REPORT OF THE  
FEDERAL REPUBLIC OF YUGOSLAVIA**

**Submitted pursuant to Article 25, paragraph 1, of the  
Framework Convention for the Protection of National Minorities**

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## **PART I: INTRODUCTON**

### **1.**

Pursuant to the provision of Article 29, paragraph 1, of the Framework Convention for the Protection of National Minorities (hereinafter: the *Framework Convention*), FR Yugoslavia was invited by the Council of Ministers to become a Contracting Party to the Framework Convention. Yugoslavia's becoming a member of the Framework Convention should present one of the first steps toward its membership in the Council of Europe.

In response to that invitation, Yugoslavia became a Contracting Party to the Framework Convention on May 11, 2001, and, in accordance with the provision of Article 29, paragraph 2, of that document, it came into force for Yugoslavia on September 1, 2001.

Pursuant to the provision of Article 25, paragraph 1, of the Framework Convention, the Contracting Parties are obliged, within a year from its coming into force, to submit to the Secretary General of the Council of Europe full information on legislative and other measures undertaken for the application of the principles enshrined in the Framework Convention. In the case of Yugoslavia, that report (hereinafter: the *Report*) is due on September 1, 2002, i.e., a year after the Framework Convention came into force for FR Yugoslavia.

Thus, this Report is being submitted within the prescribed time limit, and its objective is to indicate the legislative and other measures FR Yugoslavia has undertaken in order to meet the obligations enunciated by the Framework Convention.

### **2.**

This Report was made in conformity with the instructions of the Council of Ministers of the Council of Europe, contained in the Country Report Form, to be submitted pursuant to Article 25, paragraph 1, of the Framework Convention for the Protection of National Minorities, of September 30, 1998.

To the extent possible, the report adheres to the form of replies to separate questions contained in the Country Report Form. Still, in order to obtain a coherent text and avoid unnecessary repetitions (replies to many questions are interrelated), it was often necessary to apply certain abridgements, i.e., the method of referencing.

For these reasons, extensive descriptions of related situations are mostly given only when they appear for the first time. On the other hand, the text tends to avoid extensive citations (quotations) of provisions of relevant regulations, since they are given as Appendix to the Report, and in most cases it was sufficient just to offer data on the related legal act (name, article, etc.) and its basic arrangements. Still, if mandated by the importance or interest of arrangements concerned, appropriate provisions were cited sufficiently precisely, and in some places they are cited in full.

**3.**

The Report contains a short historical and factual overview (Part II: ‘General information’) which points to the most important characteristics of the situation of FR Yugoslavia, primarily those of importance for the (legal and factual) status of national minorities, and thus for the implementation of the Framework Convention.

The subsequent part of the Report (Part III) deals with the implementation of specific provisions of the Framework Convention. First and foremost, it points to the relevant provisions of national legislation (Federal, as well as of both Republics), which is followed by statistical and other data illustrating the realization of these arrangements in practice. Owing to the complexity of the federal system of FR Yugoslavia, it was necessary to cite Federal, as well as Republican, i.e. Provincial regulations, as well as data concerning the practice on different levels.

Namely, FR Yugoslavia is a federal state, consisting of two member republics (the Republic Serbia and the Republic of Montenegro), of which one (Serbia) comprises two autonomous provinces (AP Vojvodina and AP Kosovo and Metohija). Each of these entities has certain responsibilities of direct relevance to the status of the minorities, and with respect to each of them, we can speak of relatively independent practices.

The report does not deal with the territory of AP Kosovo and Metohija, since this province *de facto* is not under the jurisdiction of the authorities of FR Yugoslavia, i.e. Serbia, since the deployment of the international force (despite the fact that the Yugoslav sovereignty over this province has been internationally confirmed).

**4.**

This part of the Report is made based on data of the Federal Ministry of National and Ethnic Communities, data obtained from other competent state bodies (Federal, as well as Republican, i.e., bodies of the Autonomous Province of Vojvodina), from reports of FR Yugoslavia submitted to other international organizations (e.g., the Report of FR Yugoslavia on Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination). Most of the data, perhaps slightly elaborated and corrected, has been taken over from the publication *National Minorities in FR Yugoslavia* (Belgrade 2001, 111 pages), published by the Federal Ministry of National and Ethnic Communities.

A great deal of additional information was requested and used in the drawing up of the Report, obtained from other sources as well, such as various entities outside the government, primarily those directly dealing with this matter.

The first version of this Report was delivered to the following bodies, with a request to submit their opinions on it:

- 1) minority organizations;
- 2) representative non-governmental organizations (especially those engaged in the field of the protection of minority rights, i.e., non-discrimination);
- 3) political parties in the Federal Parliament.

These organizations were allowed sufficient time to submit their written objections, observations, comments and suggestions to the Federal Ministry of National and Ethnic Communities. In the drafting of the final text of the Report these opinions of the said organizations constituted a precious source which served to once again examine the facts, make certain corrections of, and additions to, the Report.

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## **PART II: GENERAL INFORMATION**

### **1. BASIC HISTORICAL FACTS**

1. The Federal Republic of Yugoslavia was proclaimed in 1992 as a federation of two of the former six republics of which the former Socialist Federative Republic of Yugoslavia consisted.

In fact, after separation of four members of the former Yugoslav Federation, Serbia and Montenegro decided to remain in a joint state which, by the area of its territory and the number of inhabitants, makes approximately one half of the former SFR Yugoslavia.

2. One of the important characteristics of this state is a very diverse ethnic content of the population, with a significant share of a large number of national minorities. Namely, according to the results of the census of 1991, approximately every third citizen of FR Yugoslavia (cca. 33% of the population) did not belong to the Serbian or Montenegrin nation, or in absolute figures, such persons (minority members) amounted to nearly 3.4 million.

According to the same data, even 4/5 of the minority population were persons belonging to one of the three most numerous minorities – Albanians, Hungarians and Bosniacs (then called Moslems). The consequence of the fact that there was a very high percentage of minority groups, which were most often concentrated in one or several regions, was that at that time (which is the present situation as well) practically each ethnic group (including the “majority” ones – Serbs and Montenegrins), depending on the territory they lived on and their prospective, could find themselves in the position of a majority, as well as a minority.

3. That was probably one of the reasons why FR Yugoslavia (1992) was not in its Constitution defined as a national state of any nation (not even Serbian, i.e., Montenegrin). Instead, Article 1 of the Constitution stated: “Federal Republic of Yugoslavia is a sovereign federal state, based on equality of its citizens and equality of the member republics”.

Even more precise was the Constitution of the Republic of Serbia (1990), which in Article 1 clearly states: “Republic of Serbia is a democratic state of all citizens living in it, based on freedoms and rights of man and citizen, on the rule of law and on social justice”.

Similar definition is found in the Constitution of the Republic Montenegro (1992), which in Article 1 just states that Montenegro is a democratic, social and ecologic state; that it is a republic; and that it is a member of the Federal Republic of Yugoslavia. Thus, this Republic either is not defined as a national state of any nation, not even Montenegrin.

4. In the years that followed, Yugoslavia faced numerous political, economic and other difficulties (wars in its neighborhood, sanctions of the international community,

NATO bombing 1999, etc.), which, with a rigid position of the then authorities, caused the position of national minorities not to be fully satisfying.

Namely, although there was previously a long-term practice of ethnic tolerance and although legal acts were in effect that guaranteed the most important rights to national minorities, in practice anomalies were allowed, i.e., non-implementation, even violation of certain legal and other norms. Moreover, even when it was evident that relevant norms were violated in practice (for example appropriate provisions of the Law on Official Use of Languages, Law on Publishing Federal and Other Regulations and General Acts in Minority Languages, etc.) that was not sanctioned in the right manner.

True, in this period as well there were attempts for promotion of human and minority rights, which especially applies to the period when Mr. Milan Panic was the head of the Federal Government (1992-1993) and when there was a separate Federal Ministry for Human Rights and Minority Rights. This ministry, among other things, formed in 1992 an expert team for compiling of a federal law which would regulate this field of social relations in a systematic and unique and, above all, democratic way. Although by the middle of 1993 the expert team finished and submitted the concept of the Law on Freedoms and Rights of Minority Communities and their Members, because of reasons of political nature (fall of Mr. Panic's Government) this was stopped, and moreover, relatively soon after that the Ministry itself was abolished.

5. After the victory of the Democratic Opposition of Serbia at the autumn 2000 elections, parallel with the efforts for democratization of the society in all fields of life, special attention was paid to promotion of the position of ethnic minorities.

In that aim a series of measures were instantly undertaken at the internal (forming of a separate Federal Ministry of National and Ethnic Minorities, work on preparation, and soon after that adoption of the federal Law on Protection of Rights and Freedoms of National Minorities, etc.) and international plan (joining the Framework Convention for the Protection of National Minorities, preparations for joining the European Charter on Regional or Minority Languages, beginning of the work on preparation of relevant bilateral agreements with the neighboring countries, etc.).

## **2. BASIC DEMOGRAPHIC FACTS**

1. As a consequence of historical circumstances – massive migrations and incessant wars which as often as not changed state borders – various ethnic communities are highly intermingled in a relatively small territory.

The latest census was held in FR Yugoslavia in the spring of 2002. The results of this census will not be known until the beginning of 2003, although from results of the previous census it may be concluded that there is a decrease of the total number of population on one hand, and a change of the national structure on the other hand, Still, for any serious analysis it is necessary to wait for the official report on the results of the census.

2. In the situation when there are no verified new data, the only relatively reliable basis is the latest census held in 1991, i.e., just before the beginning of the war conflagration in the territory of the former SFR Yugoslavia. That census showed that at that moment around 30 different ethnic communities lived in the territory of FR Yugoslavia, with 32.7% of the population being persons who did not declare themselves as Serbs or Montenegrins.

According to the results of the census of 1991<sup>1</sup>, the territory of the present FR Yugoslavia had a population of 10,394,026, out of which 9,778,991 lived in Serbia and 615,267 in Montenegro. Ethnic structure of the population was as follows:

**Nationality of the Population of Yugoslavia  
According to the census of 1991<sup>2</sup>**

Nationality	FR YUGOSLAVIA	SERBIA - total	Central Serbia	Vojvodina	Kosovo	MONTENEGRO
Total	10,394,026	9,778,991	5,808,906	2,013,889	1,956,196	615,035
Serbs	6,504,048	6,446,595	5,108,682	1,143,723	194,190	57,453
Montenegrins	519,766	139,299	74,096	44,838	20,365	380,467
Albanians	1,714,768	1,674,353	75,725	2,556	1,596,072	40,415
Yugoslavs	349,784	323,625	145,873	174,295	3,457	26,159
Hungarians	344,147	343,942	4,409	339,491	142	205
Moslems	336,025	246,411	174,371	5,851	66,189	89,614
Roma	143,519	140,237	70,126	24,366	45,745	3,282
Croats	111,650	105,406	22,536	74,808	8,062	6,244
Slovaks	66,863	66,798	3,227	63,545	26	65
Macedonians	47,118	46,046	27,596	17,472	978	1,072
Romanians	42,364	42,331	3,507	38,809	15	33
Bulgarians	26,922	26,876	24,335	2,363	178	46
Bunjevci	21,434	21,434	-	21,434	-	-
Ruthenians	18,099	18,073	400	17,652	21	26
Vlachs	17,810	17,807	17,672	132	3	3
Turks	11,263	11,235	603	187	10,445	28
Other	44,244	42,338	15,754	18,944	7,640	1,906
Undeclared and undecided	11,849	10,906	5,291	5,427	188	943
Regional affiliation	5,910	4,912	2,338	2,503	71	998
Unknown	56,443	50,367	32,465	15,493	2,409	6,076

<sup>1</sup> For issues concerning the population of Yugoslavia in the period 1880-1990 and appropriate statistics see: Breznik D.: Population of Yugoslavia, Titograd 1991.

<sup>2</sup> The table is taken (with necessary corrections) from: *National minorities in FR Yugoslavia*, published by the Federal Ministry of National and Ethnic Communities, Belgrade 2001, p. 6.

**Share of Different Ethnic Communities in FR Yugoslavia in the Total Population  
According to the 1991 Census in percent**

	<b>F R Y</b>	<b>Serbia</b>	<b>Montenegro</b>
1. Serbs	62.32%	65.65%	9.29%
2. Montenegrins	5.00%	1.43%	61.84%
3. Albanians	16.60%	17.22%	6.64%
4. Hungarians	3.32%	3.53%	-
5. Yugoslavs	3.30%	3.26%	4.20%
6. Moslems	3.14%	2.42%	14.62%
7. Roma	1.32%	1.40%	-
8. Croats	1.11%	1.12%	1.02%
9. Slovaks	0.64%	0.69%	-
10. Macedonians	0.47%	0.49%	0.14%
11. Romanians	0.41%	0.43%	-
12. Bulgarians	0.24%	0.26%	-
13. Ruthenians	0.18%	0.19%	-
14. Vlachs	0.17%	0.18%	-
15. Turks	0.11%	0.12%	-
16. Slovenians	0,08%	0,09%	0,07%
17. Others	1.36%	1.30%	2.19%

3. Although the above table may provide a relatively clear illustration, we must instantly point out that in a great degree it is not reliable.

First of all, since the Albanians boycotted the census then, data for them were derived by applying the method, as claimed, of scientifically verified assessments. Still, assessments are one thing, while precisely established facts are another thing.

Besides, the results of the census of 1991 presented, as always before, Yugoslavs as a specific ethnic group (349,784 persons declared as such). After all the wars and other events leading to polarization and confrontation, and especially in the situation when survival of the joint state of the two last Yugoslav republics is uncertain (but it is almost quite certain that even if it does survive, that state will not keep the present name), it may be assumed that the number of those who in an ethnic sense feel and declare as Yugoslavs has significantly decreased.

4. Even if the above observation is left aside, it must be taken into account that the stated data do not fully reflect the present situation.

Many persons from the census of 1991, because of biological and other reasons have passed away, but also many inhabitants of FR Yugoslavia have left the country out of various reasons and moved to foreign countries. The reasons for that were different – to

escape from the war (wars) and social and other insecurity; economic reasons; ethnic hatred and pressure of the neighborhood; and other things, but in any case it is certain that this also disrupted the ethnic picture existing at the time of the previous census. Here it should be stressed that all types of people left the country – members of minority groups (e.g. emigration of members of former Yugoslav peoples to their mother republics, now sovereign states), but also members of the majority nations (Serbs and Montenegrins).

5. On the other hand, new inhabitants migrated to FR Yugoslavia – several hundred thousand of refugees, mostly from Croatia and Bosnia and Herzegovina, but also from other former Yugoslav republics, now sovereign states. It is important here to take into account that Serbs and Montenegrins were not the only immigrating refugees (although undoubtedly a vast majority).

At present around 700,000 refugees are registered in FR Yugoslavia, who came from Croatia and Bosnia and Herzegovina, together with the internally displaced persons from Kosovo and Metohija.

6. Thus, many things happened in the last 11 years, so it is difficult to estimate the number and ethnical structure of the population of Yugoslavia. As was already pointed out before, the new census was held in the spring of 2002, but its results will not be known before the beginning of 2003 the earliest, so that, when the number, share and structure of ethnic minorities is in question, everything mainly remains in the domain of assumptions for now.

7. If in this respect no clear data may be established, we should still point to some other elements which complicated the already sufficiently complex reality even more. In fact, while they were previously registered as Moslems, the citizens belonging to this ethnic group today mostly declare as Bosniacs (but some of them still as Moslems), a part of Vlachs declares as Romanians (another part refuses to do that), while with the Roma there are divisions of internal special groups, etc.

8. If in spite of that we analyze the data offered by the census of 1991, we may notice that the central Serbia (Serbia without provinces) is relatively ethnically homogenous in the sense that it is mostly inhabited by Serbian population. The exception is Sandzak, where around 180,000 Bosniacs live, as well as certain municipalities in which there is a larger concentration of Albanians (Presevo, Bujanovac), i.e., Bulgarians (Dimitrovgrad, Bosilegrad).

The Serbian Autonomous Province Vojvodina has always presented a real multi-ethnic society. According to the census of 1991, its population consisted of 57.3% Serbs, 16.9% Hungarians, 8.4% Yugoslavs, 3.7% Croats, 3.2% Slovaks, 2.2% Montenegrins, 1.9% Romanians, 1.2% Roma, 1.1% Bunjevci, 0.9% Ruthenians, 0.24% Ukrainians and 3.2% "others"<sup>3</sup> The consequence of such an ethnic structure of the province is that members of national minorities have an absolute majority in several municipalities in Vojvodina.

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<sup>3</sup> Cited according to: Lučić M.: *op. cit.*, p.10.

Thus, for example, members of the Hungarian minority make a majority in 8 municipalities (absolute majority in 7 of them).

It was already mentioned that another Serbian province – Kosovo and Metohija – is not included in this Report. Still, here we should perhaps mention that there is an explicit domination of Albanian community in it. The situation, however, is very complex, not only because of unsettled political circumstances, but also because after the arrival of KFOR a large number of members of other ethnic communities were forced to leave the territory (most of the Slav inhabitants and the Roma moved to neighboring regions).

Finally, in Montenegro, beside the Montenegrins and the Serbs who make the absolute majority (61.86%, i.e., 9.34%) there are also Bosniacs/Moslems (14.57%), Albanians (6.57%), Roma (3.42%), Croats (1%) and 18 more ethnic communities, which make a total of 5.8% of the Republic's population.

### **3. BASIC ECONOMIC INDICES**

1. The economic policy of FR Yugoslavia in 2000 was characterized by a high degree of non-market economy. Foreign trade and prices of products and services were under direct control of state bodies. The level of foreign trade was low. That, together with the unrealistic foreign exchange rate produced an insufficient hard currency inflow. Production and total economic activity were reduced to approximately one third of the production in 1989.

After the democratic changes basic preconditions were created for implementation of complex reforms of the social and economic system. FR Yugoslavia has rejoined most international financial institutions, and at the internal plan, regulations were adopted which enabled functioning of the economy on new foundations. Firm monetary control and discipline were established in spending of budget funds. Foreign exchange rate was rapidly stabilized, in spite of the rush of price increases upon their liberalization after a decade long rigid control.

2. The year 2001 for the Federal Republic of Yugoslavia was the first year of transition. The real increase of gross national product in the year 2001 was 5%, while inflation was 40% in Serbia and around 6.5% in Montenegro.

The real increase of the total income of inhabitants was 46.4%, with the real increase of the average income being 13.2%, and of average pensions 15.7%.

In the year 2001 average income in Yugoslavia amounted to 5,540 dinars (1 euro = 60 dinars), in Serbia 5,381 dinars, and in Montenegro 7,590 dinars.

The average paid pension in the same period was 4,302 dinars (in Serbia 4,105, and in Montenegro 7,225).

According to the latest data, the average income in the first half of 2002 was around 200 euros.

3. The unemployment rate is still extremely high, in December 2001 it was nominally 28%, but really much higher. Potential danger from further decrease of the number of employed, apart from the expected accelerated privatization, comes also from objective financial difficulties Yugoslav enterprises are facing.

Foreign debt of the country is US \$ 12.2 billion.

4. FR Yugoslavia belongs to the countries with the lowest gross national product *per capita* in the region (in 2001 it was US\$ 1,336), which presents a burdening factor in realization of the new minority policy. The expected economic growth will favorably affect further promotion of the situation in this field.

In this sense it should especially be stressed that the Federal Law on Protection of the Rights and Freedoms of National Minorities provides for forming of the federal fund for stimulation of social, economic, cultural and general development of national minorities. The Fund will contribute to financing from budgetary funds of projects activities concerning improvement of the position and developing of cultural creative work of the minorities.

#### **4. STATUS OF INTERNATIONAL LAW**

1. Federal Republic of Yugoslavia is a contracting party of a large number of important universal and regional international agreements in the field of human rights, especially those indirectly or directly concerning fundamental rights and freedoms of members of national minorities. It is, among other things, a party in:

- International Convention on the Elimination of All Forms of Racial Discrimination (1965)<sup>4</sup>
- International Covenant on Civil and Political Rights (1966)<sup>5</sup>
- Optional Protocol To the International Covenant on Civil and Political Rights (1966)<sup>6</sup>
- International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)<sup>7</sup>
- Convention on the Rights of the Child (1989)<sup>8</sup>
- Framework Convention for the Protection of National Minorities (1994)<sup>9</sup>, etc.

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<sup>4</sup> The former Yugoslavia ratified it on 12.7.1967. Succession for FR Yugoslavia on 12.3.2001

<sup>5</sup> The former Yugoslavia ratified it on 30.1.1971. Succession for FR Yugoslavia on 12.3.2001

<sup>6</sup> It was ratified on 22.6.2001. It came into effect for FR Yugoslavia on 6.12.2001

<sup>7</sup> The former Yugoslavia ratified it on 12.3.1975. Succession for FR Yugoslavia on 12.3.2001

<sup>8</sup> The former Yugoslavia ratified it on 18.12.1990. Succession for FR Yugoslavia on 12.3.2001

<sup>9</sup> FR Yugoslavia joined the Convention on 11.5.2001, at the invitation of the Council of Ministers, based on its Article 29, paragraph 1. The Convention came into effect for FR Yugoslavia on 1.9.2001

2. Besides, FR Yugoslavia is in the process of negotiating with a number of neighboring countries (Hungary, Croatia, Romania, and Macedonia) for concluding bilateral agreements on the protection of national minorities.

3. The status of international law is principally regulated by Article 16 of the Constitution of FR Yugoslavia (1992). It (Paragraph1) regulates that FR Yugoslavia in good faith fulfils the obligations deriving from international agreements of which it is a contracting party, and (item 2) it details that international agreements verified and published in accordance to the Constitution and the generally accepted rules of international law, are an integral part of domestic law.

It is clear from these provisions that constitutional verification of the obligation is undoubted, but also the willingness of Yugoslavia to fulfill its international legal obligations, even those concerning the protection of minorities. The thing that is perhaps not so clear from the stated formulation is whether ratified and published international agreements have a smaller, the same or bigger importance (legal primacy) than domestic laws.

This question, however, is indirectly regulated by the provision of Article 124 of the Constitution, which regulates the jurisdiction of the Federal Constitutional Court. According to the provisions of Paragraph1, line 2) of this Article, the Federal Constitutional Court decides on the conformity of the laws, other regulations and general enactments with ratified and promulgated international treaties. From that it clearly follows that international treaties override domestic laws<sup>10</sup>.

4. Besides, Article 10 of the Constitution of FR Yugoslavia defines that: "Federal Republic of Yugoslavia recognizes and guarantees the freedoms and rights of man and citizen defined by international law".

## **5. BASIC PROBLEMS**

1. Beside the undoubted willingness of the present authorities of FR Yugoslavia to maximally improve the position of national minorities, and even in that sense to go beyond the so-called international standards, this is in a degree hindered by certain objective factors. Namely, the reality of Yugoslavia is burdened by a number of problems and contradictions specific only to it, out of which only the most important ones will be mentioned here:

1.1. Irregular circumstances in which they appeared and time schedule in which they evolved, provoked all three Yugoslav constitutions (Federal and both Republican) to use different names for designating ethnic minorities. Thus, the Constitution of the Republic of Serbia (1990) uses the expression *nationalities*, the Constitution of the Republic Montenegro (1992) speaks of *national and ethnic groups*, while the Constitution of the

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<sup>10</sup> This paragraph is verified also in the Yugoslav law. See, for example, Jankovic B.M., Radivojevic Z.: International Public Law, Nis 1995, p.19



Federal Republic of Yugoslavia (1992) uses the most widely accepted term of the International and Comparative Law - *national minorities*, which is, in fact, in full accordance with the terminology of the Framework Convention;

1.2. Different names for ethnic minorities and the fact that regulating of certain fields of social life of importance for national minorities (e.g. education, culture, information obtaining, official use of languages and letters, etc.) belongs to the competence of federal units, has lead to a somewhat different regulation of their legal status. Here it may be mentioned that the most complete protection was provided by the Constitution of Montenegro which was the last to be adopted, and that in that sense the most restrictive is the oldest one of the constitutional documents – the Constitution of Serbia from 28.3.1990. Still, thanks to the latest changes of legislation, and above all thanks to adoption of the special federal Law on Protection of Rights and Freedoms of National Minorities (2002), the situation has significantly improved, in the sense of adjustment of legal regulations, but also and even more, because very liberal solutions were adopted with this Law;

1.3. The Federal Republic of Yugoslavia is in a process of comprehensive political and every other transformation, which, among other things, includes redefining of relations within the Federation (the relation between the two members of the federal state – Serbia and Montenegro). Because of this it is not possible now to foresee what will be the relations of the two member republics in future, i.e., what will be the competences of the federal state. Preparations for the drafting of the Constitutional Charter are in process, which will introduce a transformation of the Yugoslav Federation, but it is still not possible to discuss the content of that document, or even when it will be adopted.

1.4. A similar thing could be stated for the legal status of the two autonomous republics of the Republic of Serbia. As for Vojvodina, in which members of numerous nationalities, i.e., ethnic minorities live, it seems that there is a general consensus for its self-government to be broadened, but this question is yet to be politically solved and legally regulated. On the other hand, the degree of autonomy, i.e., its possible further broadening, will also mean, it seems, the delegation of some functions to provincial bodies, including the competences and powers of direct interest for members of national minorities, which is partially done through adoption of the special Law on Defining of Competences of an Autonomous Province, which the National Assembly of Serbia adopted on 7.2.2002 (the so-called Omnibus Law).

With Kosovo and Metohija things are even more complicated, because of the inherited problems and circumstances arisen after arrival of KFOR based on the Resolution 1244 of the UN Security Council;

1.5. Legal regulations and practice of their implementation are far more complex in the Federal Republic of Yugoslavia than in the majority of other countries. This is because at least three levels of regulations, i.e., practice, must be observed: (1) Federal, (2) Republican (regulations of the Republic of Serbia and the Republic Montenegro) and

(3) Provincial (regulations of the AP Vojvodina, which is an autonomous province within the Republic of Serbia)<sup>11</sup>.

The existence of three levels of legislation (Federal, two Republican and Provincial) implies an increased possibility of lack of harmonization among laws.

1.6. As it was pointed out before, Yugoslavia is not just another country in transition. With all it has in common with the countries of similar historic, economic and other inheritance, what is characteristic for Yugoslavia is that its internal relations have been additionally complicated by sorrowful events that took place in the past ten odd years, such as wars, long-lasting sanctions, international isolation, a large number of refugees (migrating both from and into Yugoslavia), etc.;

1.7. The collapse of the national economy caused by international sanctions, hyperinflation, NATO bombing and other factors, has unfavorably affected the possibility of real implementation of minority rights (forming of new minority schools, theatres, etc.);

1.8. A problem is also the fact that within the frame of certain ethnic minorities there is no consensus about the minimum joint interests and ways for their realization.

## **6. NEW MINORITY POLICY**

1. Although previously there were also relatively developed and satisfying legal regulations in the domain of protection of minorities, it is certain that the situation needs to be improved, especially on the level of practical implementation of normative solutions.

Because of this, in the last incomplete two years (after the democratic changes in the country) a series of measures and activities have been undertaken directed toward a better normative regulation of this subject, as well as toward promotion of the situation in practice.

The basis of the new minority policy is a full integration of minorities in the social life, together with preserving and further developing of their national and cultural specific characteristics.

This is realized through constant communication of governmental bodies with representatives of all minority communities and partnership with relevant international organizations and institutions (especially OSCE and the Council of Europe).

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<sup>11</sup> It was already explained previously that the other autonomous province of the Republic of Serbia – Kosovo and Metohia – will not be covered by this Report because of well known reasons.

The foundations of the new minority policy are:

1. Development of democratic institutions and respect of the rule of law;
2. Building of comprehensive legal regulations in the domain of minority rights;
3. Creation of a social environment in which a spirit of tolerance and respect of diversities is cultivated;
4. Faster tempo of economic growth and development of the country.

2. Here it will be pointed only to some of the most important measures, undertaken within the frame of realization of the new minority policy:

2.1. After the well-known political changes in the year 2000, a separate *Federal Ministry of National and Ethnic Communities* was founded, headed by a representative of the Bosniacs community, with his closest associate (deputy minister) being a representative of the Hungarian community.

Although the Federal Ministry of National and Ethnic Communities is the principal champion of the new minority policy, other state bodies and entities also play an important role. Thus in Montenegro, beside the *Ministry for National and Ethnic Groups*, there is the *Republican Council for Protection of Rights of Members of National and Ethnic Groups*; while in AP Vojvodina the *Provincial Secretariat for Administration, Regulations and National Minorities* works efficiently; the *Coordination Body*, formed by the Federal Government and the Government of the Republic of Serbia, deals with the problems concerning the rights and position of minorities in the south of Serbia.

It should be added here that the new Federal Law on Protection of Rights and Freedoms of National Minorities plans to form a Federal Council for National Minorities, which will include representatives of national councils of national minorities.

2.2. The most important step in the field of legal regulation is the adoption of the federal Law on Protection of Rights and Freedoms of National Minorities (27.2.2002), which uniquely regulates the most significant issues of importance for survival and development of national minorities;

2.3. Relevant provisions of some other regulations have also been altered and in a way promoted, such as, for example, those of the laws of the Republic of Serbia concerning local self-government, elementary schools, secondary schools, universities, etc. Besides, a number of new acts was adopted, including the bylaws necessary for implementation of the Law on Protection of Rights and Freedoms of national minorities. Thus, in honoring the obligation provided for by the federal Law on Protection of Rights and Freedoms of National Minorities, and for the purpose of facilitating election of their national councils to minorities, the Federal Ministry of National and Ethnic Communities adopted the Rules of Procedure for electors' assemblies in election of councils of national minorities.

A change of the electoral laws is also in preparation, with the aim of facilitating the participation of minorities in representative governmental bodies, since the existing laws, with their census of 5%, are unacceptable for parties of members of national minorities. Besides, passing of a federal law against discrimination, federal and republican law on introduction of the institution of ombudsman, federal law on religious freedoms, etc., are also in preparation;

2.4. At the international level, in 2001 FR Yugoslavia became a party to the Framework Convention for the Protection of National Minorities, and also of the Optional Protocol with the International Covenant on Civil and Political Rights (the former SFR Yugoslavia was not a party of these agreements). FR Yugoslavia also signed the Instrument on Protection of Rights of National Minorities of the Central-European Initiative (CEI). Besides, preparations are in process for joining the European Charter on Regional or Minority Languages.

2.5. Simultaneously, negotiations have started with the neighboring countries for concluding bilateral agreements on protection of minorities. The biggest progress has been made in negotiations with Hungary, Romania, and Croatia, with whom the greatest number of future agreements has been agreed upon.

2.6. The implemented measures of the Federal Ministry of National and Ethnic Communities in the aim of realization of the new minority policy include the following:

2.6.1. Measures for promotion of tolerance and confidence building:

- Model of the new minority policy in solving of inter-ethnic conflicts was applied in the south of Serbia. The crisis arisen by the activities of Albanian extremists' armed groups (the so-called OVPMB) was solved in a peaceful way through signing of an agreement on 31.5.2001. The governmental Coordination body also made a special plan for solving of the crisis in the south of Serbia, which implies cessation of conflicts, political integration of Albanians and economic and social reconstruction of the region. In that aim multi-ethnic police was formed, and local elections were held, which enabled participation of Albanians in the local authorities;

- Implementation of an extensive campaign for tolerance. The campaign is run through video spots, special RTV broadcasts, and in other media and in other ways – through books, brochures, badges, etc.).

- Publishing of a special Bulletin by the Federal Ministry of National and Ethnic Communities;

- Organization of speaker's platforms and round tables at which direct communication is realized with members of national minorities, especially in insufficiently developed milieus, as well as round tables dedicated to training of civil servants for work in multi-ethnic milieus (Kovacic, Novi Sad, Nis, Dimitrovgrad, Bosilegrad, Subotica, Prijepolje, Novi Pazar, Bujanovac, Medvedja, Backi Petrovac);

- Opening of multicultural and Internet centers (in Belgrade, Bujanovac, Presevo, etc.);
- Organization of multi-ethnic camps for young people «Culture of Cohabitation» (from the mid-2001 till September 2002 seven camps were organized), as forms of alternative education on tolerance;
- Joining by FR Yugoslavia the project on non-discrimination (*'Non-Discrimination Review'*), which is under the auspices of the Council of Europe, concurrently run in several countries. For that purpose an independent national expert team was formed which has already began work and cooperation with competent bodies of the Council of Europe, as well as exchange of experiences and other forms of cooperation with experts from other countries;

#### 2.6.2. Measures of aid and support for minority communities and their members

- Financial and other aid to minority organizations;
- Education of members of minorities on their rights and ways of their realization;
- Publishing of the federal Law on Rights and Freedoms of National Minorities, as a special edition, concurrently in Serbian, English, and nine languages of national minorities (Albanian, Bulgarian, Macedonian, Hungarian, Roma, Romanian, Ruthenian, Slovakian and German). This was done in order for the Law to be made available and fully understandable to those it concerns;
- Promotion of providing information in languages of minorities (initiation of new broadcasts in Bulgarian, Roma, Croatian and Ukrainian languages, in several national and local media);
- Participation of the Federal Ministry in the reform of the educational system; the Expert Group engaged by the Ministry made a comprehensive analysis of the existing curriculums and offered proposals and recommendations for amending the contents which incite ethnic hatred and create frustration among members of national minorities.

## **7. STATUS OF THE ROMA COMMUNITY**

1. Since the status of the Roma community in FR Yugoslavia, as well as, really, in most other countries, is especially difficult, the federal Law on Protection of Rights and Freedoms of National Minorities has a special provision (Article 4, paragraph 2) which recognizes the status of a national minority of the Roma and defines measures of affirmative action in the aim of promoting the socio-economic position of the Roma. In accordance to that, Federal Ministry of National and Ethnic Communities has undertaken a series of concrete measures:

- There is a special division within the Ministry dealing with promotion of the status of the Roma, headed by a member of the Roma community;
- Elements for a governmental plan were drafted for integration of the Roma in the social life, which implies solving of problems of the Roma in the field of homing, employment, education, health and social insurance and solving of problems of the Roma refugees from Kosovo and Metohija;
- Research is nearing its finish, whose goal is to make a database or a social map, based on which the number of the Roma will be established, as well as the number of the Roma settlements, children attending elementary school, the Roma who have a social and health insurance, and the number of the employed Roma;
- Interministerial group has been formed, coordinated by the Federal Ministry of National and Ethnic Communities, in which various ministries are included at the federal, republican and provincial levels;
- Under the patronage of the Federal Ministry of National and Ethnic Communities, a Roma Task Group has been formed, which will draft proposals of this national minority for integration;
- Federal Ministry of National and Ethnic Communities, in cooperation with OSCE and UNICEF, organized the international conference 'Roma in Central and Southeast Europe' (Belgrade, 17-19.5.2002), in which seven countries of the region took part;
- Federal Ministry of National and Ethnic Communities, in cooperation with OSCE, organized several round tables: in Novi Sad, Nis, Bujanovac, etc., with the aim of offering help for forming of national councils of the Roma community;
- For the needs of the Federal Ministry of National and Ethnic communities, the experts of OSCE made a program for economic strengthening of the Roma and a model for their employing;
- Federal Ministry of National and Ethnic Communities initiated several broadcasts for promotion of providing information in the Roma language in several regional centers (Beograd, Novi Sad, Nis, Kragujevac, etc.), and soon, under the patronage of the Ministry, news agency for broadcasting news in the Roma language will start working;
- In cooperation with the Ministry of Education of the Republic of Serbia, the Federal Ministry of National and Ethnic Communities will provide textbooks for all Roma pupils of elementary schools (around 5,000 sets) for the school year 2002/2003.

Position of the Roma in Yugoslavia has been separately discussed in the Annex to this Report ('Minority Communities – Characteristics and Basic Facts').

## **8. FEDERAL LAW ON THE PROTECTION OF RIGHTS AND FREEDOMS OF NATIONAL MINORITIES (2002)**

1. The Law on Protection of Rights and Freedoms of National Minorities, as its name says, legally regulates the way in which rights of members of national minorities will be realized.

In that sense the Law presents another source of the constitutional law in the Federal Republic of Yugoslavia, since it elaborates constitutional norms on rights and freedoms of members of national minorities, i.e., elaborates principal solutions of the Constitution of FR Yugoslavia and international agreements of which it is a contracting party, on the rights and freedoms of members of national minorities.

2. Starting from the provisions of the Constitution of FR Yugoslavia, the Law on Protection of Rights and Freedoms of National Minorities fills in the vacuum existing in the constitutional legal system of the Federal Republic of Yugoslavia and, in a legally valid way, enables the members of national minorities, in a democratic political milieu, independently, or together with other members of their national group, to enjoy their constitutional rights.

These are the rights which are in the Constitution of FR Yugoslavia generally defined as rights on preserving, development and expression of ethnic, lingual and other specific characteristics of national minorities. These are: the right on national determination, the right on cooperation with the compatriots in the country and abroad, the right on the use of the mother tongue, the right on the use of national symbols, and a series of other rights and solutions which protect specific characteristics of national minorities in the fields of social development of special interest for national minorities (use of languages of national minorities in the work of bodies and organizations with public authority, education and public information providing in languages of national minorities, cultivation and protection of the cultural heritage, etc.).

Through institution of acquired rights, the Law disables limiting or abolishing of rights and freedoms which members of national minorities, independently or together with other members of their group, enjoyed until its coming into effect.

The Law also provides for introduction of special measures for achieving of the equality of rights, especially with regard to the Roma national community.

3. The specific characteristic of this new Law on Protection of Rights and Freedoms of National Minorities are provisions regulating solutions which should enable effective participation of minorities in decision-making on issues of specific characteristics, in the government and administration.

The Yugoslav legislator, starting from the realization that many minority rights are enjoyed in a community, which gives them a collective character, and respecting international obligations of FR Yugoslavia to secure necessary preconditions for efficient participation of the members of national minorities in public affairs concerning them, has provided for a whole series of new institutions.

Establishing of the Federal Council for National Minorities, in whose work representatives of national councils of national minorities will participate, should create the necessary institutional frame for permanent and joint work of representatives of the government and minorities on promotion of position of national minorities and protection of their specific characteristics.

A step further is the introduction of National Councils of national minorities, contrived as bodies representing national minorities as collectives. According to the provisions of the Law, National Councils of national minorities are partners and advisory bodies of the state authorities, and their representatives participate in decision-making on issues of importance for the specific characteristics of national minorities. National Councils may have certain independent powers in the field of education, culture and informing. These are the powers of importance for expression and preservation of specific characteristics of national minorities, which may be entrusted with them by the Law.

4. The above stated solutions create a new approach in domestic and comparative legislation and should enable participation of minorities in public affairs of importance for preserving of their specific characteristics, and even a certain degree of independence in these affairs, with observation of the legal system and obligations that members of minorities have as citizens of FR Yugoslavia.

If democratism and liberality of the said solutions are confirmed in practice, then such solutions will grow into a new, role model for protection of minority rights, and with that FR Yugoslavia will grow into a country setting new standards in the field of minority rights and their protection.

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### **PART III : IMPLEMENTATION OF THE FRAMEWORK CONVENTION**

#### **Article 1**

**The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.**

1. The Federal Republic of Yugoslavia is a Contracting Party to numerous multilateral international treaties in the field of human rights. It is a Contracting Party to:

- International Convention on the Elimination of All Forms of Racial Discrimination (1965);<sup>12</sup>
- International Covenant on Civil and Political Rights (1966);<sup>13</sup>
- International Covenant on Economic, Social and Cultural Rights,<sup>14</sup>
- Both Optional Protocols to the International Covenant of Civil and Political Rights (1966);<sup>15</sup>
- International Convention on the Suppression and Punishment of the Crime of Apartheid (1973);<sup>16</sup>
- Convention on the Rights of the Child (1989);<sup>17</sup>

By accepting the above instruments of international law Yugoslavia has accepted also the monitoring mechanisms enunciated in them. In that context, the honoring of the obligation to submit reports on the implementation of these treaties included the reporting on the measures taken for the protection of national minorities as well as on freedoms and rights of persons belonging to national minorities.

In addition to the treaties in the field of human rights, which partially govern the protection of national minorities, FR Yugoslavia has also accessed to the Framework Convention for the Protection of National Minorities (1994);<sup>18</sup> and there is also political will to access the European Charter on the Regional or Minority Languages. In

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<sup>12</sup> Ratified by the former Yugoslavia on 12 July 1967. Succession for FR Yugoslavia on 2 March 2001. By virtue of a Note of the Permanent Mission of the FR of Yugoslavia to the UN of 26 June 2001 the competence of the Committee on the Elimination of Racial Discrimination was accepted in conformity with Article 14 of the Convention.

<sup>13</sup> Ratified by the former Yugoslavia on 30 January 1971. Succession for FR Yugoslavia on 12 March 2001.

<sup>14</sup> Ratified on 30 January 1971. Succession for FR Yugoslavia on 12 March 2001.

<sup>15</sup> Ratified on 22 June 2001. Entered into force for FR Yugoslavia on 6 December 2001.

<sup>16</sup> Ratified by the former Yugoslavia on 12 March 1975. Succession for FR Yugoslavia on 12 March 2001.

<sup>17</sup> Ratified by the former Yugoslavia on 18 December 1990. Succession for FR Yugoslavia on 12 March 2001.

<sup>18</sup> FR Yugoslavia, at the invitation of the Committee of Ministers, on the basis of Article 29, paragraph 1, of the Convention accessed to it on 11 May 2001. Convention entered into force for FR Yugoslavia on 1 September 2001.

connection with FR Yugoslavia's accession to the European Charter on Regional or Minority Languages, in cooperation with the Council of Europe, a separate Conference on that Charter was held on 11 and 12 June 2001. The gathering was attended by representatives of minority organizations, Council of Europe experts, representatives of the authorities, experts in international law, linguists and representatives of non-governmental organizations. The primary objective of the Conference was to enable exchange of opinions and information among representatives of all levels of the government, non-governmental and other organizations, which deal with the issues and problems of national minorities in different manners.

2. FR Yugoslavia is currently negotiating with a number of neighboring countries (Hungary, Croatia, Romania, Macedonia) bilateral agreements on the protection of national minorities. In the negotiations with Hungary, Romania and Croatia, the bulk of the content of the future agreements has been agreed. At the same time, official contacts have been made with the FYR Macedonia aimed at initiating negotiations for the conclusion of an agreement that would regulate the status of the Serbian/Montenegrin minority in that country, i.e. the Macedonian minority in Yugoslavia.

3. *The most important aspect of FR Yugoslavia's international cooperation in the field of human rights is the cooperation established with relevant international organizations – the Council of Europe and the OSCE.*

#### Council of Europe

The Federal Ministry of National and Ethnic Communities has established intensive cooperation with the Council of Europe in the area of minority rights and their protection.

That cooperation included:

- Professional support by Council of Europe experts in the drafting of the Law on the Protection of Freedoms and Rights of National Minorities
- Visits by Yugoslav experts to the Council of Europe
- Holding seminars on the Framework Convention and the European Charter on Regional or Minority Languages
- Expertise and consultation on bilateral agreements
- Drawing up the Antidiscriminatory Review
- Participation of Council of Europe representatives in the work of the Office of the Federal Ministry of National and Ethnic Communities in Bujanovac
- Organization of Serbian-Albanian dialogue among the youth
- Participation in the Link Diversity Campaign for the promotion of multiethnic society
- Visits by the Special Envoy, Special Rapporteurs, the Secretary General (including visits to the south of Serbia)

OSCE

Cooperation of the Yugoslav authorities with the OSCE included:

- Cooperation with the High Commissioner and his team on the drafting of the Law on the Protection of Freedoms and Rights of National Minorities – the meeting with the High Commissioner in Baden is of special importance (with the participation of 20 Yugoslav experts), on legislation regulating the status of minorities
- High Commissioner's support to the Multicultural Center in Bujanovac and the holding of youth camps
- Joint work on the reform of the education of minorities
- Joint organization of the Conference on Minorities in South East Europe
- Joint work on the organization of the Roma National Council
- Cooperation in the preparations of the electors' assemblies for the election of the national councils
- Joint elaboration of the Strategy for the Integration of the Roma
- Implementation of the 'Door to Door' campaign in the south of Serbia aimed at the promotion of the Law on the Protection of Freedoms and Rights of National Minorities and building tolerance
- Implementation of the project for the setting up of multiethnic police in the south of Serbia

3. *The protection of national minorities and freedoms and rights of persons belonging to these minorities is ensured also by Yugoslavia's domestic legal system.*

First and foremost, the Constitution of FR Yugoslavia guarantees the protection of the courts in the case of violation of freedoms and rights recognized and guaranteed by the Constitution (Article 67, paragraph 4), which applies also to the same rights of persons belonging to national minorities.

The provision of Article 26, paragraph 1, of the Constitution of FR Yugoslavia lays down that *every person* shall be entitled to equal protection of his rights in a legally prescribed procedure.

At the same time, Article 26, paragraph 2, guarantees to every person the right of appeal or other legal remedies against a decision which infringes his right or legally founded interest.

In addition, the provision of Article 119, paragraph 1, of the Constitution stipulates that an appeal may be made to the competent authority against decisions and other rulings by judicial, administrative and other state authorities, as well as against similar first instance decisions by agencies and organizations performing public powers.

Pursuant to Article 120, paragraph 1, of the Constitution, the legality of final administrative rulings is determined by the authorized court in an administrative suit, unless some other legal remedy has been provided for by the law.

On the strength of Article 124, paragraph 1, item 6, of the Constitution, the Federal Constitutional Court shall rule, *inter alia*, on constitutional complaints about a ruling or action violating the rights and freedoms of man and the citizen enshrined in the Constitution.<sup>19</sup>

Finally, attention should also be paid to the provision of Article 123, according to which everyone shall be entitled to compensation for damages sustained as a result of unlawful or improper actions of an official or state agency or organization which exercises public powers, in conformity with the law. The state shall be obliged to pay compensation for damages. The injured party shall have the right, in accordance with law, to demand compensation directly from the individual responsible for the damage.

All these issues are more specifically regulated by relevant federal laws. In the protection of human and minority rights, the Law on General Administrative Procedures and the Law on Administrative Litigation are of particular importance.

Among various arrangements provided for by other federal laws, one should especially point out the provision of Article 23, paragraph 1, of the federal Law on the Protection of Freedoms and Rights of National Minorities, under which persons belonging to national minorities and councils of national minorities as their representatives, can file a suit for damages with the competent court, in order to protect their rights.

The provision of paragraph 2 of the same Article of the Law on the Protection of Freedoms and Rights of National Minorities specifies that, in compliance with the provisions of the Law on the Federal Constitutional Court, the Federal Ministry of National and Ethnic Communities and a national council of a national minority shall be empowered to lodge a constitutional complaint with the Federal Constitutional Court in case they have assessed that the constitutional rights and freedoms of persons belonging to national minorities have been violated or if a person belonging to a national minority, who believes his constitutional rights and freedoms have been violated, approaches them.

Similar, albeit not identical arrangements are provided for by the republican Constitutions, i.e. legislation.

Thus, Article 22, paragraph 1, of the Constitution of the Republic of Serbia sets forth that *everyone* shall be entitled to equal protection of his rights in court proceedings, or proceedings before any government or other agency or organization. The provision of paragraph 2 of the same Article of the RS Constitution guarantees to everyone the right of appeal or other legal remedy against a decision which infringes with his right or legally founded interest.

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<sup>19</sup> The Federal Constitutional Court, however, decides on a constitutional complaint only in case no other legal protection is available (Article 128 of the Constitution of FR Yugoslavia).

Article 25 of the Constitution of the Republic of Serbia specifies that everyone shall be entitled to compensation for material or non-material damages sustained as a result of unlawful or improper actions of an official or state agency or organization which exercises public powers, in conformity with the law. The provision of paragraph 2 of the same Article lays down that the Republic of Serbia or organization which exercises public powers shall be obliged to pay compensation for damages.

Finally, also worth mentioning is the provision of Article 124/1 of the Constitution of the Republic of Serbia, which provides for the rule concerned with the right of appeal, by specifying that against decisions and other rulings by judicial, administrative and other state authorities, as well as against similar first instance decisions of agencies and organizations which exercise public powers, an appeal may be lodged with the competent authority. This arrangement, too, may be of great significance in practice, not only in general terms, but particularly for persons belonging to national minorities.

The Constitution of the Republic of Serbia does not provide for the possibility to file a constitutional complaint with the Constitutional Court of that Republic.

Similar to the above arrangements, the Constitution of the Republic of Montenegro, in Article 17, specifies that *everyone* shall be entitled to the protection of his freedoms and rights in legally prescribed procedures, as well as that everyone's right to appeal or other legal remedy against a decision which infringes his right or legally founded interest shall be guaranteed.

In addition, the provision of Article 113, paragraph 1, item 4, stipulates that the Constitutional Court of that Republic, *inter alia*, shall decide on constitutional complaints against a violation, by individual decisions or actions, of freedoms and rights of man and the citizen provided for by the Constitution, in cases where that protection is not in the competence of the Federal Constitutional Court and where no other judicial protection has not been provided for.

The provision of Article 74, paragraph 2, of the Constitution of the Republic of Montenegro should be particularly pointed out, as it, *inter alia*, stipulates that persons belonging to national and ethnic groups shall have the right to approach international institutions for protection of their freedoms and rights guaranteed by the Constitution.

## **Article 2**

**The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighborliness, friendly relations and co-operation between States.**

1. FR Yugoslavia's Constitution stipulates that FR Yugoslavia honors its commitments arising from international treaties to which it is a Contracting Party in good faith (see the section on relations between international and domestic law).

2. Resolved to conscientiously meet the commitments undertaken by the Framework Convention, FR Yugoslavia has, *inter alia*, taken a range of measures to be discussed later in the report. In that context, one should in particular emphasize the adoption of the federal Law on the Protection of Freedoms and Rights of National Minorities, which regulates the subject matter of minority rights and their protection in keeping with the commitments arising from the Convention, the work on the conclusion of a series of bilateral agreements the aim of which is to, in great detail, regulate with the neighboring countries the protection of national minorities, the development and implementation of a new minority policy, etc.

3. FR Yugoslavia is sincerely devoted to the principles enshrined in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Language Minorities, the UN Declaration of the Principles of International Law, the OSCE documents from the OSCE meetings on human dimension, etc.

4. The promotion of the spirit of understanding and tolerance and the development of international relations in line with the principles of good neighborliness, friendly relations and cooperation among states has particularly come to the fore in the meetings of FR Yugoslavia's highest-ranking state representatives with representatives of the countries in the region. The meetings that Dr. Vojislav Kostunica, FR Yugoslavia's President, had with heads of state or government of the countries in the region and visits by delegations of the Federal Ministry of National and Ethnic Communities to Bulgaria, Romania, Hungary, Croatia and Slovakia are of great importance for the promotion of cooperation in the field of minority issues. FR Yugoslavia's commitment to the principles of good neighborliness, friendly relations and cooperation among states particularly comes to the fore in FR Yugoslavia's participation in all regional integrations and initiatives.

5. Good neighborliness, friendly relations and cooperation of FR Yugoslavia with some of the neighboring states are regulated by contract. The Agreement on Friendship, Good Neighborliness and Cooperation with Romania includes provisions in principle on national minorities. Article 20 of the said Agreement sets forth that each Contracting Party shall ensure in its territory the protection of and respect for the rights of persons belonging to national minorities in conformity with UN and OSCE documents.

Aware of the significance of the protection of national minorities for normalization of relations, FR Yugoslavia and the Republic of Croatia stipulated in the Agreement on the Normalization of Relations that national minorities shall be guaranteed all the rights pertaining to them under international law. Furthermore, in their meetings, Presidents of FR Yugoslavia, DR. Vojislav Kostunica and the Republic of Croatia, Stjepan Mesic, pointed to the importance of the respect for the rights of the Serbian minority in the Republic of Croatia and of the Croatian minority in FR Yugoslavia.

