

LAW
ON THE PROTECTION OF RIGHTS AND FREEDOMS OF NATIONAL MINORITIES
("FRY Official Journal", No. 11/2002, "SaM Official Journal", No. 1/2003 - Constitutional Charter and "RS Official Gazette" Nos. 72/2009-other law, 97/2013-CC decision and 47/2018)

Part one
GENERAL PROVISIONS

Subject-matter of the Law

Article 1

This Law regulates the manner of exercising individual and collective rights which are guaranteed to persons belonging to national minorities by the Constitution of the Republic of Serbia and ratified international treaties.

This Law shall also govern the protection of national minorities against any form of discrimination in exercising their individual rights and freedoms, and ensure the exercise of collective rights of national minorities to self-governance in culture, education, information and official use of language and script.

The rights of national minorities shall also be exercised in accordance with the law regulating the status of national councils of national minorities, as well as on the basis of other separate laws governing specific areas of social life which are of importance to national minorities. The provincial regulations may provide for additional rights of persons belonging to national minorities, in accordance with the Constitution, and pursuant to the law.

Definition of a National Minority

Article 2

For the purposes of this Law, a national minority shall be understood to mean any group of citizens of the Republic of Serbia which, though constituting a minority in the Republic of Serbia's territory, is numerically sufficiently representative, belongs to a population group whose members have a long term and firm bond with the territory of the Republic of Serbia, and possesses characteristics such as language, culture, national or ethnic affiliation, origin or confession, differentiating them from the majority population, and whose members are characterized by care to collectively maintain their common identity, including their culture, tradition, language or religion.

For the purposes of this Law, national minorities shall be considered to be all groups of citizens who are called or determined as peoples, national and ethnic communities, national and ethnic groups, nationalities and ethnicities, and meet the requirements referred to in paragraph 1 of this Article.

Part Two
BASIC PRINCIPLES

Prohibition of Discrimination

Article 3

Any form of discrimination on national, ethnic, racial, linguistic, religious or any other grounds against national minorities and persons belonging to national minorities shall be prohibited. The bodies of the Republic, autonomous province, local self-government units may not pass legal acts, nor may they take measures, which are in contravention of paragraph 1 of this Article.

Measures to Ensure Equality

Article 4

Pursuant to the Constitution and law, the authorities in the Republic of Serbia adopt regulations, individual legal acts and undertake measures aimed at ensuring full and effective equality between persons belonging to national minorities and members of the majority population.

The authorities shall adopt legal acts and undertake measures specified in paragraph 1 of this Article with a view to advancing the position of persons belonging to the Roma national minority.

Measures aimed at promoting full and effective equality in employment, or benefits in the case of termination of employment in the public sector at all levels of territorial organization, as prescribed by the provisions of separate laws governing employment and legal status of employees in the public sector, shall not be considered discrimination, provided that such measures are in effect until the achievement of the appropriate representation of persons belonging to national minorities, as laid down by those laws.

The Republic of Serbia shall provide conditions for efficient participation of persons belonging to national minorities in political life, the representation of representatives of national minorities in the National Assembly, and the proportional representation of national minorities in the assemblies of the autonomous provinces and local self-government units, in accordance with the law.

The Republic of Serbia shall take appropriate measures to improve the economic situation of the underdeveloped areas traditionally inhabited by persons belonging to national minorities.

Freedom to Express National Affiliation

Article 5

In accordance with the freedom to express national affiliation, guaranteed by the Constitution of the Republic of Serbia, no one may suffer any harm because of expressing their national affiliation, or because of refraining from doing so.

Any registration of persons belonging to national minorities requiring them to declare their national affiliation against their will shall be prohibited.

The right shall pertain to persons belonging to national minorities to have the data on their national affiliation registered in official records and personal data collections, in accordance with a separate law.

The data on national affiliation may only be used for the purpose for which it was collected, and in the manner provided for by the law regulating the protection of personal data.

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

Right to Cooperate with Compatriots in the Country and Abroad

Article 6

Persons belonging to national minorities shall be entitled to freely establish and maintain peaceful relations within the Republic of Serbia 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.

