

REPUBLIC OF SERBIA

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

Belgrade, 2018

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

Note: This is a true translation of the original Law,
but it is not legally binding.

Original title:

*ZAKON O ZAŠTITI PRAVA I SLOBODA
NACIONALNIH MANJINA*

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

Part One

GENERAL PROVISIONS

Scope of the Law

Article 1

*The present Law shall regulate the way of exercising the individual and collective rights guaranteed to members of national minorities under the Constitution of the Republic of Serbia and the ratified international agreements.**

*The present Law shall also regulate the protection of national minorities against any form of discrimination in the exercise of individual rights and freedoms and shall also ensure the exercise of the collective rights of the national minorities to self-government in culture, education, information and the official use of the language and script.**

*The rights of the national minorities shall be exercised in line with the law governing the position of the national councils of the national minorities, as well as based on other special laws governing certain areas of the social life which are significant for the national minorities.**

*The provincial regulations may establish additional rights of the members of national minorities, in line with the Constitution, and based on the law.**

Definition of National Minority

Article 2

For the purposes of the present Law, national minority shall be understood to mean any group of citizens of the *Republic of Serbia** that is representative in terms of its size, although it represents a minority in the territory of the *Republic of Serbia**, belongs to some of the population groups that have lasting and firm ties with the territory of the *Republic of Serbia** and the characteristics of which, such as those relating to language, culture, national or ethnic affiliation, descent or religion, make them different from the majority population, and the members of which are characterised by concern for the col-

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lective preservation of their common identity, including culture, traditions, language or religion.

For the purposes of the present Law, national minorities shall be understood to mean all groups of citizens which are referred to or designated as nations, national and ethnic communities, national and ethnic groups and meet the requirements set out in paragraph 1 of this Article.

Part Two

BASIC PRINCIPLES

Prohibited Discrimination

Article 3

Any form of discrimination on a national, ethnic, racial and linguistic, *religious and every other** basis against *national minorities and** persons belonging to national minorities, shall be prohibited.

Authorities of * republic, autonomous province, *local self-government units** may not enact regulations or apply measures in contravention of paragraph 1 of this Article.

Measures for Securing Equality

Article 4

*The authorities of the Republic of Serbia, may, in conformity with the Constitution and the law, enact regulations, individual legal acts and undertake measures for the purpose of securing full and effective equality among members of the national minorities and the citizen belonging to the majority.**

The authorities shall *be enacting** the acts and apply the measures referred to in paragraph 1 of this Article for the purpose of improving the status of persons belonging to the Romany national minority.

*The measures for the improvement of the full and effective equality in employment shall not be deemed discrimination, i.e. the benefits in case of termination of employment in the public sector at all levels of the territorial organization, which have been defined by the provisions of special laws which govern the employment-legal status of the employees in the public sector, if such measures are valid until the achievement of the appropriate representation of the members of national minorities, which has been defined by such laws.**

*The Republic of Serbia shall ensure conditions for efficient participation of the members of the national minorities in the political life, the representation of the representatives of the national minorities in the National Assembly and proportionate representation of the national minorities in the assemblies of the autonomous provinces and local self-government units, in conformity with the law.**

The Republic of Serbia shall undertake appropriate measures for the purpose of improving the economic position of the underdeveloped areas, in which, traditionally,

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*members of the national minorities live.**

Freedom to Express Nationality*

Article 5

*In line with the Constitution of the Republic of Serbia, by the guaranteed freedom to express nationality, no one shall suffer the damage caused by expressing his/her nationality or for refraining from doing so.**

Any registration of members of national minorities that obligates them to declare their national affiliation against their will, shall be prohibited.

*The members of the national minorities are entitled to have their data on nationality be entered into the official records and personal data collections, in conformity with a special law.**

*The data on nationality may be used solely for the purpose for which it has been collected and in the manner set forth by the law governing personal data protection.**

Any act or measure aimed at forcible assimilation of members of national minorities shall be prohibited.

Right to Co-operate with Compatriots in the Country and Abroad

Article 6

Members of national minorities shall have the right to establish and maintain peaceful relationships in the *Republic of Serbia** and beyond its boundaries with persons legally residing in other countries, particularly those with whom they share ethnic, cultural, language and religious identity or cultural heritage.