### Article 3

**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.**

**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.**

#### Paragraph 1

1. In FR Yugoslavia national minorities are *all* the groups of Yugoslav citizens who have a long-lasting connection with the territory of FR Yugoslavia and possess features such as language, culture, nationality, origin or religion that differentiate them from the majority of the population and whose members are characterized by the fact that they are concerned with the joint maintenance of their common identity, including culture, tradition, language or religion. The above definition of a national minority is provided for by Article 2, paragraph 1, of the Law on the Protection of Freedoms and Rights of National Minorities and constitutes the first legally binding definition of a national minority in FR Yugoslavia. Bearing in mind that legal enactments passed before the adoption of the Law on the Protection of Freedoms and Rights of National Minorities used different and disparate terms and that minority communities, too, define themselves in different manners, the Law on the Protection of Freedoms and Rights of National Minorities specified in its Article 2, paragraph 2, that national minorities shall be also all the groups of citizens who call or define themselves as peoples, national or ethnic communities, national or ethnic groups, nationalities and ethnicities, and fulfill the conditions referred to in paragraph 1 of Article 2 of the Law. Such arrangement is in conformity with the Constitution of FR Yugoslavia, which generally guarantees the rights of *national minorities* and does not use other terms to denote groups of population that are different from the majority by its culture, language, religion, origin, etc. The above arrangement in the Law on the Protection of Freedoms and Rights of National Minorities enables practically all interested communities, i.e. persons belonging to them, to define themselves as minorities and thus enjoy the rights guaranteed by the Law. The above arrangement also harmonizes the terminology which was very disparate until the adoption of the Law on the Protection of Freedoms and Rights of National Minorities (legal enactments referred to communities protected by the Framework Convention as nationalities, national communities, national and ethnic groups, ethnic minorities, ethnicities, minority communities, etc.). In appropriate places in the report the term national minorities was always used, as a term in the spirit of the Framework Convention and the new Law on the Protection of Freedoms and Rights of National Minorities (the Appendix citing the provisions of the applicable laws governing the status of national minorities in FR Yugoslavia provides an insight into the utilization of different terms).

2. The Constitution of FR Yugoslavia in its Article 45, paragraph 1, guarantees freedom of expression of national sentiments and culture, as well as the use of one's mother tongue and script. At the same time, Article 45, paragraph 2, of the Constitution of FR Yugoslavia stipulates that no one shall be obliged to declare his nationality. The above arrangement is of crucial importance to the protection of national minorities in a democratic society.

The arrangement according to which no one shall be disadvantaged because of his choice to be treated or not treated as a person belonging to a national minority or because of the exercise of rights which are connected to this choice arises from Article 20, paragraphs 1 and 2, of FR Yugoslavia's Constitution which lay down that citizens shall be equal irrespective of their nationality, race or any other personal status, as well as that they shall all be equal before the law. Article 50 of FR Yugoslavia's Constitution stipulates that any incitement or encouragement of national, racial, religious or other inequality or other inequality as well as the incitement and fomenting of national, racial, religious or other hatred and intolerance shall be unconstitutional and punishable. In the spirit of the Framework Convention, the Law on the Protection of Freedoms and Rights of National Minorities, in its Article 5, paragraph 1, explicitly sets out that in conformity with the freedom of national affiliation and expression of nationality proclaimed by the Constitution of FR Yugoslavia, no one may sustain damage because of his choice or expression of his nationality or because of refraining from such act. Moreover, the provision of paragraph 2 of the same Article of the Law on the Protection of Freedoms and Rights of National Minorities prohibits any registration of persons belonging to national minorities which obliges them to declare their nationality contrary to their will.

3. The provisions proclaiming freedom of national affiliation and expression of nationality are contained in the Constitutions of the Yugoslav federal units as well. Article 49 of the Constitution of the Republic of Serbia guarantees freedom of expression of national sentiments and culture and freedom of the use of language and script and concurrently stipulates that no one shall be obliged to declare his nationality. Article 13 of the Constitution of the Republic of Serbia lays down that all the citizens shall be equal in rights and duties and have equal protection before state and other agencies irrespective of their race, language, nationality, religion or other personal status. By proclaiming equality, the Constitution of the Republic of Serbia actually prescribes that no one, including persons belonging to national minorities, shall be disadvantaged on account of their nationality or the exercise of rights connected to their national sentiments. In the same fashion, the Constitution of the Republic of Montenegro in its Article 34, paragraphs 2 and 3, guarantees, *inter alia*, freedom of expression of nationality, culture and the use of one's mother tongue, and specifies that no one shall be obliged to declare his nationality. In addition, the provision of Article 15 of the Constitution of the Republic of Montenegro sets forth that citizens shall be free and equal, irrespective of any specific feature or personal status, as well as that they shall all be equal before the law, thus legally preventing unfavorable treatment of persons belonging to national minorities because of their nationality or the exercise of rights connected to their national affiliation.



4. The Federal Bureau of Statistics is an institution which is in FR Yugoslavia entrusted with the task of officially processing statistical data. The Yugoslav Constitutions have guaranteed freedom of expression of nationality, and therefore there has been no obligation to declare nationality in providing data for statistical purposes. However, most persons belonging to national minorities choose to declare their nationality in censuses. The Law on the Census of the Population, Households and Apartments in 2001 prescribes that a person covered by the census shall not be obliged to declare his nationality and that census questionnaires must contain such instructions (Article 8, paragraph 3). The Methodological Instructions for the preparation, organization and taking of the census drawn up by the Federal Bureau of Statistics set out the format of the census questionnaire to be used for taking census. The census questionnaire contains boxes for entering information on nationality, mother tongue and religion. Under the Methodological Instructions, the census-taker is under obligation, when asking about nationality, to “enter the exact words of the respondent in reply to that question”, i.e. to write down that the respondent chose not to declare his nationality, if a citizen denied answer to the question about his nationality. A reply to the question about nationality for children under 15 years of age is provided by one of the parents, an adoptive parent or a foster parent. Similarly, with respect to the question about the mother tongue, “the census taker shall not influence or exert any pressure on the respondent, i.e. the person who is the subject of the census.”

Personal data are legally protected in FR Yugoslavia. The Law on the Protection of Personal Data sets forth that a database of personal data, part of it or individual pieces of data may be used for scientific, educational or similar purposes in the form which prevents the identification of individuals (Article 6, paragraph 2). On the basis of Article 11 of the Law on the Protection of Personal Data, citizens in FR Yugoslavia are entitled to know which databases store their personal data, to find out which pieces of data on them are processed, who is processing them, for which purposes and on which grounds, who are users of the personal data on them and on which grounds. Especially important is the provision of Article 18 of the Law on the Protection of Personal Data which lays down that data on racial origin, nationality, religious or other beliefs, political and trade unionist affiliation and sexuality may be collected, processed and made available for use only upon obtaining a written consent of the individual concerned.

#### Paragraph 2

1. In line with the wording of the relevant international documents and the practice of comparative law, the Constitution of FR Yugoslavia defines as holders of most minority rights *persons belonging to national minorities*.

However, the Constitution of FR Yugoslavia in its Article 11 deviates to a certain extent from this concept by stipulating that FR Yugoslavia recognizes and guarantees the rights of *national minorities (minorities as collectivities)* to the maintenance, development and expression of their ethnic, cultural, linguistic and other specificity, as well as the use of national symbols, in conformity with international law. On the basis of the above

arrangement, it may be concluded that, under the Constitution itself, the holders of certain rights are minorities as collectivities.

In the spirit of the above provision of the Constitution of FR Yugoslavia, the recently enacted Law on the Protection of Freedoms and Rights of National Minorities recognizes *collective rights* of minorities. Although it uses the term *persons belonging to national minorities* in a number of places, there is no doubt that the Law on the Protection of Freedoms and Rights of National Minorities recognizes, in addition to individual, also the collective rights of minorities. The provision of Article 1, paragraph 1, of the Law on the Protection of Freedoms and Rights of National Minorities explicitly specifies that it “shall regulate the manner of exercising *individual and collective rights*, which are guaranteed to persons belonging to national minorities by the Constitution of FR Yugoslavia or international treaties.” The said Law, in Article 1, paragraph 2, specifies collective rights, by determining that its provisions govern the protection of *national minorities* against any form of discrimination in the exercise of freedoms and rights and provide for instruments for safeguarding and protecting special rights of *national minorities* to autonomy in the fields of education, the use of language, information and culture, and establish institutions for facilitating the participation of *minorities* in power and administration of affairs.

2. The Constitution of the Republic of Serbia contains provisions on the rights of *persons* belonging to other peoples, i.e. national minorities. The Constitution of the Republic of Montenegro contains provisions on the rights of *persons* belonging to national and ethnic groups, i.e. national minorities.

3. The right of persons belonging to national minorities to enjoy in community with others the guaranteed freedoms and rights is exercised in FR Yugoslavia without major obstacles. In confirmation of that, it will suffice to point to the fact that there is special minority education (minority schools) and at all levels at that, that persons belonging to national minorities in reality have numerous cultural, artistic and other associations and organizations, and even their own political parties which actively participate in society’s political life (see the comment on Article 7 of the Framework Convention).

#### **Article 4**

**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.**

**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 national minorities 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.**

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

Paragraph 1

1. Equality before the law and equal legal protection are essential to the protection of national minorities. Equality and prohibition of unlawful differentiation have been proclaimed by all Yugoslav Constitutions.

The Constitution of FR Yugoslavia stipulates in its Article 20 that *citizens* shall be equal irrespective of their nationality, race, sex, language, faith, political or other beliefs, education, social origin, property or other personal status. By stipulating that citizens are equal irrespective of the personal statuses specifically listed in it, the Constitution of FR Yugoslavia has in effect prohibited discrimination on the basis of these criteria. Paragraph 2 of Article 20 of the Constitution of FR Yugoslavia sets out that *all* shall be equal before the law.

The Constitution of the Republic of Serbia in its Article 13 stipulates that *citizens* shall be equal in their rights and duties and that they shall enjoy equal protection before state and other agencies irrespective of their race, sex, birth, language, nationality, social origin, property or other personal status. Similar to the federal Constitution, the Constitution of the Republic of Serbia, too, prohibits discrimination in an indirect manner, by stipulating that citizens shall be equal irrespective of the specifically listed personal statuses. Article 1, paragraph 1, of the Constitution of the Republic of Serbia guarantees to *everyone* equal protection in proceedings before a court of law, other state agency or any other agency or organization.

The Constitution of the Republic of Montenegro in its Article 15 specifies that *citizens* shall be equal irrespective of any specificity or personal status and that they shall *all* be equal before the law.

2. The constitutional proclamation of equality and prohibition of discrimination are more specifically governed by a series of regular laws which have been adopted at the federal level or the levels of the federal units. The Law on the Protection of Freedoms and Rights of National Minorities in its Article 3, paragraph 1, explicitly stipulates that any kind of discrimination shall be prohibited, be it on the basis of nationality, race, language, against persons belonging to national minorities. The provision of paragraph 2 of the same Article specifies that agencies of the federation, republic, autonomous province, city and municipality may not adopt legal enactments or take measures in violation of paragraph 1 of that Article. Discrimination is a criminal offence in the Yugoslav legal system. Proceeding from the provision of the Constitution of FR Yugoslavia which stipulates that any incitement or encouragement of national, racial, religious or other inequality shall be unconstitutional and punishable, FR Yugoslavia's Criminal Code in its Articles 134, 154, paragraph 1, and 186 provides for imprisonment for a term of 3 months to 5 years for persons who violate human rights of persons belonging to national minorities, foment racial, religious or other intolerance or commit

any discrimination, or grant a privilege, in an official procedure on grounds of national, ethnic or religious affiliation. The laws on schools adopted at the levels of federal units also penalize discrimination in education. The Law on Elementary Schools of the Republic of Serbia, by virtue of its Article 7, prohibits all activities in schools which threaten or disparage groups or individuals on the basis of race, nationality, language, religion or sex, i.e. political affiliation, as well as the incitement of such activities. That law provides for fines for persons who threaten or disparage groups or individuals on the basis of race, language, religion or sex. The Law on Secondary Schools of the Republic of Serbia contains analogous provisions. Discrimination is prohibited also in the field of labor relations. The Law on the Basic Principles of Labor Relations of FR Yugoslavia and the Law on Labor Relations in Government Agencies of the Republic of Serbia do not contain an explicit provision on the prohibition of discrimination, but stipulate that employment shall be available to every person who meets requirements for a particular job (such as: that they are medically fit, that they have the required educational level, that they are of age, etc.). The new Law on Labor of the Republic of Serbia in its Article 12 prescribes the prohibition of discrimination by specifying that a person seeking job, as well as an employee, may not be treated unfavorably relative to others on grounds of his sex, birth, language, race, nationality, religion, etc. Discrimination is forbidden also in the area of public information. The Broadcasting Law of the Republic of Serbia in its Article 3, item 6, sets out that the regulation of relations in the area of broadcasting shall be based, *inter alia*, on the principles of objectivity, prohibition of discrimination and transparency of the procedure for granting broadcasting licenses. The prohibition of discrimination in the said law is more specifically governed by a number of other provisions. Article 38 of the Broadcasting Law lays down that a license for broadcasting radio and TV programs shall be granted under *equal conditions*. Article 77 of that Law prescribes that public interest in the area of the public broadcasting service shall be pursued by ensuring that the programs produced and broadcast within the framework of the public broadcasting service secure diversity and mutual harmonization of the contents fostering democratic values of contemporary society and, in particular, the respect for human rights and *cultural, national, ethnic* and political *pluralism*. With a view to pursuing public interest in the area of the public broadcasting service, Article 78 of the Broadcasting Law of the Republic of Serbia specifies that the *organizations authorized to perform public broadcasting services shall be obliged to produce and broadcast programs intended for all segments of society without discrimination and with special attention paid to specific social groups such as children and youth, minority and ethnic groups, the handicapped, the socially and medically vulnerable, etc.* Article 5 of the Law on Public Information of the Republic of Montenegro provides for the right of all natural and legal persons to participate under equal conditions in public information.

3. Roma organizations and associations point to the fact that in the reality of social life there are cases of discrimination against the Roma. Especially important is the case of the eviction of the Roma from their settlements Tošin Bunar and Gazela in Belgrade, which was carried out in 2002. The eviction is a consequence of unsettled ownership issues. The state will, in agreement with the Belgrade City Council, find alternative accommodation for the evicted Roma families in reply to their justified objections.

Individual cases of discrimination against the Roma have been solved in judicial proceedings in which the rights of the Roma have been protected. Thus, in the Municipal Court in Sabac, a case of racial discrimination was tried, which is one of rare examples of such trials in this region. A non-governmental organization for the protection of human rights, the Humanitarian Law Center, pressed charges against a manager and owner of a Sabac firm because three Roma were denied admission to the swimming pool owned by him on 8 July 2000, with an explanation that «the Roma are not allowed to enter the pool area». The Municipal Court in Sabac ordered in its ruling of 2002 that Sports and Recreational Center to run an advertisement at its expense in the daily paper Politika with a public apology to the Roma whose rights had been violated by the said act of discrimination. The same ruling ordered the Sports and Recreational Center to put an end to any discrimination in providing services, thus completely honoring the request from the charges pressed by the Humanitarian Law Center. Still, despite the above examples of efforts to prevent discrimination, i.e. to redress its consequences, it is beyond doubt that in the reality of social life a lot more has to be done in the eradication of that problem. Some of the measures described in the comment on paragraph 2 of Article 4 of the Framework Convention constitute genuine efforts on the part of the authorities to advance the status of the Roma national minority.

Paragraph 2

1. The Constitution of FR Yugoslavia in its Article 19 prescribes that the freedoms, rights and duties of man and the citizen which ensure the equality of people and citizens in FR Yugoslavia shall be laid down by the Constitution itself. The above provision of the Constitution of FR Yugoslavia in effect prescribes that the equality of people in FR Yugoslavia is secured by determining equal and the same freedoms, rights and duties and that these freedoms and rights, as well as duties, are enshrined in the Constitution itself. In other words, people are equal because they enjoy freedoms and rights on an equal footing, i.e. they have equal duties. In the reality of social life, in the exercise of the freedoms and rights guaranteed by the Constitution of FR Yugoslavia, conditions for full and effective equality are not always in place. To that effect, it is possible to take measures for achieving full and effective equality, despite the fact that freedoms, rights and duties are proclaimed by the Constitution. The Constitution prescribes a legal framework and necessary conditions for the equality of people in society. The effective equality, particularly in different areas of social life, is difficult to foresee and secure, and therefore, it is possible, without infringing upon the equality of enjoying the same freedoms and rights guaranteed by the Constitution, to prescribe the measures for its achievement by enactments of lower legal rank. To that end, the federal Law on the Protection of Freedoms and Rights of National Minorities in its Article 4, paragraph 1, stipulates in general terms that the authorities in the Federal Republic of Yugoslavia may, in accordance with the Constitution and law, adopt regulations, bylaws and take measures with a view to securing full and effective equality between persons belonging to national minorities and members of the majority nation. Taking into account a specially difficult economic, social and other status of the Roma, the provision of paragraph 2 of the same Article specifies in particular that the authorities shall adopt legal enactments and take measures aimed at advancing the status of persons belonging to the Roma nationality.

Thus, while with respect to other minorities the Law provides for a possibility to adopt relevant regulations, bylaws and measures aimed at securing full and effective equality of these collectivities, i.e. persons belonging to them, if appropriate, when it comes to the Roma minority, the Law itself explicitly provides for an obligation of the authorities to take concrete steps in order to improve its status.

By virtue of a number of laws enacted at the federal level and the levels of the federal units, measures have been prescribed whose basic goal is the promotion of equality. Such measures are prescribed also by numerous bylaws.

2. In the field of economic life measures have been taken for the promotion of equality in the regions inhabited by national minorities, which are underdeveloped in comparison with other regions in FR Yugoslavia.

2.1. It should be specially pointed to a series of measures taken in the domain of economic life in three municipalities in the south of Serbia inhabited by the Albanian national minority. The Coordination Body of the federal and republican governments for the south of Serbia spent 500 million dinars in 2001 out of the Budget of the Republic of Serbia for a number of activities aimed at promoting full and effective equality in the domain of economic life between persons belonging to national minorities and the majority. The above amount was mainly spent on support to business activities of firms in the municipalities of Presevo, Bujanovac and Medvedja. Part of the resources was spent on paying minimum wages in certain firms in that region. Companies which received assistance employ around 1,200 workers, and in such a manner, by means of financial incentives, their living standards have significantly improved and confidence in public institutions restored. The companies that received assistance are 'Kristal', 'Termovent', 'Prolece', 'Gumaplastika', 'Integral', etc. Bearing in mind that in the municipalities in the south of Serbia livestock breeding is an exceptionally important economic activity, the Coordination Body set aside resources in the course of 2001 also for the insemination of cows and procurement of cattle, as well as for the development of hunting. In the domain of infrastructure in the south of Serbia, aid was afforded for building, reconstruction, resurfacing and winter maintenance of local roads and urban traffic routes. By funding repairs of the local hydro-systems and irrigation system not only water supply was improved but new jobs for the local population were also created. In 2002, the Coordination Body continued to provide material and financial, as well as professional and technical assistance for initiated and newly contracted activities in order to create more favorable conditions for life and work of the entire population of the south of Serbia. In the first six months of 2002, 340 million dinars out of FR Yugoslavia's and Republic of Serbia's budgets was spent. In 2002, in the south of Serbia, the work on economic rehabilitation of companies was continued, through assistance for launching production programs. A number of companies covered by that program employ a large number of Albanians from the south of Serbia. A program for rapid employment, implemented in the south of Serbia in cooperation with UNDP, is of special importance to the advancement of full and effective equality in the domain of economic life. Also important for the economy of the south of Serbia are the programs for reconstruction of power transmission grids in certain units of local self-government and the continuation of

artificial insemination of cattle, which is of special significance to that cattle-raising region.

2.2 A special measure for the promotion of equality in the domain of economic life is the holding of a mini-donor conference for the Municipality of Dimitrovgrad, inhabited by persons belonging to the *Bulgarian* national minority. The Conference was held under the auspices of the Federal Ministry of National and Ethnic Communities on 25 and 26 May 2002 with the participation of several international organizations active in FR Yugoslavia. The Conference deliberated on aid projects for the construction of local infrastructure and projects for assistance to small- and medium-sized enterprises in that municipality.

3. The most important measures taken with a view to promoting effective equality in the domain of social life have been taken with an aim to recruit persons belonging to the Albanian national minority in the police force. It is part of a *broader plan for the reintegration of the Albanian national minority into FR Yugoslavia's social life* – the Program for the Settlement of the Crisis, which broke out as a result of activities of Albanian extremist groups in the municipalities of Presevo, Bujanovac and Medvedja, developed by the Coordination Body for the south of Serbia. In that context, after numerous meetings with representatives of the Albanian community and the OSCE, agreement was reached on the necessity to form a multiethnic police force in the three municipalities in the south of Serbia populated by the Albanian national minority. The Multiethnic Police in the south of Serbia is not a separate police force of that region, but an integral part of the Republic of Serbia's police. A specific feature of the Multiethnic Police is that its establishment *facilitates the employment of the Albanians in the police of the Republic of Serbia*, thus building confidence among different national communities in that region. The facilitating of the employment of Albanians in the police force was made possible by *establishing a special national composition key for the enrolment of candidates in training courses*, of which there were three kinds, with four groups of takers. The national composition which was envisaged for the first group of takers was 65 percent of Albanians and 35 percent of Serbs, and for the second group it was envisaged that the candidates belonging to the Albanian national minority account for 60 percent of the takers, for the third group it was envisaged that the takers belonging to the Albanian national minority account for 55 percent of takers, while for the fourth and last group it was envisaged to have the same percentage of Serbian and Albanian takers. Persons belonging to the Roma nationality were also admitted to the training for the Multiethnic Police. The training program for the Multiethnic Police commenced on 6 August 2001, with the beginning of the first course, and was completed on 27 June 2002. A total of 435 candidates completed the courses and they have been included in the police units of the Republic of Serbia performing regular activities in the municipalities in the south of Serbia. Out of 435 takers who completed the course, 276 are Albanians, 155 are Serbs and 4 others (Roma and Montenegrins).

4. In the domain of political life in the Republic of Montenegro there are legal arrangements by means of which certain forms of affirmative action in favor of persons belonging to the Albanian national minority have been introduced. The Law on the

Election of Councilors and Deputies of the Republic of Montenegro provides for such measures at the stages of nomination of candidates and distribution of seats won in an election. Article 43 of the Law on the Election of Councilors and Deputies stipulates that for political parties or groups of citizens representing the Albanians in Montenegro, a slate of candidates for councilors of local councils of units of local self-government shall be approved if supported by the signatures of not less than 200 voters, i.e. that a slate of candidates for deputies to the Assembly of Montenegro shall be approved if supported by the signatures of not less than 1,000 voters. The above arrangements reduce the threshold for approving slates of candidates as prescribed for other parties and groups of citizens, which is 1 percent of the number of voters in an electoral precinct (for local elections, the electoral precinct is a whole unit of local self-government, while for a parliamentary election, the electoral precinct is the whole of the Republic of Montenegro). As for the distribution of seats won in a parliamentary election, it is prescribed that by virtue of a decision of the Assembly of the Republic of Montenegro special polling stations shall be determined where five deputies shall be elected out of the total number of deputies. The Assembly of the Republic of Montenegro has determined that the special polling stations are in the areas populated by the Albanian national minority. This form of national gerrymandering should facilitate the election of Albanian representatives to the Parliament of the Republic of Montenegro, i.e. it is supposed to ensure full and effective equality with respect to the election of popular representatives.

5. The largest number of measures for the promotion of full and effective equality is envisaged in the domain of cultural life and education.

5.1. The Law on the Protection of Freedoms and Rights of National Minorities stipulates that a minimum number of students may be prescribed for the exercise of the right to education in the languages of minorities, but that the said number may be even lower than the minimum statutory number of students required for ensuring appropriate forms of instruction and education. The laws of the Republic of Serbia on schools set out that elementary and secondary schools shall organize instruction for persons belonging to national minorities if not less than 15 students have applied, which is less than the number required for the instruction in the Serbian language (up to 30 students). The curricula in the language of a national minority may be taught to a smaller number of students, provided that the Minister of Education agrees to that. The above example is not the only case of statutory regulation of a basis for the taking of measures for the promotion of equality in the field of culture and education. Article 14, paragraph 4, of the Law on the Protection of Freedoms and Rights of National Minorities sets forth that the state shall encourage international cooperation with a view to enabling persons belonging to national minorities to study abroad in their mother tongue and to have their degrees recognized in keeping with the law. Article 5, paragraph 3, of the said Law specifies that the state shall ensure certain privileges or exemptions from dues in the case of a financial or other donation from a domestic or foreign organization for the purpose of education in the languages of minorities. Article 17, paragraph 2, of the Law on the Protection of Freedoms and Rights of National Minorities stipulates that the state shall ensure in the programs of public service radio and television broadcasts from the field of culture in the languages of national minorities. Other legal arrangements whose aim is to promote the



overall status of national minorities will be further elaborated in the comments on the implementation of other Articles of the Framework Convention.

5.2. Recognizing school diplomas from Kosovo and Metohija, previously recognized by the UNMIK Administration, constitutes a special form of taking measures for the promotion of full and effective equality. Bearing in mind that the holders of these diplomas are mainly persons belonging to the *Albanian* community, it is obvious that the mentioned measure contributes to their integration into FR Yugoslavia's social life.

5.3. The measures for the promotion of full and effective equality in the field of culture and education have been taken also with respect to persons belonging to the *Roma* national minority. For 2002, the Federal Ministry of National and Ethnic Communities and the Ministry of Education of the Republic of Serbia have issued a decision to *provide free textbooks* to all students in the territory of the Republic of Serbia belonging to the Roma national minority. Moreover, the Federal Ministry of National and Ethnic Communities secures free transportation from home to school for students of Roma nationality in the municipality of Presevo in the south of Serbia.

5.4. The opening of Internet Centers in Presevo, Bujanovac, Prijepolje and Novi Pazar, and a planned opening of a center of that type in Backi Petrovac, where persons belonging to the Slovak national minority live, constitutes a special form of taking measures for the promotion of full and effective equality in the field of education. The Internet Centers have been opened under the auspices of the Federal Ministry of National and Ethnic Communities with the basic goal to enhance computer literacy and provide free access to the Internet.

### Paragraph 3

1. The federal Law on the Protection of Freedoms and Rights of National Minorities in its Article 4, paragraph 3, explicitly prescribes that regulations, bylaws and measures passed, i.e. taken, with a view to ensuring full and effective equality among persons belonging to national minorities and those belonging to the majority nation may not be considered an act of discrimination.

### **Article 5**

**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.**

Paragraph 1

1. The promotion of conditions necessary for the maintenance and development of the culture of persons belonging to national minorities and the preservation of the essential elements of their identity is carried out in FR Yugoslavia by means of provisions of certain laws and a special, new minority policy. The Constitution of FR Yugoslavia in its Article 11 stipulates that FR Yugoslavia shall guarantee the rights of national minorities to *preserve, foster and express* their ethnic, cultural, linguistic and other peculiarities. A similar provision is in the Constitution of the Republic of Montenegro, which in its Article 67, paragraph 1, guarantees to persons belonging to national minorities the protection of their national, cultural, linguistic and religious identity. The preservation of the identity of minorities is not explicitly mentioned in the Constitution of the Republic of Serbia, but the obligation to protect the identity of minorities can be derived from the interpretation of Article 3, paragraph 2, of the Constitution, which guarantees personal, political, *national*, economic, social, cultural and other rights of man and the citizen. The promotion of conditions necessary for the maintenance and development of the culture of persons belonging to national minorities and the preservation of the essential elements of their identity is more specifically governed by a series of relevant federal and republican regulations. Among them, the most important certainly is the Law on the Protection of Freedoms and Rights of National Minorities, which in its Article 12, paragraph 1, explicitly sets out that expressing, preserving, fostering, developing, conveying and publicly demonstrating national and ethnic, cultural, religious and linguistic peculiarities as part of the tradition of citizens, national minorities and persons belonging to them, shall be an inalienable individual and collective right. The provision of paragraph 2 of the same Article specifies that with a view to preserving and developing national and ethnic peculiarities, persons belonging to national minorities shall be entitled to set up their own cultural, artistic and scientific institutions, societies and associations in all fields of cultural and artistic life. The provision of paragraph 3 of the mentioned Article lays down that such institutions, societies and associations shall be independent in their work and that the state shall co-finance them commensurate with its abilities. For the encouragement of and support to these institutions, societies and associations special foundations may be established, as provided for by Article 12, paragraph 4, of the Law on the Protection of Freedoms and Rights of National Minorities.

2. The preservation of religion and language as essential elements of the identity of persons belonging to national minorities is described in the comment on the implementation of Articles 8 and 10 of the Framework Convention.

2.1 The maintenance and development of the culture of persons belonging to national minorities and the preservation of their tradition and cultural heritage is governed by a set of laws. The Law on the Protection of Freedoms and Rights of National Minorities in its Article 12, paragraph 5, explicitly stipulates that the museums, archives and institutions for the protection of cultural monuments, which have been founded by the state, shall ensure presentation and protection of cultural and historical heritage of national minorities from its territory, as well as that representatives of the national councils shall

participate in the decision-making about the manner in which the cultural and historical heritage of their communities is to be presented. The law of the Republic of Serbia on the activities of public interest in the field of culture sets out that public interests in the field of culture shall be programs related to the culture of national minorities and care for the protection of their cultural heritage (Article 2, item 20). It is worth mentioning, as an illustration, also the provision of Article 10, item 2, of the Law on the Librarianship of the Republic of Serbia, which lays down that public interest in this field shall be the preparation of the current retrospective and other bibliography of the Serbian people and national minorities living in the Republic of Serbia.

2.2 In FR Yugoslavia, it is the ethnic cultural institutes,<sup>20</sup> communities<sup>21</sup> and societies<sup>22</sup> of the minority population that take care of their interests in the area of artistic creation and culture by developing programs and pursuing activities for the preservation and promotion of minority languages, literature, arts and folk dances. The protection of cultural heritage and the promotion of the cultural identity of minority communities are developed the most in Vojvodina, where the rich tradition of cultural creativity of minorities is either institutionalized or expressed through the work of amateur associations.

2.2.1. Theaters in the languages of national minorities are of special significance to the promotion and development of the culture of national minorities. In addition to professional theaters in the *Hungarian language* in Novi Sad, there are numerous amateur drama ensembles of the *Slovak, Romanian and Ruthenian minorities* in nine theaters. Festivals of folklore, literature and other cultural achievements and scientific gatherings in the minority languages are held on an annual basis.

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<sup>20</sup> Ethnic institutes are social organizations whose primary tasks are the expression, cherishing and preservation of the national identity and collective interests of persons belonging to a particular national minority.

<sup>21</sup> Social and cultural organizations open to all citizens regardless of their nationality, religion or social background, but whose activities are oriented above all to the cherishing and preservation of national identity of a particular national minority in the territory of FR Yugoslavia.

<sup>22</sup> Societies for language, literature and culture of persons belonging to national minorities in FR Yugoslavia are nonparty, nonpolitical social organizations which, on the basis of full freedom and civic rights, enable the cherishing and recognition of national values in the fields of language, culture, arts, information and education.

Theaters by Language in Which They Perform in FR Yugoslavia<sup>23</sup>

Types of theaters and languages in which they perform	1998/1999 <sup>24</sup>					
	FR Yugoslavia	Montenegro	Serbia total	Central Serbia	Vojvodina	Kosovo and Metohija
<b>1. Professional theaters</b>	41	2	39	27	12	
Serbian	37	2	35	27	8	
Serbian and Hungarian	1	-	1	-	1	
Hungarian	3	-	3	-	3	
Other languages	-	-	-	-	-	
<b>2. Children theaters</b>	12	1	11	7	4	
Serbian	9	1	8	7	1	
Serbian and Hungarian	1	-	1	-	1	
Serbian, Hungarian, Romanian, Ruthenian, Slovak	2	-	2	-	2	
<b>3. Amateur theaters</b>	42	-	42	25	17	
Serbian	31	-	31	23	8	
Serbian and Slovak	1	-	1	-	1	
Serbian and other languages	2	-	2	2	-	
Hungarian	3	-	3	-	3	
Romanian	1	-	1	-	1	
Ruthenian	2	-	2	-	2	
Slovak	2	-	2	-	2	
Types of theaters and languages in which they perform	1999/2000 <sup>25</sup>					
	FR Yugoslavia	Montenegro	Serbia total	Central Serbia	Vojvodina	Kosovo and Metohija
<b>1. Professional theaters</b>	41	2	39	26	13	
Serbian	36	1	35	26	9	
Serbian and Hungarian	1	-	1	-	1	
Hungarian	3	-	3	-	3	
Other languages	1	1	-	-	-	
<b>2 Children theaters</b>	12	1	11	7	4	
Serbian	8	1	7	7	1	
Serbian and Hungarian	2	-	2	-	2	
Serbian, Hungarian, Romanian, Ruthenian, Slovak	2	-	2	-	2	
<b>3. Amateur theaters</b>	39	-	39	26	13	
Serbian	30	-	30	25	5	
Serbian and Slovak	1	-	1	-	1	
Serbian and other languages	1	-	1	1	-	
Hungarian	3	-	3	-	3	
Romanian	-	-	-	-	-	

<sup>23</sup> Statistical Yearbook of FR Yugoslavia in 2001, p. 387

<sup>24</sup> Without data for Kosovo and Metohija, since they are not available

<sup>25</sup> Without data for Kosovo and Metohija, since they are not available

<b>Ruthenian</b>	1	-	1	-	1	
<b>Slovak</b>	3	-	3	-	3	

In addition to theaters in the minority languages, there is also a range of activities for the preservation and promotion of minority languages, literature, arts, folk dances.

2.2.2. The ‘Sarvaš Gabor’ linguistic days, the writers’ meetings ‘Sentelekijevi dani’, the poets’ meetings ‘Ferenc Feher’ and festivals featuring art and folklore ensembles ‘Durindo’ and ‘Đendešbokreta’, as well as festivals ‘Vive-Vitkijevi dani’ and ‘Zasviraj sviralo, zasviraj’ (Play, My Flute, Play), *in the Hungarian language*, are all traditionally held events.

In addition, the Vojvodina Hungarians, in cooperation with the Serbian Writers’ Club, the Serbian Cultural and Publishing Society and the Ministry of Culture of the Republic of Serbia, organize a Literary Colony in Kanjiža and each year in September, an event in memory of Eržebet Berček, an authoress who lived and wrote in Vrsac, is held in that town. Also traditional are the linguistic days ‘Barci Geza’, organized by the Hungarian Language Department of the Faculty of Philology in Novi Sad, and a reciters’ contest ‘Nemeš Nađ Agneš’ in Subotica. Various art colonies organized in many towns of the Autonomous Province of Vojvodina are also traditional.

2.2.3. In addition to a regular festival of amateur theater ensembles, persons belonging to the Slovak national minority organize ‘Winter Meetings of Slovakists’ devoted to fostering and promoting literature in the Slovak language. Their accomplishments in the field of culture and folklore the Slovaks present also in traditional events such as ‘Slovak Popular Festivities’<sup>26</sup>, ‘Sing and Dance’, ‘The Pivnica Field’, ‘Dance, Dance’<sup>27</sup>, ‘The Golden Dam’, etc. The Slovak national minority is famous for its naïve painting, which is associated in particular with the place called Kovačica. Entrusted with a task of caring for the art of naïve painters is the Ethno-Center ‘Babka’ from Kovačica. It is also the place where the World Day of the Mother Tongue is celebrated and as part of these celebrations also scientific symposia are held on the role of the mother tongue in the preservation of identity of all minorities. On 24 April 2002, under the aegis of the Federal Ministry of National and Ethnic Communities, an international gathering was held on the occasion of the 200<sup>th</sup> anniversary of Slovak settlement in the territory of Vojvodina.

2.2.4. Persons belonging to the *Romanian national minority* in Vojvodina hold literary meetings ‘Dr. Radu Flora’, gatherings of amateur theaters of Romanians in Vojvodina organized by the association of amateur theaters from Alibunar and festivals of folklore ensembles. In the organization of the Community of Romanians in Yugoslavia, the ‘Festival of Fanfare’ is held in Vrsac each year in November. In the organization of the Romanian Foundation for Ethnography and Folklore the ‘Children’s Festival of Romanian Music and Folklore’ is held in Alibunar (the recently held one was the eighth) and on Christmas, the ‘Holiday of Winter Customs’ is traditionally celebrated in Begejci.

<sup>26</sup> During these celebrations in 2000, in addition to the ceremony marking the 10<sup>th</sup> anniversary of the resumption of activity of the Slovak Cultural Institute, 24 different functions and cultural events were held.

<sup>27</sup> The thirtieth gathering of the folklore groups of the Vojvodina Slovaks in 2000 brought together 1,400 participants from 27 cultural and artistic societies of the Slovaks in FR Yugoslavia.

The literary artistic society 'Tibiskus' from Uzdin in AP Vojvodina, with the financial assistance of the state, is the organizer of the Meeting of Romanian Writers.

2.2.5. In the *Ruthenian language*, similar annual meetings are organized of theater, folklore and literary societies, and especially prominent in terms of their subjects are scientific gatherings devoted to Ruthenian ethnic schools and philological problems. Specially important are the annual festival of the amateur drama of the Ruthenians and Ukrainians 'Petro Riznić Đađa', the annual festival of music and folklore 'The Red Rose', the annual festival of authentic folklore of the Ruthenians and Ukrainians 'The Kucur Harvest', etc.

2.2.6. Persons belonging to the *Ukrainian* national minority foster their cultural heritage in an organized fashion, through various cultural and artistic societies. With a view to fostering the Ukrainian language, the Society for the Ukrainian Language, Literature and Culture was established, which organizes summer camps of Ukrainian studies.

2.2.7. Also traditional are the days of culture organized by persons belonging to the *Hungarian, Slovak and Roma national minorities* in Vojvodina, and an example of good practice of living in a multicultural environment is 'Družjanica' – a series of ethno events of the *Croats, Bunjevci, Sokci and Hungarians* celebrating the end of harvest in the area of northern Backa in Vojvodina. Persons belonging to the Croatian national minority organize a festival of children's folklore 'Children are the Embellishment of the World.'

There are other parts of Serbia inhabited by persons belonging to national minorities where their cultural associations are also active, thus contributing to cultural heritage of both its ethnic and the entire multicultural Yugoslav community.

2.2.8. In Sandzak, persons belonging to the *Bosniac* national minority, organized in several non-governmental organizations and associations, are trying to protect the heritage of the region, which is part of Oriental and European cultural heritage. In that area artistic and scientific associations, such as the Cultural Society «Revival», «The Sandzak Intellectual Club» and the «Cultural and Publishing Society of the Bosniacs» are working on the revitalization of the autochthonous values of the Bosniac identity. The Cultural and Educational Community of the town of Sjenica, with the assistance of the Federal Ministry of National and Ethnic Communities was the organizer of several literary events.

Persons belonging to the *Roma, Bulgarian and Vlach minorities* have their cultural and folklore associations in Central Serbia (excluding Vojvodina), which organize their annual festivals of arts and culture, as well as literary and art colonies.

2.2.9. Achievements of modern culture and arts of the *Roma* national minority are presented during the 'Roma Culture Week'. It is specially important to point out that the 'Festival of Cultural Achievements of the Roma' has been held in Yugoslavia for decades now, as well as that the World Day of the Roma, 8 April, was celebrated under the auspices of the Federal Ministry of National and Ethnic Communities, with the

participation of several Roma organizations which prepared special programs for that occasion (the association 'Roma Music', the Roma Information Center, the publishing house 'Rominterpres', etc.). The Roma Cultural Center from Leskovac organized in 2001 and 2002 the Festival of Knowledge, Sports and Culture for Roma children and its representatives took part in the Festival of Ethnic Film in Poland.

2.2.10. In Bosilegrad, which is mainly inhabited by persons belonging to the *Bulgarian* national minority, an exhibition was organized, while in Belgrade, in June 2002, with the assistance of the Federal Ministry of National and Ethnic Communities, the National Library from Dimitrovgrad and the Bosilegrad Cultural Hall organized exhibitions of paintings and literary evenings of the Bulgarian national minority.

2.2.11. Cultural life of the *Vlach* national minority has found its expression in the work of a range of folklore societies which cherish and pass on the picturesque tradition, and their most famous traditional annual events are 'Slatina Gathering', 'Motifs of Homolje' and the festival of cultural clubs entitled 'From May to May'.

2.2.12. Persons belonging to other national minorities also cooperate with the state in various cultural activities which improve conditions necessary for the maintenance and development of culture and identity of national minorities. The Cultural and Publishing Society of the Ashkali, the national minority on whose identity opinions differ both in science and social practice, in the course of 2001 and 2002, substantially assisted by the Federal Ministry of National and Ethnic Communities, was the organizer of a number of cultural and artistic events. Special attention needs to be drawn to the celebration of the Ashkali Day, 15 April.

2.2.13. In the nineties, the German Popular Alliance was established in FR Yugoslavia. With the establishment of this organization, cultural activities of the German national minority were renewed, the most prominent among them being the women's choir and the drama club. The German Alliance founded also a special library with more than 2,000 volumes. The Association of the Germans called 'Donau' organized in 1993 the first German 'Brezel' ball, and after that a series of cultural events.

2.2.14. Persons belonging to the *Bunjevci* national minority traditionally hold their Festival of Popular Culture each September.

2.2.15. In the Republic of Montenegro, persons belonging to national minorities cherish and develop their culture by being active in non-governmental and cultural associations, such as the *Croatian* cultural society 'Napredak (Progress)', *Bosniac/Moslem* associations 'Revival', 'Almanach' and the 'Center for Studies of Cultural Heritage of Moslems – Bosniacs in Montenegro', the 'Moslem Cultural and Publishing Society', *Albanian* institutions 'Art Club' and 'Don Djon Buzuku', etc.

2.2.16. The Federal Ministry of National and Ethnic Communities initiated the organization of the Days of Culture of National Minorities. The underlying idea of the

project is to present cultural achievements of each national minority living in FR Yugoslavia in Belgrade, through separate events.

3. Specialized publishing houses were entrusted with the publishing activity in the languages of national minorities, which used to publish dozens of new titles a year until the mid-nineties. Just one of them, 'Forum', which publishes books in the Hungarian language, in the period from 1953, which is the year of its foundation, to 1995, published more than 2,000 titles. In the early nineties, 'Forum' used to publish about 40 books a year on average (with the average circulation of 1,000 copies), 7 in the Slovak language (with the circulation of 500 copies), and the figures for titles and circulation of editions in the Romanian and Ruthenian languages are close to the above mentioned.

There are also smaller, but of no less cultural significance, publishing houses, such as 'Kultura', which publishes books in the Slovak language, 'Libertatea' and 'Tibiskus' in Romanian, 'Ruske slovo' in Ruthenian, 'Bratstvo (Brotherhood)' in Bulgarian, 'Romainterpress' in the Roma language. In addition to these publishing houses, there are also other publishers specialized in editions in the minority languages. The founder of the majority of publishing houses in AP Vojvodina is the Assembly of that autonomous province.

**Books and Brochures in Vojvodina  
in the Most Widely Spoken Minority Languages  
(1989-1997)<sup>28</sup>**

Year	Hungarian		Romanian		Slovak		Total	
	Number	Circulation in thousands	Number	Circulation in thousands	Number	Circulation in thousands	Number	Circulation in thousands
1989	116	403	43	26	48	66	207	495
1990	60	147	26	15	19	22	105	184
1991	58	173	26	16	23	28	107	217
1994	42	127	8	4	11	13	61	144
1995	63	189	18	13	33	34	114	236
1996	80	190	6	6	32	28	118	224
1997	62	134	12	9	28	37	102	180

<sup>28</sup> Statistical Yearbook for Serbia 1992; Statistical Yearbook for FR Yugoslavia 1992, 1993, 1994, 1995, 1996, 1997, 1998.



### Publishing Activity by Language and Script in 2000

	Books and Brochures				Newspapers				Magazines			
	Total	In Cyrillic	In Latin	In Cyrillic and Latin	Total	In Cyrillic	In Latin	In Cyrillic and Latin	Total	In Cyrillic	In Latin	In Cyrillic and Latin
<b>1. Total</b>	5886	2522	2419	845	629	368	250	11	564	213	341	10
<b>Serbian</b>	5036	2615	1915	506	572	360	204	8	457	206	244	7
<b>Albanian</b>	11	-	8	3	...	-	...	-	...	...	...	...
<b>Bulgarian</b>	7	7	-	-	2	2	-	-	1	1	-	-
<b>Slovak</b>	46	-	27	19	7	-	7	-	5	-	5	-
<b>Hungarian</b>	193	-	164	29	23	-	23	-	9	-	9	-
<b>Romanian</b>	43	-	34	9	9	-	9	-	2	-	2	-
<b>Ruthenian</b>	-	-	-	-	3	3	-	-	2	2	-	-
<b>Turkish</b>	4	-	4	-	-	-	-	-	-	-	-	-
<b>In several languages</b>	377	-	168	209	9	1	5	3	19	2	14	3
<b>Other languages</b>	169	1	100	68	4	2	2	-	69	2	67	-
<b>2. Total circulation in thousands</b>	11081	6874	2024	2183	307430	233984	64458	3168	4153	1267	2842	43
<b>Serbian</b>	9183	6866	1531	787	300974	239561	58273	3139	3974	1259	2672	42
<b>Albanian</b>	11	-	8	3	...	...	...	...	...	...	...	...
<b>Bulgarian</b>	7	6	-	1	100	100	-	-	1	1	-	-
<b>Slovak</b>	34	-	22	12	388	-	388	-	20	-	20	-
<b>Hungarian</b>	270	-	188	82	5540	-	5540	-	20	-	20	-
<b>Romanian</b>	29	-	23	6	234	-	234	-	3	-	3	-
<b>Ruthenian</b>	-	-	-	-	16	16	-	-	4	4	-	-
<b>Turkish</b>	4	-	3	1	-	-	-	-	-	-	-	-
<b>In several languages</b>	1082	-	175	906	56	6	21	29	21	1	19	1

<b>Other languages</b>	461	2	75	384	122	121	1	-	110	2	108	-
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In Vojvodina's network of libraries, percentages of books in the languages of national minorities in their respective holdings are proportionate to the ethnic composition of its population: 76.67 percent is in Serbian, 15.65 percent in Hungarian, 1.12 percent in Slovak, 1.04 percent in Romanian and 0.22 percent in the Ruthenian language.

Data on the library holdings in the languages of minorities for the rest of the country have not been updated, with the exception of the library in Dimitrovgrad, where one third of the holdings is in the Bulgarian language. The Federal Ministry of National and Ethnic Communities secured substantial resources for the procurement of books for a library of the Slovak national minority in Bački Petrovac.

4. National symbols, insignia and holidays are a special form of tradition and cultural heritage of national minorities, which enjoys legal protection in FR Yugoslavia.

Proceeding from the realization that the possibility to show in public national symbols not only contributes to the preservation of national identity, but also to the feeling of genuine freedom and equality, the federal Constitution in its Article 11 stipulates that FR Yugoslavia shall recognize and guarantee the right of national minorities to the use of national symbols. The said right is explicitly guaranteed by this constitutional provision in accordance with international law. The Constitution of the Republic of Montenegro by virtue of its Article 69 also proclaims the right to the use and public display of national symbols, but recognizes this right as the right of *persons* belonging to national minorities. The use of national symbols is more specifically regulated by the federal Law on the Protection of Freedoms and Rights of National Minorities, which in its Article 16 specifies that persons belonging to national minorities shall have the right to choose and use national symbols and insignia. Paragraph 2 of Article 16 of the Law on the Protection of Freedoms and Rights of National Minorities lays down that the national symbol and insignia of a national minority may not be the same as the symbol, i.e. insignia of another state. The intention of the legislator obviously was to find symbols which would represent a national minority as a whole, and not some other state. Such arrangement does not hinder the choice and use of traditional symbols which may even be similar to the symbols and insignia of other states, but under no circumstances may they be identical to them. The Law on the Protection of Freedoms and Rights of National Minorities provides for a special procedure for establishing national symbols, holidays and insignia. Symbols, holidays and insignia of national minorities should be proposed by their respective national councils and confirmed by the Federal Council on National Minorities. Also a very liberal arrangement provided for by the Law on the Protection of Freedoms and Rights of National Minorities is that the symbols and insignia of national minorities may be displayed on official occasions, on public holidays and holidays of a national minority, on buildings and premises of local organs and organizations performing public powers in those regions where the language of a national minority is in official use, but that it is obligatory to display, together with the insignia and symbols of a national minority when used on official occasions, also the insignia and symbols of the

Federal Republic of Yugoslavia, i.e. a member Republic. Provisions of republican laws provide for different arrangements. The Law on Local Self-Governance of the Republic of Serbia sets out that on official premises of a body of a local self-government unit only state symbols and symbols of the local self-government unit may be displayed (Article 118, paragraph 2). The above arrangement is not harmonized with the provisions of the Law on the Protection of Freedoms and Rights of National Minorities and therefore a procedure has been instituted before FR Yugoslavia's Constitutional Court for the assessment of how harmonized this provision of the republican Law on Local Self-Governance is with the federal Law on the Protection of Freedoms and Rights of National Minorities. The procedure is underway and a ruling of the Federal Constitutional Court is expected. The Law on the Use of National Symbols of the Republic of Montenegro specifies that in units and direct structures of local governments in the regions where persons belonging to national minorities constitute the majority population, on public holidays of the Republic of Montenegro, apart from state symbols, also the national symbols of national minorities shall be displayed.

5. With a view to exercising individual and collective rights of national minorities and improving conditions necessary for the maintenance and development of their identity, several bodies have been set up in FR Yugoslavia.

5.1. The *Ministry of National and Ethnic Communities* has been established at the federal level, and is in charge of affairs in the field of the exercise of minority rights. It is particularly important to point out that the Ministry monitors the situation and proposes measures related to the exercise of rights of national minorities. Through the Ministry of National and Ethnic Communities, the Federal Government of FR Yugoslavia is in permanent contact with minority political, cultural and educational associations. The Ministry of National and Ethnic Communities opened its Office in Bujanovac, which pursues activities in the territory of three municipalities in the south of Serbia. The Office receives complaints about all kinds of violation of human rights, provides free legal aid to the local population and works on the implementation of the Law on the Protection of Freedoms and Rights of National Minorities.

5.2. The federal Law on the Protection of Freedoms and Rights of National Minorities stipulates that, in addition to the Ministry of National and Ethnic Communities, also a Federal Council on National Minorities shall be established at the federal level. *The Federal Council on National Minorities* will be a body of FR Yugoslavia's Federal Government, and therefore the Government will determine its composition and competencies. A specific feature of the Federal Council on National Minorities will be *mandatory* participation of representatives of national councils of national minorities in its work. By virtue of the Law on the Protection of Freedoms and Rights of National Minorities, the Federal Council on National Minorities will be in charge of confirming the choice of national symbols, insignia and holidays of minorities.

5.3. The *national councils of national minorities* are under the Law on the Protection of Freedoms and Rights of National Minorities bodies elected by persons belonging to national minorities. The national councils of national minorities shall represent national

minorities in the fields of the official use of language, education, culture and information in the languages of minorities. Article 19, paragraph 7, of the Law on the Protection of Freedoms and Rights of National Minorities specifies that the councils shall decide on particular issues in those fields, and thus the Law has created a legal basis, but also imposed an obligation on the state, to delegate to the national councils the exercise of certain public powers in the fields of importance to the preservation of identity of national minorities. In this manner, in FR Yugoslavia a process has been opened of creating a special form of cultural autonomy of national minorities, and the national councils will have no characteristics of associations of citizens. Instead, they will be *authorized representatives of minorities as collectivities*. The process of setting up national councils and the Federal Council on National Minorities is underway. In late July, the Rules on the Manner of Operation of Electors' Assemblies for the election of the councils of national minorities were published, as a bylaw whose adoption was necessary for the beginning of the process of constituting national councils. After the publication of the Rules, the registration of electors for the election of national council started, and the first electors' assemblies are expected to be held in September and October.

5.4. In the Republic of Montenegro, the Constitution stipulates that the *Republican Council for the Protection of the Rights of Persons Belonging to National and Ethnic Groups* shall be set up for the purpose of preserving and protecting national, ethnic, cultural, linguistic and religious identity of persons belonging to national groups. This body in the Republic of Montenegro is chaired by the President of the Republic. Members of the Council, at the proposal of the President of the Republic, are elected by the Assembly of the Republic of Montenegro. The Council will be responsible for monitoring relations and phenomena of importance to the exercise of and respect for the rights of persons belonging to national minorities as proclaimed by the Constitution of the Republic of Montenegro and for informing competent authorities of its observations, opinions and proposal for the purpose of taking appropriate measures. Under Article 5 of the Decision on the Competencies and Composition of the Republican Council for the Protection of the Rights of Persons Belonging to National Minorities, the Council shall institute a procedure for rescinding or overturning bylaws of agencies and organizations, which violate the rights of persons belonging to national minorities. Paragraph 2 of the same Article empowers the Council to propose to the competent authority, i.e. organization, the suspension of the implementation of bylaws or other legal enactments, adopted outside an administrative or judicial procedure, i.e. of an act, if the implementation of that enactment or performance of the act would result in violation of the rights of persons belonging to national minorities. Resources for the operation of the Council are secured in the Budget of the Republic. In the Government of the Republic of Montenegro, there is a separate agency, the *Ministry of National Minorities and Ethnic Groups*. In Montenegro a decision was recently passed on the setting up of a *Center for the Preservation and Development of Culture of National and Ethnic Groups*. The Center is supposed to cooperate with mother countries of persons belonging to national and ethnic groups, develop publishing activity, encourage public debates, organize seminars and presentations. The Center has not yet started to work because its setting up is underway.