With a view to facilitating the exercise of the rights referred to in paragraph 1 of this Article, special incentives may be prescribed.

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

Article 7

Any abuse of rights set out in this Law aimed at violent overthrow of the constitutional order, violation of territorial integrity of the Republic of Serbia, violation of human and minority rights and freedoms guaranteed by the Constitution, and instigation and incitement of racial, national and religious hatred and intolerance shall be prohibited.

The rights provided for by this Law shall not be used to pursue goals contrary to the principles of international law or directed against public safety, morals or health.

Exercising the rights laid down by this Law may not affect duties and responsibilities arising from citizenship.

Protection of Acquired Rights

Article 8

This Law shall not reduce the attained level of minority rights guaranteed by the Constitution, universally accepted rules of international law and ratified international treaties.

Part Three RIGHTS TO PRESERVATION OF IDENTITY

Choice and Use of Personal Name

Article 9

Persons belonging to national minorities shall have the right to free choice and use of personal names and the names of their children, and the right to have these personal names written in all public documents, official records and personal data files in the language and script of the person belonging to the national minority.

The right referred to in paragraph 1 of this Article shall not exclude the corresponding entry of the name according to the Serbian orthography and script.

Right to Use Mother Tongue

Article 10

Persons belonging to national minorities may freely use their language and script, in both private and official settings.

Official use of language and script

Article 11

In the territory of local self-government units where persons belonging to national minorities traditionally live, their language and script may be in equal official use.

By virtue of its statute, a local self-government unit shall introduce into equal official use the language and script of a national minority where the share of the persons belonging to that national minority in the total population in its territory reaches 15 percent according to the results of the most recent population census. The local self-government unit shall introduce the language and script of the national minority into official use within 90 days from determining the fulfillment of the statutory requirements.

In a local self-government unit where a language of a national minority was in official use at the time of the adoption of this Law, it shall remain in official use.

Official use of the language of a national minority referred to in paragraph 1 of this Article shall imply in particular: use of languages of national minorities in administrative procedures and court proceedings and the conduct of administrative procedures and court proceedings in the languages of national minorities, use of the languages of national minorities in communication between public authorities and citizens; issuance of public documents and keeping of official records and personal data files and data in the languages of national minorities, and recognition of such documents in these languages as valid, use of the language on the ballots and electoral material, use of the language in the work of the representative bodies.

In the territories referred to in paragraph 2 of this Article, the names of public authorities, local self-government units, populated places, squares and streets and other toponyms shall also be written in the language of a respective national minority, in line with its tradition and orthography.

In populated places in local self-government units, whose territory is determined in accordance with the law governing the territorial organization of the Republic of Serbia, where the share of persons belonging to a particular national minority in the total population in the territory of a populated place reaches 15% according to the results of the most recent population census, the names of public authorities, local self-government units, populated places, squares and streets and other toponyms shall also be written in the language of the respective national minority, in line with its tradition and orthography, even if the language of that national minority is not in official use in the territory of the local self-government unit in accordance with paragraph 2 of this Article.

The Assembly of the local self-government unit shall determine in its Statute the populated places referred to in paragraph 6 of this Article, having in mind the traditional presence of persons belonging to the national minority and the previously obtained opinion of the national council.

Persons belonging to national minorities whose share in the total population of the Republic of Serbia reaches at least 2% according to the most recent population census, may communicate with the republic authorities in their own language and shall have the right to receive an answer in that language.

Persons belonging to national minorities whose share in the total population of the Republic of Serbia does not reach 2% according to the most recent population census may communicate with the republic authorities in their own language and shall have the right to receive an answer in that language through a local self-government unit in which the language of that national minority is in official use, whereby the local self-government unit shall provide translation and bear the costs of translating letters addressed to republic bodies and responses of those bodies.

A member of Parliament who is a person belonging to a national minority shall have the right to speak at sittings of the National Assembly, and submit written documents in the work of the National Assembly, as stipulated by the Rules of Procedure, in his/her own language.