*For the purpose of exercising the rights referred to in paragraph 1 of this Article, special facilities may be defined.**

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

Article 7

*The misuse of the rights determined by the present Law aimed at overthrowing the constitutional order forcibly, violating the territorial integrity of the Republic of Serbia, infringing on the human and minority rights and freedoms guaranteed by the Constitution and provoking and instigating racial, national and religious hatred and intolerance, shall be prohibited.**

The rights provided by the present Law *cannot** be used to such ends as are contrary to the principles of international law or aimed against public security, morality or health of people.

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The exercise of the rights *governed** by the present Law may not affect the duties and liabilities arising from citizenship.

Protection of Acquired Rights

Article 8

*The present Law shall diminish the achieved level of minority rights, guaranteed by the Constitution, and the generally accepted rules of the international law and ratified international agreements.**

Part Three

RIGHT TO THE PRESERVATION OF PECULIARITY

Choice and Use of Personal Name

Article 9

Members of national minorities shall have the right to freely choose and use their own personal names and names of their children, as well as to have such personal names entered in all public documents, official records and collection of *personal data** in accordance with the language and orthography of the members of national minorities concerned.

The right referred to in paragraph 1 of this Article shall not preclude parallel entry of names in accordance with the Serbian language and orthography.

Right to Use Native Language

Article 10

Members of national minorities may freely use their native language and script, in private and in public alike.

Official Use of Language and Script

Article 11

In the territory of a local self-government unit, which is traditionally inhabited by members of national minorities, their language and script may be in official use on equal terms.

The local self-government unit shall by means of its statute, mandatorily put into official use on equal terms, the language and the script of the national minority, if the percentage of the members of that national minority, in the total population in its territory reaches 15% according to the results of the latest population census. The local self-government unit shall put into official use the language and the script of the national

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*minority, within 90 days at the latest until the fulfilment of the legally prescribed conditions.**

In any local self-government unit, where the language of a national minority was in official use on the effective date of the present Law, that language shall remain in official use.

The official use of languages of national minorities as referred to in paragraph 1 of this Article shall be understood to mean the following in particular: use of the national minority language in administrative and court proceedings and conduct of administrative and court proceedings in the national minority language; use of the national minority language in the communications between the bodies holding public authorisations and citizens; issuance of public documents and keeping official records and collections of *personal data** and data in the languages of national minorities and acceptance of such documents made out in such languages as valid; use of such languages on ballot papers and in election material; and use of such languages in the proceedings of representative bodies.

The names of the bodies exercising public authorisations and names of the units of local self-government, inhabited places, squares and streets and other toponyms in the territories referred to in paragraph 2 of this Article shall also be written in the native language of the national minority concerned, in accordance with their traditions and orthography.

*In the built-up areas within the local self-government units, whose territory has been defined in line with the law governing the territorial organization of the Republic of Serbia, in which the percentage of the members of a specific national minority in the total population on the territory of the inhibited location, reaches 15% according to the results of the last population census, the names of the bodies exercising public authorisations, the names of the local self-government units, of the built-up areas, squares and streets and other toponyms, shall be written in the language of the subject national minority, according to its tradition and orthography, and in case the language of the subject national minority is not in official use on the territory of the local self-government unit, in line with paragraph 2 of this Article.**

*The assembly of the local self-government units shall, by means of its status, define the built-up areas referred to in paragraph 6 of this Article, bearing in mind the traditional population of the members of the national minority and the previously obtained opinion of the national council.**

The members of national minorities whose share in the total population of the *republic of Serbia** is at least 2% according to the latest population census, may address the *republic authorities** in their own language and they shall have the right to receive replies in that language.

*The members of the national minorities whose population of the Republic of Serbia does not reach 2% according to the latest population census, may address the republic authorities in their own language and shall be entitled to receive a reply in the same language through the local self-government unit, in which the language of that national minority is in official use, whereas the local self-government unit shall provide the translation and bear the translation costs of the notice forwarded to the republic authority and reply thereof.**

A deputy of the assembly, being a member of a national minority, at the meeting of the National Assembly, shall be entitled to speak and submit in his/her own language the written documents in the work of the National assembly, set forth by the rules of

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procedure.*

*When a deputy of the assembly, in the course of work of the National Assembly, uses his/her own language, in terms of paragraph 10 of this Article, either constantly or in specific cases, the general secretary of the National Assembly shall be under the obligation to provide simultaneous interpretation of his oral presentation or of the documents he/she has submitted, into Serbian.**

Publication of the Law in the Languages of the National Minorities*

*Article 11a **

*The Ministry competent for the exercise of the rights of national minorities (hereinafter referred to as: the Ministry) shall ensure the translation and shall publish collections of revised texts of the most significant laws of the Republic of Serbia, whose subject matter of governance, either wholly or its majority, refers to the exercise of the rights of the national minorities. **

