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ON PROTECTION OF RIGHTS AND FREEDOMS OF NATIONAL MINORITIES

[Official Gazette of FRY No. 11 of 27 February 2002]

PART ONE

GENERAL PROVISIONS

Subject of the Law

Article 1

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

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

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

Definition of National Minority

Article 2

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

All groups of citizens termed or determined as nations, national or ethnic communities, national or ethnic groups, nationalities and nationalities*, and which

* Translator's note: in Serbian: *narodi, nacionalne i etnicke zajednice, nacionalne i etnicke grupe, nacionalnosti i narodnosti.*

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

PART TWO BASIC PRINCIPLES

Prohibition of Discrimination

Article 3

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

The Federal, Republic, Province, city and municipal authorities may not pass legal acts or undertake measures contrary to para. 1 of this Article.

Measures Ensuring Equality

Article 4

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

The authorities shall pass legal acts and undertake measures specified in para. 1 of this Article with the aim of improving the position of persons of the Roma national minority.

Regulations, individual legal acts and measures specified in para. 1 of this Article may not be considered an act of discrimination.

Freedom of National Affiliation and Expression

Article 5

In accordance with the freedom of national affiliation and expression set forth in the Constitution of the Federal Republic of Yugoslavia, no one may suffer injustice due to his/her commitment or expression of national affiliation or refraining from doing so.

Any registration of persons belonging to a national minority obliging them to declare their national affiliation against their will shall be prohibited.

Any action or measure of forced assimilation of persons belonging to a national minority shall be prohibited.

The Right to Interact with Compatriots at Home and Abroad

Article 6

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

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

The Duty to Respect the Constitutional Order, Principles of International Law and Public Morality

Article 7

Every misuse of rights provided under this Law directed at violent subversion of the constitutional order, violation of territorial integrity of the Federal Republic of Yugoslavia or member republic, violation of guaranteed freedoms and rights of man and citizen and instigation of national, racial and religious intolerance and hatred shall be prohibited.

The rights provided under this Law may not be used to further goals that are in contravention with principles of international law or are directed against public safety, morals or health of people.

Exercising of rights guaranteed by this Law may not affect duties and responsibilities deriving from citizenship.

The Protection of Acquired Rights

Article 8

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

PART THREE

THE RIGHT OF PRESERVATION OF IDENTITY

The Choice and Use of Personal Name

Article 9

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

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

The Right of Use of Mother Tongue

Article 10

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

The Official Use of Language and Script

Article 11

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

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

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

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

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

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

The person belonging to national minorities that in their number reach at least 2 percent of the total number of the population of the Federal Republic of Yugoslavia in accordance with the last census, may communicate with the Federal bodies in their own language and shall have the right to get an answer in the same language.

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

The Right to Preserve Culture and Tradition

Article 12

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

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

The above-mentioned institutions, societies and associations shall be independent in performance of its activities. The State shall participate in financing of these societies and associations in accordance with its possibilities.

The societies and associations specified in para.5. of this Article may form special funds in respect of incitement and support to these institutions.

The museums, archives and institutions for protection of the cultural monuments whose founder is the State, shall ensure presentation and protection of the cultural and historical heritage of the national minorities on its territory. The representatives of the national councils shall have the right to participate in decisions on the manner of presentation of the cultural and historical heritage of the respective community.

Education in Mother Tongue

Article 13

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

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

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

The education in the language of national minorities shall not exclude the mandatory studying of Serbian language.

The educational curricula specified in para. 1 of this Article , in the part which refers to the national content, shall include significant part of the subjects which refer to the history, art and culture of the respective national minority.

The national councils of national minorities shall participate in preparing curricula of for the subjects that represent specific character of the national minorities, bilingual classes and studying of languages of national minorities with the elements of the national culture specified in para.1 of this Article.

The curricula in educational institutions for education and schools with tuition in Serbian language should, aiming at promoting tolerance in respect of national minorities, contain the tuition that includes history, culture and position of the national minorities, and other contents that improve mutual tolerance and coexistence. In the territories where the language of national minorities is in official use, the curricula in schools should contain the possibility of studying the language of the respective national minority.

Article 14

For the purpose of education in the language of national minorities in Article 13, para. 1, the departments and faculties shall be established as a part of the higher education

where pre-school teachers, elementary and junior school teachers¹ of the national minority languages may be educated.

The faculty shall, apart from the higher education mentioned in the previous paragraph of this Article, organise instructorship in the languages of national minorities, where students belonging to national minorities may learn the professional terminology also in the language of the respective national minority.

The State shall, apart from the obligations specified in paras.1 and 2 of this Article, assist in professional training and advanced training in terminology for junior school teachers for the needs of education specified in para.1 of this Article.

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

Article 15

The persons belonging to national minorities shall have the right to found and maintain private institutions for education, schools, or universities, where education shall be organised in languages of national minorities or bilingually, in accordance with the law.

Both the local and foreign organisations, foundations and individual persons may participate in financing of the education in the languages of national minorities in accordance with the law.

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

Use of National Symbols

Article 16

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

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

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

¹ Translator's note: *in Serbian – vaspitaci, ucitelji i nastavnici*

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

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

Public Information in Languages of National Minorities

Article 17

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

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

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

PART FOUR

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

The Federal Council for National Minorities

Article 18

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

The Federal Government shall determine the composition and responsibilities of the Council.

The representatives of the national councils of national minorities shall be members of the Council.

The National Councils of National Minorities

Article 19

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

The council shall be a legal entity.

The council shall have not less than 15, and not more than 35 members, depending on the total number of the national minority population, who shall be elected for a four-year period.

The council shall adopt its statute and budget in accordance with the Constitution and law.

The council shall be financed from the budget and donations.

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

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

In deciding on issues specified in para. 7 of this Article, the bodies of the government, territorial autonomy or local self-government unit shall request the opinion of the council.

The council may address the authorities mentioned in para. 8 of this Article in respect of all issues affecting the rights and status of the national minority.

A part of the powers in fields specified in para. 7 of this Article may be delegated to the council, and the government shall provide funds necessary for their exercise.

In determining the scope and type of powers from para. 10 of this Article, the requests of the national council shall be taken into account.

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

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

The Federal Fund for National Minorities

Article 20

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

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

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

Participation in Public Life and Equal Employment Opportunities in the Public Sector

Article 21

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

PART FIVE PROTECTION OF RIGHTS AND FREEDOMS OF MINORITIES

Prohibition of Violation of the Rights of Minorities

Article 22

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

Protection of Rights by Courts and Constitutional Court

Article 23

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

In accordance with the provisions of the Law on the Federal Constitutional Court, the Federal Ministry for National and Ethnic Communities and the national councils of national minorities shall be authorised to file a complaint to the Federal Constitutional Court, should they find that constitutional rights and freedoms of the persons

belonging to national minorities have been violated, or should a person belonging to a national minority appeal to them claiming that his/her rights and freedoms have been violated.

PART SIX

FINAL AND TRANSITIONAL PROVISIONS

Article 24

The national councils of national minorities shall be elected by the assemblies of national minorities' electors until the Law specified in Article 19, para. 13 hereof is passed.

The national minorities electors mentioned under para. 1 of this Article may be federal and republican deputies and autonomous province deputies who have been elected as persons belonging to a particular national minority, or who declare themselves as persons belonging to that minority and speak the language of the minority.

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

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

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

Article 25

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