When a member of Parliament uses his/her own language in terms of paragraph 10 of this Article in the work of the National Assembly, constantly or in certain cases, the Secretary General of the National Assembly shall ensure simultaneous interpretation of his verbal presentation or translation of the document he/she has submitted into the Serbian language.

Publication of Laws in the Languages of National Minorities

Article 11a

The Ministry responsible for the exercise of rights of national minorities (hereinafter: the Ministry) shall ensure the translation and publication of collections of consolidated texts of the most important laws of the Republic of Serbia, whose subject-matter is entirely or predominantly related to the exercise of rights of national minorities.

The Ministry shall make the laws referred to in paragraph 1 of this Article available in electronic form as well, on its website and on the e-Government portal, and to provide to the national councils of national minorities a mutually agreed number of collections of consolidated texts of the laws referred to in paragraph 1 of this Article.

The Ministry shall periodically, and when necessary, provide reports on the publication of the laws referred to in paragraph 1 of this Article to the Council for National Minorities.

Notwithstanding paragraph 1 of this Article, the national council of a national minority may submit a proposal to the line ministry, with an explanation that it is of special importance for the exercise of rights and freedoms of the national minority, for the line ministry to ensure the translation and publication of the collection of consolidated texts of certain laws from its statutory purview, which contain provisions relating to the exercise of the rights and freedoms of national minorities, that is, regulate social relations that are of particular importance for national minorities.

If the line ministry accepts the proposal of the national council of the national minority, the Ministry shall, in such a case, make the laws referred to in paragraph 4 of this Article available in electronic form as well, on its website and on the e-Government portal, and provide to the national council of the national minority a mutually agreed number of collections of consolidated texts of the laws referred to in paragraph 4 of this Article.

When deciding on the proposal referred to in paragraph 4 of this Article, particular account shall be taken of the availability of planned budget funds, as well as whether amendments, or the adoption of a new law instead of the law whose translation or publication is proposed, are planned for the next year following the submission of the proposal of the national council of the national minority.

The line ministry shall inform the Council for National Minorities about the actions referred to in paragraphs 4 to 6 of this Article.

Article 11b

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

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

Right to Foster Culture and Tradition

Article 12

The expression, preservation, fostering, development, handing down and public demonstration of the national and ethnic, cultural, religious and language identity as part of the tradition of the citizens, national minorities and persons belonging to national minorities shall constitute their inalienable individual and collective right.

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

Institutions, societies and associations referred to in paragraph 2 of this Article shall be autonomous in their work. The Republic, the autonomous provinces and local self-government units may contribute to the financing of societies and associations of national minorities.

Special foundations may be established to promote and support institutions, 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, autonomous provinces or local self-government units shall ensure the presentation and protection of cultural and historical heritage of special importance to national minorities in the territory for which they are responsible. In the process of decision-making regarding the manner of presenting cultural and historical heritage which, under the provisions of a separate law, has been identified as being of particular importance for national minorities, representatives of their national councils shall also take part.

Cultural institutions founded by local self-government units which, in terms of the law governing local self-governance, are considered as nationally mixed units of local self-government, shall provide in their work programs for the contents, measures, activities or events that preserve and promote the cultural identity and tradition of national minorities traditionally residing in their respective territories.

Education in Mother Tongue

Article 13

Persons belonging to national minorities shall have the right to education in their own language, or speech, in the institutions of pre-school, elementary and secondary education.

In order to exercise the right defined in paragraph 1 of this Article, a minimum number of pupils may be prescribed, with the possibility for this number to be lower than the minimum number of pupils prescribed by the law for the provision of relevant forms of instruction and education.

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

The curricula for the needs of education referred to in paragraph 1 of this Article, in the segment related to the national content, shall include a considerable number of topics related to the history, art and culture of the respective national minority.

National councils of national minorities shall participate in the development of curricula for the subjects of instruction which reflect the identity of national minorities in the language or speech of a national minority, bilingual instruction and the teaching of languages of national minorities with the elements of national culture in keeping with the regulations governing the adoption of curricula for national minorities.