*The Ministry shall be under the obligation, to have the laws, referred to in paragraph 1 of this Article, available in the electronic form as well, on its website and on the eGovernment portal, as well as by agreement, to have a certain number of collections of the revised texts of the laws, referred to in paragraph 1 of this Law, delivered to the national councils of the national minorities. **

*The Ministry shall periodically inform the Council for national minorities of the publication of the law referred to in paragraph 1 hereof. **

*Notwithstanding paragraph 1 of this Article, the national council of the national minority may submit a proposal to the competent ministry, along with a rationale stating that it is of special importance for the exercise of rights and freedoms of the national minority, to have the competent ministry ensure the translation and publication of the collection of revised texts of specific laws, within its legal scope, which contain the provisions referring to the exercise of rights and freedoms of the national minorities, i.e. to define the social relations which are of special importance for the national minorities. **

*In case the competent ministry accepts the proposal of the national council of the national minority, the ministry shall, in such case, be under the obligation to have the laws, referred to in paragraph 4 hereof, made available in electronic form, on its website and the eGovernment portal, as well as by agreement, to have a certain number of collections of the revised texts of the laws referred to in paragraph 4 hereof, submitted to the national council of the national minority. **

*When deciding upon the proposal referred to in paragraph 4 hereof, particular attention should be paid to the availability of the planned budget funds, and whether in the period of the following year, upon adoption of the proposal of the national council of the national minority, amendments and changes have been planned or the adoption of a new law in lieu of the law whose translation i.e. publication in being proposed. **

*The competent ministry shall inform the National Minority Council of the actions referred to in paragraphs from 4 to 6 of this Article. **

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Article 11b*

*The regulations of the autonomous province shall be published in the languages of the national minorities in conformity with the statute and the general acts of the autonomous province.**

*The regulations of the local self-government units shall be published in the languages of the national minorities, in line with the statute and the general acts of the local self-government units, in line with the law.**

Right to Cherish Culture and Traditions

Article 12

The expression, preservation, cherishment, development, tradition and public manifestation of national and ethnic, cultural, religious and language peculiarities, as a part of the traditions of citizens, national minorities and their members, shall be their inalienable individual and collective right.

For the sake of preservation and development of national and ethnic peculiarity, members of national minorities shall have the right to establish special cultural, artistic and scientific establishments, societies and associations in all domains of cultural and artistic life.

*The institutions, societies and associations referred to in paragraph of this Article, shall be independent in their work. The Republic, the autonomous provinces and the local self-government units may participate in the financing of such societies and associations for the national minorities.**

Special foundations may be established towards fostering and giving support to the establishments, societies and associations referred to in *paragraph 3** of this Article.

*Museums, archives and institutions for the protection of cultural monuments, founded by the Republic, the autonomous province or the local self-government unit, shall ensure the presentation and protection of the cultural and historical heritage which is of special significance for the national minorities in the territory for which they are competent. When deciding on the manner of presentation of the cultural and historical heritage, for which, in line with the provisions of the special law it has been confirmed that they are of special significance for the national minorities, the representatives of their national councils shall also be involved.**

*The cultural institutions founded by the local self-government units, which in terms of the law governing the local self-government, is deemed a nationally mixed local self-government unit, by means of its programmes, it shall ensure content, measures and activities or events, which aim to preserve and promote the cultural identity and the tradition of the national minorities, traditionally inhabiting its territory.**

Education in Native Language

Article 13

Members of national minorities shall have the right to instruction and education in their own language, *i.e. speech** in *institutions** of pre-school, elementary and secondary upbringing and education.

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*(Deleted)**

A minimum number of pupils may be set for the purpose of exercising the rights referred to in *paragraphs 1** of this Article and that number may be smaller than that of the minimum number of pupils set by law for securing suitable forms of instruction and education.

Education in the language of a national minority shall not preclude the obligatory learning of the Serbian language.

The curriculum for the education referred to in paragraph 1 of this Article, in the section dealing with national content, shall include to a considerable extent the topics relating to the history, arts and culture of the national minority concerned.

