

The Law on the Protection of Rights and Freedoms of National Minorities regulates the way in which the rights of persons belonging to national minorities will be implemented. In this sense, the Law represents an additional source of the constitutional law in the Federal Republic of Yugoslavia, since it elaborates on the constitutional norms regarding the rights and freedoms of persons belonging to national minorities, i.e. it elaborates on the basic principles of the Constitution of FR Yugoslavia and of international agreements to which FRY is a party, regarding the rights and freedoms of persons belonging to national minorities. Starting from the provisions of the Constitution of FR Yugoslavia, the Law on the Protection of Rights and Freedoms of National Minorities fills the gap in the constitutional-legal system of the Federal Republic of Yugoslavia, and, in a legally correct manner, enables the persons belonging to national minorities to exercise their constitutional rights in a democratic political milieu, individually or in a community with other members of their ethnic group. These rights are generally defined in the Constitution of FR Yugoslavia as rights to preservation, development and expression of ethnic, linguistic or other specificities of national minorities. They include: the right of national affiliation, the right to co-operate with co-nationals in the country and abroad, the right to use one's native language, the right to use national symbols and all the other rights and solutions which protect the specificity of national minorities in the fields of special interest to them (use of the language of the national minorities in the work of bodies and organizations with public competencies, education and public information in the languages of the national minorities, preservation and protection of the cultural heritage, etc.). Through the institution of acquired rights, the Law prevents limitation or repeal of the rights and freedoms exercised by the persons belonging to national minorities, individually or in a community with other members of their group, until the adoption of this Law. The Law also provides for the adoption of special measures towards equality, especially with regard to Roma national community.

The provisions aimed at the effective participation of minorities in decision-making on issues related to their specificities, in government and in administration, constitute a unique feature of this new Law on the Protection of Rights and Freedoms of National Minorities. Starting from the conviction that many of the minority rights are exercised in a community, which gives them a collective character, and respecting the international obligations of FR Yugoslavia to create necessary conditions for the effective participation of the national minorities in public affairs of interest to them, the Yugoslav legislator has provided for a number of new institutions. The Establishment of the Federal Council for National Minorities, comprised of the representatives of national

councils of national minorities, should create the necessary institutional framework for constant and joint work of representatives of the government and of the minorities, aimed towards the improvement of the position of national minorities and towards the protection of their specificity. The establishment of national councils of national minorities as bodies representing national minorities as collective units, is a step further in the same direction. Under the terms of this Law, the national councils of national minorities are partners and consultative bodies of the government, and their members participate in decision-making on questions of importance for the specificity of national minorities. The national councils can have certain independent competencies in the fields of education, culture and information. The competencies in question are important for the expression and preservation of the specificity of national minorities, and they can be delegated to national councils by law. The presented solutions constitute a new approach in domestic and comparative legislation, and should provide for the participation of national minorities in public affairs important for the preservation of their specificity. They should even provide for a degree of independence in those affairs, respecting the constitutional order and the obligations of persons belonging to national minorities as citizens of FR Yugoslavia. If the democratic and liberal character of the presented solutions is confirmed in practice, these solutions will develop into a new role model of the protection of minority rights, and Yugoslavia will, thus, develop into a country which sets new standards in the field of minority rights and their protection.

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 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.

THE 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.

THE 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 UNIQUENESS

THE 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.

THE FREEDOM TO USE ONE'S NATIVE LANGUAGE

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.

THE 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 2 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 NATIVE LANGUAGE

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.

THE 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 4 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 LANGUAGE

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
MINORITIES 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.

THE 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.

THE 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 PUBLIC 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.

THE 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.