With a view to fostering mutual tolerance between national minorities and the majority population, and ensuring interculturality, programs of instructional and extracurricular activities shall be implemented in primary and secondary education related to the history, culture and status of national minorities in the Republic of Serbia.

Article 14

For the purposes of education in the languages of national minorities referred to in Article 13, paragraph 1, in higher education the development of study programs for pre-school teachers and teachers in the languages of national minorities shall be supported, in accordance with the law governing higher education.

A higher education institution may organize instructorships in the languages of national minorities where students belonging to national minorities can master technical terms in the language of the national minority too.

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

The Republic shall encourage international co-operation, with a view to enabling persons belonging to national minorities to study abroad in their mother tongue, and ensuring the recognition of thus obtained degrees in accordance with the law.

Article 15

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

Local and foreign organizations, foundations and individuals may participate in the financing of institutions referred to in paragraph 1 of this Article, as well as in providing funds for the higher quality of education in the languages of national minorities in institutions founded by the Republic, autonomous province or local self-government unit, in accordance with the law.

In the case of financial and other donations referred to in the previous paragraph, the State shall provide certain incentives or exemptions from public dues.

Use of National Symbols

Article 16

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 holidays of national minorities.

The Council for National Minorities shall confirm the signs, symbols and holidays of national minorities.

After the announcement of the decision of the Council for National Minorities on their confirmation, signs and symbols of national minorities shall be officially displayed during public holidays of the Republic of Serbia and confirmed holidays of the national minorities, on buildings and at the premises of local authorities and organizations exercising public powers in the areas in which the languages of the national minorities are in official use, and in the manner defined by the decision on the confirmation of the symbols.

Together with the symbols and signs of the national minority, during the celebration of public holidays of the Republic of Serbia, the State Flag of the Republic of Serbia and the Small Coat of Arms of the Republic of Serbia shall be obligatorily displayed in the manner established by the law governing the appearance and use of the state symbols of the Republic of Serbia.

Together with the signs and symbols of the national minority, during the celebration of the confirmed national minority holidays, the National Flag of the Republic of Serbia and the Small Coat of Arms of the Republic of Serbia shall be obligatorily displayed in the manner established by the law governing the appearance and use of the state symbols of the Republic of Serbia.

At the entrance to the official premises of the national council, the symbols of the national minority may be displayed in an appropriate manner throughout the year while displaying the state symbols of the Republic of Serbia at the same time.

Public Information in the Languages of National Minorities

Article 17 **

Persons belonging to national minorities shall be entitled to full and impartial information in their own language, including the right to express, receive, send and exchange information and ideas through the press and other mass media.

The State shall provide information, cultural and educational contents in the languages of national minorities in the public service radio and TV programs.

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 THE IDENTITY, IN GOVERNMENT AND IN THE PUBLIC ADMINISTRATION

Council for National Minorities

Article 18

The Government shall establish the Council for National Minorities (hereinafter: the Council) as a permanent working body of the Government, with a view to preserving, promoting and protecting the national, ethnic, religious, linguistic and cultural identity of persons belonging to national minorities and for the purpose of exercising their rights.

The tasks of the Council shall be to: monitor and review the situation with regard to the exercise of the rights of national minorities and the status of inter-ethnic relations in the Republic of Serbia; propose measures for promoting full and effective equality of persons belonging to national minorities; monitor the implementation of cooperation between national minorities and state authorities, as well as bodies of the autonomous province and local self-government units; review conditions for the operation of national councils of national minorities and propose measures in that field; monitor the fulfillment of international commitments of the Republic of Serbia with regard to the exercise of the rights of persons belonging to national minorities; consider international agreements concerning the status of national minorities and the protection of their rights in the process of their conclusion; review drafts of laws and other regulations of importance to the exercise of rights of national minorities and give opinions to that effect to the Government and confirm the signs, symbols and holidays of national minorities, at the proposal of national councils of national minorities.

The members of the Council shall be heads of state administration bodies and government services, whose respective purviews include issues of importance for the status of national minorities, as well as the presidents of national councils of national minorities.