*The national minority national councils shall take part in the drawing of the curricula for the subjects expressing the peculiarity of the national minorities, in the language, i.e. speech of the national minorities, the bilingual instruction and learning the national minority languages with elements of national culture, in line with the regulations governing the adoption of the curricula for the national minorities.**

*For the purpose of mutual tolerance of the national minorities and the majority population and ensuring interculturality, the programmes of the curricular and extra-curricular activities in elementary and secondary education and upbringing shall be realized, on the topic of history, culture and position of the national minorities in the Republic of Serbia.**

Article 14

*For the needs of education in the language of the national minorities, referred to in Article 13 paragraph 1, within higher education, the development of study programmes will be supported for the instructors and teachers in the languages of national minorities, in line with the law governing higher education.**

*The higher education institution may organize a foreign-language course in the languages of the national minorities, where students, members of the national minorities may master the expert terms in the language of the national minority as well.**

*The Republic, province and the local self-government unit may assist in the vocational training of teachers for the needs of education referred to in paragraph 1 of this Article.**

*The Republic shall foster the international cooperation aiming to enable the members of the national minorities to study abroad in their mother tongue and have thus acquired diplomas recognized in line with the law.**

Article 15

Members of national minorities shall have the right to establish and run private educational institutions, schools or universities, where education is to be received in the national minority languages or bilingually, in conformity with law.

*The domestic and foreign organizations, funds and private persons may take part in the financing of institutions referred to in paragraph 1 of this Article, as well as in the ensuring of funds for the higher quality of education and upbringing in the languages of national minorities in the institutions founded by the Republic, autonomous province or local self-government units, all in line with the law.**

In the case of the financial and other donations referred to in the previous paragraph, the state shall grant certain facilities or exemption from charges.

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Use of National Symbols

Article 16

Members of national minorities shall have the right of choice of national symbols and signs.

National symbols and signs may not be identical to symbols and signs of other states.

National councils may suggest national symbols, signs and holidays of national minorities. Symbols, signs and holidays of national minorities shall be endorsable by the *Council** of National Minorities.

*Symbols and signs of the national minorities may be, upon the publication of the decision of the Council for national minorities on their ratification, be officially displayed during the public holidays of the Republic of Serbia and the ratified holidays of the national minority, on buildings and in the premises of the local authorities and the organizations exercising public powers, in areas in which the language of the national minority is in official use, i.e. in the manner set forth by the decision on ratification of symbols.**

*Along with signs and symbols of the national minority, when marking a public holiday of the Republic of Serbia, the State flag of the Republic of Serbia will be mandatorily displayed as well as the Small coat of arms of the Republic of Serbia, in the manner set forth by the law governing the layout and the use of the state symbols of the Republic of Serbia.**

*Along with signs and symbols of the national minority, when marking a ratified holiday of the national minority, the State flag of the Republic of Serbia will be mandatorily displayed as well as the Small coat of arms of the Republic of Serbia, in the manner set forth by the law governing the layout and the use of the state symbols of the Republic of Serbia.**

*At the entry into the official premises of the national council, in an appropriate manner, throughout the entire year, symbols of the national minority may be displayed, while displaying the state symbols of the Republic of Serbia.**

Public Information in the Languages of National Minorities

Article 17

Members of national minorities shall have the right to full and unbiased information in their respective languages, including the right to express, receive, send and exchange information and ideas through the press and other public information media.

The state shall provide in the public service radio and television broadcasts information, cultural and educational contents in the national minority languages.

Members of national minorities shall have the right to establish media and run them in their own language.

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Part Four

EFFECTIVE PARTICIPATION IN DECISION-MAKING ON MATTERS RELATING TO PECULIARITY AND IN GOVERNMENT AND ADMINISTRATION

Council* of National Minorities

*Article 18**

*For the purpose of preservation, improvement and protection of national, ethnic, religious, linguistic and cultural peculiarities of the members of national minorities with the aim of exercising their rights, the Government shall form a Council for national minorities (hereinafter referred to as: the Council), as the permanent working body of the Government.**

*The tasks of the Council shall be: to monitor and consider the state of exercise of the rights of national minorities and the state of the international relations in the Republic of Serbia; to propose measures for the improvement of full and effective equality of the members of national minorities; to monitor the realization of cooperation of the national minorities with state authorities, as well as with the bodies of the autonomous province and the local self-government units; to consider the conditions for the work of the national councils of national minorities and propose measures in this area; to monitor the fulfilment of international obligations of the Republic of Serbia in the area of exercise of rights of the members of national minorities; to consider the national agreements which refer to the position of national minorities and the protection of their rights in the process of their conclusion; to consider draft laws and other regulations significant for the exercise of the rights of national minorities and to give opinion thereon to the Government, to validate symbols, signs and holidays of the national minorities, at the proposal of the national minority national councils.**