5.5. In the Republic of Serbia, within the National Assembly, a special *Committee on Inter-Ethnic Relations* has been set up. Under Article 50 of the Rules of Procedure of the National Assembly of the Republic of Serbia, the Committee on Inter-Ethnic Relations reviews draft laws, other regulations and general enactments, as well as other issues “from the point of view of exercising national rights and inter-ethnic relations in the Republic.” The Rules also determine that the Committee comprises 21 members. In practice, 19 members take part in the work of the Committee. Out of that number, 3 Committee members are Hungarians, 2 are Bosniacs, and one Committee member is a Romanian. During the current tenure of the National Assembly of the Republic of Serbia (since the December 2000 election), the Committee has met four times and gave its opinions on six bills of importance to the exercise of the rights of national minorities.

In the Republic of Serbia, two separate interministerial groups have been set up, comprising representatives of several relevant ministries. These are the *Group for Roma Issues and the Group for National Minorities*. Their primary task is to consider issues of importance to national minorities, for whose settlement interaction among different government agencies is necessary.

Several special Offices or Centers have been established in the Republic of Serbia, with the primary task of promoting and developing conditions required for the maintenance and development of culture of persons belonging to national minorities. The *Multicultural Center in Belgrade*, founded under the auspices of the Federal Ministry of National and Ethnic Communities in cooperation with non-governmental organizations, in order to ensure a more comprehensive presentation of the culture of national minorities is of special importance. The Multicultural Center has so far organized several exhibitions of paintings by academic painters from among the ranks of national minorities, as well as exhibitions of other works of art (naïve painting and works of art by Roma women), literary evenings of Bulgarian, Slovak and Ruthenian authors, language courses, etc. A special library, which is part of the Center, possesses in its holdings not only books in minority languages but also literature on minorities and minority rights and a collection of relevant documents.

In the Republic of Serbia, as an agency of AP Vojvodina’s government, the *Provincial Secretariat for Regulations, Administration and National Minorities* has been set up. On the basis of the Decision on the Provincial Administration, the Provincial Secretariat for Regulations, Administration and National Minorities performs tasks which are related to the exercise of rights of national minorities in the Province, the protection and promotion of collective and individual rights of national minorities in the Province, monitoring, analyses of the situation and the drawing up of draft regulations as well as the taking of other measures in the areas of the protection and exercise of rights of national minorities, cooperation with and assistance to social organizations, associations of citizens belonging to national minorities, the translation of regulations and bylaws into the languages of national minorities, monitoring and analyses of the situation of religions, churches and religious communities and it also proposes necessary measures in compliance with the regulations governing this area.

The Law on Local Self-Governance of the Republic of Serbia provides for the setting up of bodies at the local level, which will be responsible for reviewing the issues of realization, protection and promotion of national equality. Such bodies will be *councils for inter-ethnic relations* set up within the administrations of local self-government units in nationally mixed units of local self-government. The Law on Local Self-Governance of the Republic of Serbia sets forth that the nationally mixed units of local self-government shall be those units where one national community accounts for more than 5 percent of the total population, or where all minority national communities together account for more than 10 percent of the total population, based on the data from the most recent census. The Law on Local Self-Governance specifies that the councils for inter-ethnic relations shall be set up after the holding of next elections for councilors of assemblies of local self-government units.

6. After the democratic change in FR Yugoslavia, in October 2000, the pursuance of a new minority policy started. Through the mentioned agencies and organizations, the state provided financial and organizational support to a large number of cultural organizations of minorities and a number of minority cultural events, with a view to maintaining and developing culture of persons belonging to national minorities. In the course of 2001 and 2002, the Federal Ministry of National and Ethnic Communities organized and financially, or in some other manners, supported the holding of 86 cultural events and projects of importance to the cherishing of the culture of national minorities. Most of them (46) are newly established cultural events (music festivals, theatrical days, exhibitions of paintings, literary events, various art festivals, guest performances of various kinds abroad, etc.). Attention was also paid to the marking of traditional events and jubilees, and in the above-mentioned period, assistance was provided for the holding of 24 such events. Similarly, special attention was paid to capital investment in the renovation of cultural-historical and other facilities which are important to the preservation of essential elements of the identity of persons belonging to national minorities (16). Other agencies in charge of promoting conditions necessary for the maintenance and development of the culture of persons belonging to national minorities pursued similar activities. The Federal Ministry of National and Ethnic Communities paid special attention to projects in the publishing trade. In the course of 2001, the Ministry financed the publication of 12 titles. Of special importance are books in the Roma language – the magazine for children “Čavrikano lil”, the journal «Romology», «Primer of the Rights of the Child», «Children’s Book of Poems», the publication ‘We Are a Nation, and Not Gypsies’, as well as a special educational publication ‘Health Reader’. Assistance in the publishing of textbooks in minority languages is described in the comment on another Article of the Convention.

Information on the assistance provided by other government agencies (ministries of culture and ministries of education of Serbia and Montenegro) to minority associations and cultural events will be submitted at a later date.

Paragraph 2

1. FR Yugoslavia is truly committed to the building of a multicultural society. There is no state culture or state religion in the country. A whole set of legal and political documents partially presented in this report is aimed not only at the maintenance but also a further development of the national identity of national minorities. That is why the fact that in FR Yugoslavia there are no complaints about national minorities being exposed to assimilation contrary to the will of persons belonging to them does not come as a surprise.

There is a whole range of norms in the Yugoslav legal system, which specifically prohibit, i.e. prevent any measures and activities that are not based on free will, and are aimed at assimilation of minorities. The federal Law on the Protection of Freedoms and Rights of National Minorities in its Article 5, paragraph 1, explicitly stipulates that *any act or measure of forced assimilation* of persons belonging to national minorities *shall be forbidden*. In the said manner, the Law puts a ban on any measure of forced assimilation of minorities, irrespective of its originator (government agencies or some other entities).

There are also other provisions in the Law on the Protection of Freedoms and Rights of National Minorities which are aimed at the *prevention of assimilation*. Article 8 of the said Law provides for the protection of rights acquired by minorities before its coming into force, while Article 22 prohibits the taking of measures which change the population make-up in the areas inhabited by national minorities and which aggravate the enjoyment and exercise of rights pertaining to persons belonging to national minorities.

2. It should be particularly emphasized that Yugoslav legislation provides also for a range of penal provisions, setting out penalties for the situation which leads or might lead to forced assimilation of minorities.

Likewise, the Criminal Code of the Republic of Serbia (Article 61) and the Criminal Code of the Republic of Montenegro (Article 43, paragraph 2) define as criminal offences, punishable by imprisonment, denying or restricting the right of persons belonging to national minorities to use their mother tongue and script. The above provisions are of particular importance in light of the fact that the prevention of free use of one's mother tongue constitutes the fastest way to assimilation.

**Article 6**

**The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.**

**The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.**

*Paragraph 1*

1.1. Encouragement and cherishing of a spirit of tolerance and intercultural dialogue is precious to multiethnic and multicultural societies, such as Yugoslav society. Mutual respect, understanding and cooperation among people of different nationalities, languages and religions, as well as among nationals of different states residing in the territory of FR Yugoslavia are one of the main objectives of the new minority policy in FR Yugoslavia. The creation of a society where the spirit of tolerance and intercultural dialogue would be well developed is a difficult task in a country in whose neighborhood inter-ethnic conflicts took place, resulting in hundreds of thousands of refugees fleeing them. After the democratic change in the country, a special Commission on Truth and Reconciliation was set up.

1.2. The cherishing of the spirit of tolerance and intercultural dialogue was the subject of some of the joint projects of non-governmental organizations and government agencies. In nationally mixed areas, round tables on tolerance and multiethnic sporting events were organized.

1.3. Considering that the lack of tolerance is most pronounced in the area of inter-ethnic relations and that national minorities would be true beneficiaries if tolerance were encouraged, the Ministry of National and Ethnic Communities launched in 2001 a special media campaign entitled 'Tolerance'. It is a unique campaign for the promotion of tolerance and multiethnicity. The goals of the campaign are twofold: 1. It is a direct goal of the campaign to initiate the process of changing attitudes toward minority groups and develop a positive view on the minority issue; 2. An indirect goal of the campaign is to create awareness in the domestic and foreign public opinion that, after a while, FR Yugoslavia has become a region of tolerance, understanding and recognition for the richness through diversity. There are three subjects of the campaign: 1. Relations between the majority and the minority; 2. The necessity of and richness through diversity; 3. The problem of discrimination. As part of the campaign, a whole spectrum of activities was initiated aimed at winning recognition for tolerance – in addition to an aggressive media campaign (videos on tolerance in the electronic media and advertisements in the press), the Federal Ministry of National and Ethnic Communities also promoted tolerance in schools and sporting competitions. To this end, special workshops were organized in schools, which were devoted to tolerance (April 2001 – Month of Tolerance in Schools – literary and art contests and prizes for the schools which are the most successful in developing tolerance), and in the region of southern Serbia, the Federal Ministry of National and Ethnic Communities was a sponsor of several multiethnic sporting competitions. A special aspect of the campaign 'Tolerance' was the sponsorship by the Federal Ministry of National and Ethnic Communities of concerts held under the title 'Tolerance', featuring the Nis Symphony Orchestra, in some of the nationally mixed places (e.g. Bujanovac). The campaign 'Tolerance' is one of the best-received media



campaigns in FR Yugoslavia. According to opinion polls<sup>29</sup>, 65,3 percent of respondents assessed that the campaign on tolerance was necessary. The campaign itself was rated 3.9 on a scale from 1 to 5. Certainly the most important result of the campaign so far is the reduction in ethnic distance by two degrees in the group of respondents who noticed the campaign relative to those respondents who did not notice the campaign.

1.4. The promotion of tolerance and intercultural dialogue is carried out also through the operation of other agencies and centers. The Coordination Body for the south of Serbia, as part of its project for the integration of Albanians in social life, had a separate campaign for the development of a multiethnic society in the south of Serbia. The Multicultural Center organized in Belgrade weekend workshops for children with the topic 'Struggle Against Prejudices'.

1.5. special measure which should contribute to the integration of Albanians in Republic of Serbia's social life, and thus to the creation of a multicultural society, is an amnesty for certain criminal offences committed in the south of Serbia. The Law on Amnesty stipulates that amnesty shall be granted to those Yugoslav citizens who committed in the territory of three municipalities of southern Serbia (Preševo, Medvedja and Bujanovac), i.e. with respect to whom there are reasonable grounds to believe that they have committed, the criminal offence of terrorism and the criminal offence of association for the purpose of pursuing subversive activities. The amnesty included all the persons who were members of the so-called Liberation Army of Preševo, Bujanovac and Medvedja.

2. Within its abilities, FR Yugoslavia is seeking to take effective measures for the promotion of respect, understanding and cooperation among people of different nationalities. Such measures are taken in various fields of social life.

2.1. In the field of education, by virtue of the Law on the Protection of Freedoms and Rights of National Minorities, it is envisaged that curricula in educational institutions and schools with instruction in the Serbian language contain teaching material on history, culture and status of national minorities, as well as other information which enhances mutual tolerance and co-existence. Furthermore, with a view to enhancing tolerance to national minorities, Article 13, paragraph 7, of that Law explicitly stipulates that curricula in educational institutions which give instruction in the Serbian language, in those areas where the language of a national minority is in official use, should include the possibility of learning the language of the national minority. In faculties of philology and philosophy, which are parts of various universities in FR Yugoslavia, there is a possibility to study languages and literatures of all the peoples to which national minorities in FR Yugoslavia belong.

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<sup>29</sup> The opinion poll was carried out by the Strategic Marketing and Media Research Institute from Belgrade and the Center for Social Research from Subotica. A total of 1358 respondents of both sexes were interviewed, in three regions: Belgrade (20.5 percent of respondents), Vojvodina (24.8 percent of respondents) and Central Serbia (54.7 percent of respondents). A sample used in the poll was the stratified three-stage random sample, representative for the population of Serbia (excluding Kosovo and Metohija).

A special form of political education utilized in FR Yugoslavia for the promotion of respect, understanding and cooperation among people of different nationalities are multiethnic educational camps initiated by the Federal Ministry of National and Ethnic Communities, under the title 'The Culture of Co-Existence'. Since mid-2001, seven such camps were organized in different places (Belgrade, Novi Pazar, Novi Sad, Zrenjanin, Belgrade, Bujanovac, Niš). In each of the camps participated several dozen young people, mainly university students, from all parts of FR Yugoslavia, representatives of national communities, non-governmental organizations and youth clubs of political parties. In the camps, the instruction was held every day, thus offering to these young people an opportunity not only to be together, but also to receive education on various topics related to the basic topic The Culture of Co-Existence (freedom of religion, discrimination, chauvinism) and to learn in psychological workshops to combat prejudices and stereotypes.

Despite the fact that a system is in place in the Federal Republic of Yugoslavia of education of minorities in their mother tongue at all the levels, some of minority organizations express their dissatisfaction with curricula. With the implementation of the new Law on the Protection of Freedoms and Rights of National Minorities this issue will be settled by including national minorities themselves, through the participation of their national councils, in the decision-making on curricula and teaching materials. The Federal Ministry of National and Ethnic Communities has set up an expert team whose tasks are as follows:

3. to make a complete analysis of textbooks in minority languages;
4. to propose a list of teaching materials that could be offensive and which should be altered or excluded;
5. to propose new teaching materials;
6. to propose teaching materials which would be taught as part of the instruction in the Serbian language, geared to presenting the life and customs of minorities.

The expert team of the Ministry carried out an analysis and proposed alterations in the teaching materials which might be offensive to the religious and national feelings of persons belonging to national minorities. A big conference held in Belgrade on 1 and 2 August 2002 under the auspices of the Federal Ministry of National and Ethnic Communities and the Ministry of Education of the Republic of Serbia was devoted to the above problem.

2.2. In the field of the media, efficient measures for the promotion of mutual respect, understanding and cooperation are based on the legal provisions of the laws of the Yugoslav federal units which govern the basic principles of broadcasting radio and TV programs, and which in the field of public information specify that the orientation in programming of the media should ensure the respect for and expression of cultural and linguistic identity of national minorities (Article 78, item 4, of the Broadcasting Law of the Republic of Serbia and Article 25, paragraph 2, of the Law on Public Information of the Republic of Montenegro). The harmonization of the programming of the media with the programming principles is overseen by special bodies whose composition is mixed.

As for the Republic of Serbia, it is envisaged that the Council of the Broadcasting Agency, which adopts all the decisions falling in its competencies, comprises nine members, of whom two are appointed by the National Assembly of the Republic of Serbia, at the proposal of churches and religious associations, i.e. local non-governmental organizations and associations of citizens primarily dealing with the protection of the freedom of speech, *the protection of the rights of national minorities* and the protection of the rights of the child, through mutual agreement (Article 23 of the Broadcasting Law of the Republic of Serbia).

3. Efficient measures for the promotion of mutual respect, understanding and cooperation are taken also at the local level. By means of the round tables entitled 'Role of the Local Community in Building Inter-Ethnic Confidence' which started in Prijepolje on 18 May 2001, the Federal Ministry of National and Ethnic Communities sought to advance inter-ethnic dialogue and building political culture of dialogue and tolerance between representatives of minority and majority populations in the local governments, representatives of parliamentary and non-parliamentary parties from that area, representatives of local non-governmental organizations and representatives of the republican and federal authorities. A total of 10 round tables were held in local self-government units populated by persons belonging of different national minorities (Prijepolje, Novi Sad, Niš, Kovačica, Bujanovac, Dimitrovgrad, Medvedja, Subotica, Bački Petrovac and Bosilegrad).

#### Paragraph 2

1. In addition to guaranteeing to national minorities and persons belonging to them the right to preservation, development and expression of their ethnic, cultural, linguistic, religious and other peculiarities, the Yugoslav legal system provides also for efficient measures for suppressing discrimination, i.e. threats, hostilities or violence directed against an individual because of his ethnic and other peculiarity. Thus, the Constitution of FR Yugoslavia in its Article 42, paragraph 1, prohibits, *inter alia*, activities of political, trade union, and other organizations aimed at violation of the guaranteed rights and liberties of man or the incitement of national, racial, religious or other intolerance and hatred. Furthermore, the Constitution in its Article 52 stipulates that any incitement and fomenting of national, racial, religious or other inequality, as well as incitement and fomenting of national, racial, religious and other hatred and intolerance shall be unconstitutional and punishable. In addition, Article 38, paragraph 2, of the Constitution specifies that, by way of exception, one may deviate from the principle of freedom of press and information and prevent the of distribution of the press or dissemination of other information, if it has been determined by a court decision that they call for, *inter alia*, violation of guaranteed freedoms and rights of man and the citizen or incitement of national, racial or religious intolerance and hatred.

The Constitution of the Republic of Serbia is somewhat more restrictive, but in its Article 44, paragraph 2, in a similar way, specifies *inter alia* that activities shall be forbidden, whose aim is to violate constitutionally guaranteed freedoms and rights of man and the citizen, incitement or fomenting of national, racial and religious intolerance and hatred,

while in Article 46, paragraph 6, it exceptionally provides for a possibility to stop the distribution of the press or dissemination of other information if it has been determined by a decision of the competent court that they call for, *inter alia*, violation of guaranteed freedoms and rights of man and the citizen or incitement and fomenting of national, racial or religious intolerance and hatred.

The Constitution of the Republic of Montenegro provides for almost identical provisions. In its Article 42 it stipulates, *inter alia*, that activities of political, trade union, and other organizations aimed at violation of the guaranteed rights and liberties of man or the incitement of national, racial, religious or other hatred of intolerance shall be prohibited. The provision immediately following the above stated specifies that any incitement and fomenting of national, racial, religious or other inequality, as well as incitement and fomenting of national, racial, religious and other hatred and intolerance shall be unconstitutional and punishable. Finally, the provision of Article 37, paragraph 2, by way of exception, provides for a possibility to stop the distribution of the press or dissemination of other information, all on the basis of a court decision, if it was determined that they call for violation of guaranteed freedoms and rights or incitement of national, racial and religious hatred or intolerance.

In criminal-law terms, the protection against discrimination and violence is envisaged in the legal order of FR Yugoslavia and its federal units and enjoyed under equal conditions by all the citizens, including persons belonging to national minorities. The Criminal Code of FR Yugoslavia (Articles 134, 154, paragraph 1, and 186) provide for a prison sentence of 3 months to 5 years for persons who violate human rights of persons belonging to national minorities, foment racial, religious or national intolerance or commit any discrimination in an official procedure, or grant a privilege, on the basis of nationality, ethnicity or religion. It is of particular importance to stress that the Code penalizes as an aggravated form of the criminal offence of incitement of national, racial and religious hatred and intolerance an offence committed by means of coercion, ill-treatment or threatening one's safety and that in such cases the penalty is more severe, i.e., it may be punished with up to eight years in prison. Similar arrangements are provided for by the Criminal Code of the Republic of Serbia and the Criminal Code of the Republic of Montenegro.

Appropriate measures for protection of persons subject to threats or discrimination, hostility or violence are provided for by a whole set of relevant laws, stipulating the responsibility for a misdemeanor or disciplinary responsibility of organizations and persons that commit or incite such act. The Law on Official Use of Language and Script provides for fines in the case of breach of the provision of Article 19 of that Law, specifying that in the areas where languages of national minorities are in official use names of places and other geographical names, names of streets and squares, names of agencies and organizations, traffic signs, public information and warnings and other public inscriptions shall be written in the languages of national minorities as well. Likewise, the Law on Official Use of Language and Script provides for fines in the case of breach of the provision of Article 20 of that Law, which sets out that the logo of the firm, institution or other legal entity shall be written also in the language of a national

minority which is in official use. The laws on schools of the Republic of Serbia provide for a fine of 10,000 to 50,000 dinars for elementary and secondary schools, if groups and individuals are threatened or humiliated in them on the basis of their race, nationality, language, religion or sex, i.e. if schools incite such activities or fail to take measure to prevent them (Article 140 of the Law on Elementary Schools of the Republic of Serbia and Article 109 of the Law on Secondary Schools of the Republic of Serbia). Appropriate measures for the protection of persons subject to threats or discrimination, hostility or violation are provided for by the media laws as well. The new Broadcasting Law of the Republic of Serbia in its Article 8 authorizes the Broadcasting Agency to take measures in the field of broadcasting geared to preventing broadcasting of programs which contain information that incites discrimination, hatred or violence against persons or groups of persons because of their belonging or non-belonging to a particular race, religion, nation, ethnic group or sex.

2. In FR Yugoslavia there are certain marginal social groups (the so-called skinheads) that are violent to the Roma. Based on the records of the Federal Ministry of National and Ethnic Communities, in the course of 2001 and 2002, there were 36 incidents in which the victims were Roma. In 2001, in the territory of FR Yugoslavia, there were 16 persons against whom criminal charges were pressed for a criminal offence of inciting national, racial and religious hatred. All these cases were registered in the territory of central Serbia, i.e. Serbia Proper. Out of the above number, 4 persons of age were convicted of that criminal offence.

#### **Article 7**

**The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.**

1. The rights provided for by this Article of the Framework Convention in FR Yugoslavia fall into the corpus of constitutionally guaranteed fundamental human freedoms and rights and as such they belong to all people or all citizens of FR Yugoslavia, including persons belonging to national minorities.

The Constitution of FR Yugoslavia guarantees to *citizens* the freedom of assembly and other peaceful gathering, without the requirement of a permit, subject to prior notification of the authorities. This freedom may be *temporarily restricted* by a decision of the competent authorities only if it is aimed at obviating a threat to public health or morals or for the protection of the safety of human lives and property. The freedom of assembly and other peaceful gathering is guaranteed in an identical manner also by the Constitutions of the Republic of Serbia (Article 43) and the Republic of Montenegro (Article 39).

2. The Constitution of FR Yugoslavia in its Article 41 guarantees to *citizens* the freedom of political, trade union and other association and activities, without the requirement of a permit, subject to registration with the competent authorities. The

freedom of association is guaranteed also by the Constitutions of the Republic of Serbia and the Republic of Montenegro in an identical manner. The Federal Constitution in its Article 47 prescribes that persons belonging to 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.

The Law on the Protection of Freedoms and Rights of National Minorities provides for the possibility to elect special national councils of national minorities for the purpose of exercising the right to self-governance in the fields of the use of language and script, education, information and culture. Article 19 of the Law stipulates that the national councils shall represent national minorities in the said fields of social life and that they shall perform certain public legal powers that are to be delegated to them in the stipulated fields. Until the adoption of a separate law governing that field, the national councils will be elected by national minority electors' assemblies. The electors of national minorities may be federal, republican or provincial deputies who have been elected for these offices because of their belonging to a national minority or who declare their belonging to a national minority and speak the language of the minority. The electors of national minorities for the election of national councils may also be councilors who belong to national minorities and have been elected in local self-government units where a minority language is in official use. Likewise, every citizen who declares his belonging to a national minority and his candidacy is supported by at least one hundred persons with voting rights belonging to a national minority or who is nominated by a national organization or an association of a national minority will have the right to be an elector. The national councils will be set up based on the principle of voluntary participation, proportionality and democratic conduct of business.

3. The Constitution of FR Yugoslavia in its Article 35 guarantees to *everyone* the freedom of conviction, conscience, thought and public expression of opinion. In addition to that, the provision of Article 36, paragraph 2, explicitly lays down that *citizens* shall have the right to express and publish their opinions in the mass media. Related to the freedom of expression of opinion is also the provision of Article 44, paragraph 1, which specifies that *a citizen* shall have the right to publicly criticize the work of government and other agencies and organizations and officials, to submit representations, petitions and proposals and to receive an answer if so requested. The citizen, under Article 44, paragraph 2, of the Constitution of FR Yugoslavia may not be called to account or bear any other consequences for opinions expressed in the course of public criticism or in a submitted representation, petition or proposal, unless they have thereby committed a criminal offence. Similar provisions are provided for also by the relevant Articles of Constitutions of the Member Republics.

4. In practice, persons belonging to national minorities widely use the constitutionally guaranteed freedom of association.

4.1. Persons belonging to the *Albanian* national minority have several cultural, educational and other associations. In the area of southern Serbia, the Albanian cultural

society 'Prospective' is active, as well as the Human Rights Committee, Association for the Protection of Women, the Solidarity Fund, the Youth Center, etc. The Albanians in the Republic of Serbia are organized in two political parties – the Party for Democratic Activity and the Party for Democratic Unification of Albanians. The registration of the third party of Albanians in Serbia – the Movement for Democratic Prosperity, founded by former members of the so-called Liberation Army of Preševo, Bujanovac and Medveđa, is underway. The most influential political parties of Albanians in Montenegro are the Democratic Union of Albanians, the Democratic Alliance of Albanians and the Party of Democratic Prosperity.

4.2. The *Ashkali* are organized in the «Cultural and Publishing Society of the Yugoslav Ashkali».

4.3. Persons belonging to the *Bosniac* national minority in FR Yugoslavia are gathered in several cultural associations – the Cultural Society 'Revival', the Sandzak Intellectual Club, the Cultural and Publishing Society of the Bosniacs, the Cultural and Publishing Society of Moslems in Montenegro, the Helsinki Committee for Human Rights from Sandzak, the Sandzak Human Rights Committee, etc. The Bosniacs in Serbia are politically organized through political parties active predominantly in the area of Sandzak, with the most influential ones among them being the Party of Democratic Action and the Sandzak Democratic Party. The political parties of the Bosniacs are also the Party for Sandzak, the Liberal-Bosniac Organization and several other minor political organizations.

4.4. Persons belonging to the Bulgarian national minority are gathered in several associations. The most significant organizations of the Bulgarians in FR Yugoslavia are the Democratic Alliance of the Bulgarians in Yugoslavia, the Municipal Committee for the Protection of Human Rights of the Bulgarians in Dimitrovgrad and the Helsinki Committee for the Protection of Freedoms and Rights of the Bulgarians in FR Yugoslavia.

4.5. The *Bunjevci* are gathered around the Bunjevci Cultural Center, while the political interests of the Bunjevci are represented by the Bunjevci and Sokci Party.

4.6. Persons belonging to the *Croatian* national minority are gathered in several cultural and political associations. Cultural organizations of the Croats are: the Croatian Cultural Center, the Croatian Cultural and Educational Society «Matija Gubec», the Cultural Society «Jovanka Gabošac», the Cultural Club «Vladimir Nazor», the Cultural Club «Silvije Strahimir Kranjčević», the Cultural Association of Croats from Montenegro «Napred (Forward)», etc. Apart from the above-mentioned organizations, the Croats are also gathered in the Croatian Cultural and Publishing Society, Croatian Academic Society and the Catholic Institute «Ivan Antunović». In the territory of FR Yugoslavia, two political parties of the Croats are active – the Democratic Alliance of the Vojvodina Croats and the Croatian Popular Alliance.

4.7. The Federation of *Jewish* Communities is an ethnic and religious non-political and non-profit community which represents the Jews in Yugoslavia.

4.8. Persons belonging to the *Hungarian* national minority have a very wide range of cultural, professional and specialized associations. Those among them that should be mentioned here are: the Cultural Alliance of the Vojvodina Hungarians, the Folklore Center of the Vojvodina Hungarians, the Vojvodina Society for the Hungarian Language, the Scientific Society for Hungarological Studies, the Society for Hungarian Culture in Yugoslavia, the Scout Federation of the Vojvodina Hungarians, the Federation of Hungarian Pedagogues of Vojvodina, the Scientific Society of the Vojvodina Hungarians, the Federation of Students Vojvodina Hungarians, the Vojvodina Hungarian Youth, the Organization of the Vojvodina Hungarian Youth, the Organization of Young Radio Journalists Vojvodina Hungarians, etc. On the political scene, several parties of the Vojvodina Hungarians are active – the Alliance of the Vojvodina Hungarians, the Democratic Community of the Vojvodina Hungarians, the Democratic Party of the Vojvodina Hungarians, the Christian Democrat Movement of the Vojvodina Hungarians, the Civic Movement of the Vojvodina Hungarians and Christian-Democrat Unification.

4.9. Small in numbers, the *German* national minority is organized in five associations. In the territory of Vojvodina, where persons belonging to the German national minority live the following organizations are active: the German Popular Alliance from Subotica, the Association of Germans «Donau» from Novi Sad, the German Association «Adam Berenc» from Apatin, the Association «Karlovci» from Sremski Karlovci and the Association of Germans of the Municipality of Odžaci.

4.10. The biggest grass-roots social and cultural organization of *Romanians* in FR Yugoslavia is the Community of Romanians in Yugoslavia. Also active is the Romanian Foundation for Ethnography and Folklore. Persons belonging to the Romanian national minority do not have their own national political organization.

4.11. Persons belonging to the *Ruthenian* national minority are organized in several cultural and educational associations. The Ruthenian Cultural and Publishing Society is an organization of the Yugoslav Ruthenians associated for the purpose of exercising rights and interests in the fields of fostering, developing and popularization of the Ruthenian language, science, literature, education, arts and culture. A specialized social organization is the Society for the Ruthenian Language, Literature and Culture of Vojvodina. Important organizations of the Ruthenians are also the Alliance of the Ruthenians and Ukrainians of Yugoslavia, the Academic society of the Ruthenians and Ukrainians and the Cultural Club «Žetva (Harvest)». Some of the mentioned associations, as their names suggest, gather also persons belonging to the *Ukrainian* national minority.

4.12. Persons belonging to the *Roma* national minority are active in several associations and organizations. The most important associations are the Federation of the Roma of Serbia, the Federation of the Serbian Roma Societies, the Coalition of Roma Organizations «Anglunipe» (comprising more than 80 Roma organizations). The political



associations of the Roma are the Democratic Political Party of the Serbian Roma and the Roma Congress Party.

4.13. The most important umbrella and coordinating social organization of the *Slovaks* in FR Yugoslavia is the Slovak Cultural and Publishing Society. Associations of persons belonging to the Slovak national minority which are also significant are the Society of Slovakists of Vojvodina and «CENTRUM-Slovak Cultural Coordination».

4.14. In addition to the joint associations with persons belonging to the Ruthenian national minority, the Ukrainians in FR Yugoslavia are organized also in the cultural clubs «Ivan Senjuk» and «Karpati (the Carpathians)».

4.15. The Vlachs in FR Yugoslavia are organized in political organizations - «Movement of Romanians and Vlachs of Yugoslavia » and «National Autonomous Party of the Vlachs». The most important social organization of the Vlachs in FR Yugoslavia is the «Forum for Vlach Culture».

## Article 8

**The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.**

1.1. In FR Yugoslavia, on the basis of Article 18, paragraph 1, of the Constitution, church and state will be separate and, in keeping with this, there is no “official”, “state” or in some other manner institutionalized “majority” religion, i.e. church. Under paragraph 2 of the same Article of the federal Constitution, churches are free and equal in conducting religious affairs and in the performance of religious rites.

1.2. The religious freedom in FR Yugoslavia is enjoyed as individual freedom which is in practice exercised in most of the cases in community with others. The Constitution of FR Yugoslavia in its Article 43 guarantees the freedom of religion, public or private profession of religion and performance of religious rites. The Constitution specifies that no one shall be obliged to reveal his religious beliefs. Similar provisions are provided for also by the Constitutions of the Yugoslav federal units.

1.3. Free expression of religious beliefs in FR Yugoslavia is made possible also by legal arrangements which allow believers to be absent from work on major religious holidays. Thus, Article 4 of the new Law on Public Holidays of the Republic of Serbia sets forth that Christian believers may be absent from work on the first day of Christmas and during Easter holidays celebrated by different religious communities according to varying calendars (Orthodox Christians may be absent from work also on their patron-saint’s day<sup>30</sup>), that the Moslem believers may be absent from work on the first day of Ramadan Bayram and Kurban Bairam and that members of the Jewish community may

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<sup>30</sup> A specific religious holiday which is one of the essential characteristics of the Orthodox Serbs and Montenegrins.

be absent from work on the first day of Yom Kippur. The Law on the Celebration of Religious Holidays of the Republic of Montenegro provides for different arrangements enabling believers to have a longer paid leave from work during religious holidays. Unlike the Serbian Law, this Law lays down that the right to paid leave, for the purpose of celebrating religious holidays, shall pertain to Christian believers, in addition to the first day of Christmas and the second day of Easter, also on Christmas Eve and Good Friday. The Orthodox may also be absent from work on their patron-saint's day, and Roman Catholics for All Saints' Day. The Moslems are entitled to a three-day absence from work during both Ramadan Bayram and Kurban Bairam. The Jews are guaranteed the right to paid leave of absence for two days of Yom Kippur and two days for Passover. Unlike the Republic of Serbia's Law, the Law on the Celebration of Religious Holidays of the Republic of Montenegro provides for liability for a petty offence punishable by a fine for the responsible person in an enterprise, institution, other legal entity, government agency and for an entrepreneur, if they fail to enable an employee to have paid leave for the purpose of celebrating a religious holiday.

1.4. Free expression of religious beliefs in FR Yugoslavia is reflected also in the religious instruction in elementary and secondary schools. Thus, in the Republic of Serbia, after the latest amendments (in 2002), the Law on Elementary Schools and the Law on Secondary Schools, for the first time after World War II, provide for the introduction of religious instruction into schools. The attendance of this instruction is based on student's or his parents' free choice. Students who do not want to attend religious instruction may opt for another subject dealing with ethics or liberal arts, as determined by the Minister of Education.

According to the adopted arrangements, the curricula of religious teaching in the Republic of Serbia are agreed upon and passed by the Minister of Education and the Minister of Religion, at an agreed proposal of churches and religious communities – the Serbian Orthodox Church, the Islamic Community, the Catholic Church, the Slovak Evangelical Church, the Jewish Community, the Reformation Christian Church and the Evangelical Christian Church in accordance with the law. Members of the above-mentioned churches are also persons belonging to national minorities in FR Yugoslavia. It is important to stress that the Decree on the Organization of Religious Instruction, adopted by the Government of the Republic of Serbia stipulates that the religious instruction in the Republic of Serbia shall be organized and carried out for those churches and religious communities *irrespective of the number of believers in a particular place*.

The Government of the Republic of Serbia is setting up a commission for the harmonization of the proposals for religious instruction of traditional churches and religious communities, draft textbooks and other teaching aids, giving opinions to the Minister of Education in the procedure for selecting educational advisers for the religious instruction as well as for the monitoring of the organization and implementation of religious instruction. Textbooks and other teaching aids for the religious instruction are authorized by the Minister of Education at the agreed proposal of churches and religious communities, in accordance with the law.

It is particularly important to underline that the type of education of religious teachers is determined by the Minister of Education, but solely at the joint proposal by the Ministry of Religion and the traditional churches and religious communities. A list of religious teachers is determined by the Minister of Education at the proposal by the traditional churches and religious communities. For every school year, traditional churches or religious communities will send religious teachers from the established list into schools.

2.1. The establishment of religious institutions, organizations and associations in the Republic of Serbia was governed by the Law on the Legal Status of Religious Communities of 1977, which was rescinded in 1993. In the Republic of Montenegro, the establishment of religious institutions, organizations and associations is governed by the Law on the Legal Status of Religious Communities, which stipulates that citizens shall have the right to freely establish religious communities, subject to mandatory registration of their establishment or termination with a unit of the government agency responsible for internal affairs in the territory of the local self-government unit where the seat of a newly established or terminated religious community, or its organ, i.e. organization, is located. More detailed regulations on the establishment of the religious communities at the federal level are expected after the adoption of a new law on religious freedom. A draft law on religious freedom, proposed by the Federal Government, has been submitted to the parliament and its adoption is expected in September 2002.

2.2. Religious communities in FR Yugoslavia freely acquire movable and immovable property and have the right of fully and without limitations dispose of it. The educational system religious communities organize according to their needs, and the adoption of curricula, as well as the recruitment of staff are decided upon by the competent church authorities. The publishing activity and the publication of religious newspapers and magazines depend on the material and organizational capacities of religious communities and their leaderships. The ties of those religious communities whose mother churches are abroad with them are free and unlimited in every way, as well as unconditional.

The Constitution of the Republic of Serbia sets out that the state may materially aid religious communities (Article 41, paragraph 4), while the Constitution of the Republic of Montenegro lays down such an obligation on the part of the state (Article 11, paragraph 3). Government aid to religious communities was reflected in paying part of social security and pension contributions for clergymen, but mostly in investment in sacral facilities, particularly in the protection of those sacral facilities which are also considered to be cultural monuments.

3.1. The Law on the Protection of Freedoms and Rights of National Minorities in defining national minorities underscores that religion may be one of the features which differentiates a group of citizens of FR Yugoslavia, constituting a national minority, from the majority population. In FR Yugoslavia there are examples that persons belonging to the same national minority belong to different religions. Most Albanians in FR Yugoslavia are of Islamic faith, though there are Christians among them, members of the Catholic Church. The Bosniacs are Moslems. The Bulgarians are mostly Orthodox Christians, although a big enclave in the Banat village of Ivanovo is made up of

Catholics. Persons belonging to the Croatian national minority in FR Yugoslavia are Catholic. The Hungarians in FR Yugoslavia are mainly Catholics, while a smaller number of them are followers of the Christian Reformation Church. Persons belonging to the Roma national minority in FR Yugoslavia are predominantly Orthodox, though there are Moslems and members of other religious communities among them. The Romanians are Orthodox. The Ruthenians and Ukrainians are Uniates, i.e. members of the Greek Catholic Church. The Slovaks are members of the Slovak Evangelical Methodist Church. The Vlachs are Orthodox. Other smaller national communities are mainly of Christian faith.

3.2.1. Believers who belong to the Albanian and Bosniac national minorities in FR Yugoslavia belong to Islamic communities. Part of Roma believers also belongs to the Islamic communities. Contrary to the practice applied in new states established after the SFR of Yugoslavia ceased to exist, for the territory of FR Yugoslavia no single Islamic community was organized. The actual situation is such that in the territory of the Republic of Serbia three independent Islamic communities are active. The Muftikhat in Belgrade opted for independence back in 1990. Today there are 4 mosques and 4 masjids in the district of the Muftikhat. Ten imams<sup>31</sup> have been engaged with appropriate qualifications. The Islamic community of Kosovo comprises believers from among the ranks of the Albanian community in Kosovo and Metohija. This religious community has 401 mosques, 77 masjids, 42 Moslem primary schools, 19 Moslem monasteries, 29 domed burial sites. The personnel members are educated in the boys' and girls' medreses in Priština and in boys' medreses in Gnjilane and Prizren. The Islamic community for Sandžak was formed in 1993. The personnel for the needs of this Islamic community are educated in boys' and girls' medreses in Novi Pazar. In the Republic of Montenegro, the Islamic community has 82 mosques.

3.2.2. The Catholic Church was unified in the former Yugoslavia and highest body in its hierarchy was the Bishops' Conference, comprising all archbishops and bishops. After SFR Yugoslavia ceased to exist, the archbishops and bishops from FR Yugoslavia's territory attended for a while as guests the meetings of the Bishops' Conference of Croatia, but their connection to the Holy See today is manifested through cooperation with the papal nuncio accredited to FR Yugoslavia. The Catholic Church in Yugoslavia comprises:

- The Belgrade Archdiocese where there are 20 different sacral facilities. The Archdiocese has 19 active clergymen, of whom 10 monks and 9 diocesan priests and 39 nuns (3 novices).
- The Subotica Diocese, which covers the area of Bačka, has 124 churches and around 100 clergymen. In Subotica is also the preparatory seminary with around 80 students.
- The Zrenjanin Diocese covers the area of Banat. There are 40 churches, and priests of all ranks 31.

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<sup>31</sup> All the data on the number of the clergy and places of worship are from 1998

- The Djakovo – Srem Diocese covers the area of Srem, including New Belgrade and Zemun (parts of Belgrade). There are 29 parish churches, 12 filial ones and 4 monasteries. The number of active priests is 18.
- The Skoplje-Prizren Diocese in the territory of FR Yugoslavia covers the area of Kosovo and Metohija. It has 17 churches.

3.2.3. The Christian Reformation Church has its seat in Feketić, in AP Vojvodina. There are three dioceses within this Church – for Bačka, Banat and Baranya. The clergymen are educated abroad, in theological colleges in Vienna, Budapest, Debrecen and Cluj (Romania). The Christian Reformation Church issues a monthly entitled ‘Reformatus elet’ in the Hungarian language and a yearbook entitled ‘Reformatus evgoni’. The Church has 13 ministers and over 20 places of worship.

3.2.4. The Vicary of the Romanian Orthodox Church in the Yugoslav part of Banat was established in 1971, with the seat in Vršac. The Vicary comprises three metropolitan bishoprics with 39 parishes and affiliates. Romanian priests from the Vicary are educated in the theological college in Caransebes in Romania and the Theological Faculty in Timisoara, Romania. The Vicary issues a paper entitled ‘The Sower’ in 3,000 copies and the Yearbook.

3.2.5. The Križevci Diocese of the Greek Catholic Church has its seat in Križevci, in the Republic of Croatia. The majority of its followers are in Vojvodina, in Ruski Krstur. In FR Yugoslavia there are three districts of this diocese: the Srem district with the seat in Sremska Mitrovica, the Bačka district with the seat in Ruski Krstur and the Banat district with the seat in Belgrade. The Križevci Diocese issues the magazine ‘Dzvoni’.

3.2.6. The seat of the Slovak-Evangelical Church is in Novi Sad. This Church has 26 parishes and 12 affiliates. The Church had 19 priests also dealing with administrative matters and one bishop in 1998. From among active priests in 1998, three were women. The personnel for the needs of this Church are educated in Bratislava. The Slovak-Evangelical Church issues its ‘Yearbook’ in 1260 copies, a wall calendar in 15,000 copies, ‘The Evangelical Herald’ in 3,150 copies and liturgical books.

3.2.7. The Evangelical – Methodist Church has its seat in Novi Sad. In the territory of AP Vojvodina, this Church has 13 local churches, seven ordained priests, three retired priests and eight lay preachers. The Church is under the jurisdiction of the Swiss episcopate. It educates its personnel with the Baptists in the Biblical Center Logos in Novi Sad, at the Faculty ‘Jan Hus’ in Prague, in Birmingham, etc. They issue papers entitled The Voice of Life in the Serbian language and the Road of Life in the Slovak language.

3.2.8. The Jewish Religious Office operates within the Federation of the Jewish Communities of Yugoslavia. The Federation comprises 11 Jewish communities: Belgrade, Novi Sad, Subotica, Pančevo, Zemun, Niš, Priština, Sombor, Zrenjanin, Kikinda and Senta and the total number of believers is around 3,000. Synagogues exist in

Belgrade, Novi Sad, Subotica and Sombor. Active synagogues are in Belgrade and Subotica, and occasionally in Sombor and Novi Sad. They issue no religious publications, but a bulleting of the Federation of Jewish Communities of Yugoslavia, which is not of a religious nature, but may include religious subjects, if need be.

## Article 9

**1. The Parties undertake to recognise 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.**

### Paragraph 1.

1.1. *The freedom of expression* in FR Yugoslavia is widely guaranteed by the constitutional provisions. The Constitution of FR Yugoslavia by virtue of its Article 35 guarantees the freedom of conviction, thought and public expression of opinion. The receiving and providing information is also part of the freedom of expression and is guaranteed by Article 36, paragraph 2, of the Constitution of FR Yugoslavia, which provides for the right of citizens to express and publish their opinions in the *mass* media.

1.2. By virtue of Article 46, paragraph 2, of the Constitution of FR Yugoslavia persons belonging to national minorities are guaranteed the right to *public* information in their own language. *Accordingly, it is the obligation of the state to ensure information in the languages of minorities in the media outlets in its property, i.e. under its control.* The Law on the Protection of Freedoms and Rights of National Minorities governs this subject matter in its Article 17, in that it lays down that persons belonging to national minorities shall have the right to full and impartial information in their own language, including the right to expressing, receiving, sending and exchanging information and ideas through the printed press and the other media and that the state shall secure in the

programs of radio and television of the public service information, cultural and educational materials in the languages of national minorities, i.e. that it may start also special radio and TV stations to broadcast programming in the languages of national minorities. Public information in the languages of national minorities is regulated in more detail by the media laws of the Yugoslav federal units. The Broadcasting Law of the Republic of Serbia sets forth that for the purpose of pursuing public interest in the field of the public broadcasting service, its institutions shall be under obligation to produce and broadcast programs intended for all segments of society, without discrimination and taking care at the same time of specific social groups such as national minorities, that they shall be obliged to take into account in appropriate proportions the linguistic standards of national minorities in the territory they cover with their broadcasts, as well as that they shall be obliged to secure that the needs of citizens for such programs which express the cultural identity of national minorities are met by enabling them to view or read certain programs or broadcasts in their mother tongue or script in the areas where they live and work (Article 78). The Law on Public Information of the Republic of Montenegro, in its Article 25, paragraphs 2 and 3, prescribes that the programming policy of a mass media outlet shall secure, in terms of volume, quality and contents, the exercise of the right of national minorities living in the Republic of Montenegro to public information in their own language.

1.3. Under the Constitution of FR Yugoslavia, the freedom of expression through the freedom of receiving and giving information is not envisaged exclusively for the mass media. On the contrary, the Constitution of FR Yugoslavia in its Article 36, paragraph 3, stipulates that *the publication of newspapers and public dissemination of information by other media*, and not only those of a public nature, shall be accessible to *all*, including persons belonging to national minorities. The above provision of the Constitution of FR Yugoslavia governs *the freedom of creating and using the media*, through which also the freedom of expression is manifested. This freedom in FR Yugoslavia is unimpededly exercised and, as a result, in addition to the mass media of a public nature, there is a large number of privately-owned newspapers, radio and TV stations.

1.4. Obstructing the exercise of the freedom of expression through exchange of information and ideas is prevented by Article 36, paragraph 3, of the Constitution of FR Yugoslavia, which specifies that *no prior approval* is required for *the publication of newspapers and public dissemination of information by other media*, after the registration with the competent authorities, which is free. Furthermore, on the basis of the unequivocal provision of Article 38, paragraph 1, of the Constitution of FR Yugoslavia, *ensorship of the press and of other forms of public information shall be prohibited*. The distribution of the press or dissemination of other publications may be prevented only if it has been determined by a decision of a competent court that some of the conditions provided for by the Constitution of FR Yugoslavia had been met – if they call for the violent overthrow of the constitutional order or violation of the territorial integrity of FR Yugoslavia, if the press or other forms of public information violate the guaranteed freedoms and rights of man and the citizen, or foment national, racial or religious intolerance and hatred. The protection of the freedom of expression includes both the freedom of imparting and the freedom of receiving information.

1.5. Numerous national minorities in FR Yugoslavia enjoy the freedom of receiving information *irrespective of the borders*. All areas in FR Yugoslavia populated by national minorities may receive programming from the neighboring countries. Until recently, in certain municipalities inhabited by persons belonging to national minorities the broadcasts of domestic TV stations could unfortunately not be viewed. For that reason, the Federal Ministry of National and Ethnic Communities provided financial aid for the construction of a TV repeater in Bosilegrad and TV repeater in Priboj.

1.6. With respect to the freedom of expression through the freedom of receiving and imparting information the Constitutions of the Republic of Serbia and the Republic of Montenegro have provisions which are identical to the provision of the federal Constitution. The Constitution of FR Yugoslavia stipulates that, in the field of telecommunications, the regulation of technical and technological systems and systems of communications falls into the competencies of the Federation. On the basis of the constitutional arrangement which specifies that all the matters which under the Constitution of FR Yugoslavia do not fall into the competencies of the Federation, fall into the competencies of the federal units (the presumption of competence in favor of the federal unit), the field of information is governed by the relevant laws of member Republics. The laws on information of the Yugoslav federal units stipulate that all natural and legal persons shall have the right to take part in public information on equal terms, i.e. that the regulation of relations in the field of broadcasting shall be based on the principle of prohibition of discrimination (Article 5 of the Law on Public Information of the Republic of Montenegro and Article 3 of the Broadcasting Law of the Republic of Serbia). On the basis of the above arrangements, it is obvious that persons belonging to national minorities have access to the mass media *without discrimination*.

Information on the participation of minorities in editorial boards and councils on information will be forwarded at a later date.

#### Paragraph 2

The regulation of broadcasting of TV and radio programs in the Yugoslav Federation falls into the competencies of the federal units. The laws of the Yugoslav federal units provide for the establishment of radio and television stations subject to approval issued by the competent authority in charge of public information affairs. The approval refers only to special technical conditions related to the use of frequency bands and the meeting of minimum technical requirements for broadcasting radio or television programs. Thus regulated, the granting of approvals is in effect based on *objective criteria*, which makes it possible to grant approvals for broadcasting TV and radio programs without discrimination (Article 14, paragraph 2, of the Law on Public Information of the Republic of Montenegro and Articles 38 and 39 of the Broadcasting Law of the Republic of Serbia). In practice, approvals to persons belonging to national minorities have been granted without discrimination, and this is corroborated by the data on the number of private TV and radio stations which broadcast programs in minority languages. The broadcasting of radio and TV shows is subject to one more condition – that the



programming policy may not be aimed at the violent overthrow of the constitutional order, or violation of the territorial integrity of the Republic of Montenegro and FR Yugoslavia, at violating the guaranteed freedoms and rights of man and the citizen or fomenting national, racial or religious intolerance or hatred (Article 24, paragraph 2, of the Law on Public Information of the Republic of Montenegro), i.e. may not be based on the speech of hatred (Articles 8 and 21 of the Broadcasting Law of the Republic of Serbia).

Paragraph 3

1.1. In the comment on the implementation of paragraph 1 of this Article it was pointed to the fact that persons belonging to national minorities have the same rights and opportunities in the domain of freedom of expression, i.e. imparting and receiving information as persons belonging to the majority population. The State does not hinder the creation and utilization of the press by persons belonging to national minorities. In practice, the creation and utilization of the press depends on economic power and is more developed in economically more prosperous areas. Persons belonging to different national minorities create and use the press to differing extents. The state supports the private press and this aid is the most sizeable with respect to the papers in the Roma language.

A majority of daily and information newspapers in the languages of national minorities is published in AP Vojvodina.

1.2. In the *Hungarian* language, apart from the daily 'Magyar Szó', whose founder is the Assembly of AP Vojvodina, the youth weekly 'Képes Ifjúság' and the children's papers 'Jó Pajtás' and 'Mézes kalács', also the journal for culture, literature and arts 'Híd', the periodical for scientific and social issues 'Létük', the journal for reviews and arts 'Uj Simpozon', the bilingual magazine, in Hungarian and Serbian, for literature, arts and culture 'Orbis', the technical periodical collection 'Hungarológiai közlemények', etc. are published at regular intervals. The most important weekly papers in the Hungarian language are '7 Nap' and 'Csaladi kor'. A large number of papers in the Hungarian language, relevant to municipalities and districts, are also published

1.3. In the *Slovak* language, in addition to the information and political weekly 'Hlas L'ud', with the section for farmers 'Pol'nohospodárske rozhl'ady', the youth magazine 'Vzlet', the children's magazine 'Zornička' and the family magazine 'Rovina' are published;

1.4. The papers published in the *Ruthenian* language are: the information and political weekly 'Ruske slovo', the youth magazine 'MAK', the children's magazine 'Zahradka' and the journal for literature and culture 'Švetloc';

1.5. The papers published in the *Romanian* language are: 'Libertatea' – the information and political weekly whose founder is the Assembly of AP Vojvodina, (in time, it has become a separate publishing house), the magazines for children and youth

‘Bucuria copiilor’ and ‘Tribuna tineretului’, the magazine for culture and arts ‘Lumina’ and the technical journals ‘Traditia’, published by the Romanian Society for Ethnography and Folklore and ‘Ogledalo’/‘Oglinda’/Mirror, published by the Cultural and Educational Community Sečanj. Some papers of local relevance are also published in the Romanian language - ‘Tibiscus’ in Uzdin, ‘Cuvantul romanesc’, the paper of the community of the Romanians in Yugoslavia, ‘Foaia Bobocilor’(in Novi Sad), ‘Foaia simiailui’ (in Lokvan), etc.