By virtue of its decision, the Government shall appoint the Council members and designate the state administration body, or government service, responsible for providing professional and administrative and technical support to the work of the Council.

National Councils of National Minorities

Article 19

For the purposes of exercising the right to self-governance in culture, education, information and official use of languages and scripts guaranteed by the Constitution, persons belonging to national minorities may elect national councils.

The national council shall represent a national minority in culture, education, information and official use of languages and scripts, participate in the decision-making process, or decide on individual issues in these fields, and establish institutions in these fields.

The National Council shall be a legal entity.

National councils shall be established on the principles of voluntarism, electiveness, proportionality and democracy.

The powers, election procedure, financing and other issues of relevance to the work of national councils shall be regulated by a separate law.

Budget Fund for National Minorities

Article 20

The financing of programs and projects in the fields of culture, education, information and official use of languages and scripts of national minorities by resources from the Budget Fund for National Minorities shall be regulated by a separate law.

Article 21

(Deleted)

Part Five

PROTECTION OF RIGHTS AND FREEDOMS OF MINORITIES

Prohibition of Violation of Minority Rights

Article 22

Measures which change the population ratios in areas inhabited by national minorities and which make it difficult to enjoy and exercise the rights of persons belonging to national minorities shall be prohibited.

Part six
PENAL PROVISIONS

Article 22a

A fine ranging from RSD 50,000 to RSD 100,000 shall be imposed for a misdemeanor on a responsible person in a body or organization exercising public powers if the name of the body or organization is written in contravention of the provisions of Article 11, paragraphs 5 and 6 of this Law.

A fine ranging from RSD 200,000 to RSD 1,500,000 dinars for an economic violation shall be imposed on an organization authorized to put traffic signs and place names, which acts in contravention of Article 11, paragraphs 5 and 6 of this Law.

For the economic violation referred to in paragraph 2 of this Article, the responsible person in the organization referred to in paragraph 2 of this Article shall also be fined in an amount ranging from RSD 50,000 to RSD 100,000.

Article 22b

A fine ranging from RSD 500,000 to RSD 2,000,000 shall be imposed on a legal entity that:

- 1) as a sign and symbol of the national minority, officially and/or publicly presents, displays or uses the signs and symbols of another state;
- 2) for the holiday of a national minority officially and/or publicly uses the name of the holiday which was not confirmed by the Council for National Minorities and published in the "Official Gazette of the Republic of Serbia".

For the misdemeanor referred to in paragraph 1 of this Article, a responsible person in a legal entity shall also be fined in the amount ranging from RSD 50,000 to RSD 150,000.

Article 22v

A fine ranging from RSD 50,000 to RSD 150,000 shall be imposed for a misdemeanor on a responsible person in a body of a local self-government unit, an organization exercising public powers founded by a local self-government unit, or a legal entity if:

- 1) the signs and symbols of a national minority are displayed in contravention of the provisions of Article 16, paragraph 4 of this Law;

2) during official use referred to in Article 16, paragraph 4 of this Law, the signs and symbols of the Republic of Serbia are not also displayed together with the signs and symbols of the national minority, in conformity with Article 16, paragraphs 5 and 6 of this Law.

Article 23

(Deleted)

Part Seven

TRANSITIONAL AND FINAL PROVISIONS

Article 24 *

(Repealed)

Article 25

This Law shall enter into force on the eighth day from the date of its publication in the "FRY Official Journal".

*Stand-alone Articles of the Law on Amendments to
the Law on the Protection of Rights and Freedoms of National Minorities
("RS Official Gazette", No. 47/2018)*

Article 23

The names of public authorities, local self-government units, populated places, squares and streets and other toponyms shall be written in accordance with Article 10 of this Law no later than 1 January 2019.

Article 24

The Assembly of the local self-government unit shall determine the populated places referred to in Article 10 of this Law within six months from the effective date of this Law.

Article 25

This Law shall enter into force on the eighth day from the date of its publication in the "Official Gazette of the Republic of Serbia".