*The members of the Council shall be the managers of the state administration authorities and Government services, whose scope encompass the issues significant for the position of the national minorities, as well as the president of the national minority national councils.**

*By means of a decision, the Government shall appoint members of the Council and set a state administration authority, i.e. Governmental service in charge of provision of professional and administrative and technical support to the work of the Council.**

National Minority National Councils

Article 19

*For the purpose of exercising a Constitution guaranteed right to self-government in culture, education, information and the official use of the language and script, the members of the national minorities may elect national councils.**

The National Council shall represent the national minority in culture, education, information and official use of the language and script, take part in the process of decision-making and decide on certain issues in these areas and establish institutions in

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*these areas.**

*The National Council shall be a legal entity.**

*The National Councils shall be formed on principles of voluntariness, eligibility, proportionality and democracy.**

*The authorizations, the election procedure, financing and other issues significant for the work of national councils shall be governed by a special law.**

National Minorities Budget* Fund

*Article 20**

*Financing of the programmes and projects in the area of culture, education, information and official use of language and script of the national minorities, using the funds from the Budget fund for national minorities, shall be governed by a special law.**

*(Deleted)**

*Article 21**

*(Deleted)**

Part Five

PROTECTION OF NATIONAL MINORITY RIGHTS AND FREEDOMS

Prohibition of Infringement on Minority Rights

Article 22

Measures that change relations among the population in the areas inhabited by national minorities and impede the enjoyment and exercise of rights by national minorities, shall be prohibited.

*(Deleted)**

*Article 23**

*(Deleted)**

*Part Six**

PENAL PROVISIONS*

*Article 22a**

*A fine from RSD 50.000 to RSD 100.000 will be imposed for an offense of a responsible person within the authority, i.e. organization exercising public powers, in case the name of the authority, i.e. organization is written contrary to the provisions of Article 11, paras. 5 and 6 of this Law.**

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*A fine from RSD 200.000 to RSD 1.500.000 will be imposed for an economic offense of the organization authorized for installing traffic signs and names of places, which acts contrary to Article 11, paras 5 and 6 of this Law. **

*The responsible person within the organization referred to in paragraph 2 of this Law will be imposed a fine from RSD 50.000 to RSD 100.000 for an economic offense referred to in paragraph 2 of this Article. **

*Article 22b**

*A fine from RSD 500.000 to RSD 2.000.000 will be imposed to a legal entity which: **

*1) as a symbol and sign of a national minority, officially, i.e. publicly presents, displays or uses symbols and signs of another country; **

*2) for the holiday of the national minority, officially, i.e. publicly uses the name of the holiday which has not been ratified by the Council for national minorities and published in the Službeni glasnik Republike Srbije. **

*For the offense referred to in paragraph 1 of this Article, the responsible person of the legal entity will also be imposed a fine from RSD 50.000 to RSD 150.000. **

*Article 22c**

*A fine from RSD 50.000 to RSD 150.000 shall be imposed for an offense of a responsible person within the body of the local self-government unit, the organization exercising public powers, whose founder is the local self-government unit, i.e. on a legal entity if: **

*1) the symbols and signs of the national minority have been displayed contrary to the provisions of Article 16, paragraph 4 of this Law; **

*2) along with the signs and symbols of the national minority, when officially used as referred to in Article 16 paragraph 4 of this Law, no signs and symbols of the Republic of Serbia have been displayed, in line with Article 16, paras. 5 and 6 of this Law. **

*Part Seven**

TRANSITIONAL AND CONCLUDING PROVISIONS

Article 24

Ceased to be valid (see Article 138 of the Law on National Councils of National Minorities – 72/2009-221)

Article 25

The present Law shall come into force on the eighth day upon its publication in the Službeni list SRJ.

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ARTICLES NOT INCLUDED IN THE FINAL TEXT
LAW ON AMENDMENTS AND ADDITIONS TO THE LAW ON THE PROTECTION
OF RIGHTS AND FREEDOMS OF NATIONAL MINORITIES
(Službeni glasnik RS, No. 47/18)

Article 23

The name of the bodies exercising public powers, the names of the local self-government units, of the built-up areas, squares and streets and other toponyms shall be written out in line with Article 10 of this Law, and by 1 January 2019 at the latest.

Article 24

The Assembly of the local self-government unit shall define the built-up areas referred to in Article 10 of this Law, within six months from the date of entry into force of this Law.

Article 25

This Law shall enter into force on the eighth day from the date of its publication in the Službeni glasnik Republike Srbije.