Newspapers in the languages of national minorities are published also in other parts of Serbia (so-called Serbia Proper).

1.6. The first paper in the *Roma language* was published in Belgrade back in 1939, and in the mid-seventies a number of newspapers was published in several regional centers. Today, publications in the Roma language are issued by the private publishing house ‘Romainterpress’ from Belgrade, which occasionally issues the paper ‘Romano lil’, the children’s magazine ‘Čhavrikano lil’ and the professional journal ‘Romologija’ and the Cultural and Publishing Society of the Roma in Novi Sad, which publishes the magazine for science and culture ‘Alav e Romengo’, and a little while ago the first issue of the magazine ‘Them’ was published in Kovin.

1.7. Persons belonging to the *Bulgarian* national minority, in addition to the newspaper ‘Bratstvo’ (Brotherhood), also have the magazine ‘Most’ (Bridge).

1.8. The *Bosniacs/Moslems*, apart from the paper ‘Sandžačke novine’ (The Sandzak Herald), the paper ‘Parlament’ and the magazine ‘Has’, can find information on regional, national and cultural events also in the literary magazine ‘Mak’. The Mashikhat of the Islamic community of Sandžak issues its own paper entitled ‘Glas islama’ (the Voice of Islam).

### Newspapers and Magazines in Languages of National Minorities in FR Yugoslavia<sup>32</sup>

	NEWSPAPERS							
	Total	Albanian <sup>33</sup>	Bulgarian	Slovak	Hungarian	Romanian	Ruthenian	Turkish
<b>1. ISSUE</b>			2	7				3
<b>1998</b>	48	3	2	7	20	10	3	-
<b>1999</b>	44	2	2	7	20	10	3	-
<b>2000</b>	44	...	-	-	23	9	3	-
<b>Daily</b>	1	...	-	-	1	-	-	-
<b>Weekly and bi-weekly</b>	9	...	1	1	6	-	-	-
<b>Monthly</b>	11	...	-	-	5	1	2	-
<b>Bi-monthly</b>	-	...	-	-	-	-	-	-
<b>Quarterly</b>	3	...	-	-	1	1	-	-
<b>Semestral and annual</b>	-	...	-	-	-	-	-	-
<b>Occasional and special</b>	20	...		3	10	6	1	-
<b>2. CIRCULATION IN THOUSANDS</b>								
<b>1998</b>	9259	1565	107	420	6752	265	23	127
<b>1999</b>	6301	4	126	371	5540	241	16	-
<b>2000</b>	6642	...	100	388	5904	234	16	-
<b>Daily</b>	3484	...	-	-	3484	-	-	-
<b>Weekly and bi-weekly</b>	2521	...	88	332	1905	196	-	--
<b>Monthly</b>	189	...	12	39	118	7	13	-
<b>Bi-monthly</b>	-	...	-	-	-	-	-	-
<b>Quarterly</b>	8	...	-	1	2	5	-	-
<b>Semestral and annual</b>	-	...	-	-	-	-	-	-
<b>Occasional and special</b>	76	...	-	16	31	26	3	-

<sup>32</sup> FRY Statistical Yearbook for 2001

<sup>33</sup> According to the data of the Provincial Secretariat for Administration, Regulations and National Minorities

	MAGAZINES						
	Total	Albani an	Bulgar ian	Slova k	Hungar ian	Roman ian	Ruthe nian
<b>1. ISSUE</b>							
<b>1998</b>	20	...	1	5	9	2	3
<b>1999</b>	16	...	1	4	6	2	3
<b>2000</b>	19	...	1	5	9	2	2
<b>Daily</b>	-	...	-	-	-	-	-
<b>Weekly and bi-weekly</b>	-	...	-	-	-	-	-
<b>Monthly</b>	3	...	-	1	2	-	-
<b>Bi-monthly</b>	1	...	1	-	1	-	-
<b>Quarterly</b>	3	...	-	-	1	1	1
<b>Semestral and annual</b>	5	...	-	1	2	1	1
<b>Occasional and special</b>	6	...	-	3	3	-	-
<b>2. CIRCULATION IN THOUSANDS</b>							
<b>1998</b>	45	...	17	17	16	3	5
<b>1999</b>	46	...	24	24	14	3	4
<b>2000</b>	48	...	20	20	20	3	4
<b>Daily</b>	-	...	-	-	-	-	-
<b>Weekly and bi-weekly</b>	-	...	-	-	-	-	-
<b>Monthly</b>	8	...	2	2	6	-	-
<b>Bi-monthly</b>	3	...	-	-	2	-	-
<b>Quarterly</b>	4	...	-	-	0	3	1
<b>Semestral and annual</b>	14	...	2	2	9	0	3
<b>Occasional and special</b>	21	...	17	17	4	-	-

2. The electronic media whose founder is the state have departments for broadcasting in the languages of national minorities, and the most developed programming and editorial staff structure exists in RTV Novi Sad, which traditionally broadcasts programs in the *Hungarian, Slovak, Roma, Romanian and Ruthenian* languages. The private electronic media also broadcast programs in the languages of national minorities.

Language of broadcast radio and TV programs in FRY in 2000 in hours<sup>34</sup>

## Radio :

	Total	Serbian	Albanian	Bulgarian	Hungarian	Roma	Romanian	Ruthenian	Slovak	Ukrainian	Other languages <sup>35</sup>
<b>1. Total</b>	1053890	1008491	1293	268	21542	3141	2201	1885	5295	107	9307
<b>Montenegro</b>	120250	113861	1293	-	-	-	-	-	-	-	5096
<b>Serbia</b>	933640	894630	-	28	21542	3141	2201	1885	5295	107	4211
<b>Central Serbia</b>	804717	797990	-	268	-	2248	-	-	-	-	4211
<b>Vojvodina</b>	128293	96640	-	-	21542	893	2201	1885	5295	107	-
<b>Kosovo and Metohija</b>	...	...	...	...	...	...	...	...	...	...	...
<b>2.Republican and regional</b>	129719	173787	156	-	8784	869	2123	1444	2115	77	3364
<b>Montenegro</b>	36500	36344	156	-	-	-	-	-	-	-	-
<b>Serbia</b>	156219	137443	-	-	8784	829	2123	1444	2115	77	-
<b>Central Serbia</b>	118875	115471	-	-	-	40	-	-	-	-	3364
<b>Vojvodina</b>	37344	21972	-	-	8784	829	2123	1444	2115	77	-
<b>Kosovo and Metohija</b>	...	...	...	...	...	...	...	...	...	...	...
<b>3. Local</b>	861171	834704	1137	268	12758	2272	78	441	3180	30	5943
<b>Montenegro</b>	83750	77517	1137	-	-	-	-	-	-	-	-
<b>Serbia</b>	777421	757187	-	268	12758	2272	78	441	3180	30	847
<b>Central Serbia</b>	685842	682519	-	268	-	2208	-	-	-	-	847
<b>Vojvodina</b>	91579	74668	-	-	12758	64	78	441	3180	30	-
<b>Kosovo and Metohija</b>	...	...	...	...	...	...	...	...	...	...	...

<sup>34</sup> FRY Statistical Yearbook for 2001, p. 399 – previous data. With respect to Kosovo and Metohija no data are available. Also hours of programs of other stations are included (transmissions and broadcasts of programs of other stations).

<sup>35</sup> Including foreign languages.

**Television :**

<b>Total</b>	<b>328563</b>	<b>302070</b>	<b>55</b>	<b>-</b>	<b>997</b>	<b>181</b>	<b>180</b>	<b>195</b>	<b>183</b>	<b>-</b>	<b>24702</b>
<b>Montenegro</b>	48968	43480	55	-	-	-	-	-	-	-	5433
<b>Serbia</b>	279595	258590	-	-	997	181	180	195	183	-	19269
<b>Central Serbia</b>	254824	237598	-	-	-	70	-	-	-	-	17156
<b>Vojvodina</b>	24771	20992	-	-	997	111	180	195	183	-	2113
<b>Kosovo and Metohija</b>	...	...	...	...	...	...	...	...	...	...	...

In addition to non-stop programs on Radio Novi Sad, radio programs *in the Hungarian language* are broadcast by another 22 local radio stations. According to the Programming Plan adopted on 22 February 2001 by the Programming Service and the Department for Program Planning and Coordination or RT Novi Sad, there are 865 broadcasts a year in the *Hungarian language*, in a total duration of 30,125 minutes. In the programming scheme, information broadcasts account for the major part (prime time news broadcast 'Dnevnik' every day 15 + 30 minutes a day, 'Nasi dani' 60 minutes a week) and shows dealing with culture (60 minutes a week). Two times a month broadcasts for farmer are aired, since farmers account for a considerable portion of the Hungarian population in AP Vojvodina.

Broadcasts in *Slovak, Romanian and Ruthenian* languages are part of the yearly programming scheme with 13,260 minutes in each language, with 15-minute daily prime time news shows on weekdays, two broadcasts with cultural and information-political content a week, and a 90-minute monthly live show in each language. For persons belonging to the above national minorities Radio Novi Sad broadcasts four hours of programs a day. According to a new programming scheme of 2001, Radio Television Serbia – Television Novi Sad broadcasts programs of various kinds in the Slovak language, predominantly news shows, up to 45 minutes a day. The editorial staff successfully cooperates with Bratislava Television. Local TV stations broadcasting in Slovak exist in Bački Petrovac, Vojlovica, and, as of late, Television Kovačica has been started, in Kovačica, the center of the Vojvodina Slovaks. Radio Novi Sad broadcasts shows in the *Slovak* language, as do eight local radio stations. TV Novi Sad broadcasts in *Romanian* a 15-minute daily news show, as well as specialized 1-hour weekly shows 'Spectru' (spectrum), 'Objectiv TV' (TV-Lens) and 'Magazin TV'. Radio Novi Sad broadcasts 6 hours and 40 minutes of programs in the Romanian language every day.

Persons belonging to the *Ukrainian* national minority have 13 shows a year in a total duration of 650 minutes and one and a half hour a week of radio programs. The Programming Plan for 2001 envisaged that a show in Ukrainian be first broadcast once a week, and later on two times a month in the duration of 30 minutes.

The Department for Broadcasting in Croatian, established within RT Novi Sad in July 2001, has a thousand minutes of the programming scheme or 20 shows a year, and since

October 2001, the Department for Broadcasting in the *German* language has been broadcasting programs. On the waves of Radio Subotica, every Friday from 9 p.m. to 9:30 p.m., members and supporters of the German Popular Alliance prepare a show in the German language.

Programs in the *Roma* language account for 14,760 minutes or 372 shows a year of the programming scheme of RT Novi Sad: every week 330 minutes of information and political, scientific and educational, as well as entertainment programs, a two and a half hours of radio program are broadcast every day in Novi Sad in the evening, and on Sundays four hours (the program –'Amen Ades'). Certain radio stations in Vojvodina broadcast programs in Roma (Odžaci, Sombor, Stara Pazova, Srbobran, Bela Crkva Kikinda, Radio 021 in Novi Sad, etc.) for one or two hours a week.

**Chief Minority Languages in Which TV Novi Sad (Vojvodina) Broadcasts its Programs  
- in Hours (1992-2001) -**

<b>Year</b>	<b>Hungarian</b>	<b>Slovak</b>	<b>Ruthenian</b>	<b>Romanian</b>	<b>Roma</b>
1992	532	182	171	182	-
1994	452	151	143	142	8
1995	471	143	144	147	14
1996	548	156	154	152	43
1997	733	179	175	178	54
2001 – new programming schedule as of 22 February 2001	502	221	221	221	246

In addition to the programming prepared and broadcast from the center in the capital of the Province (Novi Sad), programs in minority languages are prepared and broadcast also from the studios situated in various towns throughout Serbia.

Thus, for example, shows in the *Roma language* are broadcast through the entire network of RTV Serbia, as well as through the satellite network in total duration of 90 minutes a month. Among other things, there is the Roma Department in Radio Beograd which broadcast a 30-minute program on a daily basis. On Radio Nišava a non-stop program in the Roma language is broadcast every day. Radio KHFM O E-Romenjo also broadcasts programs in the Roma language. Television Kragujevac (a TV station of the local government), as well as Television Belami in Niš broadcast news shows every day.

Programs in the *Albanian language* before were broadcast from the regional center of Radio-Television Serbia in Priština and the programming scheme was very elaborated with news and political, cultural and entertaining, scientific, children's and other shows broadcast in the language of the Albanian national minority. In the state-run media today there are no shows in Albanian, but in the Municipality of Bujanovac (in the south of central Serbia), two private radio stations 'Toni' and 'Ema' broadcast programs in the

Albanian language. As of late, in the Municipality of Preševo, the state supported and secured assets for broadcasting radio programs in Albanian.

In the *Bulgarian language* a television program is broadcast by the local station 'Caribrod' from Dimitrovgrad, and there is also six hours of radio program a day. Also broadcasting in the Bulgarian language is Radio Bosilegrad (a radio station of the local government). Within Radio Niš as well a program in the Bulgarian language is broadcast. The television station Art vizija from Niš broadcasts programs in the Bulgarian language for 20 minutes a day, and once a week additional 30 minutes of program in the Bulgarian language is broadcast.

Shows in minority languages are also broadcast by numerous regional and local radio stations whose editorial policy and times of broadcasts are adjusted to the ethnic structure of the respective population. Thus, for example, the network of independent stations of Serbia broadcasts a daily show in the Roma language.

#### Paragraph 4

The programming policy of the mass media in FR Yugoslavia must not be aimed at inciting national, racial and religious intolerance and hatred (Article 24, paragraph 2, of the Law on Public Information of the Republic of Montenegro and Article 8 and 21 of the Broadcasting Law of the Republic of Serbia). The promotion of tolerance is not pursued solely by means of a prohibition of inciting intolerance and hatred toward national minorities through the media. In addition to enabling access to the mass media on the basis of the constitutionally guaranteed right to public information and constitutionally established freedom of creation of the mass media, FR Yugoslavia also envisaged through the Law on the Protection of Freedoms and Rights of National Minorities special arrangements to *additionally facilitate access to the mass media* for persons belonging to national minorities. Article 19, paragraph 7, of the Law on the Protection of Freedoms and Rights of National Minorities stipulates that a council of a national minority (a form of organization of minority self-governance described in the comment on Article ...) shall represent a national minority, *inter alia*, in the field of information. Moreover, on the basis of the provision in paragraph 10 of the same Article, part of public powers in the field of information may be vested in the councils, and in such a case, the state earmarks resources necessary for the performance of such powers.

The Broadcasting Law of the Republic of Serbia, with a view to promoting tolerance and enabling cultural pluralism, laid down that through programs produced and broadcast within the public broadcasting service shall secure diversity and mutual agreement of contents in support of the democratic values of contemporary society, and in particular the respect for human rights and cultural, national, ethnic and political pluralism of ideas and opinions.



## Article 10

- 1) The Parties undertake to recognise 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 endeavour 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, and 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.**

### Paragraph 1

1. The right of persons belonging to national minorities to use freely their language, in private and in public, orally or in writing, is laid down in Constitutions and other regulations.

The Constitution of FR Yugoslavia in its Article 11 recognizes and guarantees the right of national minorities to preservation, *inter alia*, of their linguistic peculiarity, and in Article 45, paragraph 1, it guarantees *freedom* of expression of national sentiments, culture and the *use of one's mother tongue and script*. The above provisions alone, and especially in the context of all other constitutional arrangements (e.g. freedom of expression), in particular those applying to national minorities, clearly demonstrate that in Yugoslavia the freedom of the use of minority languages, orally and in writing, in private and in public, is guaranteed by the Constitution. It is particularly clear in light of the fact that the Constitution does not provide only for the use of minority languages and scripts in private and in public, but also the official use of minority languages and scripts.

The free use of one's own mother tongue and script is guaranteed to citizens also by the Constitution of the Republic of Serbia (Article 49, paragraph 1) and the Constitution of the Republic of Montenegro (Article 68).

In its Article 10, the Law on the Protection of Freedoms and Rights of National Minorities stipulates that persons belonging to national minorities may freely use their own language and script, in private and in public. The above definition in its essence, and even in the wording, fully tallies with the arrangement referred to in the Framework Convention.

Paragraph 2

1. The Constitution of FR Yugoslavia in its Article 15 paragraph 1, stipulates that the Serbian language shall be in official use. However, minority languages in relations between persons belonging to national minorities and the administrative authorities in FR Yugoslavia are used on a very broad scale. The extent to which minority languages are used depends on the nature of relations between persons belonging to national minorities and the administrative authorities and on the type of a specific agency. The use of languages of national minorities in relations between persons belonging to national minorities and the administrative authorities largely surpasses standards enshrined in the Framework Convention. FR Yugoslavia recognizes the use of minority languages also in relations between persons belonging to national minorities and courts of law.

2. The Constitution of FR Yugoslavia in its Article 49 prescribes that *everyone* shall have the right to *use his own language* in proceedings *before a court of law 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*. The above provision of the Constitution of FR Yugoslavia enables persons belonging to national minorities to use their own language before agencies and organizations which in the performance of their public powers decide on their rights and duties irrespective of whether proceedings are conducted in the areas inhabited by national minorities traditionally or in substantial numbers. *Accordingly, also in areas not inhabited by national minorities, persons belonging to national minorities have the right to use their own language in proceedings before a court of law or an administrative authority and to be informed of the facts in their own language*. In the Republic of Serbia, the use of one's mother tongue in proceedings before courts and the administrative authorities is regulated by Article 16 of the Law on the Official Use of Language and Script. That Article specifies that courts and the administrative authorities with which persons belonging to national minorities exercise their rights and discharge their duties shall be obliged to ensure that persons belonging to national minorities, in proceedings conducted with these agencies and organizations in the Serbian language, may use their language and script, file requests, appeals, complaints, proposals, representations and other submissions in their own language, and receive, at their request, rulings, verdicts or other enactments deciding on their rights and duties in their own language, as well as certificates, reports, receipts and other documents. Furthermore, under Article 17 of the Law on the Official Use of Language and Script, at the request of a person belonging to a national minority who is a party to the proceedings, the transcript of judicial or administrative proceedings may be translated into the language of the national minority, at the expense of the state. Separate laws on specific types of judicial proceedings regulate in greater detail the right to use one's mother tongue in judicial proceedings conducted in the official Serbian language.

3.1. The Constitution of FR Yugoslavia in its Article 15, paragraph 2, prescribes that in the areas inhabited by national minorities *in official use, in addition to the Serbian language, also the languages and scripts of national minorities*. The official use of language and script is more specifically governed by laws. The Constitution of the

Republic of Serbia provides for the identical arrangement in respect of official use of the languages and scripts of national minorities. The Constitution of the Republic of Montenegro in its Article 9, paragraph 3, directly regulates the official use of the languages and scripts of national minorities, in that it specifies that in local self-government units where persons belonging to national minorities constitute the majority or a sizeable portion of the population a minority language and script shall be in official use.

The federal Law on the Protection of Freedoms and Rights of National Minorities lays down objective criteria for the introduction of the languages and scripts of national minorities into official use.

In its Article 11, the Law on the Protection of Freedoms and Rights of National Minorities sets forth that in the territory of a local self-government unit where persons belonging to national minorities *traditionally* live, their language and script *may be in equal official use*. On the basis of that arrangement, *units of local self-governments are free to introduce the language and script of a national minority into official use*. The Law leaves such decision to the units of local self-government in the territories traditionally inhabited by minorities. Such arrangement, under which local self-government units independently decide on the official use of the languages and scripts of national minorities, is provided for also by Article 11 of the Law on the Official Use of Language and Script of the Republic of Serbia. The Law on the Official Use of Language and Script of the Republic of Serbia has not defined the criteria to be taken into account by local self-government units when deciding which other language apart from Serbian will be in official use. This shortcoming resulted in different solutions to this issue applied in different units of local self-government. The Law on the Protection of Freedoms and Rights of National Minorities provides for a solution to rectify the described shortcoming. Article 11, paragraph 2, of the Law on the Protection of Freedoms and Rights of National Minorities lays down that a local self-government unit shall *be obliged to introduce into equal official use the language and script of a national minority, if persons belonging to that national minority account for 15 or more percent of the total population in its territory according to the most recent census*. In order to ensure the protection of already acquired rights, the Law on the Protection of Freedoms and Rights of National Minorities specifies that the language of a national minority shall remain in official use in a local self-government unit where it was in official use at the time of the adoption of the Law, irrespective of the percentage of persons belonging to national minorities in the total population of that local self-government unit. The Law on the Official Use of Language and Script lays down that proceedings may be conducted in the languages of national minorities also before a court of law, an agency or organization set up for an area including several local self-government units, provided that a language of a national minority is in official use in at least one of these local self-government units. The Law on the Official Use of Language and Script provides for a range of supplemental arrangements by means of which it is very precisely determined in which cases the languages and scripts of national minorities may be used. In a case where only one party to proceedings is a person belonging to a national minority, such proceedings, at his request, are conducted in the language of the national minority which is in official use in

the court, agency or organization conducting the proceedings. Where there are several parties to proceedings, whose languages are not the same, the proceedings are conducted in one of those languages, which is in official use in the court, agency or organization conducting the proceedings, upon which the parties agree. If the parties fail to agree upon the language of the proceedings, the language of the proceedings will be determined by the agency or organization before which the proceedings are conducted, unless one of the parties requests that the proceedings be conducted in the Serbian language, in which case the proceedings will be conducted in that language.

3.2.1. The Law on the Protection of Freedoms and Rights of National Minorities lists certain manifestations of the official use of language and script. By virtue of Article 11, paragraph 4, that Law stipulates that, in particular, the official use of the languages and scripts of national minorities shall be considered to be the use of the languages of national minorities in administrative suits and judicial proceedings and conducting administrative and judicial proceedings in the language of a national minority, the use of the language of a national minority in communication between agencies with public powers and citizens; issuing identification papers and keeping official records and personal databases in the languages of national minorities, as well as acceptance of those papers in those languages as valid, the use of languages in ballot papers and voting material, the use of languages in the work of representative bodies. The Law on the Official Use of Language and Script of the Republic of Serbia also stipulates what is to be considered official use of the languages and scripts of national minorities. By virtue of the provision of Article 2 of that Law, the official use of the languages and scripts of national minorities in the work of government agencies, organs of the autonomous provinces, cities and municipalities, institutions, enterprises and other organizations when performing public powers (organizations performing public powers), in the operation of public enterprises and public services, as well as in the work of other organizations, when they perform tasks laid down by that law.

3.2.2. *Certain manifestations of the official use of the languages and scripts of national minorities* are governed by special regulations. The laws on specific types of judicial proceedings regulate the conduct of judicial proceeding in the languages of national minorities in official use. Thus, for instance, the Law on Litigation prescribes that proceedings shall be conducted in the mother tongue of a person belonging to a national minority in areas where the languages of national minorities are in official use (Article 6). In line with the above arrangement, a court is under obligation to secure an interpreter in a lawsuit and cover his expenses, as well as the costs of the translation of summons, decisions and other court documents (Articles 102 to 105 of the Law on Litigation). Preventing an official body to conduct proceedings in the mother tongue of a person belonging to a national minority is considered a serious violation of due process which can result in a mistrial or a retrial.

The Law on the Election of Deputies of the Republic of Serbia, in its Article 60, paragraph 6, stipulates that in municipalities where the languages of national minorities are in official use, ballot papers shall be printed in those languages as well, and electoral bodies in those municipalities shall be under obligation to print minutes on the work of

the polling committees also in the languages of national minorities (Article 76, paragraph 2). Consequently, for elections of deputies to the National Assembly of the Republic of Serbia ballot papers and other appropriate electoral materials are printed in the Serbian language and Cyrillic script, and for the areas of the Republic where national minorities live, ballot papers, consolidated slates of candidates and minutes on the work of polling committees are printed in the Serbian language and Cyrillic script, and below that, in the languages of national minorities in official use in municipalities where persons belonging to national minorities live. The federal electoral legislation does not specifically stipulate that ballot papers are to be printed in the languages of national minorities, but leave to the Federal Electoral Committee to more specifically prescribe the form and appearance of ballot papers Article 63, paragraph 4, of the Law on the Election of Federal Deputies to the Chamber of Citizens of the Federal Assembly, Article 67, paragraph 6, of the Law on the Election of Federal Deputies to the Chamber of the Republics of the Federal Assembly). Ballot papers for federal elections are also printed in the languages of national minorities. An identical arrangement, under which the form and appearance of ballot papers is to be more specifically prescribed by the Electoral Committee is provided for by Article 74, paragraph 1, of the Law on the Election of Deputies and Councilors of the Republic of Montenegro. In elections held so far in Montenegro, ballot papers have not been printed in the languages of national minorities.

4. Except in court and administrative procedures, the official and *public use* of the languages of national minorities in FR Yugoslavia has several other forms as well.

4.1. The Law on the Publication of Federal Regulations and By-Laws, in article 4, sets the obligation for federal regulations, international agreements and Yugoslav standards also to be published, as authentic texts, in the languages of the Albanian and Hungarian national minorities. Unlike the federal law, the Law on the Publication of Laws and Other Regulations and By-Laws and on the Issuing of the Official Gazette of the Republic of Serbia does not envisage the possibility of by-laws being published in minority languages at the level of the Republic of Serbia. This Law stipulates that a regulation or other act is published in the Official Gazette of the Republic of Serbia as the text prepared by the submitter of the act, which actually means that it is published only in the Serbian language. The presented solutions in the federal and republican laws are in major and unjustified contradiction.

4.2. The Law on Primary School, Secondary School and Two-Year Post-Secondary School (article 129, paragraph 2 of the Law on Primary School, article 99, paragraph 3 and article 100, paragraph 5 of the Law on Secondary School, and article 47, paragraph 5 of the Law on Two-Year Post-Secondary School) stipulates that school records are kept in the language of a national minority, when lessons are taught in the language of the national minority. School ID is also issued in the language of the national minority, when classes are held in the language of the national minority.

In the same spirit is also article 122 of the new Law on the University of the Republic of Serbia (2002) stating that, when classes are held in the language of a national minority, the register of students and records on issued diplomas are kept, apart from the Serbian

language and the Cyrillic script, also in the language and script of the national minority. At the same time, it is specified (article 122, paragraph 10) that, when lectures at the university, i.e. faculty are held in the language of a national minority, public documents (matriculation book, diploma on university education, on acquiring the professional title of specialist, the academic title of Master of Arts, the scientific level of doctor and the certificate on the completion of professional education and training) are issued on bilingual forms – in the Serbian language and Cyrillic script and in the language and script in which classes are held (i.e. the minority language). Also, Laws on Primary School (article 126, paragraph 5) and on Secondary School (article 116, paragraph 4) of the Republic of Montenegro stipulate that bilingual report cards are issued in schools where classes are held in the Albanian language.

4.3. The Law on the Identity Card of the Republic of Serbia states that the forms for identity cards are printed in the Serbian language and “other languages of nations and nationalities to which the Constitution guarantees the equality of use of the language”. The data in the identity card are written in the languages of the nations and nationalities in accordance with the law (article 20). The Law on the Identity Card of the Republic of Montenegro does not envisage such a possibility.

4.4. A special form of the public use of a minority language is related to the right of citizens to submit to state and other bodies, organizations and officials memorandums, petitions and proposals and to receive responses to them, if they so request, which is stipulated by the Constitution of FR Yugoslavia. Stating the mentioned right, article 44 of the Constitution of FR Yugoslavia does not say in which language the citizens will submit memorandums, petitions and proposals, i.e. in which language they will receive responses to them. The Law on the Protection of the Rights and Freedoms of National minorities, in article 11, paragraph 7, states that persons belonging to national minorities, whose number in the total population of the Federal Republic of Yugoslavia accounts for a minimum of 2%, according to the latest population census, can address federal bodies in their own language and have the right to receive a response in that language.

4.5. The Law on the Seal of State and Other Bodies of the Republic of Serbia envisages that the text on the seal of bodies in the autonomous province and bodies of certain territorial units in the autonomous province is written in the Serbian language and in the Cyrillic script, and it can also be written out in the Latin script and the language and script of national minorities, in accordance with the law. The presented solution, envisaged by article 3 of the Law on the Seal of State and Other Bodies of the Republic of Serbia narrows down the use of the language and script of national minorities on seals of units of local self-government located in the territory of AP Kosovo and Metohija and AP Vojvodina. The Law on the Seal of the Republic of Montenegro and the Seals of State Bodies does not envisage the possibility of the use of the languages and scripts of national minorities on seals of units of local self-government.

5.1. The official use of the language of minorities in FR Yugoslavia is widespread. The Statute of the Autonomous Province of Vojvodina, where the largest number of minorities live, in article 19, paragraph 4, envisages the official use of the Hungarian,

Slovak, Romanian and Ruthenian languages and their scripts, together with the Serbian language<sup>36</sup>.

5.2. Using the right independently to establish the official use of the language and script of national minorities, 38 out of a total of 45 Vojvodina municipalities have introduced the official use of minority languages, apart from the Serbian language. Namely, in the territory of AP Vojvodina, in 20 municipalities, apart from the Serbian language, in official use is also one language of a national minority, in 11 municipalities, together with Serbia, there are 2 more languages of national minorities in official use, while in 6 municipalities and the city of Novi Sad in official use is the Serbian language and 3 languages of national minorities.

**Languages and Scripts in Official Use in the  
Territory of AP Vojvodina, Apart From the  
Serbian Language and Cyrillic Script**

1. Ada	Hungarian
2. Alibunar	Romanian and Slovak
3. Bač	Hungarian and Slovak
4. Bačka Palanka	Slovak
5. Bačka Topola	Hungarian, Ruthenian and Slovak
6. Bački Petrovac	Slovak
7. Bela Crkva	Hungarian, Romanian, Czech
8. Beočin	Slovak
9. Bečej	Hungarian
10. Vrbas	Hungarian and Ruthenian
11. Vršac	Romanian and Hungarian
12. Žabalj	Ruthenian
13. Žitište	Hungarian and Romanian
14. Zrenjanin	Hungarian, Romanian and Slovak
15. Kanjiža	Hungarian
16. Kikinda	Hungarian
17. Kovačica	Slovak, Hungarian and Romanian
18. Kovin	Hungarian and Romanian
19. Kula	Ruthenian and Hungarian
20. Mali Idoš	Hungarian
21. Nova Crnja	Hungarian
22. Novi Bečej	Hungarian
23. Novi Kneževac	Hungarian
24. Novi Sad (grad)	Hungarian, Slovak and Ruthenian

<sup>36</sup> The Statute states that it is the Serbo-Croatian language that is in official use, i.e. it calls the official language by its old name which was in official use in 1991 when the act was adopted. Under way is the procedure of changing the Statute so as to stipulate that the Serbian language is in official use and to introduce the Croatian language into official use as well.

25.Odžaci	Hungarian and Slovak
26. Pančevo	Hungarian, Romanian, Slovak
27.Plandište	Hungarian, Slovak and Romanian
28.Senta	Hungarian
29.Sečanj	Hungarian and Romanian
30.Sombor	Hungarian
31.Srbobran	Hungarian
32. Sremska Mitrovica	Croatian
33.Stara Pazova	Slovak
34.Subotica	Hungarian and Croatian
35.Temerin	Hungarian
36.Titel	Hungarian
37.Čoka	Hungarian
38.Šid	Slovak and Ruthenian

Therefore, in the territory of the Autonomous Province of Vojvodina, in official use are 6 languages of national minorities, as follows:

<b>Language of a national minority in official use</b>	<b>Number of municipalities where it is in official use</b>
Hungarian	30
Slovak	12
Romanian	9
Ruthenian	6
Czech	1
Croatian	2

The oral and written addressing of municipal bodies in languages of national minorities has been ensured in AP Vojvodina through the establishment of a translating service in 8 municipalities and the city of Novi Sad (the capital of Vojvodina), and in 15 municipalities, employees working with clients are able to communicate in the languages of national minorities. In 4 municipalities of AP Vojvodina, apart from the establishment of translating services, the employees are also trained to communicate in minority languages.

The conduct of procedures for the exercise and protection of rights in the languages of national minorities is ensured through the establishment of translating services in 7 municipalities and in Novi Sad, and in 17 municipalities these jobs are provided through the training of the employees to conduct procedures in the languages of minorities. In 2 municipalities, both forms of communication with persons belonging to national minorities are possible, and in one, the mother tongue of the employees working on these jobs is the minority language. In the first three-months of 2000, in three Vojvodina municipalities less than 20 procedures were conducted in the languages of national



minorities, in one there were 120 procedures, and in as many as 26 municipalities and in the provincial capital no such procedures were conducted.

Public and other personal documents are issued by administrative bodies in the territory of AP Vojvodina in the languages of national minorities in 16 municipalities. In 17 municipalities, public calls, information and warnings are announced and other public notices are written in the languages of national minorities. In one municipality and in the city of Novi Sad, public calls, information and warnings are announced in the languages of national minorities, while in 3 municipalities, it is only public calls and information that are published in this manner. Public calls, information and warnings are not announced and other public notices are not written in the languages of national minorities in 4 municipalities in the territory of Vojvodina.

Regulations pertaining to municipal councils (local parliaments) are published official gazettes in the languages of national minorities in 10 municipalities, while this is not the usual practice in 18 municipalities and in Novi Sad.

Within a far lesser scope and in a smaller number of minority languages, the official use of the languages of national minorities is present, to a certain degree, in other parts of the Republic of Serbia (Central Serbia) as well, such as, for instance in the municipalities of Dimitrovgrad and Bosilegrad, where the Bulgarian language is in official use, i.e. the municipalities of Bujanovac and Preševo in which the Albanian language is in official use.

5.3. The official use of the language and script of national minorities is applied in Montenegro as well, but only in relation to persons belonging to the Albanian national minority, and this exclusively at the local level, in municipalities with a considerable percentage of this minority within the population. The official use of the language and script of national minorities in Montenegro is not regulated by a special law, but is rather applied on the basis of the constitutional provision stating that languages and scripts of national minorities will be in official use in the municipalities where persons belonging to minorities constitute a majority, or a considerable part of the population. On the basis of the mentioned constitutional provision, among minority languages, Albanian is in official use in the municipality of Ulcinj in which persons belonging to this minority constitute the majority population. In judicial practice, the use of the languages of national minorities is not permitted, but it is permitted to have a sworn-in court translators interpret for persons who do not understand the Serbian language.

### Paragraph 3

1. The Constitution of FR Yugoslavia, in article 23, paragraph 3, specifies that everyone deprived of his/her liberty must immediately be informed about the reasons for the deprivation of his/her liberty in his/her own language or a language he/she understands.

In the same manner, the Constitution of the Republic of Montenegro, in article 22, paragraph 2, contains a provision according to which a person deprived of his/her liberty must immediately be informed about the reasons for being deprived of his/her freedom, in his/her language or a language he/she understands

2. The federal Law on the Criminal Procedure, in article 7, stipulates that the procedure is conducted in the language in official use in court, and that the parties, witnesses and other persons participating in the procedure have the right, during the performing of investigative activities or other court activities or at the main hearing, to use their own language. If the court procedure or main hearing is not conducted in the language of that person, provided will be the interpretation of what this person or other persons are saying, as well as the translation of personal documents and other written evidence material.

The translation, in the sense of the Law, is done by a court-sworn translator, and the costs of the translation are borne by the responsible state body. The deprivation of the defendant, defense attorney, damaged party, prosecutor or private plaintiff of using their own language at the main hearing and of following the main hearing in their own language, contrary to their will, is considered a serious violation of the criminal procedure which could lead to the revocation of the court ruling of the first instance and the reopening of the criminal procedure.

#### **Article 11**

**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.**

#### **Paragraph 1**

1. The right to use one's own surname and name in the minority language is included, in general terms, in the presented constitutional norms guaranteeing the freedom of the use of minority languages (mentioned in the comment on the

implementation of article 10, paragraph 1). Apart from this, the said right is additionally guaranteed by special regulations.

Thus, in the Republic of Serbia, article 20 of the Law on the Identity Card stipulates, among other things, that the data in the form for the identity card (meaning the name of the person to whom the identity card is issued) are written in the languages of national minorities in accordance with the law.

The Law on the Personal Name of the Republic of Montenegro says that persons belonging to national minorities have the right to enter their personal name in the register of births in their own script.

2. This right, however, is separately guaranteed by the federal Law on the Rights and Freedoms of National Minorities.

Article 9 of this Law stipulates that persons belonging to national minorities have the right to the free choice and use of their personal name and the names of their children, as well as *to enter these personal names into public personal documents, official records and collections of personal data in accordance with the language and orthography of the person belonging to the national minority*. This right, however, does not rule out the parallel entry of the name according to the Serbian orthography and script as well. The presented solution provides for the official recognition of the use of names and surnames in a minority language.

3. In the Republic of Serbia, the personal name of a person belonging to a national minority is entered in the register of births first in the Serbian language, in the Cyrillic script, and then it is written in brackets in the language of the national minority. At the end of 2000, the provincial Parliament of the Autonomous Province of Vojvodina adopted the Decision on the issuing of multi-lingual birth certificates and on the manner of being entered in registers of births, stating that, at their explicit request, birth certificates are issued to persons belonging to national minorities in a bilingual form, printed in both the Serbian language and one of the languages in official use. Bilingual forms are made with parallel columns in the Hungarian, Slovak, Romanian, Ruthenian, Czech and Croatian language and, part from the Serbian language, data are also entered in them in the language and according to the orthography of the national minority.

#### Paragraph 2

1. The Yugoslav legal system recognizes the right of persons belonging to minorities the right to display in their minority language signs, inscriptions and other information of a private nature visible to the public. This right stems from the constitutional provisions guaranteeing the freedom of the use of one's own language and script. This right is exercised broadly and without any hindrances in practice.

2. The Law on the Official Use of the Language and Script of the Republic of Serbia, in article 20, stipulates that the names of companies, institutions and other legal

entities, regardless of their form of property, as well as of private stores are also written in the language of the national minority which is in official use in the unit of local self-government where the seat of this entity is located. The name can also be written in the language of the national minority which is in official use in the place where business is conducted.

Paragraph 3

1. The Yugoslav legal system explicitly treats the writing of traditional local names, the names of streets and other topographic indications as a form of the official use of the languages of national minorities. The Law on the Official Use of the Language and Script of the Republic of Serbia, in article 19, states that written in the language of minorities in official use are the names of places and other geographic names, the names of streets and squares, names of bodies and organizations, traffic signs, information and warnings for the public and other public inscriptions. The names of places, squares and streets, bodies, organizations and companies are written in the languages of the national minorities in the territory of the Republic of Serbia in all units of local self-government where minority languages are in official use (see comment on the implementation of article 10, paragraph 2 of the Framework Convention).

2. The provision of article 7 of the Law on the Official Use of the Language and Script of the Republic of Serbia does not allow geographic names and personal names contained in public inscriptions to be replaced by other names, i.e. indications, but rather stipulates that they are *written* in the languages of minorities in accordance with their orthography. An interpretation of such a provision leads to the conclusion that official geographic names and personal names contained in public inscriptions in the Serbian language cannot be replaced by names from minority languages (even if these names are traditional), but rather only the use of the orthography of minority languages is allowed. In its practice, the Constitutional Court of Serbia confirms such an interpretation. In three of its decisions on January 25, 2001, the Constitutional Court of Serbia adopted the stand that the provision of article 7 of the Law on the Official Use of the Language and Script does not allow the replacement of geographic names with original names in languages of national minorities, and from the legal formulation that names are written in the languages of national minorities in accordance with the orthography of this language, it is to be concluded that the possibility of translating geographic names is also ruled out (Decisions of the Constitutional Court of the Republic of Serbia IU-111/93, IU 64/94 and IU 350/93). The Law on the Protection of the Rights and Freedoms of National Minorities correct the previous solution, stipulating, in article 11, paragraph 5, that in units of local self-government, where a minority language is in official use, the names of organizations performing public duties, the names of units of local self-government, inhabited places, squares and streets and other toponyms are written in the language of the national minority which is in official use “*according to its tradition and orthography*”.

## Article 12

- 1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language 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 exercise of this right shall not entail any financial obligation for the Parties.**

### Paragraph 1

1. The Federal Constitution and the Constitution of the Republic of Serbia contain no specific provisions on measures that are to be taken for the purpose of fostering the culture, history, language and religion of national minorities in the fields of education and research. The Constitution of the Republic of Montenegro, in article 71, specifies: “The curricula of educational institutions also include the history and cultural of national and ethnic groups.”

In Serbia, the study of elements of the national cultures of national minorities is envisaged by relevant provisions of corresponding educational laws, like for instance article 5 paragraph 4 of the Law on Primary School, or article 27 paragraph 6 of the Law on Secondary School, stipulating that it is to be made possible for pupils belonging to national minorities to cover the curriculum and program for their mother tongue with elements of the national culture, when classes are held in the Serbian language.<sup>37</sup>

2. In regard to the implementation of this article of the Framework Convention, it is necessary to point to the provisions of the most important regulation pertaining to this matter – the federal Law on the Rights and Freedoms of National Minorities. Regulating the schooling of persons belonging to national minorities, in article 13 paragraphs 5 – 7, the Law stipulates:

- that the curriculum for the education of persons belonging to national minorities, in the part referring to national elements, will contain, to a large extent, topics related to the history, art and culture of the national minority;
- that national councils of the national minority must participate in putting together the curriculum for lessons in subjects expressing the specificity of national minorities in the language of the national minorities, for bilingual classes and the studying of the language of national minorities with elements of the national culture;

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<sup>37</sup> This provision existed even before the latest amendments and additions to the Law, but it was contained in art. 27/3.

- that, for the purpose of promoting tolerance towards national minorities, the curriculum and program of instruction in educational institutions and schools with classes in the Serbian language should also include teaching material containing knowledge about the history, cultural and position of national minorities, as well as other issues promoting mutual tolerance and joint life;
- that in the territories where the language of a national minority is in official use, the curriculum and program of instruction in educational institutions and schools where the teaching language is Serbian should contain the possibility of studying the language of a national minority.

### 3. Education

The most important form of measures for fostering the culture and language of national minorities in primary and secondary education is the holding of all the classes in minority languages (see comment on the implementation of article 14 of the Framework Convention). In environments where classes are held only in the Serbian language, pupils whose mother tongue is not Serbian have an optional subject »Mother Tongue with Elements of the National Culture«, for 2 lessons a week, from the first to the eighth grade (meaning throughout primary education). Persons belonging to minorities took active part in the preparation of curricula and plans for this subject. Also of importance for fostering the culture and language of national minorities in the education process are special textbooks intended for pupils belonging to national minorities, 'Instructions about Language' ('Pouke o jeziku') is the textbook published in the Serbian language, but intended for pupils from minority communities. Also prepared for each minority community has been the textbook 'Additional Material' ('Dopunski sadržaji') for lessons in the subject 'Mother Tongue with Elements of the National Culture' which contains elements of the national culture: additional material from the history of the national minority, as well as material related to the music and fine arts of national minorities. Furthermore, special attention is devoted to the fostering of the history of national minorities. Textbooks for the school subject of history largely contain teaching material related to the history of national minorities and their mother states. Pupils belonging to the Albanian, Turkish, Romanian, Ruthenian, Hungarian and Slovak minorities have the possibility of obtaining broader education at additional classes devoted to national history. Also important for fostering the languages of national minorities are competitions in the mother tongue which are organized for pupils belonging to national minorities in the Republic of Serbia by the Ministry of Education. The fostering of the religion of national minorities is ensured through religious teaching (see comment on the implementation of article 8 of the Framework Convention). It is important to point out that textbooks for religious teaching are translated into the languages of minority communities.

#### 4. University Education and Research

4.1. In the field of university education, the most effective measures for fostering the culture, history and languages of national minorities which the state has undertaken are the opening of special departments at which national languages and literatures are studied. All the languages spoken by national minorities in FR Yugoslavia are studied at the Faculties of Philology and Philosophy in the Republic of Serbia. Studied at the Faculty of Philology in Belgrade are the Bulgarian language and literature, Slovak language and literature, Romanian language and literature, Turkish language and literature, Oriental philology, the Albanian language and literature, the Hungarian language and literature and the Ukrainian language and literature. At the Faculty of Philosophy in Novi Sad, studied are: the Hungarian language and Literature, Slovak language and literature, Ruthenian language and literature and Romanian language and literature. Studied at the Faculty of Philosophy in Niš are Slavic studies with Balkan studies.

4.2. In the field of research, the state is assisting a series of scientific projects focusing on the study of the culture, language, history and religion of national minorities. The Ministry of Science and Technology of the Republic of Serbia finances two extremely important long-lasting scientific projects – »Ethno-Linguistic and Socio-Linguistic Study of Multi-Ethnic Communities in the Balkans« being implemented by the Institute of Balkan Studies of the Serbian Academy of Sciences and Arts and »Cultural, Linguistic and Literal Patterns of Minority National Communities« being implemented by the Faculty of Philosophy in Novi Sad.

Certain research activities have been institutionalized. Within the Serbian Academy of Sciences and Arts there is a Commission studying the life and customs of the Roma. The Commission was formed already in 1988 and with constant financial difficulties<sup>38</sup>, it has managed to organize several important scientific gatherings devoted to the Roma national minority (three international gatherings) which were followed by the publication of special collections of works from these gatherings. Also operating within the Serbian Academy of Sciences and Arts is the Inter-departmental Committee for studying minorities and human rights and the Ethnographic Institute. The Ethnographic Institute is a fundamental scientific institution carrying out studies of all segments of the culture of the Serbian people and national minorities in FRY. The Ethnographic Institute and the Inter-departmental Committee were the leading agencies in several scientific projects and organized several scientific conferences devoted to national minorities (particularly important among them being the international conference 'The Status of Minorities in FRY'). As part of international scientific cooperation, the SANU Ethnographic Institute and the Inter-departmental Committee have worked together with Academies of Arts and Sciences of Bulgaria, Hungary, Romania and Slovakia. Within that cooperation, scientific research was carried out into the culture and customs of the Hungarians, Slovaks and Ruthenians, and recently of the Bulgarian minority in eastern Serbia and the Romanians in Vojvodina.

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<sup>38</sup> For example, in the course of 1999, the Commission had a budget of only 200 euro !!!!!

Paragraph 2

1. Training of teachers

1.1. The Law on the Protection of the Rights and Freedoms of National Minorities, in article 14, stipulates that, for the needs of education in the languages of national minorities, departments and faculties would be ensured within post-secondary and high education, where teachers of the languages of national minorities and other teachers and instructors would be educated in the languages of national minorities, or bilingually.

A provision from paragraph 2 of the same article of the Law on the Protection of the Rights and Freedoms of National Minorities stipulates that, apart from the mentioned post-secondary and university education, the faculty will organize instructorship in the languages of national minorities, where students belonging to national minorities will be able to master professional terms in the language of the national minority as well.

Provisions from paragraphs 3 and 4 of the same article establish additional obligations of the state in this field by specifying that it would assist the professional and terminological training of teachers for the needs of education in languages of national minorities, i.e. that it would stimulate international cooperation with the aim of making it possible for persons belonging to national minorities to study abroad in their mother tongue and to have such diplomas recognized in line with the law.

1.2. The education of personnel to work in minority languages in pre-school institutions is performed in special two-year post-secondary pedagogical schools in which classes are held in minority languages as well. The post-secondary school for educating teachers who hold classes in minority languages are: the Post-Secondary School in Novi Sad (classes are held in the Serbian and Hungarian languages), Post-Secondary School in Subotica (classes are held in the Serbian and Hungarian languages) and the Post-Secondary School in Vršac (classes are held in the Serbian and Romanian languages).

The education of teachers for holding classes in minority languages in lower grades of primary education (I-IV grades of primary school) is performed at the Teachers' Faculty in Sombor and at its departments. The Teachers' Faculty in Sombor educates teachers to work in the Ruthenian language, while the Subotica Department of the Sombor-based Teachers' Faculty educates teachers to hold classes in the Hungarian language, and the Department in Bački Petrovac educates personnel for teaching the Slovak language. The Department of the Belgrade-based Teacher's Faculty in Vršac educates students to acquire the title of teacher in the Romanian language. There is no education for teachers to work in the Albanian language.

The education of teachers in higher grades is performed within post-secondary and university education. Apart from the departments and instructorships for studying the language and literature, it is important to point out that persons in FR Yugoslavia belonging to minorities also have the possibility of studying other sciences in their mother tongue, thus also acquiring the qualifications for holding classes in minority



languages in higher grades of primary school and in secondary school. The possibilities for persons belonging to national minorities to study in their languages are presented in greater detail in the comment to the implementation of article 14 of the Framework Convention for the Protection of National Minorities. Students belonging to national minorities, who complete studies in natural or social sciences in the Serbian language, can teach in secondary schools where classes are conducted in their mother tongue.

1.3. Adequate possibilities for the training of teachers are also envisaged by programs of cooperation between the Federal Government of FR Yugoslavia and the governments of the mother states of certain national minorities living in FR Yugoslavia in the fields of education, culture, youth and sports. The program of cooperation with the Government of the Republic of Slovakia stipulates that the Slovak side will accept every year 30 teachers of kindergartens, primary schools and secondary schools with classes in the *Slovak* language for professional language courses lasting 14 days. The program of cooperation in the fields of education, science and culture between the Federal Government of FR Yugoslavia and the Government of Romania stipulates that the two sides will accept professors of the *Romanian* language and other subjects taught in that language in FR Yugoslavia, i.e. of the Serbian language and other subjects taught in this language in Romania, for the purpose of attending courses for additional training in another country or for the exchange of experiences in educational institutions. The two sides will accept teachers and professors of the Romanian, i.e. Serbian language for the purpose of teaching in educational institutions for national minorities from another country. The program between the Federal Government of FR Yugoslavia and the Government of the Republic of Bulgaria on cooperation in the fields of education, science and culture envisages that the Bulgarian side will offer the possibility of advance training in the *Bulgarian* language, literature and other disciplines taught to pupils belonging to the Bulgarian national minority in FR Yugoslavia in schools where the Bulgarian language is studied. The Bulgarian side has expressed the desire to send teachers and instructors of the Bulgarian language, literature, history, music and other disciplines to schools where the Bulgarian language is taught in FR Yugoslavia.

1.4. National cultural and educational associations often organize gatherings and seminars for the additional training of teachers belonging to national minorities. The state sponsored such gatherings on a number of occasions. Due to the lack of educational personnel, of special importance are the gatherings of Roma teachers organized by the Roma Central Cultural and Publishing Society of Yugoslavia («Matica Romska Jugoslavije«).

1.5. The success achieved in the training of teachers is best illustrated by statistical data. According to the national composition of two-year post-secondary schools in the Autonomous Province of Vojvodina, the part of the state with the largest number of minorities, teachers and associates belonging to the Hungarian national minority account for 7.86% of total educational personnel. The teachers and associates in post-secondary schools in AP Vojvodina include persons belonging to other national minorities as well – 5% of the total number of teachers and associates belong to the Romanian national minority, 2.14% are Slovaks, 1.43% are Croats, while Bulgarians account for 0.71%. Out

of the total number of teachers and associates at faculties of the University in Novi Sad, Hungarians account for 8.27%, Croats for 2.57%, Slovaks for 1.29%, Ruthenians for 1.01%, and Romanians for 0.34%, while other nationalities (except Serbs and Montenegrins of whom there are 73.4% together), and the undecided account for 4.42%. The presented data also clearly attest to contacts among pupils, i.e. students and professors belonging to different national communities in AP Vojvodina.

The data on the national composition of teaches in secondary and primary schools, as well as data for the rest of the country would be subsequently forwarded.

## 2. Access to textbooks

2.1. Access to textbooks is dealt with by special regulations. Thus, article 4, paragraph 3 of the Law on Textbooks and Other Teaching Aids of the Republic of Serbia explicitly stipulates that textbooks are also published in the languages of national minorities for pupils for whom educational work is organized in the languages of national minorities as well. The act of the minister of education approving the manuscript of the textbook to be published also contains the decision on the language and script in which the textbook is to be published (article 17 of the Law on Textbooks and Other Teaching Aids of the Republic of Serbia).

2.2. Official textbooks for the primary and secondary school in FR Yugoslavia are published by responsible institutions – the Institute for Textbooks and Teaching Aids. The Institute for Textbooks and Teaching Aids of the Republic of Serbia has its department in Novi Sad which is in charge of preparing and publishing textbooks for most of the national minorities living in FR Yugoslavia (Hungarian, Slovak, Romanian, Ruthenian and Roma), while the Institute's department in Belgrade prepares and publishes textbooks in the Albanian, Turkish and Bulgarian languages. So far, the Institute for Textbooks and Teaching Aids of the Republic of Serbia has issued an enormous number of titles in minority languages which, in most cases, satisfy the needs of education in languages of national minorities in primary and secondary education. A special problem are textbooks and teaching aids in the Roma language.

Apart from textbooks, an important publishing activity of the Institute is the publication of the required reading and major works in minority languages.

### School books published by the Institute in languages of national minorities

NATIONAL MINORITY LANGUAGE	Primary school		Secondary school		University editions <sup>39</sup>	Major works-Special editions	total
	textbooks	Required reading	textbooks	Required reading			
<b>Hungarian language</b>	104	52	55	4	-	13	228
<b>Slovak language</b>	91	46	46	-	-	13	196
<b>Romanian language</b>	85	58	24	-	-	12	179
<b>Ruthenian language</b>	83	36	35	1	-	13	168
<b>Roma language</b>	1	-	-	-	-	-	1
<b>Albanian language</b>	81	13	107	-	168	4	373
<b>Turkish language</b>	60	12	12	-	-	5	89
<b>Bulgarian language</b>	21	8	4	-	-	2	35
<b>Ukrainian language</b>	-	-	-	-	-	1	1
<b>total</b>	526	225	283	5	168	63	1270

2.3. The programs of cultural and educational cooperation with certain states envisage special measures of importance for accessing textbooks. The program of cooperation with the Government of the Republic of Bulgaria envisages that the Bulgarian side will place additional school reading and literature in the Bulgarian language at the disposal of school libraries in schools where the Bulgarian language is studied and will offer assistance in the writing of textbooks in the Bulgarian language for these schools, in line with the school programs established by Yugoslav bodies, for the education of children belonging to the Bulgarian national minority in FR Yugoslavia. The program of cooperation in the fields of education, science and culture between the Federal Government of FR Yugoslavia and the Government of Romania stipulates that cooperation in the sphere of education will also be conducted through the exchange of school and university textbooks, books and magazines.

#### Paragraph 3

1. In FR Yugoslavia, equal access to education at all levels is ensured for everyone. This is already stated in constitutional and other norms guaranteeing equality before the law.

Apart from that, in article 62, the Constitution of FR Yugoslavia explicitly states that schooling is to be accessible to everyone, under equal conditions, and that elementary education (which lasts 8 years in Yugoslavia) is obligatory and no school fees are to be paid for it.

2. The same as the federal Constitution, the Constitution of the Republic of Serbia (article 32, paragraphs 1-3) stipulates that schooling is accessible to everyone, under

<sup>39</sup> The figures in the table refer to textbooks in the Albanian language prepared during the previous Yugoslavia. In present time, university textbooks are not prepared by the Institute for Textbooks and Teaching Aids, but they are rather issued by faculties, i.e. universities.

equal conditions, that elementary education is obligatory, and that regular schooling is financed by public revenues, whereby the citizens pay no school fee.

Similarly, the Constitution of the Republic of Montenegro (art.62) stipulates that everyone has the right to schooling under equal conditions, that elementary education is obligatory and that no school fee is paid.

These issues are regulated in greater detail by corresponding educational laws (on primary school, on secondary school, on two-year post-secondary school, on the university).

3. In the reality of social life, persons belonging to national minorities use equal possibilities for accessing education at all levels. For example, at the level of high education, out of the total of 201,638 students who are Yugoslav citizens and who enrolled in institutions of high education in FR Yugoslavia in the school year of 2000/2001, there were 180 Albanians, 112 Bulgarians, 167 Bunjevci, 44 Vlachs, 47 Jews, 2,943 Hungarians, 1,175 Bosniacs, 26 Germans, 52 Roma, 197 Romanians, 323 Ruthenians, 673 Slovaks, 15 Turks, 87 Ukrainians, 505 Croats and 32 Czechs.

The latest data for all levels of education have been processed only for the area of AP Vojvodina. Among the school population in AP Vojvodina from I-VIII grades, classes in the Hungarian languages are attended by 11%, in the Slovak language by 2%, in the Romanian and Ruthenian languages a little less than 1% of the total number of pupils, which approximately corresponds to the ethnic composition of Vojvodina. In the course of 1999/2000, secondary education in the Hungarian, Slovak, Romanian and Ruthenian languages on the territory of AP Vojvodina was attended by 7,249 pupils in 290 classes, and a similar structure was retained in 2000/2001 as well. In post-secondary education in AP Vojvodina, 8.31% of students are ethnic Hungarians, 1.36% ethnic Slovaks, 0.82% ethnic Hungarians, 1.36% ethnic Slovaks, 0.82% ethnic Romanians and 0.64% are ethnic Ruthenians. In the school year of 2000/2001, in high education at faculties of Novi Sad University, compared to the total number of students doing general studies, 5.72% are Hungarians, 1.13% are ethnic Slovaks, 0.30% are ethnic Romanians and 0.71% are ethnic Ruthenians. Out of the total number of students doing post-graduate studies at faculties of Novi Sad University, 8% are students belonging to the Hungarian national minority, 1.35% are students belonging to the Slovak national minority, 0.21% of Romanian national minority and 0.42% belonging to the Ruthenian national minority.

### **Article 13**

**1. Within the framework of their education systems, the Parties shall recognize that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**

**2. The exercise of this right shall not entail any financial obligation for the Parties.**

Paragraph 1

1.1. The right of persons belonging to national minorities to establish and manage their own private educational and training institutions is envisaged by article 15 of the Law on the Protection of the Rights and Freedoms of National Minorities. This article of the Law stipulates that persons belonging to national minorities, where education will be organized in the languages of national minorities or bilingually, have the right to establish and maintain private educational institutions, schools or a university, where education will be organized in languages of national minorities or in two languages, in line with the law.

1.2. The Law on Primary School of the Republic of Serbia stipulates that primary schools are founded by the Government of the Republic of Serbia (article 9). The presented solution prevents the existence of private primary schools and is justified by the state's constitutional obligation to ensure elementary education. The establishment of private elementary music and ballet schools is liberal. Unlike the solutions for primary schools, the Law on the Secondary School of the Republic of Serbia stipulates that legal entities and physical persons can establish a secondary school in line with the law (article 13). An identical solution is also envisaged in the Law on Two-Year Post-Secondary School of the Republic of Serbia which envisages the possibility of legal entities and physical persons establishing a two-year post-secondary school in line with the law (article 9, paragraph 5 of the Law on Two-Year Post-Secondary). Also, the Law on the University of the Republic of Serbia envisages that both legal entities and physical persons can establish a university (article 10, paragraph 1).

1.3. The Law on Primary School of the Republic of Montenegro, in article 17, paragraph 1, says that a primary school is established as a public institution. A school for elementary artistic education and a primary school for adult education can be privately owned in Montenegro. The law on Secondary School of the Republic of Montenegro, in article 16, stipulates that a secondary school can be founded as a public, mixed or private institution. The Law on the University of the Republic of Montenegro says that a university unit can be established by a legal entity or physical person if the conditions stipulated by the Law (a program of instruction, teaching staff, financial means, ensured space etc.) are met and if obtained is the consent of the Government of the Republic of Montenegro for the establishment of a university unit and the opinion of the university (article 14 of the Law on the University). In practice, there are no private minority schools and universities.

Paragraph 2

1. The Framework Convention envisages that the exercise of the rights of persons belonging to national minorities to establish and run their own private institutions for education and training does not entail any financial obligations for the state. The Law on the Protection of the Rights and Freedoms of National Minorities stipulates that both domestic and foreign organizations, as well as foundations and private persons can participate in the financing of education in languages of national minorities, in

accordance with the law, and that, in the event of a financial or other type of donation, *the state will provide certain benefits or tax deductions.*

#### **Article 14**

**1. The Parties undertake to recognize that every person belonging to a 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 in this language.**

#### Paragraphs 1-2

1. The Yugoslav legal system guarantees not only the right of persons belonging to national minorities to study their mother tongue, but also the right, under certain conditions set by the law, to receive education, within the public education system, in two languages or in their mother tongue.

Provisions related to this are contained in the highest acts of the state, i.e. of the member republics. The Constitution of FR Yugoslavia, in article 46, paragraph 1, stipulates that persons belonging to national minorities have the right to be educated in their own language, and this right is also guaranteed by article 34, paragraph 4 of the Serbian Constitution, i.e. article 68 of the Constitution of Montenegro.

This right and the manner of its exercise are regulated in greater detail by relevant laws.

2. 1. The Law on the Protection of the Rights and Freedoms of National Minorities, in article 13, paragraph 1, stipulates that persons belonging to national minorities have the right to instruction and education in their language in pre-school, elementary school and secondary school institutions.

Of special importance for the right of persons belonging to national minorities to study their mother tongue and to be taught in their mother tongue is the provision of article 13, paragraph 2 of the Law on the Protection of the Rights and Freedoms of National Minorities which specifies that the state is obliged to create conditions for the organizing of education in the language of a national minority, if, at the time of the adoption of this law, there exists no education in the language of a national minority within the system of public education, and until that time, it is obliged to ensure teaching in two languages or the studying of the language of a national minority with elements of national history and culture for persons belonging to a national minority. The presented provision of the Law

on the Protection of the Rights and Freedoms of National Minorities makes it possible for teaching in the mother tongue to be organized for also for those national minorities which have so far not had this possibility.

The Law on the Protection of the Rights and Freedoms of National Minorities, in article 13, paragraph 3, stipulates that, for the realization of education in minority languages, it is possible to prescribe a certain minimal number of students, but this number can be below the minimum prescribed by the law for corresponding forms of teaching and education. In other words, the Law says that classes for minorities can be organized even when there is an insufficient number of students, required for organizing regular classes in the language of the majority population.

Other solutions in the Law on the Protection of the Rights and Freedoms regarding this issue (the curriculum for the needs of the education of minorities, with respect for national elements, i.e. the history, art and culture of a national minority, the drawing up of a program of instruction and curriculum with the necessary participation of national councils of national minorities and so on) was discussed in the comment to the realization of article 12 of the Framework Convention.

2.2. According to the Law on Primary School of the Republic of Serbia, teaching in languages of national minorities or in two languages is organized in environments where there are at least 15 pupils registered to enroll in first grade. On the basis of a provision of article 5, paragraph 2, teaching can also be organized for a smaller number of pupils with the approval of the minister of education.

The manner of the realization of the program of instruction and curriculum in two languages in primary schools in the Republic of Serbia is prescribed by the minister of education. When the program of instruction and curriculum are realized in language of national minorities, the pupil is also taught according to the program of instruction and curriculum in the Serbian language.

When the program of instruction and curriculum are realized in the Serbian language, it is ensured that pupils belonging to national minorities in the Republic of Serbia are taught according to the program of instruction and curriculum for their mother tongue with elements of the national culture.

The Law on Primary School of the Republic of Montenegro, in article 11, stipulates that in areas inhabited by a larger number of persons belonging to national minorities, schools or classes where the teaching is in the language of that national, i.e. ethnic group are to be opened. Depending on the conditions and possibilities, it is also possible to introduce, for pupils belonging to national minorities, teaching in their language in other schools and classes of those schools. Article 12 of the same Law says that in areas populated by persons belonging to Yugoslav national and national minorities alike, it is possible to open schools or classes of these schools with bilingual teaching.

2.3. Instruction and education in minority languages at secondary school institutions in the Republic of Serbia are regulated by the Law on Secondary School, according to which it is necessary to have a minimum of 15 students in classes of the first grade of high schools, vocational schools and art schools in order to realize the program of instruction and curriculum in languages of national minorities (article 5, paragraph 1)<sup>40</sup>. For holding classes in minority languages for a smaller number of students it is necessary to obtain the consent of the minister of education. The presented provisions of the Law prescribe, as a precondition for the realization of the right to secondary school education in minority languages, the need for 15 students in an already formed class to opt for such teaching. In view of the fact that it is difficult to find 15 students in already formed classes with a mixed national composition who would request to be taught in a minority language, secondary schools have pupils decide on having classes in minority languages at their enrollment.

Provisions of article 5 of the Law on Secondary School of the Republic of Serbia oblige secondary schools to ensure conditions for the realization of the program of instruction and curriculum in the Serbian language in environments where classes are held only in languages of national minorities, and in environments where there are no bilingual classes or classes in minority languages, the school must ensure conditions for the realization of the program of instruction and curriculum in the subject of the mother tongue with elements of the national culture.

The Law on Secondary School of the Republic of Montenegro envisages that, depending on the conditions and possibilities, students belonging to national minorities can be taught in the language of the national and ethnic group. In areas where Yugoslav nations and persons belonging to the Albanian national minority live together it is possible to open schools or classes with bilingual teaching. Schools for students belonging to the Albanian national minority are opened and classes are held in them in the Albanian language within the single system of instruction and education established by the law.

2.4. The Law on Two-Year Post-Secondary School and the Law on the University of the Republic of Serbia, in essence, contain similar provisions pertaining to the organizing and realization of classes in languages of national minorities. The Law on Two-Year Post-Secondary School also envisages the possibility of classes in the languages of national minorities, which is decided on by the founder. If the founder is not the Government of the Republic of Serbia, its consent for holding classes in the language of a national minority is all the more necessary (article 4, paragraphs 2 and 3 of the Law on Two-Year Post-Secondary School). The Law on the University of the Republic of Serbia envisages an identical solution in article 8, paragraphs 2 and 3.

It is necessary to point out here the fact that the Law on the University allows not only the acquisition of high education in minority languages, but also post-graduate and doctoral studies in these languages.

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<sup>40</sup> Depending on the type of secondary school, education in them lasts 3-4 years.



3.1. In the 2000/2001 school year, 11 primary schools in the territory of the municipalities of Preševo and Bujanovac had classes in the *Albanian* language. In two schools, pupils belonging to the Albanian national minority could attend bilingual classes, i.e. classes held at the same time in the Serbian and Albanian languages. In the municipality of Bujanovac there is also a secondary school where the classes are held in the Albanian language, while in the municipality of Preševo there are two secondary schools where the students are taught in both the Serbian and Albanian languages. In the Republic of Montenegro, classes in the Albanian language are organized in Ulcinj, Plav and Tuzi. In these places, there are primary and secondary school institutions where all the classes are organized in the Albanian language. High education in the Albanian language is conducted within the Department for the Albanian language and literature at the Faculty of Philology of Belgrade University.

3.2. Classes in the *Bulgarian* language for pupils belonging to the Bulgarian national minority are held at three primary schools in the municipalities of Surdulica and Bosilegrad. In the municipality of Bosilegrad there is also one secondary school with classes in the Bulgarian language. In the municipality of Dimitrovgrad, pupils belonging to the Bulgarian national minority attend classes in the Serbian language, but have additional lessons in their mother tongue (Bulgarian) with elements of the national culture. High education in the Bulgarian language is carried out within the Department for the Bulgarian language and literature at the Faculty of Philology of Belgrade University.

3.3. On the territory of AP Vojvodina, pupils belonging to the *Hungarian* national minority attend classes in their mother tongue in 83 primary school institutions (I-VIII grades). Some of these schools hold all the classes in the Hungarian language, while in some of them the teaching is bilingual. For pupils of impaired development, there are four primary schools with classes in the Hungarian language. Schools for elementary music education in the Hungarian language exist in 8 municipalities. There are 29 secondary schools with all the classes in Hungarian, or with parallel Hungarian and Serbian classes. As part of post-secondary school education, classes in the Hungarian language are held at the two-year post-secondary technical school in Subotica and post-secondary schools for the education of teachers in Novi Sad and Subotica. Classes in the Hungarian language, within high education, are held at the Department for the Hungarian language and literature at the Faculty of Philosophy in Novi Sad and Belgrade, and partly also at the Arts Academy in Novi Sad (the Department of Acting in the Hungarian language), the Subotica department of the Sombor-based Teachers' Faculty and at the Faculties of Economic and Civil Engineering in Subotica.

3.4. Pupils belonging to the *Romanian* national minority attend classes in their mother tongue at 19 primary schools. Some of these schools teach all the subjects in the Romanian language, while in some classes are bilingual. There are 2 secondary schools where classes are held in the Romanian language. As part of two-year post-secondary school education, classes in the Romanian language are held at the two-year post-secondary school for the education of teachers in Vršac. As part of high education, classes in the Romanian language are held at the Vršac department of the Belgrade-based

Teachers' Faculty and at the Departments of the Romanian language and literature in Novi Sad and Belgrade.

3.5. Classes in the *Ruthenian* language are held in three primary schools. In Ruski Krstur there is also one secondary school (high school) where classes are held in both the Serbian and Ruthenian languages. Teachers are educated in the Ruthenian language at the Teachers' Faculty in Sombor. As part of high education, classes in the Ruthenian language are held at the Department of the Ruthenian language and literature of the Faculty of Philosophy in Novi Sad.

3.6. Pupils belonging to the *Slovak* national minority attend classes in their mother tongue at 17 primary schools. For children with impaired development there is one primary school where classes are held in the Slovak language. There are also two secondary schools with classes in the Slovak language: the High School in Kovačica and the High School in Bački Petrovac. Within post-second school education, Slovak is a teaching language at the Teachers' Faculty in Sombor (the department in Bački Petrovac) and at the Departments of the Slovak language and literature in Belgrade and Novi Sad.

3.7. For pupils belonging to the *Croatian* national minority, classes in their mother tongue are in preparation and under way is the declaring of the parents.

3.8. Systematic education in the *Roma* language represents a problem, especially if one knows that the Roma language is not standardized and that there is insufficient personnel to hold classes in this language. The number of classes and schools in which the Roma language and culture are taught increased last year. Pupils belonging to the Roma national minority have classes in their mother tongue (Roman) with elements of the national culture. Classes in this subject are held at 29 schools, 21 of which in AP Vojvodina, four in Obrenovac and four in Lazarevac outside Belgrade. The federal ministry of national and ethnic communities has drawn up a detailed plan for resolving the issue of education in the Roma language which implies the following steps:

1. *the process of standardizing the language, entrusted to the commission of the Serbian Academy of Sciences and Arts, has begun;*
2. *the network of pre-school education has been expanded and the association of the existing »alternative« kindergartens to state institutions;*
3. *the awarding of scholarships to Roma primary and secondary school students has begun, so as to stimulate their schooling;*
4. *the production of other textbooks in the Roma languages (there is now only a Primer for I grade) has begun;*
5. *the translation of literature into the Roma language will be financed;*
6. *bringing to literacy will be carried out among the elderly population.*

In primary and secondary schools in which classes are held in the languages of minorities, the keeping of records in the languages of minorities as well is obligatory, and school ID is also issued in the languages of minorities (this was already discussed in

regard to the official use of the language of minorities, in the comment on the implementation of article 10).

Paragraph 3

1. Having determined the right of persons belonging to national minorities to be taught in their mother tongue, i.e. to learn this language as a special subject, the Yugoslav legal system envisages the mandatory studying of the Serbian language, as the official language in the country and, at the same time, a means of mutual communication among different ethnic communities.

In corroboration of this it is sufficient to mention the provision of article 13, paragraph 4 of the Law on the Protection of the Rights and Freedoms of National Minorities which explicitly stipulates that education in the language of the national minority does not rule out the mandatory studying of the Serbian language.

**Article 15**

**The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.**

1. The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs in FR Yugoslavia is ensured by the constitutional and legal provisions which define FR Yugoslavia as a (democratic) state in which authority rests with the citizens, and which is based on the rule of law. The Constitution of the Republic of Montenegro, in article 73, explicitly guarantees to persons belonging to national minorities *the right to proportional representation in public services, bodies of state authority and local self-government*. In FR Yugoslavia, through provisions of numerous laws and practical measures, conditions have been created for the effective participation of persons belonging to national minorities in various spheres of social life.

2. The effective participation of persons belonging to national minorities in cultural and social life and public affairs affecting them is regulated by the federal Law on the Protection of the Rights and Freedoms of National Minorities which, in article 19, for this purpose envisages the organizing of national councils of national minorities in the form of *minority self-government, i.e. cultural autonomy*. The Law stipulates that persons belonging to national minorities can elect national councils for the purpose of realizing the right to self-government in the fields of the use of the language and script, education, informing and culture. Councils are formed on a voluntary basis, they are elected, and function according to the principle of proportionality and democracy.

According to the provision of article 19, paragraph 3 of the Law on the Protection of the Rights and Freedoms of National Minorities, the Council has a minimum of 15 and a

maximum of 35 members, depending on the total number of persons belonging to the national minority, are they are elected for a period of four years.

The Council represents the national minority in relation to the official use of the language, education, informing in the language of the national minority and culture, it participates in the decision-making process or decides on issues related to these spheres, and it founds institutions dealing with these issues. It is specially determined that:

- when deciding on the mentioned issues, bodies of the state, territorial autonomy or unit of local self-government are obliged to request the opinion of the Council;
- part of the competencies concerning these issues can be entrusted to national councils, with the state providing the financial means for their realization;
- when establishing the scope and type of competencies that would be transferred onto the national council, the request of the national council is also to be taken into account;
- every national council can address state bodies in regard to all issues affecting the rights and positions of a national minority.

A national council is a legal entity. It adopts its statute and budget in line with the Constitution and law, and is financed from the budget and donations. The register of elected councils is kept by the responsible federal body. The Law on the Protection of the Rights and Freedoms of National Minorities stipulates that the election of national councils will be regulated by a separate law. Until the adoption of a separate law on the election of national councils, this body will be elected by the assembly of electors of national minorities which will consist of federal, republican and provincial MPs belonging to national minorities, councilors elected in units of local self-government in which the language of a national minority is in official use, persons belonging to national minorities who collect at least 100 signatures and persons designated by the assemblies of national associations and organizations. The bylaw, whose adoption is stipulated by the Law on the Protection of the Rights and Freedoms of National Minorities, regulates the manner in which the assembly of electors will elect national council according to the proportional system. Through the presented solutions regarding national councils, the Law on the Protection of the Rights and Freedoms of National Minorities has established a special form of cultural autonomy for national minorities. At the time when this report was being written, the federal ministry of national and ethnic communities started receiving regular initiatives for the holding of elector assemblies, submitted by persons belonging to certain minorities (Hungarian, Slovaks, Ruthenians...). The first elector assembly for the election of the national councils of national minorities will be the elector assembly for the election of the national council of the Hungarian national minority, the holding of which is scheduled for September 21, 2002.

Of special importance for the effective participation of persons belonging to national minorities in public affairs affecting them is the provision of article 20 of the Law on the Protection of the Rights and Freedoms of National Minorities, which says that, when employing persons in public services, including the police, attention should be paid to the

national composition of the population, adequate representation and the knowledge of the language which is spoken in the area of the body or service.

3.1. The participation of persons belonging to national minorities in the political life of the country and the formation of political will is guaranteed by the constitutional provisions on the voting right and the freedom of association. Persons belonging to national minorities who have 18 years of age, as well as all Yugoslav citizens, enjoy both the active and passive voting right. The Constitution of FR Yugoslavia, in article 14, stipulates that political pluralism is the precondition and guarantee of the democratic political order in the country. Persons belonging to national minority have the right to form political parties. The Constitution of FR Yugoslavia envisages only one restriction of the freedom of association which refers to all citizens – in article 42, paragraph 2, the Constitution bans the activities of political, trade union and other organizations whose goal is the forcible undermining of the constitutional order, the violation of the territorial integrity of FR Yugoslavia, the violation of the guaranteed rights and freedoms of the man and citizen or the provocation of national, racial, religious or other intolerance or hatred. In the Yugoslav legal order, the federal Constitutional Court is authorized to decide on the ban on the work of political parties. In the practice so far, no political party has been banned. The federal Law on the Association of Citizens in Associations, Social Organizations and Political Organizations Formed on the Territory of the federal State envisages that a political organization, i.e. party can be formed by a minimum of a hundred citizens. An identical solution regarding the number of persons who can form a political organization is also contained in the Law on Political Organizations of the Republic of Serbia.

3.2. The Law on the Election of Federal Deputies in the Federal Parliament's Chamber of Citizens stipulates that only the electoral lists that win a minimum of 5% of the votes of the total number of voters who took to the polls at a constituency (article 87) can participate in the distribution of seats in parliament. An identical solution is also contained in the Law on the Election of Federal Deputies in the Federal Parliament's Chamber of Republics (article 92) and in the Law on the Election of Members of Parliament of the Republic of Serbia (article 81). The solutions from the mentioned election laws are not affirmative towards national minorities – if they do not form a coalition, parties rallying persons belonging to national minorities cannot easily win seats in parliament. The Law on the Election of Councilors and MPs of the Republic of Montenegro contains a special solution which facilitates the election of representatives of the Albanian national minorities into the Parliament of the Republic of Montenegro and councils of units of local self-government (see comment on the implementation of article 4 of the Convention).

4. Special measures are being taken in FR Yugoslavia whose goal is to increase the effectiveness of the participation of minorities in certain spheres of social life. Apart from the Plan for the integration of Albanians into the social life of the Republic of Serbia, an integral part of which is the formation of a multi-ethnic police (see comment on article 4), the Federal ministry of national and ethnic communities has formed an expert group to

draft a law on amendments and additions to the election laws (federal and of the republic of Serbia) which contain unfavorable solutions for national minorities.

5. The representation of persons belonging to national minorities in bodies of authority is being achieved in practice. Representatives of minorities are included in the work of the executive authorities at both the level of the federal units, and the level of the federation. For example, one of the deputy prime ministers of the Republic of Serbia belongs to the Hungarian national minority, and one assistant minister is Ruthenian. The federal minister heading the federal ministry of national and ethnic communities is a Bosniac, while one of his assistants belongs to the Hungarian minority, and one advisor is from the Roma community.

Persons belonging to minorities participate in the work of the legislative authorities at the level of the federation and the level of federal units. In the Federal Parliament, there are persons belonging to minorities in both chambers of the Parliament. Out of a total of 138 members of the Parliament's Chamber of Citizens, two MPs are Hungarian, and one is Slovak. In the Chamber of Republics, which, under the Constitution of FR Yugoslavia, has 40 members, one MP is Hungarian, and one is a Bosniac.

Persons belonging to national minorities participate in the exercise of judicial authority and the work of representative bodies of units of local self-government. In the municipality of Dimitrovgrad, out of four judges of the municipal court, three belong to the *Bulgarian minority*. In the municipality of Bosilegrad, all the judges of the municipal court are ethnic Bulgarians. All the members of the local council in this municipality are also ethnic Bulgarians. Local elections were held in the three municipalities in southern Serbia inhabited by the Albanian national minority on July 28, 2002. According to the results of the elections, there are *ethnic Albanian* councilors in the municipal council of Medvedja (6 councilors are Albanians, and 26 are Serbs) and in the municipal council of Preševo (35 councilors are Albanians, and 3 are Serbs)<sup>41</sup>. Several municipalities in Serbia have councilors who are *ethnic Roma* in the municipal councils of units of local self-government. The president of the City Council of Niš is a Roma. Detailed information on the representation of other national minorities in bodies of authority is presented in the table on data for AP Vojvodina.

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<sup>41</sup> Results of the election for the Municipality of Bujanovac are not available yet, owing to the conduct of judicial proceedings.

**National composition of bodies of authority on the territory of AP Vojvodina**

CATEGORY	Croats and Bunjevci	Hungarians	Germans	Roma	Romans	Ruthenians	Slovaks	Ukrainians	Czechs
Presidents of the councils of units of local self-government	-	7 16.3%	-	-	1 2.3%	1 2.3%	1 2.3%	-	-
Vice-presidents and secretaries of the councils of units of local self-government	2 2%	26 26%	-	-	1 1%	-	5 5%	-	-
Members of councils of units of local self-government	28 1,8%	269 17.3%	-	9 0.6%	39 2.5%	16 1%	70 4.5%	-	2 0.1%
Chairmen of executive boards of councils of units of local self-government	-	9 20.9%	-	-	-	1 2.3%	4 9.3%	-	-
Members of executive boards of the councils of units of local self-government	6 1.8%	71 20.9%	-	-	8 2.4%	2 0.6%	21 6.2%	-	1 0.3%
Judges of municipal courts	7 1.8%	37 9.7%	1 0.3%	1 0.3%	6 1.6%	3 0.8%	11 2.9%	-	-
Judges of district courts	2 2.2%	4 4.4%	-	-	-	-	1 1.1%	-	-
Municipal public prosecutors	3 3%	8 8%	-	-	2 2%	1 1%	3 3%	-	-
District public prosecutors	-	3 9,4%	-	-	-	-	2 6.2%	-	-
Judges of commercial courts	1 2%	5 10.2%	-	-	1 2%	-	-	-	-
Members of Parliament of AP Vojvodina	3 2.5%	20 16.6%	-	-	1 0.8%	1 0.8%	2 1.6%	-	-
Provincial administrative bodies	8 0.3%	18 6.8%	-	-	7 2.6%	5 1.9%	11 4.2%	1 0,03%	-

### Article 16

**The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.**

1. The Law on the Protection of the Rights and Freedoms of National Minorities, in article 22, *bans measures which alter the proportion of the population in areas inhabited by national minorities and which obstruct the realization of the rights of persons belonging to national minorities.* Unlike article 16 of the Framework Convention which imposes on the Parties the obligation to *refrain* from measures that alter the proportion of

the population in areas inhabited by national minorities, the Law on the Protection of the Rights and Freedoms of National Minorities *bans* such measures.

When interpreting the provision of article 22, one can conclude that the Law on the Protection of the Rights and Freedoms of National Minorities, in line with article 16 of the Framework Convention, *does not ban all measures* the result of which are or can be an alteration in the proportion of the population (sometimes such measures are simply inevitable), *but rather only those coming from the public authorities and which obstruct the realization of the rights of persons belonging to national minorities.*

According to the provision of the Law on the Protection of the Rights and Freedoms of National Minorities, in order to ban measures which alter the proportion of the population in areas inhabited by persons belonging to national minorities, *the element of will, envisaged by article 16 of the Framework Convention, does not need to exist, i.e. it is not necessary to have such measures taken with the goal of restricting the rights and freedoms of persons belonging to minorities. For banning measures which alter the proportion of the population in areas inhabited by persons belonging to national minorities, sufficient is the objective danger that their implementation restricts the realization of rights.*

2. In the legal system of FR Yugoslavia, few are the minority rights whose realization is stipulated by the numerical size of national minorities and their share in the total number of inhabitants of FR Yugoslavia, or a certain area where this right is realized. It is on the share of minorities in the total number of inhabitants of FR Yugoslavia, or units of local self-government, that the right to address state bodies in the mother tongue and the right to receive in one's own language a response to memorandums, proposals and petitions (a 2% share in the total population), as well as the official use of the language and script (a 15% share in the number of inhabitants in a unit of local self-government) depends. Certain measures which the public authorities would undertake, and which would alter the proportion of the population in certain cases could objectively not endanger the realization of minority rights, all the more so since it is not possible to disrupt the realization of some of these rights which, through the institution of acquired rights, have remained in force, if they had been acquired on the basis of the regulations that were applied until the Law on the Protection of the Rights and Freedoms of National Minorities came into force. Thus, the official use of minority languages which existed at the time when the Law on Protection of the Rights and Freedoms of National Minorities has been retained regardless of the percentage of the persons belonging to national minorities in the number of inhabitants of a unit of local self-government. In this sense, any kind of alteration of the number of inhabitants in units of local self-government could not affect the official use of the language and script which existed at the time when the Law was adopted, even if the number of persons belonging to minorities whose language is in official use was below 15%, or if it dropped below this percentage, regardless of the reasons that led to the reduction of the share of persons belonging to national minorities in the total number of inhabitants in that area.



3. The territorial regulation of the areas inhabited by national minorities has not changed since the 1960s. Nevertheless, it should be mentioned that, in FR Yugoslavia, i.e. in its member republics, the policy of discriminatory gerrymandering was sometimes applied towards minorities. This phenomenon was pronounced the most at local elections. Since the changes in 2000 and the adoption of a new Law on Local Self-Government, elections at all levels have been carried out according to the proportional election system, in one constituency (the municipality - for local elections, the Republic - for the republican and federal elections). It should be pointed out that certain solutions in the election laws are unfavorable for minorities (see comment to article 15).

4. In FR Yugoslavia, there existed and still exist examples of the undertaking of measures whose results were, or are a certain alteration of the proportion of the population in areas inhabited by persons belonging to national minorities (especially in Vojvodina). Such measures do not affect the right of minority communities and their members. At issue is the settlement of an enormous number of refugees and internally displaced persons who, due to war-time activities, moved to the territory of Yugoslavia from former republics of SFR Yugoslavia (now sovereign states) or from the territory of the Autonomous Province of Kosovo and Metohija. FR Yugoslavia did not plan the settlement of refugees, nor did it undertake this with the aim of restricting the rights and freedoms of national minorities. Because of their extremely large number (several hundred thousand persons), the economic weakness of the country exhausted by international sanctions, the lack of housing space and so on, these refugees (at issue are entire families) have been settled throughout the territory of FR Yugoslavia, primarily throughout Serbia, i.e. Vojvodina. The arrival of refugees and their settlement in multi-ethnic environments did not lead to the reduction of the scope of national minority rights. In practice, there have been cases of minority organizations protesting against the settlement of refugees. The last registered case is the reaction of the Democratic Alliance of Vojvodina Hungarians because of the settlement of six refugee families in Sombor, but, according to the assessment of state bodies, settlement within this scope cannot affect the realization of minority rights, nor can it cause the disturbance of the local population.

#### **Article 17**

**1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.**

**2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organizations, both at the national and international levels.**

Paragraph 1

1. The right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage is determined, primarily by the Constitutions.

Thus, the Constitutions of FR Yugoslavia, in article 48, guarantees the right persons belonging to national minorities to establish and maintain unhindered mutual relations in FR Yugoslavia and outside its borders with persons belonging to their nation in other states, but not to the detriment of the Federal Republic of Yugoslavia or its member republics.

A similar provision is also contained in the Constitution of the Republic of Montenegro which stipulates that persons belonging to national and ethnic groups have the right to establish and maintain unhindered contact with citizens outside Montenegro which whom they share a national and ethnic origin, cultural and historical heritage and religious convictions, but not to the detriment of Montenegro.

The Constitution of the Republic of Serbia does not contain such a provision.

2. The federal Law on the Protection of the Rights and Freedoms of National Minorities, in article 6, also stipulates that persons belonging to national minorities have the right freely to establish and maintain peaceful relations within the Federal Republic of Yugoslavia and outside its borders with persons lawfully staying in other states, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage. The provision of paragraph 2 of the same law stipulates that the state can envisage certain benefits for the purpose of realizing this right.

3. Cooperation of persons belonging to minorities with persons lawfully staying in other state, and with whom they share an ethnic, cultural, linguistic or religious identity is also achieved through cultural and educational associations of persons belonging to minorities. The central cultural and publishing societies, so-called »Maticas« of national minorities have widely branched-out international contacts and cooperation with fellow nationals in the world. For example the Ruthenian Matica actively participates in the work of the World Council of Ruthenians, and it also achieves cooperation with Ruthenian organizations in Ukraine, the Republic of Slovakia, Poland, Hungary, Romania, the Czech Republic, the US and Canada. Also the Slovak Matica in FR Yugoslavia has signed agreements on cooperation with the Slovak Matica in Bratislava, the Association of Slovaks from Yugoslavia in the Slovak Republic and the Association of Slovaks and Czechs in Romania.

4. A special form of achieving contacts with persons with the same ethnic, cultural, linguistic or religious identity in FR Yugoslavia has been achieved by persons belonging to the Hungarian national minority. When Hungary, on June 19, 2001, adopted its well

known Law on Hungarians Living in Neighboring Countries, better known as the ‘Status Law’, unlike some other states, Yugoslavia demonstrated a maximal doze of tolerance and understanding, although this, for Yugoslavia foreign law, in a certain sense regulates the legal position of its citizens (belonging to the Hungarian national minority). Therefore, even though at issue is the ex-territorial application of the laws of a state in the territory of its neighboring country, laws concerning such a sensitive matter as are human rights, especially the position of minorities, even after this document came into force (1.1.2002), Yugoslavia continued to maintain a benevolent attitude to it, having full understanding for the concern of its northern neighbor for the persons belonging to the Hungarian national minority in neighboring countries.

In this spirit, 6 offices of the organization *Concordia Minoritatis Hungaricae* (in Senta, Zrenjanin, Temerin, Novi Sad and Subotica) have been opened in Vojvodina (where the Hungarian minority lives). In line with the solutions of the ‘Status Law’, these offices collect information on persons interested in obtaining Hungarian personal documents and forward it to the Consulate General of the Republic of Hungary in Subotica, through which it is ultimately forwarded to the Hungarian Ministry of Foreign affairs. The truth be told, this initiative did not encounter equal understanding from everyone, so that, on the ground, there has been opposition, and even threats to the offices collecting the mentioned documentation. FR Yugoslavia has not officially denied these offices the right to work on its territory.

Similar benefits, on the basis of laws of their mother states, are also enjoyed by persons belonging to the Romanian and Slovak national minority in FR Yugoslavia.

### Paragraph 2

1. The right of persons belonging to national minorities to establish non-governmental organizations and participate in the activities of such organizations stems from those regulations pertaining to the establishment and work of citizens’ organizations, and which equally apply to all citizens, including persons belonging to minorities. Furthermore, a special law determines their right to establish special cultural, artistic and scientific institutions, societies and associations, which was discussed in the comment on the implementation of article 5 of the Framework Convention.

2. It is especially important to mention those norms referring to the participation of persons belonging to national minorities in international non-governmental organizations.

Thus, article 48 of the Constitution of FR Yugoslavia explicitly guarantees the rights of persons belonging to national minorities to participate in the activities of international non-governmental organizations, but not to the detriment of FR Yugoslavia or its member republics.

In this sense, the Constitution of the Republic of Montenegro is even more liberal – article 74, paragraph 1 stipulates that persons belonging to national and ethnic groups have the right to participate in regional and international non-governmental

organizations, as well as the right to address international institutions for the protection of their freedoms and rights guaranteed by the Constitution.

The Constitution of the Republic of Serbia does not contain such provisions.

The federal Law on the association of citizens within associations, social organizations and political organizations established in the territory of the federal state stipulates that an association of citizens, i.e. a non-governmental organization can be founded by a minimum of ten citizens with voting rights (article 9). An identical solution, according to which a non-governmental organization can be established by 10 citizens, is also contained in the Law on Social Organizations and Citizens' Associations of the Republic of Serbia. In view of the fact that the federal Law on the Association of Citizens and the Law on Social Organizations and Citizens' Associations of the Republic of Serbia were adopted during the previous Yugoslavia, it is clear that they do not envisage the freedom of the association of foreigners (it is important to mention that the Constitution of FR Yugoslavia and the Constitution of the Republic of Serbia guarantee the freedom of association for citizens, while the Constitution of the Republic of Serbia guarantees this freedom without stating whom it belongs to). In an effort to correct this shortcoming of the legal system, the Ministry of Justice of FR Yugoslavia drew up a draft law on international non-governmental organizations which is soon expected to enter assembly procedure. The Law on Non-governmental Organizations of the Republic of Montenegro states that a non-governmental association can be founded by a minimum of five persons with residence or a seat in the Republic of Montenegro (article 9), whereby the founders can be domestic and foreign legal entities and physical persons.

4. There is a large number of non-governmental organizations in FR Yugoslavia. According to data of the non-governmental sector, several hundred non-governmental organizations are active in FR Yugoslavia. Also, according to figures of the non-governmental sector, there are 91 international non-governmental non-profit organizations acting on the territory of FR Yugoslavia.<sup>42</sup>

## **Article 18**

**The Parties shall endeavor to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighboring States, in order to ensure the protection of persons belonging to the national minorities concerned.**

**Where relevant, the Parties shall take measures to encourage transfrontier co-operation.**

1. The agreement of friendship, good-neighborly relations and cooperation with Romania regulates, in principle, the position of the Romanian minority in FR Yugoslavia with the provision stipulating that the protection of minorities would be ensured in accordance with UN and OSCE documents. Also, the Agreement of the normalization of

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<sup>42</sup> Data according to the Directory of non-governmental, non-profit organizations in FR Yugoslavia 1996-2002, Center for the Development of the Non-profit Sector.

relations with the Republic of Croatia states that national minorities will be guaranteed all the rights envisaged by international law (see comment on the implementation of article 2 of the Framework Convention)

2. FR Yugoslavia has initiated the signing of bilateral agreements with neighboring states for the purpose regulating the position of national minorities. The largest progress has been achieved in talks with Hungary (the agreement is soon expected to be signed), and under way are also talks with Romania and Croatia. Furthermore, to all intents and purpose, talks with Macedonia are shortly to begin.

3. Certain issues of importance for national minorities have been regulated by special programs of cultural and educational cooperation concluded with the Republic of Slovakia, the Republic of Bulgaria and Romania.

### **Article 19**

**The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.**

1. The legal order of FR Yugoslavia recognizes two forms of the restriction of human rights, and thus of minority rights as well. The general basis for the restriction of human rights, according to Yugoslav constitutions, are the respect of the freedoms and rights of others (article 9, paragraph 4 of the Constitution of FR Yugoslavia, article 11 of the Constitution of Serbia and article 16, paragraph 2 of the Constitution of the Republic of Montenegro) and the ban on the abuse of rights (article 67, paragraph 3 of the Constitution of FR Yugoslavia, article 12, paragraph 3 of the Constitution of the Republic of Serbia and article 16, paragraph 3 of the Constitution of the Republic of Montenegro). The Constitution of FR Yugoslavia also recognizes certain special restrictions – e.g. article 42, paragraph 1 bans the activities of political, trade union and other organizations whose goal is the forcible undermining of the constitutional order, the violation of the territory integrity of the Federal Republic of Yugoslavia, the violation of the guaranteed freedoms and rights of the man and citizens or the provocation of national, racial, religious and other intolerance or hatred.

2. Apart from the restriction of human rights, Yugoslav constitutions also envisage the possibility of the derogation of certain rights during a state of war, a state of an imminent threat of war and a state of emergency. Certain rights and freedoms guaranteed by the Constitution of FR Yugoslavia cannot be derogated (absolutely protected rights) even in such cases – e.g. the freedom of religion, the freedom of speech, the equality of citizens, the equal protection of rights in a procedure established by the law, the presumption of innocence etc.)

The presented solutions enable the restriction and derogation of certain rights in line with relevant international legal documents.

## **Article 20**

**In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.**

1. The Law on the Protection of the Rights and Freedoms of National Minorities, in article 7, paragraph 1, envisages a ban on the abuse of the rights envisaged by this Law, whose aim is the forcible undermining of the territorial integrity of the Federal Republic of Yugoslavia or its member republics, the violation of the guaranteed freedoms and rights of the man and citizens and the provocation of national, racial and religious intolerance and hatred. Paragraph 2 stipulates that the rights enshrined in this Law must not be used for the realization of goals which are contrary to the principles of international law or are directed against public security, morality or the health of people. Paragraph 3 of article 7 of the Law on the Protection of the Rights and Freedoms of National Minorities specifies that the exercise of the rights guaranteed by this Law cannot affect the duties and responsibilities resulting from citizenship.

2. In FR Yugoslavia, there have been no cases in which the exercise of the rights enjoyed by persons belonging to national minorities on the basis of the Framework Convention, independently or in conjunction with others, violated the rights of persons belonging to the majority nation, persons belonging to other minorities or foreigners living in FR Yugoslavia.

## **Article 21**

**Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.**

The respect of the constitutional order, principles of international law and public morality in the exercise of minority rights is explicitly envisaged by the provision of article 7, paragraph 2 of the Law on the Protection of the Rights and Freedoms of National Minorities.

## **Article 22**

Nothing in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is a Party.

1. The human rights guaranteed by provisions of the internal legal order of FR Yugoslavia are neither restricted nor derogated by provisions of the Framework Convention and their implementation. The Law on the Rights and Freedoms of National Minorities, which largely implements provisions of the Framework Convention in the internal legal order of FR Yugoslavia, contains a special provision (article 8) guaranteeing the protection of acquired rights. This provision specifies that the Law neither alters nor derogates the rights of persons belonging to national minorities acquired by the regulations applied until the present Law came into force, as well as rights acquired on the basis of international agreements which the Federal Republic of Yugoslavia is a Party to.

### **Article 23**

**The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.**

### **Article 30**

**Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this framework Convention shall apply.**

**Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this framework Convention to any other territory specified in the declaration. In respect of such territory the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.**

**Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.**

The Federal Parliament of FR Yugoslavia ratified the Framework Convention on the Protection of National Minorities on December 3, 1998. However, the ratification instruments failed to be deposited with the Council of Europe immediately after the ratification of the Framework Convention. FR Yugoslavia justified such an act by stating that it was not a member of the Council of Europe, and it had not even been invited by the Council of Europe to join the mentioned Convention. The result of this was that, at

the international level, FR Yugoslavia was not bound by provisions of the Framework Convention. Following the democratic changes in the country, FR Yugoslavia was invited to join the Framework Convention and the ratification instruments were deposited, after which, on September 1, 2001, the Framework Convention was applied, under international law, to FR Yugoslavia as well.

When the ratification instruments were being deposited, the territory in which the framework Convention is applied was not specified. In this sense, the Framework Convention is applied in the entire territory of FR Yugoslavia. Nevertheless, since the stationing of KFOR forces in Kosovo and Metohija, on the basis of UN SC Resolution 1244, this province of the Republic of Serbia has *de facto* not been under the control of the authorities of FR Yugoslavia, i.e. the Republic of Serbia. In this sense, bodies of authority in FR Yugoslavia and the Republic of Serbia have not been implementing provisions of the Framework Convention in the territory of the Autonomous Province of Kosovo-Metohija, even though Yugoslavia's sovereignty over this area has not been disputed in international law, but has, on the contrary, been confirmed in a number of ways.

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## **PART IV : APPENDIX I**

### **Minority communities : Characteristics and basic data**

Albanians  
Bosniacs/Muslims  
Bulgarians  
Bunjevtsi  
Croats  
Hungarians  
Germans  
Romanians  
Ruthenians  
Roma  
Slovaks  
Ukrainians  
Vlachs  
Small minority communities contributing to FR Yugoslavia's multiculturalism

#### **1. Minority communities<sup>43</sup>**

##### **Characteristics and basic data**

##### **A l b a n i a n s**

There are many unknown aspects and quandaries about the demographic characteristics of the population of Albanian nationality in FR Yugoslavia. The most recent population census that persons belonging to the Albanian community participated in was taken way back in 1981. At that time there were 1,714,768 Albanians living in FR Yugoslavia accounting for 17.2 percent of its population. 1,596,072 (80.9 percent) of persons belonging to the Albanian national minority lived in AP Kosovo and Metohija, 75,725 (4.2 percent) in Central Serbia, 2,556 (0.12 percent) in AP Vojvodina and 40,415 (6.64 percent) in the Republic of Montenegro.

The Albanians form the absolute majority in two Southern Serbian municipalities - Presevo and Bujanovac. In Presevo, whose population totals 38,934 people, there are 34,992 ethnic Albanians. In Bujanovac (population: 49,238), this ratio is lower. There are 29,588 Albanian nationality members in this town. Also bordering on Kosovo, the Medvedja municipality (population: 13,369) has 3,832 Albanians. Albanians do not live in any large number in any other towns and villages in the Republic of Serbia and no more than 4,378 of persons belonging to the Albanian nationality were registered in the capital Belgrade.

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<sup>43</sup> If there is disagreement between the data and the comments on specific Articles, the data from the comments on specific Articles of the Convention will prevail.

In the Republic of Montenegro, the Albanians form the majority in the Ulcinj municipality where 17,469 persons belong to the Albanian nationality out of 24,217 citizens. In the multi-ethnic Plav municipality, where the majority of its 19,305 citizens belong to the Bosniac/Muslim nationality (11,199), 4,032 are Albanians, whereas in the Bar municipality, slightly over 10 percent or 4,619 out of 37,321 inhabitants are Albanians. Finally, Albanians account for 12,777 inhabitants or under 10 percent of the total population of the capital of Montenegro, Podgorica (152,025).

The comparison of the population censuses taken in all three Yugoslav states from 1921 to 1991 indicates that after the borders had been drawn between the Kingdom of Yugoslavia and Albania there were 203,000 Serbs and 140,000 Albanians living in Kosovo and Metohija. Currently, Kosovo and Metohija is mostly populated by persons belonging to the Albanian nationality. Only a quarter of a century later, in 1948, the Albanians were dominant in Kosovo in demographic terms accounting for 68.5 percent of the population. In the following 25 years that percentage gradually went up to the mentioned 80.9. At the same time, the percentage of the population of other ethnic communities living in Kosovo declined with the exception of the Roma that also registered a positive trend in terms of population growth.

The Kosovo crisis, which in the past decade shook not only Yugoslavia but also the whole region of South-Eastern Europe, drew the international community into the settlement of the complex issue of the status of the Albanian national community in our country. Following the NATO intervention in the FRY, the international community adopted UN resolution 1244 under which Kosovo was to be a part of FR Yugoslavia under the provisional administration of the international community.

In the Presevo municipality, the Albanians have absolute majority of Deputies to the local Assembly, and the function of President as well as other functions are discharged by the Albanians representing the Party for Democratic Action-Taking (PDP) or the Party for Democratic Unification of Albanians (PDU). In the Bujanovac and Medvedja municipalities that are among the rare municipalities in Serbia where the former authorities have retained their influence, the Albanians have a token share in the representative bodies of power. Due to the election 'geometry' of the former authorities, only 9 out of 37 Deputies in the Bujanovac municipality are of Albanian nationality and there are no members of this nationality in the local authorities of the Medvedja municipality.

The establishment of the Office of the Federal Ministry of National and Ethnic Communities in Bujanovac and the Multi-Ethnic Cultural Center, in Bujanovac as well, enhanced the consolidation of the situation and restoration of confidence between the Serbs and Albanians in Southern Serbia. This was further promoted through the activities of numerous NGOs. These include, among other, the Human Rights Council, Trace, Center for Multi-ethnic Education, the Roma's associations 'Na rajon' (In the Region) and 'Demiri Saciresor' and the Presevo Youth Center.

In the government agencies of the federal state and of the Republic of Serbia, there are no representatives of the Albanians. In the Parliament of Montenegro, in addition to one representative of the Democratic Union of Albanians and one of the Democratic Alliance, 3 more Albanians were elected. The majority political party, the Democratic Party of Socialists, gave them this term of office.

The most influential political parties of the Albanians in Montenegro are: the Democratic Union of Albanians (DUA); the Democratic Alliance of Albanians in Montenegro; and the Party of Democratic Prosperity (PDP).

The election of Counselors and Deputies of the Albanian nationality to the local authorities and the republican Parliament is the result of affirmative actions. Namely, the Law of the Republic of Montenegro on the Election of Counselors and Deputies stipulates affirmative actions enabling the municipalities with the Albanians in the majority to form a separate constituency within the single republican constituency and setting the threshold for entry into Parliament at 1 percent of the votes polled. At the local level, the Albanians wield absolute power in the Ulcinj municipality where 18 out of 32 Counselors are members of Albanian national parties.

In Southern Serbian municipalities where members of the Albanian national minority live, instruction is organized in the Albanian language at 14 elementary and 5 secondary schools. In Montenegro, the curriculum in the language of the Albanian national minority is followed at elementary and secondary schools in the Ulcinj, Plav and Tuzi municipalities.

In addition to local radio stations in Bujanovac, Medvedja and Presevo, private stations 'Toni' and 'Ema' also broadcast programs in the Albanian language. According to NGO reports, they contribute to inter-ethnic confidence building.

In Presevo, for some time now, the popular magazine 'Zgjimi' (Waking Up) has not been published but the weekly 'Jehona' (Sound from Afar) has a wide readership at present.

Television of Montenegro broadcasts a daily news program in Albanian 'Lajmet' (News) and a one-hour program 'Mozaiku 60' (Mosaic 60) on Saturdays. In its radio programming structure, radio programs in the Albanian language take up 30 minutes every day.

As for the local stations, Radio Ulcinj broadcasts 8 hours every day and Radio Bar - one hour of programs in the Albanian language. Radio MIR - Studio Teuta at Tuzi also has a strong signal.

Although the Parliament of the Republic of Montenegro established the weekly 'Koha Javore' (Sunday Times) and appointed its Management Board, the News and Publishing House 'Pobjeda' (Victory) has done nothing to start up operations at this weekly. The weekly based in Podgorica 'Polis' (City-State) publishes an 8-page supplement in the Albanian language. In Podgorica, the cultural magazine 'Koha' (Time) is published as

well. The magazines 'Fati' (Happiness), 'Shpresa' (Hope), 'Lemba' and 'Zana' come out in Ulcinj. In addition, the magazine 'Valet' (Waves) is published by the Elementary School 'Djerdj Kastrioti Skenderbeg' (Gjergj Kastrioti Skenderbeu) and the magazine 'Zeri i Shen Ndout' (Voice of St. Ndoe) - by the Roman Catholic Church at Tuzi.

### **Bosniacs/Muslims**

The Bosniac/Muslim national community belongs to the group of the four most numerous minority communities in FR Yugoslavia. According to the 1991 population census, where this population could only declare themselves as belonging under the heading 'Muslims', there were 327,339 persons belonging to this community living, unevenly distributed, throughout the country. 237,785 of Bosniacs/Muslims lived in Serbia accounting for 2.5 percent of its population. Of that number, 174,176 inhabited Central Serbia, 57,758 - Kosovo and 5,851 - Vojvodina. At the same time, 89,614 or 14.6 percent members of this national minority lived in Montenegro. 12,421 and 7,891 inhabitants that declared themselves as Bosniacs/Muslims lived in Belgrade and Podgorica respectively.

The largest part of the Bosniac/Muslim population is concentrated in Sandzak, a multi-cultural region covering parts of Serbia and of Montenegro and bordering on Bosnia. Of the 440,000 inhabitants of Sandzak, 253,000 are Bosniacs/Muslims and 187,000 are Serbs and Montenegrins. The Bosniacs/Muslims formed an absolute majority in the municipalities of Tutin (97 percent), Sjenica (83 percent) and Novi Pazar (80 percent). Serbs predominated in the remaining three municipalities of the Serbian part of Sandzak. In Montenegro, the Bosniacs/Muslims are in the majority in the municipalities of Plav (58 percent) and Rozaje (87 percent) while the Montenegrins form the majority in Bijelo Polje, Pljevlja and Berane. The area of Sandzak is rather poor, its economy and infrastructure are underdeveloped so that there is a great deal of mobility of the population towards urban areas and more developed centers in Yugoslavia, the neighboring and other countries. An exception in terms of economic development is the Novi Pazar municipality that has improved the living standards of its citizens with the help of private enterprise.

At the Congress of Bosniac Intellectuals held in 1993 in Sarajevo, most intellectuals reached agreement on the common name of the people - Bosniacs - which all Sandzak parties and associations accepted in 1996. However, the perception of Bosnia as the Bosniacs' kin state has its opponents both in the states formed in the space of the former Yugoslavia and among a part of the Bosniac population in Yugoslavia. Namely, persons belonging to this people, rallied around the Muslim Homeland Society in Montenegro, insist on the earlier name of the people - Muslims -, whereas a part of mostly urban population of the Islamic faith in Montenegro define themselves as Montenegrins of the Islamic faith.

The Bosniacs/Muslims in Serbia are politically organized through political parties that are active in Sandzak. Here, the Sandzak Democratic Party and the Democratic Action Party can be singled out as the most influential ones while the Party for Sandzak, the

Liberal Bosniac Party, the Reform Democratic Party and ten or so smaller political parties are active as well.

In the Republic of Montenegro, beside the Democratic Action Party, also active are the International Democratic Union; the Party of National Equality; and the Bosniac Muslim Community.

A Bosniac was elected from the list of the Democratic Opposition of Serbia to the Chamber of the Republics of the Federal Assembly. Following the recent elections for the Montenegrin Parliament, 3 Bosniacs/Muslims were elected from the list of the Democratic Party of Socialists. Two Bosniacs representing the Sandzak Democratic Party and several from the lists of 'majority' political parties were elected into the Serbian Parliament. As for the executive power at the federal level, the Bosniacs hold one Ministerial Office, a Bosniac is in charge of the Department of Transport in the Government of the Republic of Montenegro. There are also representatives of this national minority among other in the Republican Council for the Protection of National and Ethnic Groups of Montenegro.

At the local level, in the area of Sandzak, the Bosniacs are represented in the municipal authorities in proportion to the number of inhabitants. They are in power in the Novi Pazar, Sjenica and Tutin municipalities.

According to their decision, the Bosniacs' mother tongue is Bosnian. However, as it is similar to the Serbian language, particularly at the local level, it is not in official use in any municipality in the country.

In Sandzak, a Class of the Faculty of Pedagogy from Belgrade and a Business College are in function. However, given the region's economic resources and the entrepreneurial spirit of the population, education for other occupations should also be developed.

The cultural life of the Bosniacs/Muslims is organized by the Cultural Society 'Rebirth', the 'Sandzak Intellectual Club', the Bosniac Homeland Society and, in Montenegro, also by the Muslim Homeland Society.

In addition to the 'Sandzak Magazine' that comes out periodically in Novi Pazar, the Bosniacs' printed media include the magazine 'Has'; the independent review 'Sandzak'; the literary magazine 'Mak'; and the 'Voice of Islam' published by the Meshihat of the Islamic Community of Sandzak as its mouth-piece. The magazine 'Almanac' comes out in Montenegro with the support of the Association for the Protection of Culture and Tradition of the Muslims/Bosniacs.

## **B u l g a r i a n s**

The Bulgarian national minority had, according to the results of the most recent census, 26,922 members in FR Yugoslavia accounting for 0.3 percent of its population. The regional distribution of persons belonging to the Bulgarian nationality indicates that the

largest number of them live in Eastern Serbia, in the area bordering on Bulgaria. In Dimitrovgrad, the Bulgarians account for 52 percent of the population. In Bosilegrad that has a population totaling 11,644 inhabitants, 8,807 declared themselves as ethnic Bulgarians. In three more Southern Serbian municipalities - Pirot, Babusnica and Surdulica - there is a significant percentage of Bulgarians. 2,363 Bulgarians live in Vojvodina, mostly in the village of Ivanovo in Banat, and all are Roman Catholics. 178 members of the Bulgarian national minority lived in Kosovo and 46 in Montenegro. Since 1953 when there were 60,167 people of Bulgarian nationality in the FRY, their numbers have persistently declined. This can be accounted for by migrations, a lower birth rate, a high degree of their integration in the social mainstream and by ethnic mimicry.

Until the early 1980s numerous elementary and secondary schools as well as a Teacher Training College had been in operation. Since then, interest in the instruction in the Bulgarian language has fallen so that currently bilingual instruction is received in the Dimitrovgrad and Bosilegrad municipalities. As part of the elementary school in Dimitrovgrad, children in five village classes are taught the 'Bulgarian language and the basics of national culture'. The same subject is also taught to the students in one class at the Grammar School in Dimitrovgrad.

The precursor of the currently published press in the Bulgarian language is the magazine 'Glas na B'lgarite' (Voice of the Bulgarians). It was launched immediately after the Second World War. The publishing house 'Bratstvo' (Brotherhood) publishes the news and politics magazine of the same name; the children magazine 'Drugarce' (Little Friend); and the magazine for science, literature and culture 'Most' (Bridge).

The situation concerning TV and radio broadcasts has somewhat improved with everyday 5-hour programs broadcast in Bulgarian by the local TV station in Dimitrovgrad. The local radio station in Bosilegrad broadcasts radio programs in Bulgarian.

In the Dimitrovgrad and Bosilegrad municipalities, the Bulgarian language is in official use alongside Serbian. In practice, this right was rarely used and the Bulgarians' organizations in Yugoslavia, notably the Democratic Community of Bulgarians in Yugoslavia (DZBJ) and the Municipal Committee for the Protection of the Bulgarians' Human Rights in Dimitrovgrad brought this to public attention.

The DZBJ had not had any major success until the most recent elections because the members of the Bulgarian national minority had taken part in the exercise of power exclusively through majority political parties. A total of six Counselors from the DZBJ list were elected to the current Municipal Assemblies and the executive authorities in Dimitrovgrad and Bosilegrad. Apart from that, also members of the Bulgarian minority, but from the list of the Democratic Opposition of Serbia (DOS), were elected as Mayors.

## **B u n y e v t s i**

The Bunyevtsi, of which there were 21,434 members in 1991, inhabit Vojvodina, namely the northern Backa municipality of Subotica (17,527) and the Sombor municipality (9,755). 95.97 percent of all Bunyevtsi live in these two municipalities. In addition, they also inhabit, but in smaller numbers, Bajmok, Gornji and Donji Tavankut, Djurdjin, Kelebija, Mala Bosna, Novi Zednik, Palic and several other villages in Vojvodina. Since 1981, when no more than 9,755 Bunyevtsi lived in this area, the number of Bunyevtsi in Yugoslavia has almost doubled.

On the origin and the name of Bunyevtsi, there are a number of quandaries; these dilemmas have as their source the different approaches to their ethnic matrix. Namely, a number of experts and members of the Bunyevtsi community believe that they are an indigenous ancient Balkan population that settled in Vojvodina in the 17th century from their ancient homeland in Dalmatia, Herzegovina and Lika. Others, however, point out that the Bunyevtsi are, undoubtedly, a part of the Croatian ethnic corps. As elements of the Croatian national identity, they point to the Roman Catholic faith and the stokavian dialect that the Backa Bunyevtsi speak.

The recognition of the Backa Bunyevtsi started with the activities of Ivan Antunovic. In 1870, this culture promoter and politician launched the 'Bunjevats and Shokats Newspaper'. Somewhat later, other papers and magazines were started up: 'Bunjevats and Shokats Fairy' and, in 1873, the 'Monthly Chronicle' edited by Kalor Milodanovic. These papers and magazines were short-lived just like the attempts to establish Bunyevtsi schools in Backa that was at the time under the territorial and administrative control of Hungary. The tradition of cultural and political association of the Backa Bunyevtsi took root in 1878 when the Pucka Kasina (People's Meeting Place) was established and when its founder, Ivan Antunovic, started his activities. He also assisted in the establishment of the Catholic Savings Bank, the Reading-Club, the Women's Charitable Society and other organizations. Finally, as early as in 1880 the Bunjevats Party was established with Lazar Mamuzic, a longtime Mayor of Subotica, as President. Also in the 20th century, the Bunyevtsi had authentic cultural associations: the Educational Society 'Marigold' that operated from 1920 onwards and the 'Bunjevats Kolo' established in 1921 in Sombor. The charitable co-operative 'Bunjevats Woman' was also active in the same town as well as the Academic Society 'Antunovic'.

The Bunjevats political movement actively participated in the events leading to the integration of Vojvodina with the Kingdom of Serbia in 1918 when a decision to that effect was taken at the Great People's Assembly of the Serbs, Bunyevtsi and other Slavs. Soon thereafter, the Bunjevats-Shokats Party was established as well.

The cultural and political life of the Backa Bunyevtsi came to a standstill after the Second World War when the activities of the Bunyevtsi Homeland Society, established in 1934, the 'Momacko i divojacko drustvo' (Young Men's and Young Women's Society) and those of other organizations ceased. In the late 1970s, the Bunyevtsi traditional

gatherings, called 'Duzijanica' (Wheat Harvest Holiday), were reintroduced. In early 1990 the Bunjevats Cultural Center was established in Subotica. It has been active, through its branch offices, at Tavankut and Djurdin. In the mid-1990s the idea to establish the Bunjevtsi Homeland Society was re-activated and put into practice. This Society established the 'Bunjevats Newspaper'. The existing cultural organizations of the Backa Bunjevtsi have placed back on the agenda the traditional debate about their origin.

The Bunjevats-Shokats Party represents the Bunjevtsi's political interests. This party had one Counselor in the former Municipal Assembly of Subotica.

## **C r o a t s**

Until 1991, 111,650 persons belonging to the Croatian nationality had lived in FR Yugoslavia. Of that number, 105,406 lived in the Republic of Serbia and 6,244 in the Republic of Montenegro. 22,536 members of this nationality lived in Central Serbia, 8,062 lived in Kosovo, mainly in the Janjevo municipality and 74,808 in Vojvodina accounting for 3.7 percent of the population of the province. The largest number of Croatian minority members - 66,014 or 88.24 percent lived in the following municipalities: Subotica, Sombor, Sid, Indjija, Apatin, Ruma, Bac, Kula, Sremski Karlovci, Backa Palanka, Beocin, Irig and Novi Sad. In 10 of these municipalities, the Croatian minority accounted for over 5 percent of the population.

The war in Croatia and Bosnia that broke out with the dissolution of the second Yugoslavia caused a part of the Croatian population to move to Croatia.

With the signature of the Inter-Governmental Agreement on the Normalization of Relations between the Republic of Croatia and FR Yugoslavia, Article 8 thereof indirectly recognized the status of a national minority to the Croats in Yugoslavia.

Numerous activities to protect the rights of the Croatian population in Yugoslavia, particularly in Vojvodina, were undertaken by the Democratic Alliance of the Croats in Vojvodina (DSH). Its representatives, on a number of occasions, raised the question of the protection of the rights and promotion of the status of their fellow Croats. In early 1999 the second political organization of the Croats in Yugoslavia was established - the Croatian People's Alliance (HNS).

It was only in the first multi-party Serbian Parliament that the Croatian minority had a (1) representative. Croatian national parties are not represented in the current Federal and Republican Parliaments. However, at the most recent elections two representatives of the Croatian minority were elected to the Assembly of AP Vojvodina, one from the DSH and HNS each. The Croatian Parties in Subotica have 13 Counselors and one of their members holds the office of Deputy President of the Municipal Assembly. Since 1993, the Croatian language has been in official use in Subotica on an equal footing with Serbian and Hungarian.



In the earlier convocation of the local authorities, the DSH had 3 representatives in the Subotica municipality and one in Sombor. Through their participation in majority political parties, they also had Counselors representing them in other towns and villages of Vojvodina and Montenegro. Prior to moving out from Kosovo, they also had 3 Counselors in the Janjevo municipality.

In Vojvodina, the Croatian Cultural Center, with its seat in Subotica, has been reactivated. The same also goes for the Croatian Cultural-Educational Society 'Matija Gubec' at Tavankut. The Cultural Society 'Jovanka Gabosac' at Martinci, the Croatian Cultural-Educational Society 'Matija Gubec' with its seat in Ruma, the Culture and Arts Society 'Vladimir Nazor' in Sombor, 'Silvije Strahimir Kranjcevic' at Backi Breg and the Cultural Association at Backi Monostor re-started their activities. The Cultural Association 'Progress' is active in the Republic of Montenegro.

In addition to these organizations, the Croatian Homeland Society has been established as well as the Croatian Academic Society and the Roman Catholic Institute 'Ivan Antunovic'.

In the educational system of the republics, there are no institutions where schooling is received in the Croatian language.

Since July 2001 the Croatian Desk has been active at TV Novi Sad. It broadcasts 20 programs lasting 1,000 minutes every year. Radio Subotica has a daily two-hour program in the Croatian language.

## **H u n g a r i a n s**

344,147 inhabitants of Hungarian nationality live in FR Yugoslavia. The Hungarians mostly inhabit Vojvodina (339,491 or 16.9 percent of its total population). In other parts of the country they constitute a negligible minority.<sup>44</sup>

The Hungarians live in largest numbers in the following municipalities: Ada (77.3 percent), Backa Topola (64.7 percent), Becej (54.4 percent), Kanjiza (87.6 percent), Mali Idjos (58.7 percent), Senta (80.9 percent), Coka (56.5 percent). In Subotica they form a relative majority (42.7 percent). The share of the Hungarian population in the municipalities of Nova Crnja, Becej, Zitiste and Srbobran does not exceed 30 percent. In 16 other municipalities, including the largest Vojvodinian town of Novi Sad, they constitute between 5 and 20 percent of the population. The Hungarians share with less than 5 percent in the population in only 15 municipalities. A survey of the regional distribution of Vojvodina's population indicates that 75.63 percent of the population of the Hungarian nationality inhabit Backa, 21.56 percent - Banat and 2.81 percent - Srem.

The main demographic characteristic of the Hungarian population in Yugoslavia is depopulation. From the first population census in 1921 to the most recent one taken in 1991, the percentage of the Hungarian population in Yugoslavia decreased from 3.9 to

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<sup>44</sup> 4, 309 of Hungarians lived in Central Serbia, 142 in Kosovo and 205 in Montenegro.

1.9 percent. This negative population trend also known as 'white plague' is typical both for the Hungarian population and for the population of Vojvodina at large.

Persons belonging to the Hungarian national minority play an important role in the social, political and cultural life of the country.

Since the multi-party system was established, the members of the Hungarian minority have been taking an active part in political life. All political organizations that represent the Hungarians' interests are active in Vojvodina. The oldest of them is the Democratic Union of Vojvodinian Hungarians (DZVM). According to the percentage of the Deputies' seats won at the most recent local, republican and federal elections, the Alliance of Vojvodina Hungarians (SVM) is the most influential. Apart from them, also active are the Democratic Party of Vojvodina Hungarians; the Democratic Movement of Vojvodina Hungarians (DPVM); the Christian Democratic Movement of Vojvodina Hungarians (HPVM); the Christian Democratic Union (HDU); and the Civil Movement of the Vojvodina Hungarians (GPVM).

The Hungarian minority has two Counselors in the current Federal Assembly. Six persons of Hungarian nationality have been elected Deputies to the Assembly of the Republic of Serbia and 17 to the Provincial Assembly. At the level of local self-government, in the representative authorities, the representatives of Vojvodina Hungarians are represented in proportion to their share in the total population of the Province. A member of the Hungarian minority performs the duty, in the executive branch, of Deputy Prime Minister of the Republic of Serbia. At the level of the Province, members of the Hungarian nationality have been appointed to the leading offices in several departments.

Quite a number of members of the Hungarian population are highly educated people. They include many eminent businessmen, University Professors, physicians, authors, artists, etc. The Serbian Academy of Sciences and Arts has several Hungarians as its Members.

The Hungarian language is in official use in 29 Vojvodinian municipalities where the concentration of the Hungarian population varies from 2.8 percent in Bela Crkva (Banat) to close to 88 percent at Kanjiza (Backa).

In particular local communities, the exercise of the right to the official use of the Hungarian language and script has been difficult. A particular problem is the (lack of) bilingual inscription of names of towns and villages, streets, squares and institutions in the municipalities where the Hungarian population does not form a majority. These problems stem from the different approach to the problem by the local authorities within whose competence the implementation of this right falls.

A large number of authors write and their works are published in the Hungarian language that belongs to the Ugrofinnic group of languages. In the period from 1993 to 1996 over 20 new titles were published in this language annually but the volume of the publishing

activity in the Hungarian language has been decreasing relative to the period prior to 1990. In the early 1990s, 48 titles of books and brochures were published in Hungarian every year.<sup>45</sup> Already in 1991 no more than 23 titles came out and in 2000 - 27.<sup>46</sup>

The authors writing in Hungarian in Yugoslavia promote annual happenings the following of which enjoy a reputation transcending local borders: the 'Szenteleky's Days' that are traditionally held at Sivac; the 'Ferenc Feher Memorial'; and the 'Karoly Szirmai Memorial'.

The libraries in 27 Vojvodinian municipalities, as well as in Novi Sad, hold over half a million books in the Hungarian language. In addition to the Novi Sad libraries, the libraries in Subotica and Backa Topola have the largest holdings in this language.

Although in the 1990s there were cuts in the information sector in the national minority languages in FR Yugoslavia, including Hungarian, the following continue to be published in Hungarian: the daily 'Magyar Szo'<sup>47</sup> (Hungarian Word); the weekly 'Het' (Seven); the youth bi-weekly 'Kepes Ifjusag' (Youth in Pictures); and the children magazines: 'Jo Pajtas' (Good Friend) and 'Mezes Kalacs' (Honey Cookies). In addition to local and regional papers and magazines in Hungarian established by the local administration or private individuals, some more come out in Novi Sad. These are: the magazine for culture, literature and the arts 'Hid' (Bridge); the magazine for scientific and social issues 'Letunk' (Our Existence); the magazine on the arts containing critical reviews 'Symposion' (Symposium); the magazine for literature and culture 'Zenit' (Zenith); the bilingual (Hungarian/Serbian) magazine for literature, the arts and culture 'Orbis'(Lat. World); and the journal 'Hungarologiai kozlemenyek' (Hungarological News).<sup>48</sup>

Television Novi Sad and its regional center in Subotica broadcast annually 865 programs or 30,125 minutes in Hungarian. Despite numerous personnel, financial and program-related problems, the situation at this desk improved. In 2001 broadcasts in Hungarian have included the following: TV news bulletin - twice a day, total duration 45 minutes; the weekly news programs 'Our Days' and 'Jelenlet' (Presence) taking up 60 minutes each; the program for farmers 'Furrow' twice a month lasting 45 minutes; and the weekly 90-minute call-in show 'Hello, TV'.

According to the data of the Provincial Secretariat for the Exercise of the Rights of National Minorities, Radio Television Serbia (RTS) Novi Sad broadcasts a whole-day

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<sup>45</sup> The circulation was 13, 412 copies.

<sup>46</sup> The publishing activity in the national minority languages in Vojvodina took place at the News and Publishing Company 'Forum', Novi Sad. In this period, this company also considerably reduced its human resources and financial and other assets.

<sup>47</sup> The circulation of the 'Magyar Szo' (Hungarian Word), the traditionally most widely read paper of the Vojvodina Hungarians, dropped from 36, 700 week-day and 67, 000 Sunday copies to 5, 000 copies on weekdays and 28, 000 on Sundays. The reasons behind this declining circulations of the press in the Hungarian language are not only of a financial nature but also had to do with the Editorial policy that was under the control of the then most influential majority parties in Serbia.

<sup>48</sup> The Journal is published by the Department of Hungarian Language of the Novi Sad Faculty of Philosophy.

program in the Hungarian language. In addition to entertainment (35.5 percent of the total programming time) and other similar programs (19.2 percent), it also includes news programs (15.4 percent) and news and politics programs (14.3 percent). Educational programs account for no more than 4.3 percent. Twenty-two other local radio stations also broadcast radio programs in the Hungarian language.

Hungarian minority members take part in the cultural life of Vojvodina and Serbia by working actively both at the institutions implementing various programs in Serbian and at the institutions preparing programs in Hungarian.

Since 1973 the 'Ujvideki Színház' (Novi Sad Theater) has been active in Novi Sad. The 'Nepszínház' (National Theater) in Subotica, established immediately after the Second World War, promotes drama in Hungarian. For a long time this theater played a prominent role in the cultural life of the country.

Numerous members of the Hungarian nationality act at the amateur theaters in 16 municipalities in Vojvodina. In 1997 they established the Amateur Theater of Vojvodinian Hungarians. This theater puts on stage one play in Hungarian every year and gives performances in all towns and villages where Hungarian minority members live. The amateur actors who perform in the Hungarian language get together at annual amateur theater festivals of the Hungarian national minority.

Persons belonging to the Hungarian national minority foster and develop their culture and customs by meeting within over 80 culture and art societies. At these societies, folklore groups are particularly successful and present their achievements at the following annual festivals: 'Durindo'; 'Gyongyosbokreta' (Pearly Bouquet); 'Vive' and at the municipal festival of amateurs the 'Tisa River Valley Games'.

In addition, also traditional have become the visual arts colonies that are organized at Becej, Senta, in Backa Topola, Subotica, Ecka, Pancevo and at Mali Idjos.

The development of the culture, language and identity of the Hungarians in Yugoslavia would not be possible without an appropriate system of education in the Hungarian language.

The development of education in this language, as well as in other national minority languages, had been taking place at an accelerated pace until the mid-1980s when first restrictions were imposed. Particularly difficult moments were experienced in the past decade. That decade was marked by numerous problems related to the exercise of the rights of national minorities and, thus, also of the right to education in their mother tongues.

At the end of 2000, pre-school institutions looked after 5,237 children who attended classes in Hungarian in 221 groups in 26 Vojvodinian municipalities. 15 retarded children also attended pre-school classes in Hungarian at two specialized pre-school institutions. 3,261 children followed in Hungarian the preparatory curriculum required for

entry into elementary school. 307 children of Hungarian nationality received pre-school bilingual instruction.

During the school year 1999/2000, 24,827 pupils of Hungarian nationality received instruction at 246 elementary schools in 42 Vojvodinian municipalities and in Novi Sad.

Instruction in the Hungarian language is organized at 83 elementary schools and in 34 separate classes in 29 Vojvodinian municipalities. 20,161 or 81.21 percent of pupils of Hungarian nationality in 1,002 classes received this form of instruction.

The instruction in the optional subject 'Hungarian language with elements of national culture' is organized twice a week for elementary school pupils of Hungarian nationality. In the mentioned period there were 4,666 such pupils or 18.79 percent. However, only 2,285 pupils of Hungarian nationality and 430 pupils of other nationalities attend lessons of this subject at a total of 49 elementary schools in 17 municipalities in Vojvodina.

In the same period, instruction in the Hungarian language was organized for 454 retarded children at 4 specialized schools and in 13 classes within regular elementary schools in nine municipalities.

Elementary education for adults in the Hungarian language is provided at two adult education centers - in Sombor and in Subotica.

At the same time, 9,631 students of Hungarian nationality received instruction at secondary schools, of which 6,580 students or 68.32 percent received instruction in their mother tongue. Instruction in the Hungarian language was provided to 279 classes at 29 secondary schools: at 8 grammar schools; 20 vocational schools; and at 1 school of the arts in a total of 12 municipalities.

Only 22 students being educated at the secondary schools providing instruction in the Serbian language attended classes in the subject 'Hungarian language with elements of national culture'.

Applicants wishing to enroll in secondary schools take entrance exams in their mother tongue. As of the school year 2001/2002, the entrance exam at the University of Novi Sad is also taken in Hungarian.

In the school year 1999/2000, 816 students of Hungarian nationality attended vocational classes at two-year post-secondary schools and 2,032 or 6.29 percent at universities. 315 two-year post-secondary school students received instruction in the Hungarian language at the Teacher Training Colleges in Subotica and in Novi Sad and at the Two-Year Post-Secondary School of Engineering in Subotica. At the faculties of Novi Sad University the following faculties organize instruction in Hungarian: the Faculty of Philosophy; the Faculty of Economics; the Faculty of Civil Engineering; the Teacher Training Faculty; and the Academy of the Arts. The Faculty of Philology of Belgrade University also includes the quite successful Hungarology Department.

## **G e r m a n s**

According to the 1991 census, 5,387 citizens of German nationality lived in FR Yugoslavia. 3,873 persons belonging to the German minority lived in AP Vojvodina accounting for 0.19 percent of the province's total population. At the same time, 779 Germans lived in Belgrade. Persons belonging to this minority account for 0,02 percent of the population of the Republic of Montenegro. According to the data of the German People's Alliance, the association of Germans based in Subotica, around 12,000 persons belonging to this people live in Vojvodina alone (in the municipalities of Apatin, Zrenjanin, Pancevo Vrbas, Subotica, Kula, Sombor, Sremska Mitrovica, Odzaci, Novi Sad, Backa Palanka and Bela Crkva.

The present-day citizens of Vojvodina of German origin are the descendants of the people who settled here in the 18th century. This was done under the planned settlement programs designed by Austria to protect its strategic interests. According to the census taken in 1910, 324,779 Germans lived in Vojvodina accounting for 21.4 percent of its then total population.

The life of the affluent German minority that earlier on found expression in a range of educational, cultural and political activities came to a standstill after the Second World War and there were no major German minority associations until recently. In the past decade, the representatives of the Germans in Vojvodina re-activated their political and cultural organization by working in the 'Deutscher Volksverband' (German People's Alliance). This Alliance seeks to promote the German minority's status and develop educational, scientific, publishing and other activities.

With the establishment of the German People's Alliance, certain cultural activities became a reality. The major ones include the women's choir and the drama hobby group. The Alliance also called a German language literary competition in Yugoslavia. It also established its library with over 2,000 titles.

In addition to this association, the German Club - the 'Donau Germans' Association' was established in Novi Sad as well as the German Language and Culture Society that launched the magazine 'Bridges of Culture'. The 'Donau Association' organized the first German 'Brezel Ball' (Pretzel Ball) in 1993 as well as a number of cultural happenings. It started up a German kindergarten, provided the payment of German language course tuition fees for secondary school students and re-activated the information in German by launching the newspaper 'Nachrichten' (News) and the Association's Bulletin with a circulation of 400 copies each.

There are no educational institutions providing instruction in the language of the German national minority in Yugoslavia, except for one pre-school institution. In addition to the mentioned magazine, the only other form of information of the Germans in Yugoslavia is a half-hour program broadcast by Radio Subotica once a week.

There are no German political parties taking part in the country's political life.

### **R o m a n i a n s**

There are 42,364 persons belonging to the Romanian national minority in FR Yugoslavia, 38,809 of which are inhabitants of Vojvodina, primarily its area of Banat (91 percent). 3,507 Romanians live in Central Serbia, 33 - in Montenegro and no more than 15 members of this people in Kosovo. Over 90 percent of the Romanians in Yugoslavia live in 10 Vojvodinian municipalities and they are most numerous in Alibunar - 8,402 (21.78 percent), Vrsac - 8,051 (20.75 percent), Pancevo - 5,502 (12.88 percent) and Zrenjanin - 3,140 (8.2 percent). However, the Romanian population is in the majority in 17 settlements. In 12 municipalities where there is a significant number of Romanians, the Romanian language, too, is in official use.

The Romanians settled in the area of the Yugoslav part of Banat from different parts of what is now Romania. Even today, local geography is full of ethnonyms indicating that certain population groups came from Banat, Erdelj, Krisana, Oltenia (Carani) or Wallachia. The largest number of Romanians settled in these parts in the course of the 18th century during which time the Habsburg dynasty pursued a policy of colonization of the Balkans and of consolidation of the Monarchy's borders with Turkey.

The Romanians promote the wealth of the multi-cultural society by contributing their cultural works and achievements that have a long-standing tradition associated, among other, with the names of such academicians as Vasko Popa, Aleksandar Fira and Radu Flora.

Education in the Romanian language, similarly as with the Hungarian and Slovak minorities, has a tradition dating back to the days of the Monarchy, a tradition that is alive even today. In the school year 2000/2001, there were 2,411 pupils of Romanian nationality at elementary schools in Vojvodina of which 1,524 or 63.21 percent received instruction in Romanian and 887 or 36.79 percent - in Serbian. Instruction in Romanian is organized in 9 Vojvodinian municipalities, notably at 18 elementary schools and at 13 village classes that form an extended part of these schools. Compared to the school year 1999/2000, the number of classes was reduced by 14 and of pupils by 39 or by 2.55 percent. For pupils receiving instruction in Serbian, 7 municipalities organized instruction through an optional subject called 'Romanian language with elements of national culture'.

190 secondary school students belonging to the Romanian nationality receive instruction in their mother tongue at the Grammar School in Vrsac and at the Commercial School 'Dositej Obradovic' in Alibunar. 31.14 percent of the total number of Romanian pupils in their final elementary school year opted for this form of instruction in the school year 2000/2001. A majority of young Romanians - 348 (64.69 percent) receive schooling in the Serbian language. The Kovacica and Vrsac municipalities organize lessons of 'Romanian language and national culture'.

In the school year 2000/2001, 83 Romanian nationality students were enrolled in two-year post secondary schools and 104 in university faculties in Vojvodina. 21 students of two-year post-secondary schools and 24 students at the Department for Romanian Language, Novi Sad Faculty of Philosophy received instruction in their mother tongue.

At the Faculty of Philology in Belgrade, the Romanian Language Instruction Unit is active at the Department of Romance Languages.

The Teacher Training Faculty, Belgrade - Teacher Training Unit, Vrsac educates students wishing to work as teachers teaching grades 1 through 4 and as homeroom teachers in the Romanian language and trains them in the conduct of instruction in the Romanian language.

The publishing of literary works in the Romanian language in Yugoslavia takes place at the publishing houses 'Tibiscus' at Uzdin and 'Libertatea' (Freedom) of Pancevo. In addition to the political weekly of the same name, the latter also publishes children and youth magazines 'Bucuria copiilor' (Children's Joy) and 'Tineretea' (Youth) as well as the culture and the arts bi-monthly in the Romanian language 'Lumina' (Light). In addition to the magazine 'Traditia' (Tradition) in Romanian, a bilingual Serbian/Romanian magazine 'Ogledalo'/'Oglinda' (Mirror) is also published in Vojvodina.

The library holdings in the Romanian language include a total of over 26,000 books that are available at the libraries in Alibunar, Vrsac, Zitiste and Kovin.

The Vojvodinian Romanians, through their annual cultural events and happenings, preserve their tradition and promote their works of art and culture in their mother tongue. The event in memory of the life and work of Romanian linguist Radu Flora, held every year in Zrenjanin, provides an opportunity for Yugoslav Romanians to present a wealth of their cultural accomplishments. Of late, authors' meetings have been organized alternately at Secanj and Temisoara.

The theater life of the Vojvodinian Romanians has a long-standing tradition. The first amateur theaters that operated also in the period between the two World Wars were established in the days of the Austro-Hungarian Monarchy. The Vrsac 'People's Theater of the Romanians' continued this tradition during the period of its operation from 1949 - 1956. In this period over 500 theater performances were given. Since 1971, the theater activities of the Romanians in Yugoslavia have been reintroduced through the movement lasting to this day 'The Theater Days of the Romanians in Vojvodina'. The amateur theaters of the Romanians in Yugoslavia run a repertoire featuring the works of Romanian, Yugoslav and other playwrights. Occasionally, the Theater Days of Romanian Children are held as well. Just like the get-togethers of amateur theaters, they have a competitive nature and are held in all towns and villages where Romanians live.

Finally, the electronic media founded by the state broadcast a half-hour TV program and a 4-hour radio program in Romanian every day. Five more local radio stations in Vojvodina broadcast, alongside Serbian, also programs in Romanian.



## **R u t h e n i a n s**

There are 18,099 Ruthenians in FR Yugoslavia 17,652 of which live in Vojvodina. Of that number, as many as 93.36 percent live in the municipalities of Kula, Vrbas, Zabalj, Sid, Sremska Mitrovica and Novi Sad. 400 persons belonging to the Ruthenian national minority live in Central Serbia and 26 in Montenegro. According to their regional distribution, the Ruthenians are most numerous in the areas of Backa (86.28 percent) and Srem (13.37 percent) but they do not form the majority in any municipality. It is only in the settlements of Ruski Krstur, Kucura and Bikic that they form the simple majority (over 50 percent) of the population. The Ruthenian language is in official use in Novi Sad and in five other Vojvodinian municipalities.

The Ruthenians in Yugoslavia managed, despite major differences but also similarities typical of the Eastern Slavic migration flows, to preserve their ethnic identity. The first wave of this population made up mostly of stockbreeders and, later on, farmers reached Vojvodina and the Sava River basin way back in the 18th century. From then onwards, the Yugoslav Ruthenians developed a specific identity that was shaped through the gradual rapprochement between (the local population and) the different migration waves of this ethnic group in terms of religion, language and habits.

One of the ways of preserving ethnic identity against the backdrop of marked depopulation attributable to low fertility rates, a large number of mixed marriages and migration of rural population to the cities is, quite certainly, education in the mother tongue. Instruction in the mother tongue of the persons belonging to the Ruthenian national minority is in FR Yugoslavia organized exclusively in Vojvodina.

Over 150 children of Ruthenian nationality are covered by pre-school education in the municipalities of Vrbas, Zabalj and Kula. In the school year 2000/2001, 1,238 Ruthenian children attended elementary schools - 630 (50.88 percent) thereof receiving instruction in their mother tongue - at 65 elementary schools in 20 Vojvodinian municipalities. 99 more pupils, not of Ruthenian nationality, received instruction in the Ruthenian language. The total number of pupils of Ruthenian nationality, relative to the previous school year, went down by 228 or 17.73 percent.

For pupils who receive instruction in Serbian, 2 double periods a week of the 'Ruthenian language with elements of national culture' are provided as an optional subject. In the school year 2000/2001 this subject was taught to 292 pupils or 48.03 percent at 21 elementary schools in 6 municipalities in Vojvodina.

Instruction for two retarded pupils is provided at an elementary school in the Kula municipality.

527 pupils of Ruthenian nationality, or 0.63 percent of the total population of secondary-school students in the province, are educated at regular secondary schools. 62 students (11.77 percent) at the Grammar School 'Petro Kuzmiak' at Ruski Krstur receive

instruction in the Ruthenian language. It has been noted that secondary-school students of Ruthenian nationality have lower motivation for receiving instruction in their mother tongue. Namely, no more than 16.3 percent of the students that have finished elementary school opt for this form of instruction and there are almost no secondary-school students interested in the 'Ruthenian language and national culture'.

243 students of Ruthenian nationality are acquiring professional qualifications at the University of Novi Sad, mostly at the Faculty of Technical Engineering (47); the Faculty of Natural Sciences and Mathematics (23); and the Faculty of Philosophy (23). 21 students, 2 of which are not of Ruthenian nationality, receive instruction in the Ruthenian language at the Department of Ruthenian Language and Literature.

Get-togethers of persons belonging to the Ruthenian people at cultural and social associations are important for the preservation and promotion of national identity of the Ruthenians in Yugoslavia. The major cultural institutions of the Ruthenians in Yugoslavia are the following: the Amateur Theater 'Petar Riznic-Djadja' (has stages in Novi Sad and at Ruski Krstur); the Ruthenian Homeland Society, established in 1945 and re-activated in 1990; the Ruthenian Language and Literature Society; as well as a ramified network of amateur culture and arts societies. At these societies, these people foster their customs and folklore. Amateur artists present their works and achievements at the two traditional events - the 'Chervena Ruzha' (Red Rose) at Ruski Krstur and the 'Ruzhova Zagradka' (Rose Garden) in Novi Sad.

The best known of several publishing houses is the 'Ruske Slovo' (Ruthenian Word) that publishes 20 odd titles in the Ruthenian language every year. Libraries in Vojvodina have total holdings of 8,236 books in this language.

The news and politics weekly 'Ruske Slovo' (Ruthenian Word) comes out in the Ruthenian language as well as the youth magazine 'MAK'; the children magazine 'Zagradka' (Small Garden); and the magazine for literature and culture 'Svetloc' (Light).

Radio Novi Sad broadcasts 4 hours of programs in the Ruthenian language daily. Local stations in Vrbas, Kula and Sid also broadcast regular programs in this language. Television Novi Sad broadcasts 11 hours of programs in the Ruthenian language per month.

The Ruthenians and Ukrainians Alliance in Yugoslavia is active in Novi Sad.

## **R o m a**

According to the population censuses taken in 1981 and 1991, the number of persons belonging to the Roma nationality decreased from 168,099 to 143,519. In Montenegro, 3,282 Roma were registered and in Serbia 140,273 persons stated that they belonged to this population. Of that number 24,366 lived in Vojvodina, 45,754 - in Kosovo and 70,126 - in Central Serbia.

Regional distribution of the Roma in Serbia is an important indicator that helps understand particular issues concerning the status and the life of the Roma both due to historical circumstances and their lifestyle or the degree of their integration in society and the promotion of their social and economic status. The largest number the Roma and their highest concentration is to be found in the Southern-Morava River basin (4.2 percent) and in the Nis area (1.4 percent). In particular municipalities in these areas, notably Surdulica, Bujanovac, Bojnik, Vladicin Han that, at macro-level, have been labeled as economically underdeveloped, the share of the Roma in the total population goes as high as up to one third.

In Montenegro, the Roma account for over 5 percent only in the Cetinje municipality. In 4 mountainous municipalities - Andrijevisa, Pluzine, Pljevlja and Sarnik - no member of this people was registered. The Roma in Montenegro live in urban centers. In Podgorica, over 6,000 Roma have permanent residence in the settlements Vrela Ribnicka and Konik. A somewhat lower number of them live in the Niksic settlement of Pod Trebjesom and in the Cetinje settlement of Zabrdje.

Total number and relative share of the Roma in the population of Yugoslavia according to the censuses of 1948, 1953, 1961, 1971 and 1981

<b>Year of the census</b>	<b>Total number of the Roma</b>	<b>Share of the Roma in the population of Yugoslavia</b>
1948	72, 736	0.5 percent
1953	84, 713	0.5 percent
1961	31, 674	0.2 percent
1971	78, 485	0.4 percent
1981	168, 197	0.7 percent

However, the data of the official statistics should be taken with a grain of salt when it comes to the Roma population in FR Yugoslavia. The estimates of some indirect sources are that between 450,000 and 500,000 citizens of the Roma nationality live in Yugoslavia.

According to the most recent population census that covered the entire country, the main demographic characteristic of the Roma population is a high birth rate of 25.2 per 1,000. The birth rate for the entire FRY population is 16.5 per 1,000.

According to the data from 1991, the mortality rate dropped to a fairly low level of 6.2 per 1,000 and the birth rate was maintained at the high level of 25 per 1,000 while the natural increment rate was on the order of 20 per 1,000.

The Roma ethnic group is characterized by a fairly low age and, as a result, the mortality rate (6.1 per 1,000) in 1981 was below the Yugoslav mortality rate (9.0 per 1,000). However, if we take a look at that year's infant mortality rate (one of the most telling indicators of the attained living standards and the achieved enlightenment level), we shall come to a data indicative of the Roma's low social and economic status. Namely, in 1981

infant mortality rate in Yugoslavia was 30.8 and among the Roma it was 51.5 per 1,000. Although this rate was almost cut in half relative to its 1971 level (95.3 per 1,000), it still remained rather high. Given the overall social and economic conditions that deteriorated in the FRY over the past decade, it is estimated that infant mortality rate has gone up.

The Roma population's mortality data for the period 1971-1986, broken down by age groups, indicate that the Roma die at a very early age. The average life expectancy of persons belonging to the Roma nationality is illustrated by a rare mortality balance between those that die in their first year (26.1 per 1,000) and those that die at the end of their active life (30.4 percent).

The Roma are characterized by above-average mortality in all age groups. The exception is the 64+ age group whose mortality rate is twice lower than the average.

The main characteristics of the Yugoslav Roma's social and economic status are low economic activity levels and high unemployment. The 1991 population census established that 37,646 Roma or 27.2 percent had some kind of employment. The Roma's low economic activity level is the consequence of lack of social and economic development; of prejudices among employers making them reluctant to take on the Roma; and of the demographic factors (the Roma population is extremely young and the labor active population aged 15+ accounts for 58.3 percent). In 1991, 38.3 percent of the Roma population were unemployed. The high unemployment rate among the Roma is attributable to the undifferentiated socio-professional structure of their labor force; low educational levels; rather tough competition in the labor market for filling unskilled jobs; and the demands arising from advances in science and technology to which the Roma cannot adequately respond.

In Yugoslavia, the Roma are the ethnic group that has the highest rate of illiteracy (34.8 percent) and the highest number of elementary school dropouts (78.7 percent) while no more than 0.4 percent of the Roma acquire university qualifications.

In the school year 1999/2000, 3,983 Roma in Vojvodina were receiving regular education at 231 elementary schools. Roma pupils and students lived in all 45 Vojvodinian municipalities but the largest numbers of them were in Novi Sad, Ruma and Zrenjanin. 3,527 Roma children received instruction in the Serbian language; 349 - in Hungarian; 92 - in Romanian; 8 - in Slovak; and 2- in Ruthenian. Preparatory instruction for Roma children of pre-school age was organized at 5 elementary schools in the municipalities of Subotica, Apatin, Vajska and Kustilj and 114 Roma children received it.

Elementary school education in the Romany language, i.e. studies of the Romany language and national culture, has been provided since the school year 1997/1998. The relevant institutions include 2 elementary schools in the Backa Palanka municipality; the elementary school 'Dr. Milan Petrovic'; and the elementary school at Obrenovac near Belgrade. These schools are facing difficulties in these classes in the Romany language. This is due to their staffing, methodology, etc. As a result, they do not meet the Roma's needs. It is only after the school year 1999/2000 was over that the Primer was published

in the Romany language. Other relevant textbooks and teaching aids were under preparation and expected to be available for the school year 2000/2001.

Given their population potential, the Roma are under-represented in the social and political life of the country. At the Federal Ministry of National and Ethnic Communities, there is one Roma employed as Adviser. There are no Roma in the Federal and Republican Parliaments. One Roma serves as the Vice-Chairman of the Executive Committee of the Nis Municipal Assembly and another two serve as Counselors in Mladenovac and Aleksinac.

The first attempt at organizing the Roma in Yugoslavia was registered in 1927 when the 'First Serbian-Roma Cooperative for Mutual Aid in Sickness and in Death' was established in Belgrade. Soon thereafter, in 1935, the 'Association of the Belgrade Gypsies Celebrating the Day of Little Aunt Bibija as their Patron Saint'. In the late 1930s, the 'Yugoslav Gypsy Youth Educational Club' was in operation in Belgrade. Also active was the Editorial Board of the magazine 'Romano Lil' (Roma Reader) started up by the then well-known Belgrade attorney-at-law Svetozar Simic. After the Second World War, the Roma re-activated their organizations by establishing the 'Cultural-Educational Community of the Gypsies of Serbia'. Since 1969 over 100 Roma social, political and trade associations have been established. Among the first to be established were the Society 'Rom' (Roma) in Belgrade and a few more in Nis and other centers in Serbia.

The most important Roma associations in present-day Yugoslavia include: the Union of the Yugoslav Roma Societies; the Union of the Serbian Roma Societies; the Roma Homeland Society, established in 1996 in Novi Sad; the Roma Language and Literature Society active since 1987; and the Association of the Roma of Montenegro. The numerous Roma-established NGOs concerned with the promotion of this people's status include, among other, the Roma Cultural Center; the Center '8th April'; and the Women's Autonomous Center 'Bibija', Belgrade; the YU Roma Center, Nis; the Roma Information Center; and the Committee on the Protection of the Roma's Human Rights in the FRY in Kragujevac; and the Roma Students' Union active in Belgrade, Novi Sad and Nis.

The first authentic Roma political party - the Social-Democratic Party of the Roma - was founded in 1990 but was short-lived. In the early 1990s, the Democratic Political Party of the Roma was active for a while in Kragujevac. At present, the Democratic Community of the Roma of Yugoslavia is active as well as the Roma Congress Party and the Democratic Union of the Roma.

Since 1989, the Roma Dr. Rajko Djuric, Dragoljub Ackovic, Trifun Dimic and Djura Simic have played an active part in the activities of the Serbian Academy of Sciences and Arts within the Commission on the Study of the Life and the Customs of the Roma.

The Roma's cultural achievements are numerous and influence, in many segments, the cultures of other peoples as well. In the past decade, the New Testament and the 'Pentateuch' (first five books of the Old Testament) were translated into Romany; several collections of poems by Roma poets were published; and an alternative Roma theater was

founded. Renowned artists including actors, composers, film directors and theater producers, painters, etc. have promoted the Romany language. The traditional meetings of Roma amateurs were known as the 'Festival of the Roma's Cultural Achievements'. In the past this Festival used to be the central meeting place for the Roma in their cultural pursuits but this is no longer the case.

Information in Romany in FR Yugoslavia is provided by TV and radio stations in Novi Sad, Nis and in smaller regional centers. The editorial policy of these media focuses for the most part on cultural achievements of and regular updates on the Roma. There is a Roma Desk in Radio Belgrade that is about reintroduce its programs in the Romany language. Of late, a radio program, prepared by enthusiasts rallied around the Center '8th April', has been regularly broadcast through Serbia's independent media network.

In the past few years, the largest number of titles in Romany were published by the publishing house 'Rromainter-press' that publishes a quarterly 'Romano Lil' (Roma Reader) and sporadically the children periodical 'Chavrikano Lil' (Children's Reader) and the scientific journal 'Romological Studies'. The Roma Language and Literature Society publishes the journal 'Romology' and the monthly 'Alav e Romengo' (Voice of the Roma).

Programs in Romany are broadcast through the entire network of RTV Serbia as well as through the satellite network (90 minutes per month). Television Novi Sad broadcasts a half-hour weekly program 'Kulturako aresipe' (Cultural Achievements); a 90-minute program 'Drom Rromano' (Roma Road); a one-hour program 'Them Rromano' (Roma Country); and 60 minutes of entertainment and music. The Second RTS Channel broadcasts the program 'Amen Adjef' (We Today) every week. A daily three-hour program in Romany is broadcast in Novi Sad, and the network of independent stations of Serbia broadcasts a daily program in Romany. At Radio Belgrade there is a Romany Desk but for quite some time it has not had any broadcasts although it used to produce a daily 30-minute program until several years ago.

## **Slovaks**

According to the latest population census, 66,863 Slovaks lived in FR Yugoslavia. The largest number of persons belonging to this people - 63,545 live in Vojvodina where they account for 3.2 percent of its population. In the Backi Petrovac municipality, the Slovaks form the absolute majority of the population (70.8 percent). They live in considerable numbers also in the following municipalities: Kovacica (40.8 percent); Bac (21.4 percent); Stara Pazova (12 percent) and Backa Palanka (11.3 percent). 92.83 percent of the Slovak population in Vojvodina live in these municipalities and in Novi Sad and the Slovak language is used on an equal footing with Serbian there.

As academician Jan Kmec wrote, thanks to their own understanding of freedom, the Vojvodinian Slovaks preserved their national singularity. At the same time, their 'creative and cultural contribution to overall-Slovak developments, starting with the days of the 'Narodni preporod' (People's Rebirth), played a major role in shaping both Slovak and

broader Slavic cosmopolitan and humanist values. In the past, the Slovaks influenced the development of civil society in Vojvodina. They did it through their religious and cultural activist Jan Scehl, philologist and historian Pavel Josef Safarik and others. As early as in 1849, the Slovaks requested from the Imperial authorities the permission to establish a grammar school in Backi Petrovac. In 1864 a children and youth magazines were published in the Slovak language in Novi Sad and a Slovak theater was founded in 1866 in Backi Petrovac.

In present-day Yugoslavia, the Slovaks maintain the tradition of a people that has managed to integrate in the broader community without compromising its cultural, linguistic, religious and national identity. During the 1960s and 1970s, the naïve painters from Kovacica - Martin Jonas, Jan Knjazovac, Zuzana Halupova, etc. -made a particular contribution to the culture of the Vojvodinian Slovaks. The Ethno-center 'Babka' from Kovacica takes care of the works of these painters and their followers.

Members of the Slovak national minority play a conspicuous role in the political, cultural and scientific life of the country. This is mostly so thanks to the large number of professionals who won a good name for themselves in their profession and in the broader community. There are also Slovak minority members who are conspicuous thanks to having rallied around authentic Slovak institutions such as the Slovak Homeland Society, reactivated after six decades in 1990 with its seat in Backi Petrovac, and the Society of Slovakists of Vojvodina established in 1969 in Novi Sad.

The Slovaks always took care that their children received instruction in their mother tongue so that in the school year 2000/2001, 3,568 children received this instruction at 17 elementary schools in 12 Vojvodinian municipalities. However, the total number of Slovak elementary school children is 4,542. This means that as many as 76.35 percent of children receive schooling in their mother tongue. Compared to the previous school year, the number of pupils receiving instruction in Slovak has decreased by 163 or 4.37 percent and the total number of Slovak elementary school children - by as many as 233 or 4.77 percent.

Of the 23.65 percent of children attending classes in Serbian, 90 receive bilingual instruction. These children are taught the 'Slovak language with elements of national culture' as an optional subject, twice a week. This form of instruction is provided in 12 municipalities and at 38 elementary schools with 677 pupils including 67 children that are not of Slovak nationality.

Instruction for retarded children is organized in Novi Sad and Backi Petrovac and there are 42 pupils receiving it.

Secondary school instruction in the Slovak language is provided at the grammar schools 'Jan Kolar' in Backi Petrovac and 'Mihajlo Pupin' in Kovacica. 392 students receive schooling there in 14 classes. Of the total number of elementary school children that received instruction in Slovak, 19.63 percent continue their education in their mother tongue.

However, the total number of secondary school students of Slovak nationality in the school year 2000/2001 was 1,633 or 1.94 percent. Compared to the school year 1999/2000, the number decreased by 134 students. Most received their schooling in the following municipalities: Novi Sad (478); Backi Petrovac (251); Stara Pazova (169); Kovacica (140); and Zrenjanin (105). In the remaining 18 municipalities the number of students of this nationality ranges from 67 to 1.

Consequently, 1,265 Slovak students or 77.47 percent received instruction in the Serbian language. 177 of them, enrolled in 5 secondary schools in 2 municipalities, opted for the subject 'Slovak language with the elements of national culture'. Compared to the previous situation, the number of those interested in this instruction form fell by 15 students.

In the current school year, at the Novi Sad University, there were 137 Slovak students studying at two-year post-secondary and 388 at universities and equivalent institutions. 37 students receive their schooling at the Faculty of Philosophy in Novi Sad, at the Department of Slovak Language and Literature. 82 students or 19.85 percent of the total number of Slovak students receive instruction completely or in part in the Slovak language.

There are 26 teachers and associates of Slovak nationality providing instruction at 6 faculties and 3 two-year post-secondary schools in Vojvodina.

Since 1953 the Publishing House 'Kultura' (Culture) has on average published 13 titles in Slovak a year with a circulation of up to 600 copies each. Increasingly active has also been the Publishing House 'Hlas Ludi' (Voice of the People) that publishes the news and political weekly of the same name; a supplement for farmers 'Pol'nohospodarske Rozhl'ady' (Agricultural Review); the youth magazine 'Vzlet' (Soaring Up); the children magazine 'Zornicka' (Dawn) and the family magazine 'Rovina' (Lowlands). This House has made a particular contribution to the development of culture of the Vojvodinian Slovaks by publishing the Bulletin of the Society of Slovakists of Vojvodina.

The libraries in Vojvodina in the Slovak language hold 37,270 books in the Slovak language. In the field of literature in the Slovak language, The libraries in Backi Petrovac, Stara Pazova and Novi Sad have the largest number of titles. In 9 other municipalities it is possible to find particular titles in this language.

Information of members of the Slovak national minority in their mother tongue is also provided through electronic media. Namely, RTS Novi Sad broadcasts various programs on topics ranging from news and education to entertainment. In Backi Petrovac, all broadcasts by the local TV Station 'Petrovec' are in Slovak.

State-owned radio broadcasts 6 hours of programs in the Slovak language per week and 8 other local radio stations also put on air programs in this language.



Amateur actors who are active at the Theater 'Vladimir Hurban-Vladimirov' uphold the tradition of theater life of the Slovaks in Vojvodina. This theater has its stages in Backi Petrovac, Stara Pazova and Kovacica. Apart from this, there are 15 amateur culture and arts societies in the towns and villages where the Slovaks live in significant numbers.

The Slovaks present their achievements in the field of culture and folklore at their traditional events: the Slovak People's Festival and 'Sing and Dance' (in Backi Petrovac), 'Pivnica Field' (at Pivnica), 'Tancuj, tancuj' (Dance, dance), (in Glozan); 'Golden Dam' (at Kisac); the Festivals of Amateur Slovak Theaters of Vojvodina; the Festival of Children Theaters; and the Festival of Modern Slovak Drama.

### **U k r a i n i a n s**

In FR Yugoslavia, 4,565 citizens of Ukrainian nationality live in AP Vojvodina accounting for 0.22 percent of the total population of the province. The majority of persons belonging to the Ukrainian nationality inhabit the municipalities of Vrbas, Kula, Sremska Mitrovica, Indjija, Bac and Novi Sad.

Children of Ukrainian nationality are taught their mother tongue at 5 elementary schools in the municipalities of Vrbas and Kula. The Ukrainian nationality members foster the Ukrainian cultural heritage through their culture and arts societies 'Ivan Senjuk' in Kula and 'Carpathians' in Vrbas. The magazine 'Ukrainian Word' is published in Ukrainian. The Society for Ukrainian Language, Literature and Culture has been established in order to foster this language.

Radio Novi Sad broadcasts a one-hour weekly program in Ukrainian just like the local radio stations in Kula and in Vrbas.

### **V l a c h s**

The Vlach ethnic community lives in North-Eastern Serbia that has 17,672 members in this part of the country. In Montenegro and Kosovo there were 3 members of this minority each and in Vojvodina - 132. There is no municipality, not even the Homolje area or the Timok River Krajina (Military March), where the Vlachs mostly live, where they form a majority in the population of the local community.

The comparison of the results of the census is confusing and difficult to explain in demographic parlance. Namely, in 1948, 93,444 citizens of the second Yugoslavia declared that they belonged to the Vlach ethnic group; soon thereafter, in 1954, this number dwindled to a third, i.e. to 28,047. After the 1961 census, this number plummeted to the negligible level of 1,369 persons. The following three censuses monitoring the changes in the makeup of the population on a ten-year basis indicated the influence of non-demographic factors on the Vlachs' ethnical commitment. In 1971, 14,730 persons belonging to this community were registered, in 1981 - 25,597 and in the most recent census this figure once again fell to 17,810 citizens.

Anthropologists, ethnologists and particularly historians have their dilemmas about the origin of the Vlachs and wonder whether they are an indigenous ancient Balkan people whose members gradually embraced the values of the majority Slav and Romanian neighbors or an indigenous population of Romanian extraction. Members of this people, undoubtedly, have borderland characteristics and the language, folklore and, partly, customs point to their Romanian origin while a part of their customs, personal names and toponyms support the claims that Vlachs are of an ancient Balkan or Slav origin.

All the existing differences notwithstanding, the representatives of the Vlach minority in present-day Yugoslavia stress their Romanian origin and prove it by fostering the identical rites and customs as those existing in the Romanian population and by speaking the language that is one of the archaic dialects of Romanian. The Vlachs in FR Yugoslavia have their political organizations (the 'Movements of the Romanians and Vlachs of Yugoslavia' in Zajecar and the 'People's Independent Party of the Vlachs' in Kladovo) and social organizations ('Forum for the Culture of the Vlachs' in Bor). They highlight the need to secure forms of protection and promote the rights of the Vlachs in Yugoslavia such as information, education, participation in political and social life, official use of their language, etc.

The Vlach minority members pursue their cultural activities at their folklore societies that guard and hand over their traditions. Their best-known annual events include the 'Slatina Gathering'; the 'Motifs from Homolje'; and the Culture and Arts Societies Fair 'From May to May'.

### **Smaller minority communities contributing to FR Yugoslavia's multiculturalism**

The population of FR Yugoslavia also includes members of other national and ethnic communities. Although their percentage in the population makeup is low, they nevertheless contribute to the country's multi-cultural treasure. Some of these minorities, like the Turks and the Tsintsars, that are most often included under the heading 'Others' in statistical forms, left an indelible imprint in the past on the culture of the peoples living in FR Yugoslavia. Other so-called 'new' minority communities, like the Slovenes and Macedonians, form part of the corps of the constituent peoples from the previous two Yugoslav states. The Czechs, Poles and Jews, albeit present in small numbers only, have helped to a significant extent shape institutions of civil society in Serbia. Lastly, the small number of members of the Russian minority, who came to Vojvodina in several migration streams following the First World War, have also managed to preserve their community.

It is noteworthy that in certain cases members of small minority communities in our country inhabit compact areas. The Gorantsi and the Turks live in parts of Kosovo and Metohija; the Macedonians - in Kacarevo and Jabuka; the Czechs - in the area around Kovin; and the Jews, Poles, Tsintsars and the Slovenes live mostly in urban areas. When they are highly concentrated, minority populations in ethnically homogeneous areas in FR Yugoslavia have better social and political organizations. The interests of Turk minority members are represented by the Democratic Party of the Turks in Prizren; the

Gorantsi are represented by their National Association; and the Czechs - by the 'Ceska Beseda' (Czech Society) in Kovin. With the exception of the Jewish municipalities that are active in a number of towns in the FRY, the organizations of the dispersed and small minorities active in Yugoslavia also include the Tsintsar association 'Lunjina'.

In the past decade, a new ethnic community emerged in Kosovo and Metohija - the Hashkalis/Egyptians. Experts in ethnology, anthropology, history and others, have many dilemmas regarding the identity of this ethnic group. This population, that mostly inhabits Kosovo in Yugoslavia, and parts of Macedonia and Albania, was for a long time identified with the Roma or with the Albanians due to their unfavorable social status and language. However, with the onset of crisis in Yugoslavia, the representatives of the Hashkalis/Egyptians demanded the recognition of their national identity. The arguments in favor of the promotion of their national rights made them adopt different opinions. Professor Marsel Kortiade believes that the Hashkalis were a population that, in a migration stream, left Egypt and settled in the Balkans in the 3rd century A.D. and that they differ by the organization of their life, customs and national awareness from the population with which they were usually identified. According to this researcher, their ethnic 'mimicry' was institutionalized by the Empires and the states that had jurisdiction over parts of South-East Europe that the Hashkalis inhabited. Although they called each other the Hashkalis, the loss of their language led to their 'disappearance' for those around them.

The name 'Egyptians', as Kortiade explains, was only given in this century when the younger generations became aware of their country of origin and sought to institutionalize their status recalling the facts that speak in favor of their linguistic, socio-anthropological and other diversity.

There are no reliable data indicating how many Hashkalis/Egyptians live in Yugoslavia and the estimates made by their representatives are that there are as many as 80,000 persons belonging to this minority that used to live mostly in Kosovo and nowadays inhabit different parts of the country. Several associations of the Egyptians have been registered in Belgrade. In Novi Sad there is the Hashkali Homeland Society and the Political Party that represents this people's interests. Of late, the Hashkali Homeland Society has started up a magazine and a radio program in their language is about to be launched in Novi Sad.

The representatives of the Egyptians and the Hashkalis in Yugoslavia do not have identical views on the past and the future of this ethnic community but point out that these are two different ethnic 'masses'.

Given these characteristics, the historical circumstances of the migrations, the overlapping of cultures and ethnos, the multicultural and multi-confessional nature of the Yugoslav society, there is no doubt that no national community in FR Yugoslavia is an island. Instead, it is part and parcel of society in which it has its distinctive place based on its ethnic origin, tradition, language and other specific features.

\* \* \*

## **2. Regulations governing, or related to, the status of national minorities**

### **APPENDIX II : THE MOST IMPORTANT RELEVANT PROVISIONS IN THE LOCAL LAWS**

#### **1) CONSTITUTIONS**

#### **2) CONSTITUTION OF THE FEDERAL REPUBLIC OF YUGOSLAVIA**

##### **Article 1.**

The Federal Republic of Yugoslavia shall be a sovereign federal state, founded on the equality of citizens and the equality of its member republics.

##### **Article 10.**

The Federal Republic of Yugoslavia shall recognize and guarantee the rights and freedoms of man and the citizen recognized under international law.

##### **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.**

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.

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.

##### **Article 16.**

The Federal Republic of Yugoslavia shall fulfill in good faith the obligations contained in international treaties to which it is a contracting party.

International treaties which have been ratified and promulgated in conformity with the present Constitution and generally accepted rules of international law shall be a constituent part of the internal legal order.

**Article 18.**

Church and state shall be separate.

Churches shall be free and equal in conducting religious affairs and in the performance of religious rites.

**Article 20.**

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

Everyone shall be equal before the law.

Each person shall be duty bound to respect the rights and freedoms of others and shall be held responsible for it.

**Article 23.**

Every individual shall have the right of personal freedom.

No one may be deprived of his liberty except in cases and according to the procedure laid down by federal law.

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.

The detained person must promptly be informed of his right to remain silent.

The detained person shall be entitled to choose his own defense counsel. Illegal arrests shall be a punishable offense.

**Article 26.**

Every person shall be entitled to equal protection of his rights in a legally prescribed procedure.

Everyone shall be guaranteed the right of appeal or resort to other legal remedies against a decision which infringes a right or legally founded interest.

A wrongfully convicted or wrongfully detained person shall be entitled to rehabilitation and to compensation for damages from the state, and to other rights as envisaged by federal law.

**Article 36.**

Freedom of the press and other forms of public information shall be guaranteed.

Citizens shall have the right to express and publish their opinions in the mass media.

The publication of newspapers and public dissemination of information by other media shall be accessible to all, without prior approval, after registration with the competent authorities.

Radio and television stations shall be set up in accordance with the law.

**Article 37.**

The right to have published false information which violates someone's rights or interests corrected shall be guaranteed. Entitlement to compensation for damages arising therefrom, shall be guaranteed.

The right of reply in the public media shall be guaranteed.

**Article 38.**

Censorship of the press and of other forms of public information shall be prohibited.

No one may prevent the distribution of the press or dissemination of other publications, unless it has been determined by a court decision that they call for the violent overthrow of the constitutional order or violation of the territorial integrity of the Federal Republic of Yugoslavia, violate the guaranteed rights and liberties of man and the citizen, or foment national, racial or religious intolerance and hatred.

**Article 39.**

Freedom of speech and public appearance shall be guaranteed.

**Article 40.**

Citizens shall be guaranteed the freedom of assembly and other peaceful gathering, without the requirement of a permit, subject to prior notification of the authorities. Freedom of assembly and other peaceful gathering of citizen may be provisionally restricted by a decision of the competent authorities, in order to obviate a threat to public health or morals or for the protection of the safety of human lives and property.

**Article 41.**

The freedom of political, trade-union and other association and activities shall be guaranteed, without the requirement of a permit, subject to registration with the competent authorities.

Sources of revenue of political parties shall be open to public scrutiny.

Trade unions shall be set up to protect the rights and promote the professional and economic interests of their members.

**Article 42.**

Activities of political, trade-union, and other organizations aimed at the violent overthrow of the constitutional order, violation of the territorial integrity of the Federal Republic of Yugoslavia, violation of the guaranteed rights and liberties of man and the

citizen, or the incitement of national, racial, religious or other intolerance and hatred shall be prohibited.

The founding of secret societies and paramilitary groups shall be prohibited. Professional members of the armed forces and police force of the Federal Republic of Yugoslavia may not organize in trade unions.

Justices of the Federal Constitutional Court and the Federal Court, the Federal Public Prosecutor, professional members of the armed forces and police force of the Federal Republic of Yugoslavia may not belong to political parties.

**Article 43.**

Freedom of religion, public or private profession of religion, and performance of religious rites shall be guaranteed. No one shall be obliged to reveal his religious beliefs.

**Article 45.**

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

No one shall be obliged to declare his nationality.

**Article 46.**

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

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 hi 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.

**Article 62.**

Education shall be accessible to all, under equal conditions.  
Primary education shall be free and compulsory, in conformity with the law.

**Article 67.**

The rights and freedoms of man and the citizen shall be exercised and duties fulfilled in conformity with the Constitution.

The manner in which various rights and freedoms of man and the citizen are to be exercised may be prescribed by law when so provided for by the Constitution or when necessary for their implementation.

Abuse of the rights and freedoms of man and the citizen shall be unconstitutional and punishable.

The rights and freedoms recognized and guaranteed by the present Constitution shall enjoy the protection of the courts.

**Article 124.**

The Federal Constitutional Court shall rule on:

(...)

2.conformity of statutes, other laws and general enactments with the Constitution of the Federal Republic of Yugoslavia and with ratified and promulgated international treaties;

(...)

6.complaints about a ruling or action violating the rights and freedoms of man and the citizen enshrined in the present Constitution;

(...)

**Article 128.**

The Federal Constitutional Court shall decide on a complaint when other legal remedies are not available.

**3) CONSTITUTION OF THE REPUBLIC OF SERBIA**

**Article 3.**

In the Republic of Serbia everything shall be permitted unless it has been prohibited by the Constitution and law.



Guaranteed and recognized by the Constitution are the individual, political, national, economic, social, cultural, and other rights of man and citizen.

**Article 8.**

In the Republic of Serbia the Serbo-Croatian language and the Cyrillic alphabet shall be officially used, while the Latinic alphabet shall be officially used in the manner established by law.

In the regions of the Republic of Serbia inhabited by national minorities, their own languages and alphabets shall be officially used as well, in the manner established by law.

**Article 11.**

The freedoms and rights of man and citizen are restricted only by equal freedoms and rights enjoyed by others, and when so provided by the Constitution.

**Article 12.**

Freedoms and rights shall be exercised and duties fulfilled on the ground of the Constitution, unless the Constitution provides that the conditions of exercising specific freedoms and rights shall be spelled out by law.

The manner of exercising specific freedoms and rights may be determined by law if this is necessary for their exercise.

Abuse of the freedoms and rights of man and citizen is unconstitutional and shall be punished in the manner prescribed by law.

Judicial protection of the freedoms and rights guaranteed and recognized by the Constitution is ensured.

**Article 13.**

Citizens are equal in their rights and duties and have equal protection before the State and other authorities, irrespective of their race, sex, birth, language, nationality, religion, political or other belief, level of education, social origin, property status, or any other personal attribute.

**Article 22.**

Everyone is entitled to equal protection of his rights in the proceedings before a court of law, a State agency of any other agency or organization.

Every individual is guaranteed the right to appeal or to apply other legal remedy against a decision concerning his right or interest founded on law.

**Article 32.**

Education shall be accessible to everyone under equal conditions.

Primary education shall be obligatory.

Citizens do not pay tuition for regular education financed from public fund.

Members of other nations and national minorities have the right to education in their own language in accordance with law.

**Article 41.**

Freedom of religion, which includes the freedom of belief, confession of faith and performance of religious rites, shall be guaranteed.

Religious communities shall be separated from the State and shall be free in the conduct of religious affairs and performance of religious rites.

A religious community may establish religious schools and charitable organizations. The State may grant financial assistance to religious communities.

**Article 43.**

Citizens are guaranteed the freedom of assembly and other kinds of gathering without seeking permission, subject to a previous notification of the competent agency.

The freedom of assembly and other gathering of citizens may be restricted by a decision of the competent agency, for the purpose of preventing the obstruction of traffic, threat to public health, public morals or safety of persons and property.

**Article 44.**

The freedom of political, trade-union and other forms of organization and action without seeking permission, subject to registration with the competent agency, shall be guaranteed.

Any activity aiming at a forcible changing of the order established by the Constitution, violation of the territorial integrity and independence of the Republic of Serbia, violation of freedoms and rights of man and citizen guaranteed by the Constitution, and the provocation and fomenting of national, racial, and religious intolerance and hatred, shall be prohibited.

**Article 45.**

The freedom of conscience, thought and public expression of opinion shall be guaranteed.

**Article 46.**

The freedom of press and other public information media shall be guaranteed. Citizens shall have the right to express and make public their opinions in the public information media.

Publication of newspapers and dissemination of information by other means shall be accessible to everyone without seeking permission, subject to registration with the competent agency.

Radio and television broadcasting organizations shall be established in accordance with law.

The right to correction of published incorrect information which violates someone's right or interest, as well as the right to compensation for any moral and property damage arising therefrom, shall be guaranteed.

The censorship of press and other public information media shall be prohibited. No one may obstruct the distribution of the press and dissemination of other information, except when the competent court of law finds by its decision that they call for the forcible overthrow of the order established by the Constitution, violation of the territorial integrity and independence of the Republic of Serbia, violation of guaranteed freedoms and rights of man and citizen, or incite and foment national, racial or religious intolerance and hatred.

The public information media which are financed from public funds shall be bound to provide the general public with timely and impartial information.

**Article 49.**

A citizen shall be guaranteed the freedom to express his national affiliation and culture, and freedom to use his language and alphabet.

A citizen is no bound to declare his national affiliation.

**4) CONSTITUTION OF THE REPUBLIC OF MONTENEGRO**

**Article 9.**

*LANGUAGE AND ALPHABET*

In Montenegro Serbian language of the iekavian dialect will be the official language.

Cyrillic and Latin alphabets shall be deemed to be equal.

In the municipalities in which the majority or a substantial number of population consists of the national minorities and ethnic groups, their respective languages and alphabets shall be in the official use.

**Article 11.**

*RELIGION*

The Orthodox Church, Islamic religious community, the Roman Catholic Church and other faiths shall be separate from the state. All the faiths shall be deemed to be equal and free in the performance of their religious rites and affairs.

All the religious denominations will independently arrange their interior organisation and religious affairs within the legal set-up.

The state shall offer material assistance to religious denominations.

**Article 15.**

*FREEDOM AND EQUALITY*

All citizens and free and equal regardless of any particularities and/or other personal attributes.

Everyone shall be equal before the law.

**Article 17.**

*PROTECTION*

Everyone is entitled to an equal protection of his freedoms and rights in the procedure prescribed by law.

*RIGHT OF APPEAL*

Everyone is guaranteed the right to an appeal or some other legal remedy against the decisions deciding on his rights or interests based on the law.

**Article 22.**

*DETENTION*

Every person is entitled to personal freedom.

The seizure or detention must be understood by the arrested person to be an arrest, promptly and in his own language or in the language which he understands, and the reasons for the arrests must be communicated.

Detained persons must be promptly informed of his right to remain silent.

At the request of the person detained, the arresting authority must promptly inform close relations of the detained about his arrest.

Person detained shall have the right to have the defence council of his choice present at the hearing.

Illegal arrest shall be deemed to be a punishable offence.

**Article 34.**

*FREEDOM OF MAN*

Freedom of belief and conscience shall be guaranteed.

Freedom of thought and public expression of opinion, freedom of confession, public or private profession of religion and freedom to express national affiliation, culture and the freedom to use one's own language and alphabet shall be guaranteed.

No person shall be obliged to declare his opinion, confession and national affiliation.

**Article 35.**  
*FREEDOM OF PRESS*

Freedom of press and of other public information media shall be guaranteed. Citizens shall have the right to express and publish their opinion in the public information media.

Publication of newspapers and public dissemination of information by other media shall be accessible to everyone without prior permission, subject to registration with the competent authority. Radio and television broadcasting organisations shall be established in accordance with law.

**Article 36.**  
*RESPONSE, RECTIFICATION, COMPENSATION OF DAMAGES*

The right to a response and the right to rectification of incorrect published information or data as well as the right to compensation of damages caused by publishing of incorrect information or data shall be guaranteed.

**Article 37.**  
*CENSORSHIP OF PRESS*

Censorship of press and of other forms of public information media shall be prohibited.

*DISTRIBUTION OF PRESS*

No person shall have the right to prevent distribution of press and dissemination of other information except when the competent court of law shall find that they call for a forcible overthrow of the order established by the Constitution, violation of the territorial integrity of Montenegro and the Federal Republic of Yugoslavia, violation of guaranteed freedoms and rights or incite and foment national, racial or religious hatred and intolerance.

**Article 38.**  
Freedom of speech and public appearance shall be guaranteed.

**Article 39.**  
*FREEDOM OF ASSEMBLY*

Citizens shall be guaranteed the right to peacefully assemble without prior approval, subject to prior notification of the competent authorities.

Freedom of association and other peaceful assembly may be provisionally restricted by a decision of the competent authority in order to prevent a threat to public health and morals or for the protection of human lives and property.

**Article 40.**

*FREEDOM OF ASSOCIATION*

Citizens shall be guaranteed the freedom of political, trade union and other association and activities, without the requirement of a permit, subject to registration with the competent authorities.

The state shall offer assistance to political, trade union and other associations whenever there is a public interest thereof.

**Article 42.**

*SECRET AND PARA-MILITARY ORGANISATIONS*

Activities of political, trade union and other organisations aimed at the violent overthrow of the constitutional order, violation of the territorial integrity of Montenegro and of the Federal Republic of Yugoslavia, violation of guaranteed freedoms and rights of man and citizen or inciting and fomenting of national, racial, religious and other hatred or intolerance shall be prohibited.

Establishment of secret (clandestine) organisations and paramilitary groups shall be prohibited.

**Article 43.**

*INEQUALITY AND INTOLERANCE*

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

**Article 44.**

*CITIZEN AND INTERNATIONAL ORGANISATIONS*

Citizens shall have the right to participate in regional and international non-governmental organisations.

Citizens shall have the right to address international institutions for purpose of protection of their freedoms and rights guaranteed under the Constitution.

3. Economic, Social and Cultural Freedoms and Rights

**Article 62.**

*EDUCATION*

Everyone shall be entitled to education under equitable conditions. Primary education shall be mandatory and free of tuition fees.

**Article 67.**

*PROTECTION OF IDENTITY*

The protection of the national, ethnic, cultural, linguistic and religious identity of the members of national and ethnic groups shall be guaranteed.

Protection of rights of members of national and ethnic groups shall be exercised in accordance with the international protection of human and civic right.

**Article 68.**

*LANGUAGE, ALPHABET, EDUCATION AND INFORMATION*

Members of national and ethnic groups shall have the right to free use of their mother tongue and alphabet, the right to education and the right to information in their mother tongue.

**Article 69.**

*SYMBOLS*

Members of national and ethnic groups shall have the right to the use and display of their national symbols.

**Article 70.**

*ASSOCIATION*

Members of national and ethnic groups shall have the right to establish educational, cultural and religious associations, with the material assistance of the state.

**Article 71.**

*EDUCATIONAL PROGRAMS*

Curriculum of educational institutions shall cover both history and culture of the national and ethnic groups.

**Article 72.**

*LANGUAGE*

Members of the national and ethnic groups shall be guaranteed the right to the use of their mother tongue in the proceedings before the state authorities.

**Article 73.**

*REPRESENTATION*

Members of the national and ethnic groups shall be guaranteed the right to a proportional representation in the public services, state authorities and in local self-government.

**Article 74.**  
*CONTACTS*

Members of the national and ethnic groups shall have the right to establish and maintain free contacts with citizens outside of Montenegro with whom they are having a common national and ethnic origin, cultural and historical heritage and religious beliefs, but without any detriment for Montenegro.

*RIGHT OF APPEAL*

Members of the national and ethnic groups shall have the right to participate in the regional and international non-governmental organisations, and the right to address international institutions for purpose of protection of their freedoms and rights guaranteed by the Constitution.

**Article 75.**  
*EXERCISE OF RIGHTS*

Special rights granted to members of the national and ethnic groups may not be exercised if they are in contradiction with the Constitution, principles of international law and principle of territorial integrity of Montenegro.

**Article 76.**  
*PROTECTION COUNCIL*

Republican Council for Protection of Rights of National and Ethnic Groups shall be established in Montenegro, for purpose of preservation and protection of the national, ethnic, cultural, linguistic and religious identity of national and ethnic groups and for the exercise of their rights prescribed by the Constitution.

Republican Council for Protection of Rights of National and Ethnic Groups shall be headed by the President of the Republic.

Composition and competencies of the Republican Council shall be prescribed by the Assembly.

**Article 113.**  
*COMPETENCIES*

The Constitutional Court shall: (...)

4) decide on constitutional complaints for violation, by individual enactments or deeds, of the freedoms and rights of man and citizen as prescribed by the Constitution, whenever this protection is not within the competencies of the Federal Constitutional Court and whenever some other legal remedy is not prescribed;



## **2) FEDERAL REGULATIONS**

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

#### **Part one GENERAL PROVISIONS**

##### *THE SUBJECT OF THE LAW*

#### **Article 1.**

This Law regulates the respect for the individual and collective rights guaranteed to the persons belonging to national minorities by the Constitution of the Federal Republic of Yugoslavia or by international agreements.

This Law also regulates the protection of national minorities from all forms of discrimination in exercising their civil rights and freedoms, creates instruments that guarantee and protect special rights of minorities to minority self-governance in the fields of education, use of language, media and culture, and establishes institutions for fostering the participation of national minorities in government and in the management of public affairs.

Issues regulated by this Law can further be regulated by republican or provincial legal rules, in accordance with the Constitution and the Law.

##### *DEFINING A NATIONAL MINORITY*

#### **Article 2.**

Under the terms of this Law, a national minority is a group of citizens of the Federal Republic of Yugoslavia sufficiently representative, although in a minority position on the territory of the Federal Republic of Yugoslavia, belonging to an autochthonous group of the population with a lasting and firm connection with the Federal Republic of Yugoslavia and possessing some distinctive features, such as language, national or ethnic belonging, origin or religion, upon which it differs from the majority of the population, and its members should show their concern over preservation of their common identity, including culture, tradition, language or religion.

Under the terms of this Law, all groups of citizens who consider or define themselves as peoples, national or ethnic communities, national or ethnic groups, nations or nationalities, and who fulfill the conditions from paragraph 1 of this Article, will be treated as national minorities.

**Part two**  
***BASIC PRINCIPLES***

***PROHIBITION OF DISCRIMINATION***

**Article 3.**

All forms of discrimination toward persons belonging to national minorities based on national, ethnic, linguistic or racial grounds are prohibited.

Authorities of the federation, republic, autonomous province, town and municipality have no right to pass a law or some other legal normative act, or take measures which are not in accordance with the first paragraph of this Article.

***MEASURES FOR SECURING EQUALITY***

**Article 4.**

Authorities of the Federal Republic of Yugoslavia can, in accordance with the Constitution and the Law, pass legal rules, individual legal acts and take measures with the aim of securing full and effective equality for the persons belonging to national minorities and to the majority nation.

Authorities will pass legal acts and take measures from the first paragraph of this Article with the aim of improving the position of persons belonging to Roma national minority. Legal rules, individual legal acts and measures from the first paragraph of this Article will not be regarded as acts of discrimination.

***FREEDOM OF NATIONAL AFFILIATION AND EXPRESSION***

**Article 5.**

In accordance with the freedom of national affiliation and expression of national belonging proclaimed in the Constitution of the Federal Republic of Yugoslavia, no one will suffer any damage as a result of his/her affiliation or expression of national belonging, or of his/her not doing so.

Any registration of persons belonging to national minorities that obliges them to express their national belonging against their will is prohibited.

Any act or measure towards forced assimilation of persons belonging to national minorities is prohibited.

***RIGHT TO CO-OPERATE WITH CO-NATIONALS  
IN THE COUNTRY AND ABROAD***

**Article 6.**

Persons belonging to national minorities have the right to establish and maintain free and peaceful contacts within the FRY and abroad with persons lawfully residing in other

states, especially with persons with whom they share common ethnic, cultural, linguistic and religious identity or common cultural heritage.

The State may establish preferential conditions in order to implement the rights from paragraph 1 of this Article.

*RESPECT FOR THE CONSTITUTIONAL ORDER,  
PRINCIPLES OF INTERNATIONAL LAW AND PUBLIC MORALS*

**Article 7.**

The rights and freedoms guaranteed by this Law must not be abused for the purposes of violent disturbing of the constitutional order, violations of the territorial integrity of the Federal Republic of Yugoslavia or its member republics, violations of guaranteed rights and freedoms of man and citizen, or for propagating national, ethnic, religious or racial hatred and intolerance.

The rights guaranteed by this Law must not be abused for the fulfillment of aims contrary to the principles of international law or for the purposes aimed against public safety, public morals or public health.

The realization of rights and freedoms envisaged in this Law cannot limit the obligations and responsibilities linked with being a citizen of the state.

*PROTECTION OF THE ACQUIRED RIGHTS*

**Article 8.**

This Law does not change or derogate the rights of persons belonging to national minorities, acquired upon legal norms that were in force until the adoption of this Law, or rights acquired according to international conventions to which FRY is a party.

**Part three**

*RIGHTS FOR THE PRESERVATION OF PECULIARITIES*

*CHOICE AND USE OF PERSONAL NAMES*

**Article 9.**

Persons belonging to national minorities have the right to the free choice and use of their personal names and names of their children, and to enter these personal names in all public documents, official registers and registers of personal data in accordance with the rules of the language and orthography of the national minority.

The right from paragraph 1 of this Article does not exclude the parallel entry of names in Serbian orthography and script as well.

*FREEDOM TO USE ONE'S MOTHER TONGUE*

**Article 10.**

Persons belonging to national minorities can freely use their language and script in private and in public.

*OFFICIAL USE OF LANGUAGE AND ALPHABET*

**Article 11.**

On the territory of the unit of local self-government, where persons belonging to national minorities have lived traditionally, their language and alphabet can be in equal official use.

The unit of local self-government is obliged to enter the language and alphabet of a national minority in official use always if the percentage of that national minority in the total population on their territory reaches 15% according to the latest census.

In the unit of local self-government where the language of a national minority is in official use at the moment of the enactment of this Law, it shall remain in official use.

The official use of the languages of national minorities from paragraph 1 of this Article covers particularly: the use of the minority language in administrative and court procedure; conducting administrative and court procedure in the language of the national minority; the use of the language of national minority in the communication of the authorities with citizens; issuance of public documents, and keeping official registers and registers of personal data also in the language of national minorities, and the acceptance of those public documents as legally valid; the use of the language of national minorities on ballot papers and electoral materials; the use of the language of the national minority in the work of representative bodies.

On the territories from paragraph 2, names of public authorities, names of units of local self-government, of settlements, squares and streets and other toponyms shall also be displayed in the language of the respective national minority according to respective orthography and grammar rules and tradition.

Federal laws and other legal rules are also published in the languages of national minorities in accordance with special legal rules.

Persons belonging to national minorities whose percentage in the total population of FRY reaches 2% according to the latest census, may address federal authorities in their native language with the right to receive a reply in that language.

The Deputy in the Federal Assembly who belongs to a national minority whose percentage in the total population of FRY reaches 2% according to the latest census has

the right to address the Assembly in his/her native language, which will be regulated in more detail in the Regulations of the Federal Assembly.

*RIGHT TO PRESERVE CULTURE AND TRADITIONS*

**Article 12.**

The expression, preservation, cultivation, promotion, inheritance and public demonstration of the national, ethnic, cultural, religious and linguistic specificity as the part of the tradition of citizens, national minorities and their members, is their inalienable individual and collective right.

For the purpose of protection and promotion of cultural specificity, persons belonging to national minorities have the right to establish specific cultural, artistic and scientific institutions, societies and associations in all areas of cultural and artistic life.

Institutions, societies and associations from the preceding paragraph are independent in their activities. The State will participate in financial support of those societies and associations according to its financial capabilities.

Separate foundations can be established for the purpose of promoting and supporting the institutions, societies and associations from paragraph 5 of this Article.

Museums, archives and institutions for the preservation of cultural monuments will secure the presentation and protection of the cultural and historical heritage of national minorities on their territory. Representatives of National Councils will participate in decision-making regarding the way of presenting the cultural and historical heritage of their community.

*EDUCATION IN MOTHER TONGUE*

**Article 13.**

Persons belonging to national minorities have the right to instruction in their own language in pre-school, elementary school and secondary school education.

If at the moment of the enactment of this Law there is no instruction in the language of a national minority within the unified system of public education for the persons belonging to the respective national minority from paragraph 1 of this Article, the state is obliged to create conditions for the organization of instruction in the native language of the national minority, and until then to guarantee the bilingual instruction or the instruction of the minority language with the elements of national history and culture for the persons belonging to the respective national minority.

In the implementation of the rights from paragraph 1 and 2 of this Article, the law may prescribe a specific minimum number of pupils necessary for the realization of these rights. This number can be smaller for persons belonging to national minorities than the determined general minimum that is required for organizing classes and education.

Instruction in the language of national minorities does not exclude the obligatory learning of the Serbian language.

The curricula for the educational needs from paragraph 1 of this Article regarding the national content will comprise topics relating to the history, art and culture of the respective national minority.

The national councils of national minorities shall participate in the preparation of the curricula for the subjects expressing the specificity of national minorities in the language of national minorities, bilingual education and teaching of national minority languages with elements of national minority culture from paragraph 1 of this Article.

The curricula in educational institutions and schools in the Serbian language, in order to foster tolerance with regard to national minorities, have to include a subject containing knowledge of the history, culture and position of national minorities, and other contents fostering mutual tolerance and co-habitation. In territories where the language of the national minority is in official use, the curricula in educational institutions and schools with instruction in Serbian language should also contain the possibility of learning the language of the national minorities.

#### **Article 14.**

To satisfy the requirements of the instruction in the language of national minorities in accordance with Article 13 paragraph 1, within university and other tertiary education, the State shall provide departments and faculties where kindergarten nurses, as well as teachers and language teachers in elementary and secondary schools will receive education in the language of national minorities or bilingual education.

Apart from university and other tertiary education from paragraph 1 of this Article, universities shall organize language departments in the languages of national minorities, where the students belonging to national minorities can also learn the technical terms in the language of national minorities.

Apart from the obligations from paragraph 1 and 2 of this Article, the State shall support vocational training and terminological specialization of teachers for the needs arising from paragraph 1 of this Article.

The State shall favor international cooperation with the purpose of enabling the persons belonging to national minorities to study abroad in the language of the respective minority, and validate diplomas acquired in this way in accordance with the Law.

#### **Article 15.**

Persons belonging to national minorities have the right to establish private educational institutions, schools and universities, with instruction in the language of the national minorities or bilingual instruction, according to the Law.

In the financing of the instruction in the languages of the national minorities, domestic and foreign organizations, foundations and private persons can also take part, in accordance with the Law.

In the case of financial and other donations from the preceding paragraph, the state will ensure some concessions or discharge from duties.

#### *USE OF NATIONAL SYMBOLS*

##### **Article 16.**

Persons belonging to national minorities have the right to choose and to use their national symbols.

National symbols cannot be identical with the symbols of any other state.

National symbols and holidays of national minorities are proposed by national councils. National symbols and holidays of national minorities are acknowledged by the Federal Council for National Minorities.

National symbols of the respective national minority can be officially used during the state holidays and the holidays of the respective national minority on buildings and on the premises of local authorities and institutions on the territory where the language of the national minority is in official use.

In the official use described in the paragraph 2 of this Article, the symbols of the FRY and the member republic shall be displayed together with the symbols of the national minorities.

#### *MEDIA IN NATIONAL MINORITY LANGUAGES*

##### **Article 17.**

Persons belonging to national minorities have the right to be fully and impartially informed in their own language, and the right to express, receive, send and exchange information and ideas through printed media and other means of public information.

In TV and radio programs the state will ensure informative, cultural and educational contents in the language of national minorities, and it can also establish separate radio and TV stations broadcasting programs in languages of national minorities.

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

**Part four**

***EFFECTIVE PARTICIPATION IN DECISION-MAKING ON ISSUES RELATED TO MINORITY SPECIFICITIES, IN GOVERNMENT AND IN ADMINISTRATION***

*FEDERAL COUNCIL FOR NATIONAL MINORITIES*

**Article 18.**

For the sake of preserving, promoting and protecting the national, ethnic, religious, linguistic and cultural specificity of persons belonging to national minorities, and for the sake of implementing their rights, the Government of the Federal Republic of Yugoslavia will establish the Federal Council for National Minorities (hereafter the "Council").

The composition and the jurisdiction of the Council will be determined by the Federal Government.

Representatives of national councils of national minorities will be the members of the Council.

*NATIONAL COUNCILS OF NATIONAL MINORITIES*

**Article 19.**

Persons belonging to national minorities can elect national councils (hereafter the "council") for the purpose of exercising their right to self-governance in the fields of the use of language and alphabet, education, media and culture.

The council is a legal person.

Depending on the total number of persons belonging to national minorities, the council will have at least 15 members, or 35 members at most, who will be elected for a 4-year term.

The council enacts its statute and budget in accordance with the Constitution and the Law.

The council is financed from the budget and from donations.

The Register of elected national councils is managed by the competent federal authority.

The council represents a national minority in the fields of use of language, education, informing in the language of the national minority and culture, participates in decision-making or decides on questions belonging to those fields and establishes institutions working in those fields.

Authorities of the state, territorial autonomy or unit of local self-government are obliged to consult the council when deciding on issues mentioned in paragraph 7 of this Article.



The council may address the authorities from paragraph 8 of this Article in connection with all the issues affecting the rights and position of national minorities.

Some competencies from fields mentioned in paragraph 7 of this Article may be directly delegated to these councils, and the State shall set aside finances for the realization of those competencies.

The scope and nature of competencies from paragraph 10 of this Article will, among other things, depend on the claim of the respective national council.

The councils will be formed according to the principles of free will, election, proportionality and democracy.

The rules for the election of national councils will be regulated by law.

#### *FEDERAL FUND FOR NATIONAL MINORITIES*

##### **Article 20.**

The Federal Fund for the promotion of the social, economic, cultural and overall development of national minorities (hereafter the "Fund") will be established.

The Fund shall take part in the financing, from budgetary resources, of activities and projects related to the improvement of the position and development of the cultural creativity of national minorities.

The Federal Government shall enact closer legal regulations to regulate the composition and activities of the Fund.

#### *PARTICIPATION IN PUBLIC LIFE AND EQUAL OPPORTUNITIES FOR A POSITION IN CIVIL SERVICE*

##### **Article 21.**

In the course of employment in public services, including the police, it is obligatory to take care of the national composition of the population, adequate representation and the knowledge of the languages spoken in the territory of the authority or service.

#### **Part five** *PROTECTION OF MINORITY RIGHTS AND FREEDOMS*

#### *PROHIBITION OF THE VIOLATION OF THE RIGHTS OF MINORITIES*

##### **Article 22.**

All measures are prohibited which change the proportion of the population in areas inhabited by national minorities and which hamper the exercising of the rights of national minorities.

*PROTECTION OF RIGHTS BY COURTS*

**Article 23.**

For the purpose of the protection of their rights, persons belonging to national minorities and national councils can launch a lawsuit to the competent court, demanding compensation.

In accordance with the provisions of the Law on the Federal Constitutional Court, the Federal Ministry of National and Ethnic Communities and the councils of national minorities are empowered to file a complaint to the Federal Constitutional Court in case they judge that the constitutional rights and freedoms of persons belonging to national minorities were violated, or in case they are addressed by a person belonging to a national minority who claims that his constitutional rights and liberties were violated.

**Part six:**

***TRANSITIONAL AND CONCLUDING PROVISIONS***

**Article 24.**

Until Article 19 paragraph 13 of this Law is passed, the councils will be elected by assemblies of electors of national minorities.

Every deputy in the Assembly of the FRY, member republic or autonomous province elected due to his belonging to a national minority, or a deputy who declared his/her belonging to the national minority and who speaks the language of the minority, has the right to be the elector from paragraph 1 of this Article.

The elector of a national minority from paragraph 1 of this Article can also be any deputy belonging to a national minority elected in the unit of local self-government in which the minority language is in official use.

Every citizen who declared his belonging to a respective national minority and whose candidacy is supported by at least 100 persons belonging to a national minority with electoral right, or who is the candidate of a national organization or an association of respective national minority, also has the right to be the elector.

Other matters related to the competences and the way of work of the assemblies of electors of national minorities will be regulated by the federal authority in charge of the rights of minorities in the course of 30 days after this Law enters into force.

**Article 25.**

This Law will enter into force on the eighth day after its publication in the Official Gazette of FRY.

GENERAL ADMINISTRATIVE PROCEDURE LAW

**Article 16.**

(1) The administrative body carries out proceedings in the Serbian language of »ekavski” or “jekavski” dialect and uses the Cyrillic script in such proceedings, and also uses the Latin script as prescribed by the law. In regions in which, according to the law, a language of a national minority is also in official use, the proceedings are held also in the language of the relevant national minority, with the use of the script used by such national minority.

(2) If the proceedings are not held in the mother tongue of the party, or other participants in the proceedings, who are Yugoslav citizens, interpreting will be provided through interpreters into their language, and all written communications and supplicas will be handed over in their language and script.

(3) Parties and other participants in the proceedings who are not Yugoslav citizens are entitled to follow the proceedings through an interpreter and have the right to use their language during the proceedings.

POPULATION, HOUSEHOLDS AND APARTMENTS CENSUS LAW

**Article 8.**

The person included in the census is not obliged to express his national identity, and the census form must contain information stating this.

LAW ON PROTECTION OF PERSONAL DATA

**Article 6.**

Data bases containing personal data, parts of such data bases or individual data contained therein may be used for scientific, educational or similar ends in forms that do not enable identification of the citizen.

**Article 11.**

A citizen is entitled to know:

In which data bases there are data regarding himself;

Which of his personal data are processed, by whom and on what basis;

Who are the users of personal data that refer to him and on what basis.

**Article 18.**

Personal data on race origin, ethnicity, religious and other affiliations, political and trade union affiliations, sexual life, may be collected, processed and given for use only with a written consent of the citizen concerned.

## CRIMINAL CODE

### **Article 134.**

1. Who, by propaganda, or in another manner provokes or disseminates national, racial, or religious animosity or discord among the nations or nationalities that live in SFRY, shall be punished by imprisonment from 1 to 10 years.

2. Who, by insulting citizens or in another manner provokes national, racial, or religious intolerance, shall be punished by imprisonment from 3 months to 3 years.

### **Article 154.**

A person shall be punished by imprisonment from 6 months to 5 years, who, on grounds on race, color of skin, nationality or ethnic origin violates fundamental human rights and freedoms recognized by the international community.

A person shall be punished by the punishment prescribed in paragraph 1. that exercises prosecution of organizations or individuals because of their advocating of equality of people (...), a person that disseminates ideas of the superiority of one race over another or advocates racial hatred or instigates racial discrimination.

### **Article 186.**

An official shall be punished by imprisonment from 3 months to 5 years who, on grounds of difference of nationality, race, confession, ethnicity, gender, language, education or social position denies or limits the rights of citizens set down by the constitution, law or other regulation or general act, or that on grounds of these differences give citizens privileges or other advantages.

## LITIGATION LAW

### **Article 6.**

Litigation proceedings are carried out in the Serbian language of »ekavski” or “jekavski” dialect and with the use of the Cyrillic script, while the Latin script is used as prescribed by the Constitution and the law. In regions in which, according to the law, a language of a national minority is also in official use, the proceedings are held also in the language of the relevant national minority, with the use of the script used by such national minority.

Parties and other participants in the proceedings are entitled to use their own language and script, according to stipulations of this law.

### **Article 103.**

If a language of a nationality of Yugoslavia is also in official use in court, the court shall deliver court documents in this language to the parties and participants in the procedure that are members of that nationality that use this language in the procedure.

**Article 104.**

The parties and other participants in the procedure submit to the court their petitions, appeals and other submissions in the language of the nation or nationality that is in official use in court.

The parties and other participants in the procedure may submit to the court their submissions also in the language of a nationality of Yugoslavia that is not in the official use in court, if it is in accordance with the constitution, law or other regulation that apply to the territory of that court.

**Article 105.**

Translation expenses into the language of a nation or nationality of Yugoslavia that derive from the application of the provisions of the constitution and this law regarding the right of members of nations and nationalities of Yugoslavia to use their language are credited to the funds of the court.

**Article 354.**

A gross breach of the provisions of civil procedure exists if the court, contrary to the provisions of this law, rejects the request of a party to use its language and script and to follow the proceedings in its language.

LAW ON THE ELECTION OF FEDERAL DEPUTIES TO THE CHAMBER OF  
CITIZENS OF THE FEDERAL ASSEMBLY

**Article 63.**

The federal election commission prescribes in detail the form and appearance of the ballot paper, the manner and supervision over their printing and handling.

**Article 87.**

Only election lists which have won at least 5% of the total number of voters who have voted in a electoral unit participate in the distribution of mandates.

LAW ON THE ELECTION OF FEDERAL DEPUTIES TO THE CHAMBER OF  
REPUBLICS OF THE FEDERAL ASSEMBLY

**Article 9.**

For the purposes of this Law, the election right includes the right of a citizen: to elect and to be elected; to propose candidates and to be proposed; to decide on proposed candidates and election lists; to publicly ask questions of candidates; to be promptly, truly, fully and objectively informed on programs and activities of those submitting election lists and on candidates included on such lists, and to other rights as envisaged this Law.

**Article 67.**

The federal election commission prescribes in detail the form and appearance of the ballot paper, the manner and supervision over their printing and handling.

**Article 92.**

Only election lists which have won at least 5% of the total number of voters who have voted in a electoral unit participate in the distribution of mandates.

**Article 98.**

On the date when his mandate is confirmed, the federal elections commission issues a certificate to the delegate that he has been elected a delegate in the Council of Republics.

**Article 106.**

Every voter, candidate and person submitting an election list has the right to submit a claim to the relevant election commission regarding irregularities in the proces of proposing candidates and implementing elections.

The claims from para 1. of this Article shall be submitted within 24 hours of the time when the decision is made, or when the action or irregularity has occurred.

**Article 108.**

Should the relevant election commission fail to issue a decree within specified time limits as set out in this Law, it shall be deemed that the claim was granted.

**Article 110.**

Within 24 hours of receipt of claims, the federal election commission is obliged to forward to the Federal Constitutional Court a claim, disputed decree and all relevant files for decision-making.

LAW ON ASSOCIATION OF CITIZENS INTO ASSOCIATIONS, SOCIAL ORGANIZATIONS AND POLITICAL ORGANIZATIONS ESTABLISHED IN THE TERRITORY OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

**Article 9.**

A political organoization may be established by at least 100 persons, and associations of citizens or social organizations by at least 10 persons, with a voting right.

CRIMINAL PROCEDURE CODE

**Article 7.**

(2) In Courts in regions with members of national minorities, their language ans script are also used as the official language in criminal proceedings, in accordance with this Law.

**Article 9.**

(2) The parties, witnesses and other participants in the proceedings have the right to use their language. If the proceedings are not held in the language of such a person, oral interpretation will be provided of what he or another person is presenting, as well as written translation of documents and other written evidence.

**Article 10.**

(2) If the court also uses a language of a national minority as an official language, the court will also issue documents in that language to persons of the relevant national minority, if they have used that language during the court proceedings. Such persons may request that all written documents be given them in the language in which the proceedings had been held.

LAW ON DONATIONS AND HUMANITARIAN AID

**Article 1.**

State administrative bodies, bodies of local self-management, public enterprises, other non-for-profit organizations and communities as well as local and international humanitarian organizations (hereinafter: grant and aid beneficiaries) may receive grants and humanitarian aid.

**Article 3.**

The import of goods and services based on donations and humanitarian aid, and goods and services purchased from proceeds of donations and humanitarian aid or purchased from proceeds resulting from operations with valuable papers or transfer of rights, is free.

**Article 5.**

For the purposes of this Law, the beneficiaries of donations (grant-aids) or humanitarian aid is exempt from payment of customs duties and other import duties and taxes levied on the import of goods for goods subject to donations and humanitarian aid humanitarian aid.

**RULES OF PROCEDURE FOR THE ELECTORS' ASSEMBLIES IN THE ELECTION OF NATIONAL COUNCILS**

**Article 1.**

These Rules of Procedure determine the manner of work of electors' assemblies of national minorities for the election of national councils (hereinafter: the electors' assembly).

*I. CONVOKING OF ELECTORS' ASSEMBLY*

**Article 2.**

The initiative for the convoking of an electors' assembly may be submitted in writing by:

- 1) 20 members of the national minority with the right to be electors in case of a national minority whose number according to the result of the most recent census is not registered separately or whose number is less than 20,000 persons;
- 2) 30 members of the national minority with the right to be electors in case of a national minority whose number according to the result of the most recent census is between 20,000 and 50,000 persons;
- 3) 40 members of the national minority with the right to be electors in case of a national minority whose number according to the result of the most recent census is between 50,000 and 150,000 persons;
- 4) 50 members of the national minority with the right to be electors in case of a national minority whose number according to the result of the most recent census is not registered separately or whose number is less over 150,000 persons.

Along with the initiative mentioned in paragraph 1, each elector must submit data and documents as specified by this Book of regulations.

#### **Article 3.**

The Federal Ministry of National and Ethnic Communities (hereinafter: the Ministry) receives the initiatives from Article 2 of this Book of Regulations and, within 30 days, determines the date and place where the electors' assembly will be convened.

The Electors' Assembly will be held within a period of time which may not be shorter than 30 nor longer than 120 days of the date when the decision mentioned in para 1 of this Article is made.

The date and place of convening the Electors' Assembly shall be publicly announced in public media and shall will invite all electors to promptly submit written applications for participation in the electors' assembly.

#### **Article 4.**

The person entitled to be an elector submits a written statement of his national identity.

#### **Article 5.**

The person who, according to Article 24, para 2. or 3. of the Law on Protection of Rights and Freedoms of National Minorities (hereinafter: the Law) has the right to be an elector, shall submit together with the statement mentioned in Article 4. of this Books of Regulations also an evidence that he has been elected as federal, republic or provincial delegate, or representative.

The representative is elected due to his belonging to a national minority if he was elected as a candidate of a political organization or an association of citizens of a national minority to which he belongs and which participated in elections independently or in coalition with other political organizations or associations of citizens.



**Article 6.**

The person who, according to Article 24, para 2. of the Law has the right to be an elector, and has not been elected as a candidate of a political organization or an association of citizens of a national minority to which he belongs and which participated in elections independently or in coalition with other political organizations or associations of citizens, shall submit documents and date as prescribed by this Law as well as a statement that he speaks the minority language.

**Article 7.**

The person who, according to Article 24, para 2. of the Law has the right to be an elector shall submit a written statement of his belonging to a national minority and filled forms enclosed in this Book of regulations, to be filled and signed by members of national minorities who support him, or he submits a written document of the decision made by the assembly of a minority organization or association that he has been nominated for elector of the national minority.

One member of a national minority may by filling and signing the said form give his support to only one elector.

Such association of citizens that has an adequate designation in its name shall be considered as national organizations or associations, or such associations whose statute designates it as an association that gathers or acts in the interests of members of a national minority, and has been registered before this Book of Regulations has come into effect.

The assembly of each national organization or association mentioned in para 3 of this Article may nominate only one elector.

**Article 8.**

After the announcement in public media of the date and place of convening the electors' assembly, members of the national minorities to whom the invitation from Article 3. para 3. of this Book of Regulations has been sent, shall submit to the Ministry their written application for participation in the electors' assembly at the latest 7 days before the electors' assembly is convened.

The Ministry shall send written invitations to attend the electors' assembly to all electors who have submitted full applications.

*II. MANNER OF WORK OF THE ELECTORS' ASSEMBLY*

**Article 9.**

The Electors' Assembly *Elektorska* elects members of the national council proportionally to the size of the national minority.

The National Council has not less than 15 and not more than 35 members.

In case of national minorities whose size according to results of the most recent census is less than 20,000 persons, or whose numbers is not expressed separately, the national council may have not more than 18 members.

In case of national minorities whose size according to results of the most recent census is between 20,000 and 50,000 persons, the national council may have not more than 21 members.

In case of national minorities whose size according to results of the most recent census is between 50,000 and 100,000 persons, the national council may have not more than 29 members.

In case of national minorities whose size according to results of the most recent census is over 100,000 persons, the national council may have not more than 35 members.

**Article 10.**

The electors assembly may be convened if attended by more than a half of the electors invited by the Ministry.

Except as stated in para 1. of this Article, the electors' assembly may also take place if attended by:

- 1) at least 30 electors in case of national minorities whose number according to the most recent census is less than 10,000 persons or is not separately registered;
- 2) at least 45 electors in case of national minorities whose number according to the most recent census is between 10,000 and 50,000 persons;
- 3) at least 60 electors in case of national minorities whose number according to the most recent census is between 50,000 and 100,000 persons;
- 4) at least 100 electors in case of national minorities whose number according to the most recent census is over 100,000 persons.

**Article 11.**

Until the Chairman of the electors assembly is elected, the work of the assembly shall be chaired by the oldest elector present.

**Article 12.**

The electors assembly begins its work by determining the list of attendance through a list of electors provided by the Ministry.

Afre determining the number of attending electors, the electors' assembly continues its work by electing the chairman, vice-chairman, note-taker and members of the election commission.

**Article 13.**

The electors' assembly makes its decisions publicly by the majority vote of present electors.

The decision on members of the national council is made by secret vote of the electors assembly.

The electors assembly may make other decisions also by secret vote if it so decides.

*III. ELECTION*

**Article 14.**

The national council is elected by applying the proportional system.

Lists of candidates (hereinafter: the lists) for members of national councils may be proposed by one quarter of electors present.

Each elector may support only one list.

The list may include at least five candidates, and not more than the total number of members of the council. The sequence of candidates is determined by the person submitting the list.

The lists are pronounced by the chairman of the electors' assembly by determining their serial number and carrier.

The electors take a secret vote at ballot papers prepared in advance on which they record the name of carrier, i.e. the number of the list.

The number of mandates that a list received is determined by dividing the total number of votes that a list has won by the number of members of a national council. Figures resulting from this are then arranged by size, taking into account as many greatest results as the national council has members.

Mandates belonging to a certain list are distributed according to the sequence of candidates on the list.

If the elected member of the national council resigns from membership, or if his mandate is otherwise terminated in accordance with the statute of the national council, the next candidate from the same election list becomes members of the national council.

*IV. EXTRAORDINARY ELECTORS' ASSEMBLY*

**Article 15.**

If persons who have the right to be electors, and whose number exceeds the number of half of electors who participated in the work of the electors' assembly, provide a written

request to convene an extraordinary session of the electors' assembly, the Ministry, in accordance to stipulations of this Book of regulations, shall determine the date and place of convening the extraordinary electors' assembly.

By electing a new national council at the extraordinary electors' assembly, the mandate of the previous national council shall be terminated.

The extraordinary electors' assembly may not be convoked before the expiration of one year of the election of the national council.

#### *V. COMING INTO EFFECT*

##### **Article 16.**

This Book of regulations comes into effect on the eighth day of its publication in the "Official gazette of FRY".

### **3) REGULATIONS OF THE REPUBLIC OF SERBIA**

#### **LAW ON ELEMENTARY SCHOOLS**

##### **Article 5.**

For members of nationalities, the teaching plan and program is conducted in the language of the nationality or bi-lingually, if at least 15 pupils enroll into first grade.

The school may also conduct the teaching plan and program in the language of the nationality or bi-lingually, if at least 15 pupils enroll in first grade and in it is verified by the minister of education.

The minister of education prescribes the methods of conducting bi-lingual teaching plans and programs. When the teaching plan and program is also conducted in the language of a nationality, the pupil ascertains the teaching plan and program of the Serbian language.

When the teaching plan and program is conducted in Serbian, the pupils that are members of nationalities are guaranteed the conduction of the plan and program of their mother language with elements of their national culture.

##### **Article 7.**

In schools it is prohibited to perform acts that jeopardize or disdain groups of individuals on the basis of racial, national, language, religious or sex membership or affiliation, or the promotion of such acts.

##### **Article 20.**

The educational plans and programs of religious education are adopted jointly by the Minister of Education and Minister of Religions, based on joint proposal of traditional churches and religious communities (The Serbian Orthodox Church, the Islamic Community, the Catholic Church, the Slovak Evangelistic Church a.v., The Jewish

Community, the Reforming Christian Church and the Evangelistic Christian Church a.v.) in accordance with the law.

The Government of the Republic of Serbia nominates a commission in charge of preparing the educational program of religious education of traditional churches and religious communities, the drafts of textbooks and other educational aids, opinions provided to the Minister of Education in the process of appointing educational advisors for religious education and monitoring of how religious education is organized and implemented.

**Article 22.**

The education in chosen subjects is carried out in accordance with educational plan and program from I to VIII grade, as follows:

1) religious education and other subjects of ethical-humanistic content as determined by the Minister of Education from I to VIII grade.

On the occasion of enrollment in school, the parent, or custodian of the pupil enrolled in the first grade and in each subsequent grade, has the right to decide for the pupil to attend religious education or education in another subject as determined by the Minister of Education.

The subject from para 1 item 1) of this Article chosen by the parent or custodian, shall be obligatory for the pupil in that school year.

**Article 23.**

The textbooks and other educational aids used for religious education are approved by the Minister of Education at the joint proposal of traditional churches and religious communities as stipulated by this Law.

**Article 24.**

The marks received by pupils in the subjects prescribed in Article 22, para 1. item 1) of this Law are of descriptive nature, based on criteria determined by the Minister of Education.

The Minister of Education determines, at the joint proposal of the Ministry of Religions and the traditional churches and religious communities, the criteria and the manner of determining marks of success of pupils attending religious education.

The marks received in the subject of religious education or another subject determined by the Minister of Education shall have no influence of the general success of the pupil.

**Article 67.**

The necessary qualification of teachers of religious education is determined by the Minister of Education at the joint proposal of the traditional churches and religious communities.

The list of teachers of religious education is determined by the Minister of Education at the joint proposal of the traditional churches and religious communities.

The teachers of religious education are sent to the schools by the traditional churches and religious communities from the adopted list for each academic year.

**Article 73.**

The teacher, associate or educator who through his educational work does not implement the educational plan and program; or who through his behavior jeopardizes or disdains groups or individuals on the basis of racial, national, language, religious or sex membership or affiliation or political affiliation, or who promotes such acts, who undertakes physical punishment or hurts the personality of the pupil, shall be removed from teaching by the decision of the school principal until the relevant decision is made in disciplinary proceedings.

**Article 117.**

The School Board shall terminate the mandate of the school principal before its expiration if he has (...); if the school or the principal is responsible for violation of Article 140 of this Law, (...); if the school issues public documents contrary to this Law; (...).

The principal of the school of music and school of ballet established by another legal or physical person, shall be released of duty by the founder.

**Article 129.**

When education is also provided in the language of a national minority, the school also keeps records also in that language.

**Article 140.**

A fine of 10,000 to 50,000 dinars shall be imposed on schools for violations in the following cases, if the school:

1. jeopardizes or disdains groups or individuals on the basis of racial, national, language, religious or sex membership or affiliation, or political affiliation, promotes such acts, or fails to take measures to prevent such acts (Article 7. para 1).

1a. Does not remove from the educational process a teacher, associate or educator as stipulated in Article 73. para 1. of this Law.

**LAW ON SECONDARY SCHOOLS**

**Article 5.**

A school may also conduct the teaching plan and program in the language of nationalities or bi-lingually, in accordance with this law.

A school may conduct the teaching plan and program in the language of nationalities or bi-lingually, if at least 15 pupils enroll in first grade.

A school may conduct the teaching plan and program in the language of nationalities or bi-lingually, for a number of pupils that is less than the number prescribed in paragraph 2 of this Article, but needs to be verified by the Ministry of education

Pupils defined in paragraphs 2. and 3. of this Article ascertain the teaching plan and program of the Serbian language.

When a pupil - member of a nationality is educated in Serbian, he/she has the right to learn their mother language with elements of their national culture.

**Article 8.**

In schools it is prohibited to perform acts that jeopardize or disdain groups of individuals on the basis of racial, national, language, religious or sex membership or affiliation, or the promotion of such acts.

**Article 24.**

The educational plans and programs of religious education are adopted jointly by the Minister of Education and Minister of Religions, based on joint proposal of traditional churches and religious communities (The Serbian Orthodox Church, the Islamic Community, the Catholic Church, the Slovak Evangelistic Church a.v., The Jewish Community, the Reforming Christian Church and the Evangelistic Christian Church a.v.) in accordance with the law.

The Government of the Republic of Serbia nominates a commission in charge of preparing the educational program of religious education of traditional churches and religious communities, the drafts of textbooks and other educational aids, opinions provided to the Minister of Education in the process of appointing educational advisors for religious education and monitoring of how religious education is organized and implemented.

**Article 25.**

The textbooks and other educational aids used for religious education are approved by the as stipulated by this Law.

**Article 27**

Optional forms of educational activities are: the teaching of the language of the Minister of Education at the joint proposal of traditional churches and religious communities minority language with elements of national culture, other foreign languages or subjects of interest for further education, professional qualification or development of pupils and out-of-school activities – choirs, excursions, cultural-artistic, technical, inventive, humanitarian, sports-recreational and other activities.

**Article 48.**

The marks received by pupils in the chosen subjects are of descriptive nature, based on criteria determined by the Minister of Education.

The Minister of Education determines, at the joint proposal of the Ministry of Religions and the traditional churches and religious communities, the criteria and the manner of determining marks of success of pupils attending religious education.

The marks received in the chosen subject shall have no influence of the general success of the pupil.

**Article 62.**

Expression of national or religious intolerance shall be considered as serious violation of pupils obligations.

**Article 70.**

The necessary qualification of teachers of religious education is determined by the Minister of Education at the joint proposal of the traditional churches and religious communities.

The list of teachers of religious education is determined by the Minister of Education at the joint proposal of the traditional churches and religious communities.

The teachers of religious education are sent to the schools by the traditional churches and religious communities from the adopted list for each academic year.

**Article 80.**

The teacher, associate or educator who through his educational work does not implement the educational plan and program; or who through his behavior jeopardizes or disdains groups or individuals on the basis of racial, national, language, religious or sex membership or affiliation or political affiliation, or who promotes such acts, who undertakes physical punishment or hurts the personality of the pupil, shall be removed from teaching by the decision of the school principal until the relevant decision is made in disciplinary proceedings.

Should the principal fail to act according to para 1. of this Article, the teacher or the associate shall be removed from education process by the Ministry of Education within 15 days of receiving notice.

**Article 88.**

The School Board shall release the school principal of his duty before expiration of his mandate if it is determined that the prescribed educational plan and program is not implemented or if it is implemented without remedying defects and irregularities; if it is determined that the school or its principal is in violation of Article 109 of this Law (...); if



the school does not keep adequate records and if the school issued public documents contrary to this Law; (...).

The principal of a school established by a different legal or physical person is released of duty by the founder.

**Article 99.**

The school administers documents in Serbian Cyrillic script, and in Latin script in accordance with the law; when teaching is conducted in the language of nationalities, documents are administered in the language of that nationality, except for the class-register that is administered in the language in which the educational activity is conducted.

**Article 100.**

School official certificates are issued in Serbian Cyrillic script, and in Latin script in accordance with the law; when teaching is conducted in the language of nationalities, official certificates are issued in that language.

**Article 109.**

A fine of 10,000 to 50,000 dinars shall be imposed for violation if the school:  
(...)

10. jeopardizes or disdains groups or individuals on the basis of racial, national, language, religious or sex membership or affiliation, or political affiliation, promotes such acts, or fails to take measures to prevent such acts (Article 8. para 1).

11. does not remove from the educational process a teacher, associate or educator as stipulated in Article 80. para 1. of this Law.

**LAW ON TWO-YEAR POST-SECONDARY SCHOOLS**

**Article 4.**

Higher education is carried out in the Serbian language.

At schools of higher education, education may be provided also in the language of national minorities, or in a foreign language, a decision on which is made by the founder.

If the founder is not the Republic of Serbia, the permit to decision stipulated in para 2 of this Article is given by the Government of the Republic of Serbia.

**Article 5.**

All citizens enroll in schools and acquire higher education under equal conditions.

**Article 9.**

Legal and physical persons may establish schools under conditions stipulated by this Law.

**Article 47.**

When education is provided in the language of a national minority, the registry books and records of issued diplomas is also maintained in that language and script of the national minority.

**LAW ON UNIVERSITY**

**Article 8.**

Education at the university and at faculties is carried out in the Serbian language.

Education at the university and at faculties may be provided also in the language of national minorities, or in a foreign language, a decision on which is made by the founder.

If the founder is not the Republic of Serbia, the permit to decision stipulated in para 2 of this Article is given by the Government of the Republic of Serbia (hereinafter: the Government).

**Article 10.**

The University or a faculty may be established by the Republic, by a legal or a physical entity.

Foreign legal or physical entity may establish a faculty, in accordance with this Law.

**Article 31.**

A special requirement for enrollment in the first year of studies performed in a foreign language or in the language of a national minority is the knowledge of the language in which education is provided.

The student enrolled in studies from para 1. of this Article may transfer during his studies to the educational plan and program of studies provided in the Serbian language, after taking the exam of proficiency in that language.

The test in language proficiency as mentioned in item 1. and 2. of this Article is carried out by a special board, in a manner and under a procedure determined by the statute of the faculty or university.

**Article 122.**

The faculty shall maintain: a registry book of students, a record on diplomas issued and minutes recorded at examinations taken.

The University maintains records of promoted doctors of science, honorary doctors of science, and records from para 1. of this Article in cases when it directly organizes certain educational programs.

Records mentioned in paras 1 and 2. of this Article are maintained in the Serbian language, in the Cyrillic script. In the territory of municipalities in which the Latin script

is also in official use, the records shall in addition be kept also in the Latin script. The text in Latin script is written under the text in the Cyrillic script.

When education is provided in a language of a national minority the registry book of students and the records of issued diplomas shall in parallel also be kept in the Serbian language and Cyrillic script as well as in the language of the national minority.  
(...)

Based on data contained in the records kept by the faculty or university, the faculty or university issues public documents.

Public documents, for the purposes of this Law, are: the student's index book, diploma of received university degree, the professional title of specialist, the academic title of master of science, the academic title of doctor of science; and the certificate of completed program of permanent professional training and improvement.

The University, or the Faculty, issues public documents in the Serbian language, in the Cyrillic script. In territories of municipalities in which also Latin script is in official use, the university or the faculty shall issue public documents also in the Latin script. The text in the Latin script is written under the text in the Cyrillic script.

When education in the university or the faculty is provided in the language of a national minority or in a foreign language, public documents are issued bilingually: in the Serbian language in the Cyrillic script and in the language and script in which education is provided.

#### **Article 136.**

A fine of 21,000 to 70,000 Dinars shall be imposed on faculties or universities for violations, if they:  
(...)

5) do not maintain records in the prescribed manner or irregularly (Article 122).

A fine of 3,500 to 20,000 Dinars shall be imposed on the responsible person at the faculty or university for violations from para 1. of this Article.

### **LAW ON BROADCASTING**

#### **Article 3.**

The relations in radio broadcasting are based on the following principles:  
(...)

4) full promotion of civil rights and freedoms, and especially freedom of expression and pluralism of opinion;

5) application of internationally recognized norms and principles relevant to the field of radio broadcasting, and especially the respect of human rights in this field;

6) objectivity, prohibition of discrimination and transparency in the process of issuing permits for broadcasting.

#### **Article 8.**

The Agency shall be responsible to:

(...)

3) issue permits for program broadcasting and prescribing forms for such permits.

Apart from authorities in para 1. of this Article, the Agency shall carry out operations relevant to undertaking measures in the field of radio broadcasting for the purpose of:

3) preventing broadcasting of programs containing information stimulating discrimination, hatred or violence against individuals or groups due to their belonging or non-belonging to a certain racial, religious, national, ethnic group or gender.

#### *Issuing broadcasting permits*

#### **Article 11.**

To broadcast programs for earth, cable or satellite transmission, digital or analogue, the Agency shall issue permits according to the procedure and criteria determined by this law.

Transmission of program through Internet webcasting is not subject to the obligation of acquiring a permit, but the stipulations of this law refer to the contents of such programs.

#### *Preventing hate speech*

#### **Article 21.**

The Agency shall take care that the programs of broadcasters do not contain information stimulating discrimination, hatred or violence against individuals or groups due to their different political affiliation or their belonging or non-belonging to a certain race, religion, nation, ethnic group or gender or sexual affiliation.

The acts of broadcasters contrary to prohibitions stated in para 1 of this Article constitute the basis for pronouncement of measures by the Agency, independently of other legal remedies at the disposal of the damaged party.

#### **Article 23.**

Members of the Council are elected by the National Assembly of the Republic of Serbia (hereinafter: the Assembly) at the proposal of the authorized persons who submitted the proposal.

A member of the Council shall be considered elected if his election received the majority of votes of the total number of representatives in the assembly.

The authorization and the responsibility to elect members of the Council is vested in:

(...)

7) local non government organizations and associations of citizens who deal primarily in the protection of freedom of expression, protection of rights of national and ethnic minorities and protection of the rights of children, jointly;

8) churches and religious communities.

#### **Article 38.**

A physical or legal person may not broadcast radio or television programs if the Agency has not previously issued the relevant permit, unless otherwise specified in this Law.

The permit to broadcast radio or television programs may be granted to any legal or physical person fulfilling the conditions prescribed by this Law and by-laws resulting from it.

#### *Program Broadcasting Permit*

#### **Article 39.**

Permits for program broadcasting are issued by the Agency, subject to procedure prescribed by this Law.

#### **Article 40.**

The obligation of having a licence is not imposed on broadcasting programs by owners of systems broadcasting programs intended for cable distribution, as follows:

2) programs that may be received through free (non-coded) satellite distribution in the territory of the Republic of Serbia.

#### **Article 41.**

Holder of a broadcasting license may be only a domestic legal or natural person registered for production and broadcasting of radio and television programs, with the seat, i.e. residence, in the territory of the Republic of Serbia.

#### **Article 43.**

A legal or physical person registered for the activity of producing or broadcasting radio and television programs receives the status of broadcaster, for the purposes of this Law, by receiving the permit to broadcast programs or the permit for radio broadcasting for broadcasters who, according to stipulations of this Law, are not obliged to receive a permit for program broadcasting.

#### **Article 68.**

In broadcasting, all broadcasters within their program concept are obliged to respect the following standards in relation to program content:

2) to provide free, full and prompt information of citizens;

7) foreign programs intended for children shall be broadcast with synchronization in the Serbian language or the language of a national or ethnic minorities.

**Article 77.**

Programs produced or broadcast within public broadcasting service must be versatile and balanced in content supporting democratic values of modern society, especially the respect of human rights and cultural, ethnic and political pluralism of ideas and thinking.

**Article 78.**

For the purpose of implementing general interest in the field of public broadcasting service, as determined by this Law, apart from general obligations of broadcasters in respect to program contents as specified in Article 68. of this Law, the public broadcasters are also obliged to:

(...)

2) produce and broadcast programs intended for all segments of society, without discrimination, keeping in mind especially specific social groups such as children and youth, minority and ethnic groups, the handicapped, socially or medically needy, blind and deaf (with an obligation to broadcast in parallel the written text and the description of the audio part of the action and dialogue) and so on.;

3) to respect language and speech standards, relevant both to majority population, but also, in adequate proportion, to national minorities or ethnic groups in the territory in which the program is broadcast;

4) to provide the needs of citizens for program contents expressing the cultural identity of peoples as well as national minorities or ethnic groups, through the possibility to determine certain programs or program units in territories where they live and work that may be received in their mother tongue and script;

5) to provide adequate time for broadcasting contents relevant to the activities of associations of citizens and non government organizations as well as religious communities in the territories in which the program is broadcast.

*Special obligations in producing and broadcasting informative programs*

**Article 79.**

Those in charge of public broadcasting service are obliged to produce and broadcast informative programs that respect the principles of unbiased and objective treatment of different political interests and different participants, to promote freedom of speech and pluralism of expressing public opinion, and to prevent any form of racial, religious, national, ethnic or other form of intolerance or hatred, or intolerance in respect to sexual affiliation.

**Article 95.**

Civil sector radio and/or television stations are such stations which satisfy specific interests of certain social groups or associations of citizens.

The content of programs broadcast by civil sector radio and/or television stations must be related to the field of activity of a non government organization or an association of citizens who are the founders of the station.

Civil sector radio and/or television stations may be founded only for local regions.

**LAW ON ACTIVITIES OF PUBLIC INTEREST IN THE FIELD OF CULTURE**

**Article 2.**

For the purposes of this Law, general interests in the field of culture are as follows:

(...)

20) programs in the field of culture of other peoples and nationalities and the care of the protection of their cultural heritage.

**LAW ON LIBRARY ACTIVITIES**

**Article 10.**

For the purposes of this Law, general interests in the field of library activities are as follows:

(...)

2) preparation of current, retrospective and other bibliography of the Serbian people and national minorities living in the Republic of Serbia.

**LAW ON LOCAL SELF-GOVERNMENT**

**Article 63.**

In the municipality with mixed national composition, Councils for inter-ethnic relations are established made up of representatives of national and ethnic communities.

For the purposes of this Law, municipalities with mixed ethnic composition are such municipalities in which one national community represents more than 5% of the total number of population, or in which all communities represent more than 10% according to the most recent population census in the Republic of Serbia.

Communities with over 1% participation in the total number of population may have representatives in the Council for Inter-Ethnic Relations.

The Council discusses the issues of enforcing, protection and promotion of national equality, in accordance with this Law and statute.

The Council notifies the Municipal Assembly of its opinions and proposals, which is obliged to take a stand on them at its first coming session, but not later than within 30 days.

The Municipal Assembly is obliged to request the opinion of the Council for Inter-Ethnic Relations on all draft decisions relevant to the rights of national and ethnic communities, prior to making a decision.

The Council for Inter-Ethnic Relations may initiate proceedings before the Constitutional Court for the determination of constitutional and legal grounds of a decision or other general document adopted by a Municipal Assembly if it believes that such a decision or document directly violates the rights of national or ethnic communities represented in the council for inter-ethnic relations or the request of the Constitutional Court under equal conditions to determine whether a decision or another general act of the municipal assembly is in accordance with the statute of the municipal assembly.

The scope of work, composition and the manner of work of the the Council for Inter-Ethnic Relations is determined by a decision of the municipal assembly in accordance with its statute.

**Article 118.**

The symbols of a unit of local self-government may be exhibited only along with symbols of the state.

In the official premises of bodies of local self-government only symbols of the state and symbols of the unit of local self-government may be exhibited.

**Article 120.**

The assembly of the unit of local self-government determines the names of streets, squares, quarters, villages and other parts of settlements in its territory.

**Article 121.**

The assembly of the unit of local self-government submits its statute and other acts relevant to determining symbols, holidays and names of streets, squares, quarters, villages and other parts of settlements in its territory to the Ministry in charge of local self-government, for approval.

If the content of the statute of the unit of local self-government or another act on symbols, holidays and symbols, holidays and names of parts of settlements is contrary to historical or actual facts, if they violate general or state interest, national or religious feelings, disdain public morale or are not in line with provisions of Article 119. of this Law, the Ministry in charge of local self-government shall refuse within 60 days of the date of receipt of the statute of another act as mentioned in para 1. of this Article, to grant an approval of that provision of the statute or another act.



Should the Ministry in charge of local self-government fail to pronounce its opinion regarding para 2. of this Article, it shall be deemed that the approval has been granted.

### **CRIMINAL CODE OF SERBIA**

#### **Article 60.**

Who, on grounds of difference in nationality, race, confession, political or other conviction, ethnicity, gender, language, education or social position denies or limits the rights of citizens set down by the constitution, the law, or other regulations or general acts or by ratified international agreements, or who, on grounds of these differences gives privileges or advantages, shall be punished by imprisonment from 3 months to 5 years.

#### **Article 61.**

Who, contrary to provisions regarding the equal use of language or script of nations and nationalities of Yugoslavia denies or limits a citizen the use of language or script that he/she uses in fulfilling their rights, shall be punished by imprisonment of up to one year.

### **LAW ON PUBLIC AND OTHER HOLIDAYS IN THE REPUBLIC OF SERBIA**

#### **Article 4.**

Employees have the right not to work on days of religious holidays, as follows:

- 1) Orthodox - on the first day of their family feast ("slava");
- 2) Catholics and members of other Christian religious communities – on the first day of Christmas and on Easter holidays starting from Great Friday closing with second day of Easter, according to their relevant calendar;
- 3) members of the Islamic Community – on the first day of Ramazan bajram and the first day of Kurban bajram;
- 4) members of the Jewish Community – on the first day of Jom Kipura.

### **LAW ON THE OFFICIAL USE OF LANGUAGE AND SCRIPT**

#### *I. PRINCIPAL PROVISIONS*

#### **Article 1.**

In areas of the Republic of Serbia where members of nationalities live, simultaneously with Serbian, the languages and scripts of nationalities are in official use, as prescribed by this law.

#### **Article 2.**

Official use of language and script, as set down by this law, means the use of language and script in the activity of: government agencies, the agencies of the autonomous

provinces, cities and municipalities (henceforth: agencies), institutions, enterprises and other organizations that exercise public authority (henceforth: organizations that exercise public authority).

Official use of language and script, as set down by this law, means the use of language and script in the activity of public enterprises and public services, as well as in the activity of other organizations when they exercise activity prescribed by this law.

### **Article 3.**

The official use of language and script refers especially to the use of language and script in:

- 1) oral and written communication between bodies and organizations, as well as their communication with clients, or citizens;
- 2) proceedings for the enforcement and protection of rights, obligations and responsibilities of citizens;
- 3) maintenance of prescribed records by municipal bodies and organizations exercising public authorities in the territory of a municipality (hereinafter: the records);
- 4) issuance of public documents and other documents of interest in exercising equally prescribed rights of citizens;
- 5) exercising the rights, duties and responsibilities of employees resulting from labour and labour relations.

The official use of language and script also refers to the use of language and script relevant to: inscription of names of settlements and other geographical names, names of streets and squares, administrative bodies, organizations and enterprises, publishing public invitations, advertisements and warnings as well as inscribing other public inscriptions.

### **Article 4.**

An administrative body, an organization or another entity may inscribe its name, title or other public inscription also in the Latin script, in addition to the Cyrillic script.

In the name of the enterprise, institutions or another legal person or a trade or another form of independent activity, the part which is used as the sign may be written in only the Latin script.

### **Article 5.**

Traffic signs and road directions on international and national highways, the names of settlements and other geographic names are written in Cyrillic and Latin script. Traffic signs and road directions on other roads, the names of streets and squares and other names may, beside in Cyrillic, also be written in Latin script.

**Article 6.**

Everybody has the right in proceedings before administrative bodies of organizations which deals with his rights and obligations, to use his language and have access to facts in such proceedings in his language.

**Article 7.**

In official use, the text in the language and the script of minorities (hereinafter: the language of minorities) is inscribed after the text in the Serbian language, below or to the right, in letters of the same format and size.

If several minority languages are in use, the text in these languages will be inscribed in the sequence of alphabetic order according to the Cyrillic script.

Geographic names and personal names contained in public inscriptions may not be substitutes by other names, and they are inscribed in the language of the nationality according to spelling rules relevant to that language.

*II. OFFICIAL USE OF THE LATIN SCRIPT*

**Article 8.**

In municipalities in which members of a nation live in larger numbers and whose primary script, in accordance with the tradition of this nation is Latin, the Latin script is also in official use.

The official use of the Latin script is, in accordance with paragraph 1 of this Article, is determined by the statute of the municipality.

**Article 9.**

Administrative bodies and organizations exercising public authority in municipalities with official use of Latin script too, are obliged to provide to citizens, at their request, decrees and other documents also written in the Latin script when such decrees and decisions are relevant to their rights and obligations, as well as certificates, diplomas and other public documents.

Forms of public documents for the needs of municipalities in which the Latin script is in official use too, are printed in the Cyrillic and latin script.

**Article 10.**

When, in accordance with this Law, the text is written also in the Latin script, the text in the Latin script is written after the text in the Cyrillic script, below or to the right.

*III. OFFICIAL USE OF LANGUAGE AND SCRIPT OF MINORITIES*

**Article 11.**

Municipalities in which members of nationalities live, determine when the languages of nationalities are also in official use on their territory.

The language and languages of nationalities that are in official use in the municipality are determined by the statute of the municipality.

The languages of nationalities that are in official use in the activity of the agencies of the autonomous provinces, are determined by their statutes.

**Article 12.**

Administrative, penal, civil and other procedure in the first instance, in which matters of rights and duties of citizens are decided, is conducted in Serbian.

A procedure, as prescribed in paragraph 1. of this Article, may also be conducted in the language of a nationality that is in official use in the agency or organization that is conducting procedure.

If the agency or organization that is conducting procedure is established for several municipalities, the procedure may be conducted in the languages of nationalities that are in official use in the municipalities that are covered by the domain of that agency or organization, and for parties in the procedure - members of nationalities that have residence in the municipality, in the language of the nationality that is in official use.

When a participant in the procedure is only one party - member of a nationality, the procedure shall, upon request, be conducted in the language of the nationality that is in official use in the agency or organization that is conducting procedure.

When there is more than one party in the procedure whose languages are not the same, procedure is conducted in one of the languages that is in official use in the agency or organization conducting procedure, if the parties agree.

If the parties do not agree on the matter in which language the procedure is to be conducted, the language in which the procedure is to be conducted is determined by the agency or organization that is conducting procedure, except if one of the parties requests that the procedure be conducted in Serbian, in which case the procedure is conducted in this language.

**Article 13.**

Citizens are equal in their rights and duties and have equal protection before government and other agencies regardless of race, gender, birth, language, ethnicity, confession, political or other conviction (...).

**Article 14.**

Records and decisions in procedures of the first instance are issued, as authentic texts, in Serbian and the language of a nationality, if the procedure was conducted in the language of the nationality.

**Article 15.**

Second-degree proceedings are held in the Serbian language, and parties in the proceedings have the rights determined in Articles 16. and 17. of this Law.

Decrees from second-degree proceedings, decisions, minutes, submittals, documents and other written papers in the second-degree proceedings are translated by the first-degree body or organization into the language or languages in which the first-degree proceedings were held.

**Article 16.**

In areas in which languages of nationalities are not in official use, agencies or organizations that conduct procedure, towards members of nationalities that before them fulfill their rights and duties, have the obligation to insure:

- 1) that in the procedure before these agencies and organizations they may use their language and script;
- 2) that in their language they may submit requests, appeals, grievances, proposals, petitions and other submissions;
- 3) that, upon their request, in their language they be delivered notices and decisions, sentences and other documents that decide on their rights and duties, as well as diplomas, certificates, endorsements, and other documents.

It shall be presumed that a request prescribed in paragraph 3.1. of this Article exists, if

It shall be presumed that a request prescribed in paragraph 3.1. of this Article exists, if the procedure is initiated in the language of the nationality.

**Article 17.**

Testimony of a party, witness, expert-witness and other persons that participate in the procedure in areas in which the languages of nationalities are not in official use, given in the language of a nationality, shall be entered into the records in Serbian. Upon request of a member of a nationality that participates in the procedure, the records, or parts thereof, shall be translated into the language of the nationality.

Testimony of persons prescribed in paragraph 1. of this Article given in Serbian, shall be translated into the language of the nationality, if this is requested by a member of the nationality that participates in the procedure.

The procedure is conducted with the assistance of an interpreter, if the official conducting the procedure does not, in a sufficient degree, know the language of the nationality.

Interpretation costs are credited to the agency or organization before which procedure is conducted.

Provisions of Article 16, paragraphs 1-4 by analogy, also apply in procedure conducted before the Constitution court.

#### **Article 18.**

In areas in which languages of nationalities are in official use, diplomas regarding academic degrees, when the teaching is conducted in the language of nationalities, other public documents and other documents that are of importance for the fulfillment of statutory prescribed rights of citizens, upon request of the member of that nationality, shall also be issued in his/her language.

In areas in which languages of nationalities are in official use, records prescribed in Article 3. paragraph 1 of this law, shall also be kept in these languages.

Forms of public documents, as well as forms for records for the needs of the area in which the languages of nationalities are in official use, are printed bi-lingually, in Serbian or in the language of each nationality whose language is in official use.

#### **Article 19.**

In areas in which languages of nationalities are in official use, the names of settlements and other geographical names, the names of streets and squares, the annotations of agencies and organizations, traffic signs, information and public warnings and other public signs are also written in the languages of nationalities.

#### **Article 20.**

The annotation of an enterprise, institution and other legal person is written in Serbian and also in the language of the nationality that is official use in the municipality in which this entity has seat.

The annotation may also be written in the language of a nationality that is in official use in the location the entity prescribed in paragraph 1. of this Article does business.

A legal person prescribed in paragraph 1. of this Article is not obliged to write in Serbian or in languages of nationalities its annotation, or part thereof, that it uses as a trade-mark, regardless of linguistic origin.

Provisions prescribed in paragraph 1. and 3. of this Article also apply to shops and other forms of business activity.

*IV. MEANS OF ENFORCEMENT OF THIS LAW*

**Article 21.**

The means for enforcement of official use of language and script are provided by administrative bodies or organizations in which the rights and obligations provided by this law are enforced.

*V. SUPERVISION OVER IMPLEMENTATION OF THIS LAW*

**Article 22.**

Supervision over implementation of this law is performed, within their competences, by ministries in charge of public administration, traffic, urban planning and housing, education, culture and health.

*VI. PENAL PROVISIONS*

**Article 23.**

A fine amounting to 2,000 to 80,000 dinars shall be imposed for violation upon authorized organizations for placing traffic signs and names of settlements contrary to provisions of Article 19. of this Law.

For violatons of para 1 of this Article a fine of 400 to 4,000 dinars will be imposed upon responsible person in the organization from para 1. of this Article.

**Article 24.**

A fine amounting to 2,000 to 80,000 dinars shall be imposed for violation upon enterprises, institutions or another legal entity who exhibits its name contrary to provisions of Article 20. of this Law.

For violatons of para 1 of this Article a fine of 400 to 4,000 dinars will be imposed upon responsible person in the organization from para 1. of this Article.

**Article 25.**

A fine amounting to 800 to 5,000 dinars shall be imposed for violation upon owners of shops who arenot a legal entity who exhibits its name contrary to provisions of Article 20. of this Law.

**Article 26.**

A fine amounting to 160 to 1,000 dinars shall be imposed for violation upon authorised persons in bodies or organizations exercising public authority if the name of the body or organization is written contrary to provisions of Article 19. of this Law.

## *VII. FINAL PROVISIONS*

### **Article 27.**

Names of settlements, streets, squares, administrative bodies and organizations, enterprises and other public inscriptions shall be harmonized with this Law at the latest by the end of the year 1992.

### **Article 28.**

The provisions of the Law on maintaining records, printing forms and issuing public documents shall apply as of 1 January 1992.

Until the coming into force of provisions of para 1 of this Article, the regulations relevant to this field at the time when this law is proclaimed, shall apply.

### **Article 29.**

Procedures from Article 12. of this Law shall commence before the coming into force of this Law when it comes to the language in which proceedings are being held, and shall be finalized according to provisions in force at the time of coming into force of this Law.

### **Article 30.**

On the day when this Law comes into effect, the Law on the manner of enforcing the rights of members of national minorities to the use of language and script before republic administrative bodies ("The Official Gazette of SRS", No 14/71) shall cease to apply, as well as the Law on putting up names of firms and organizations of associated labour in the languages of nations and national minorities ("The Official Gazette of SRS", No 5/78), the Law on providing equality of language and script of nations and national minorities in certain administrative bodies, organizations and communities ("The Official Gazette of SRS", No 29/77) and the Law on providing equality of language and script in the Socialist Autonomous Province of Kosovo ("The Official Gazette of SRS", No 48/77).

### **Article 31.**

This Law shall come into effect on the eighth day of its publication in "The Official Gazette of the Republic of Serbia".

## **LAW ON IDENTITY CARDS**

### **Article 20.**

The text of the form for identity cards is printed in Serbian (...) and in other languages of nations and nationalities that are, by the constitution, guaranteed the equality of the use of their language. The data in the form for the identity card is entered in the languages of nations and nationalities, in accordance with the law.



**LAW ON THE PUBLICATION OF LAWS AND OTHER REGULATIONS AND THE ISSUANCE OF “THE OFFICIAL GAZETTE OF THE REPUBLIC OF SERBIA ”**

**Article 4.**

Regulations and other acts are published in the “The Official Gazette of the Republic of Serbia”, in the text adopted by the body adopting the regulation.

**LAW ON THE SEAL OF THE STATE AND OTHER PUBLIC BODIES**

**Article 3.**

The text of the seal is written in the Serbo-Croat language in the Cyrillic script.

The text of the seal in the autonomous province and bodies of certain units of local self-government seal is written in the Serbo-Croat language in the Cyrillic script, and it may also be written in the Latin alphabet and in the language and script of the national minority, in accordance with the Law.

**LAW ON TEXTBOOKS AND OTHER TEACHING AIDS**

**Article 4.**

The textbooks are printed in the Serbian language in the Cyrillic script. Textbooks of foreign languages are printed in the language of the relevant foreign language.

Textbooks are also printed in the language of national minorities for pupils for whom education is provided also in the language of the national minority.

**Article 17.**

The document issued by the Ministry of education authorizing the printing of a textbook includes:

(...)

4) The language and script in which the textbook is published.

**LAW ON SOCIAL ORGANIZATIONS AND ASSOCIATIONS OF CITIZENS**

**Article 27.**

Social organizations or associations of citizens may be established by at least 10 working people and citizens.

**Article 29.**

Social organizations, or associations of citizens, are not allowed to be established, or their work will be prohibited, if this freedom of association is used to:

- violate constitutionally guaranteed human rights and freedoms and rights of man and citizens,

(...)

- violate national, racial or religious hatred or intolerance.

### **LABOUR LAW**

#### **Article 12.**

Person seeking employment, as well as employee, may not be put into a less favourable position in comparison to others irrespective of his sex, birth, language, race, national identity, religion, marital status, family obligations, political or other affiliations, social background, property, membership in political organizations, trade unions or other personal characteristic.

### **LAW ON POLITICAL ORGANIZATIONS**

Article 5.

Political organizations may be founded by at least 100 persons of age.

### **LAW ON THE ELECTION OF REPRESENTATIVES**

#### **Article 60.**

In those municipalities in which the language of the national minorities are in official use, the ballots shall be printed in those language as well.

#### **Article 76.**

In the municipalities in which languages of the national minorities are in official use, the official form for the minutes shall be printed in those languages as well.

#### **Article 81.**

Only election lists which have won more than 5 % of the votes shall take part in the distribution of mandates.

## **4) LAWS AND REGULATIONS OF THE REPUBLIC OF MONTENEGRO**

### **PUBLIC INFORMATION LAW**

#### **Article 5.**

All physical and legal entities have equal rights to participate in public information.

#### **Article 14.**

Public media may be established freely, without permits, only with registry with the republic administrative body in charge of public information (hereinafter: the republic administrative body in charge).

Radio or television station is established based on a permit issued by the republic administrative body mentioned in para 1 of this Article referring to special conditions in using frequencies and fulfilling minimum technical requirements for broadcast of radio and television programs.

**Article 24.**

The program orientation, the manner of operation, the rights, duties and obligations within the public media is determined by the founder of the public media.

The program orientation of a public media may not be aimed at the violent disintegration of the constitutional order, endangering the territorial integrity of the Republic and of the Federal Republic of Yugoslavia, violation of guaranteed freedoms and rights of man and citizen or to provoking national, racial or religious intolerance or hatred.

**Article 25.**

The program orientation of public media through which the Republic or a unit of local self-government provided the public interest in the field of providing information is determined by the Republic Assembly or of the unit of local self-government, at the proposal of program council, for a period of four years, within 60 days of the date of appointment of the program board.

The program orientation from para 1 of this Article must provide, in respect to the scope, quality and contents, the rights of national and ethnic groups living in the Republic to have full information in their own language.

The program orientation from para 1 of this Article must provide, in respect to the scope, quality and contents, the rights to public information in the Albanian language.

**LAW ON THE ELECTION OF DEPUTIES AND COUNCILORS**

**Article 12.**

Election of representatives takes place in a municipality as a unique electoral unit.

Election of representatives takes place in the Republic as a unique electoral unit.

In the Republic, as a unique electoral unit, of the total number of representatives, five representatives are elected at polling stations determined by a special decision of the Republic Assembly.

**Article 43.**

The election list for the election of representatives shall be deemed determined if it is supported by signatures of at least 1 % of voters within the electoral unit, based on the results of the number of voters determined prior to announcing elections, irrespective if it is a matter of presidential elections or municipal elections.

Exceptionally from para 1 of this Article, for political parties or groups of citizens representing Albanians in Montenegro, the election list shall be deemed determined if

supported by signatures of at least 200 voters in case of elections for municipal delegates or at least 1000 voters in case of elections for representatives.

## **CRIMINAL CODE OF MONTENEGRO**

### *Violation of equality*

#### **Article 43.**

(1) Whoever, based on national or ethnic identity, race, religion, political or other affiliation, gender, language, education or social status, denies or limits the rights of man and citizen guaranteed by the constitution, the laws and regulations and other general acts or acts ratified by international agreements, or on the same basis gives them advantages or benefits, shall be punished by imprisonment of three months to five years.

(2) Whoever acts contrary to regulations regarding the equal use of languages and scripts of peoples and national or ethnic communities in Yugoslavia and denies citizen their right in addressing administrative bodies and organizations to use their language and script, shall be punished by imprisonment of up to one year.

### *Disdain against peoples or members of national or ethnic groups in FR Yugoslavia*

#### **Article 83.**

(1) Whoever exposes to public disdain peoples or members of national or ethnic groups of the Federal Republic of Yugoslavia, shall be punished by imprisonment of three months to three years.

(2) perpetrators of acts stated in para 1 of this Article shall be subject to Article 82. para 3 of this Code.

## **LAW ON RELIGIOUS HOLIDAYS**

#### **Article 3.**

The right to paid absence from work, for the purpose of celebrating religious holidays, is granted as follows:

- for the Orthodox: the day before Christmas, Christmas (two days), the Great Friday, and family feast (slava);
- for the Roman-Catholics: the day before Christmas, Christmas (two days), the Great Friday, Easter (second day) and All Saints Day;
- for the Muslims: Ramazan bajram (three days) and Kurban bajram (three days);
- for the Jews: the Passover (two days) and Yom Kipur (two days).

#### **Article 5.**

The responsible person in an enterprise, institution, or another legal entity, administrative body or an entrepreneur, who denies employees the rights to paid absence from work to

celebrate religious holidays, shall be punished by a fine amounting to one half of twenty-fold the minimum salary in the Republic.

### **LAW ON EQUALITY OF RELIGIOUS COMMUNITIES**

#### **Article 2.**

Citizens may establish religious communities.

The establishment and termination of work of a religious community or its bodies and organizations must be reported by the founder within 15 days to the municipal administrative body in charge of internal affairs (hereinafter: the relevant municipal body for internal affairs) on whose territory the newly established or terminated religious community or its body or organization has its seat.

### **LAW ON THE STATE SEAL OF THE REPUBLIC OF MONTENEGRO AND SEALS OF STATE BODIES**

#### **Article 4.**

The text on the seal is inscribed in concentric circles around the seal of the Republic of Montenegro, in the Serbian language of “ijekavski” dialect.

### **LAW ON PERSONAL NAMES**

#### **Article 2.**

Members of national and ethnic groups may write their personal name in their script.

### **LAW ON NON-GOVERNMENTAL ORGANIZATIONS**

#### **Article 2.**

##### *Non-governmental associations*

Non-governmental associations (hereinafter: associations) are non-profit organizations with membership, established by local and international legal or physical persons, for the purpose of enforcing individual or group interests or for the purpose of providing and promoting public interest.

#### **Article 5.**

##### *Application of the Law*

Provisions of this Law do not refer to: political organizations, religious communities, trade unions, sports organizations, business associations and organizations or foundations established by the state, as well as non governmental organizations established by a special law.

**Article 9.**

*Founders*

Associations may be established by at least five persons with residence or seat in the Republic.

Foundations may be established by at least one person irrespective of whether it has residence or seat in the Republic.

If a foundation is established by more than one person, they enforce their rights jointly, unless otherwise stipulated in the document of establishment.

**LAW ON THE USE OF NATIONAL SYMBOLS**

**I. GENERAL PROVISIONS**

**Article 1.**

Members of national and ethnic groups in the Republic of Montenegro (hereinafter: the Republic) have the right to use and place national symbols in a manner and under conditions determined by this Law.

Article 2.

For the purpose of this Law, national symbols shall mean symbols that members of national and ethnic groups use for the expression of their national identity.

**II. USE OF NATIONAL SYMBOLS**

**Article 3.**

In all cases provided for in Article 4 of this Law, the use of national symbols is free.

**Article 4.**

The use or placing of national symbols is not permitted in the following cases:

- 1) in front of and within the premises of the Assembly of the Republic of Montenegro, the President of the Republic of Montenegro, the Government of the Republic of Montenegro, The Supreme Court of the Republic of Montenegro, the State Attorney of the Republic of Montenegro, other state bodies and organizations authorized to carry out public service or bodies of local self-government;
- 2) during international gatherings, political, scientific, cultural, sports and other gatherings representing the Republic;
- 3) during celebrations, ceremonies, sports, cultural and other manifestations organized by the Republic or bodies of local self-government.;

4) in other cases stipulated by the Law.

**Article 5.**

In units and direct forms of local self-management in which members of national and ethnic groups represent the majority population, during the days of state holidays of the Republic of Montenegro, along with state symbols, national symbols are exhibited as well in front of buildings of local self-management.

In case when national symbols are used or exhibited along with state symbols, the state symbol takes the honorary position.

**Article 6.**

National symbols may be used in original or modified form as a sign of political party, enterprise, institution or other legal person or organization.

National symbols may not be used as trade marks, models or samples, nor as signs used for marking goods and services.

**III. PENAL PROVISIONS**

**Article 7.**

A fine equal to three times the minimum salary in the Republic shall be imposed against legal persons who have used the national symbols contrary to provisions of Articles 4, 5 and 6 of this Law.

For violations from para 1 of this Article, a fine shall be imposed against a responsible person in the legal entity amounting to twenty times the minimum salary in the Republic or a punishment of imprisonment lasting for 15 to 60 days.

A fine equal to twenty times the minimum salary in the Republic shall be imposed against physical persons who have used the national symbols contrary to provisions of Articles 4, 5 and 6 of this Law.

**Article 8.**

Against perpetrators of acts stated in Article 7 of this Law, along with the said punishment, a protective measure of taking away the object with which the violation was carried out may also be enforced.

#### **IV. FINAL PROVISIONS**

##### **Article 9.**

This Law shall come into effect on the eighth day of its publishing in the "Official Gazette of the Republic of Montenegro".

#### **DECISION ON THE COMPETENCES AND COMPOSITION OF THE REPUBLIC COUNCIL FOR THE PROTECTION OF RIGHTS OF MEMBERS OF NATIONAL AND ETHNIC GROUPS**

##### **Article 1.**

The Republic Council for the protection of rights of members of national and ethnic groups (hereinafter: the Council) as an independent body of the Republic of Montenegro, undertakes measures, actions, and exercises other rights and obligations determined by the Constitution and this Decision, for the purpose of preserving and protecting the national, ethnic, cultural, language and religious identity or national and ethnic groups in the exercise of their rights stipulated in the Constitution.

The Council is chaired by the President of the Republic.

##### **Article 2.**

The Council monitors the relations and events of significance for the enforcement and respect of constitutionally stipulated rights of members of national and ethnic groups, and through its observations, opinions and proposals familiarizes the competent bodies so that they may undertake necessary measures.

##### **Article 3.**

The procedure for the preservation and protection of rights of national and ethnic groups may be initiated by every citizen, a political party, association or another body, when he determines that it is necessary to provide for, preserve and protect the rights of national and ethnic groups.

##### **Article 4.**

The Council is entitled to request from bodies and organizations to provide it with the necessary information and data, or to place at its disposal general acts, if such information, data and documents are of significance for the provision and protection of rights of national and ethnic groups.

Bodies and organizations mentioned in para 1 of this Article are obliged to act upon the request of the Council.

##### **Article 5.**

The Council initiates proceedings for termination or cancellation of general acts of bodies or organizations violating the rights of members of national and ethnic groups.



The Council may propose to the competent body or organization to terminate or abstain from enforcement of such general or specific act (document), adopted outside the administrative or judicial proceedings, if the implementation of such acts could result in violations of rights of members of national and ethnic groups.

**Article 6.**

The Council initiated the procedure requesting the determination by the Constitutional Court whether general acts of bodies and organizations are in accordance with the constitution and the law, when it determines that such acts violate the rights of members of national and ethnic groups.

**Article 7.**

The Council gives recommendations, declarations and determines proposals which are submitted to competent bodies and organizations.

The body or organization is obliged to promptly initiate actions upon the request of the Council, and not later than 3 days of the receipt of such request, make an appropriate decision or take a stand upon it.

Should the body or the organization directly refuse to deal with the request of the Council, the Council shall propose the initiation of proceedings to determine the responsibility of the responsible person within the body or organization.

**Article 8.**

The work of the Council is public.

The Council informs the public of the state and events in the field of preservation and protection of rights of members of national and ethnic groups, of interest for the Republic.

The public work of the Council is provided also through publishing certain opinions of the Council in the public media or in the "Official Gazette of the Republic of Montenegro".

**Article 9.**

Members of the Council are appointed by the Republic Assembly, at the proposal of the President of the Republic, for a period of two years.

The proposal contains the number of members and the composition of the Council, taking care that the composition reflects the representation of all religions, national and ethnic groups, and that it also includes a certain number of established public and political figures in Montenegro, enjoying a high degree of reputation and confidence among the citizens.

**Article 10.**

The President of the Republic, based on the Decision made by the Council, may propose to the Assembly, to release of mandate certain members of the Council before the expiration of his term in office.

**Article 11.**

The function of the members of the Council is a honorary one. Members of the Council, with respect to performing their function, have the rights as prescribed for republic officials.

**Article 12.**

Members of the Council have the rights to be regularly and promptly informed on issues of relevance for their performance of their duties.

Informative, documentary and other materials needed by the Council shall be provided by the General Secreteriate of the President of the Republic.

Organizational, professional and other operations for the Council shall be provided by the General Secreteriate of the President of the Republic.

**Article 13.**

The Council adopts a Book of Regulations covering the manner of its work.

The Book of Regulation determines in detail the rights and obligations of members of the Council, their accountability, organization and operation of the Council.

**Article 14.**

Funds for the operation of the Council are provided from the Republic budget.

**Article 15.**

This decision shall come into effect as of the day of its publishing in the "Official Gazette of the Republic of Montenegro".

**LAW ON PRIMARY SCHOOLS**

**Article 11.**

In territories with a greater number of members of national and ethnic groups, schools or classes shall be established for education in the language of such national or ethnic groups.

Depending on the prevailing conditions and possibilities, education in the language of members of national and ethnic groups may be provided in their language also in other schools or classes of such schools.

**Article 12.**

In territories where members of the peoples of Yugoslavia live together with members of national and ethnic groups, bilingual schools or classes in such schools may be established.

**Article 17.**

Primary schools are established as public institutions.

Primary schools as public institutions owned by the state may be established by the state or social-political community or a legal entity.

**LAW ON SECONDARY SCHOOLS**

**Article 14.**

Depending on prevailing conditions and possibilities, for members of national and ethnic groups education may be provided in the language of such national and ethnic groups.

In territories where members of the peoples of Yugoslavia live together with members of the Albanian nationality, schools or classes in such schools providing bilingual education may be established.

Schools for members of the Albanian nationality are established and education is provided in the Albanian language within the unique educational program as determined by the Law.

When education in a school is provided in the Albanian language, the pupils are obliged also to learn the Serbian language.

**LAW ON UNIVERSITY**

**Article 6.**

Education at the University is provided in the Serbian language.