

Conference of the Congress of Local and Regional Authorities, “The use of languages by local and regional authorities” – Balványos, Covasna County, Romania, 31 May 2018

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Session 1 „The use of languages in local and regional assemblies”

Pursuant to the Constitution of the Republic of Serbia, Serbian language and Cyrillic script shall be officially used in the Republic of Serbia. The official use of other languages and scripts shall be regulated by law, in accordance with the Constitution.

The right to the official use of minority languages and scripts in the Republic of Serbia is guaranteed at different levels. This right is based both on legal acts which directly regulate minority rights, as well as on those regulating some other areas of life, which also concern this issue.

Legal framework for exercising this right encompasses: the Constitution of the Republic of Serbia, ratified international treaties, different legal acts and by-laws, as well as legal documents enacted at the level of the Autonomous Province of Vojvodina and local self-government units.

For the exercise of the right to the official use of minority languages and scripts, two laws are crucial, as follows: the Law on the Official Use of Languages and Scripts and the Law on the Protection of Rights and Freedoms of National Minorities. In addition to these two laws, it is important to mention the Law on National Councils of National Minorities. In addition to other things, the said law regulates the competences of national councils of national minorities in this area, for the purpose of exercising the right to cultural autonomy of national minorities, guaranteed by the Constitution.

Apart from the aforementioned laws, particular segments of the official use of minority languages and scripts are regulated by other laws. Some of them include: the Law on Local Self-Government, the Law on Registry Books, the Law on Identity Card, the Law on Travel Documents, the Law on General Administrative Procedure, the Law on Civil Procedure, the Law on Non-Litigious Procedure, the Criminal Procedure Code, the Law on Misdemeanors, the Law on the Election of Deputies, the Law on Local Elections, the Law on the Seal of State and Other Authorities, the Law on Public Notary, the Law on Enforcement and Security etc.

The Statute of AP Vojvodina stipulates that the multilingualism is one of the common values of particular importance for AP Vojvodina and it requires Provincial authorities and organisations to assist in preservation of multilingualism and to facilitate, by special measures and activities, learning and respecting of different languages in AP Vojvodina, among other things. The Statute also lays down languages and scripts in the official use in Provincial authorities and organisations, such as: Serbian language and Cyrillic script, Hungarian, Slovak, Croatian, Romanian and Ruthenian and their scripts.

When it comes to the official use of languages and scripts in cities and municipalities, introduction of a minority language in the official use is related to the representation of persons belonging to a national minority, in the total number of population of a local self-government unit, expressed as a percentage (15%). On the other hand, the Law on the Protection of Rights and Freedoms of National Minorities contains a general provision pertaining to acquired minority rights, which must not be altered nor abolished, as well as a special provision, pursuant to which a minority language stays in the official use in a local self-government unit, if it was in the official use at the moment of enactment of the Law (February 2002), irrespective of the national structure of the population.

In the territory of AP Vojvodina, which is particularly specific due to multiethnicity and multilingualism, there are 45 local self-government units, out of which 39 stipulated i.e. laid down, by means of their statutes, the equal official use of at least one more language and script of national minority, in addition to Serbian language and Cyrillic script. There are also such cities and municipalities where two or more minority languages are equally officially used with Serbian language and Cyrillic script. The remaining six local self-government units, in which only Serbian language is officially used, are local self-government units with majority Serbian population, which is the only reason why minority languages are not officially used in these communities. Languages which are most frequently in the official use in cities and municipalities, in the territory of AP Vojvodina, are as follows: Hungarian in 28, Slovak in 11, Romanian in 9 and Ruthenian in 7 cities and municipalities.

I would also like to point out that the Republic of Serbia has signed bilateral agreements on the protection of minorities with Croatia, Hungary, Macedonia and Romania. Among other things, these agreements also regulate issues of the official use of languages and scripts with these countries.

Commitment of the Republic of Serbia to the exercise and protection of national minority rights is undoubtful. A great importance is attached to it and standards concerning the exercise and protection of these rights are very high in the Republic of Serbia, which could be concluded from the presentation so far, through the example of the right to use minority languages and scripts. This is supported by a fact that the existing Law on the Official Use of Languages and Scripts, including minor amendments, has been in force since 1991, while some of the most important international documents in this area, entered into force after that, such as: the European Charter for Regional and Minority Languages (1992), the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992), as well as the Framework Convention for the Protection of National Minorities (1995). Normally, I would like to stress out that relevant regulations which regulated these issues existed even at the time of SFR Yugoslavia.

In accordance with the abovementioned regulations, the official use of languages and scripts of national minorities imply: the use of a minority language in administrative procedures and judicial proceedings and the conduct of administrative procedure and judicial proceedings in a minority language; the use of a minority language in communication between authorities with public competences and citizens; issuing of public documents and managing official records and collections of personal data in languages of national minorities and accepting such documents in the said languages as valid.

In addition, the official use of languages and scripts of national minorities, include the obligation of local self-government units to write, in their territory, the names of authorities performing public competences, the names of local self-government units, settlements, squares and streets, as well as other toponyms, in languages of national minorities which are equally officially used in the territory of local self-government unit, according to tradition and orthography of a minority language.

Since I am currently a Deputy at the Assembly of AP Vojvodina, I would also like to address the situation regarding the official use of languages and scripts in this institution. As I already stated, the Statute of AP Vojvodina proclaims the multilingualism as one of the common values of particular importance for AP Vojvodina, since there are over 25 ethnic communities living in the territory of AP Vojvodina, which makes it a very specific region and which certainly represents its richness. Languages which are officially used in Provincial authorities and organisations of AP Vojvodina, laid down by the Statute, are as follows: Serbian language and Cyrillic script, Hungarian, Slovak, Croatian, Romanian and Ruthenian languages and scripts.

In practice, the right to official use of languages and scripts at the Assembly of AP Vojvodina is exercised in the following manner: the name of the authority i.e. Assembly is written at the entrance of the building, in all languages in the official use; also at entrances of important premises of the Assembly building (Great Hall where the Assembly sessions are held etc.) , plates with names of those premises, in all languages in the official use, are put up; if employees or officials express their wish, their full names, their job names, may also be written in officially used minority languages, on plates put up in front of their offices, where they spend their time and work; simultaneous interpretation is provided during the Assembly sessions in languages in the official use; deputies who expressed their wish, the summon for the Assembly session shall be sent in the language of the national minority to which they belong; also, in accordance with amendments of the Rules of Procedure of the Assembly of AP Vojvodina, from 1 July 2018, all Assembly materials shall be given to deputies who expressed their wish, based on the same principle; as required, oral and written communication is carried out in all officially used languages; the Internet presentation of the Assembly is available in all officially used languages; the Statute of AP Vojvodina, Provincial Assembly decisions and other general acts of the Assembly of AP Vojvodina, as well as Provincial decrees and decisions of the Provincial Government are published in the "Official Journal of AP Vojvodina, in all officially used languages in the work of authorities of AP Vojvodina; for the purpose of providing conditions for linguistic equality of persons belonging to national minorities in AP Vojvodina, a translation of the Constitution of the Republic of Serbia, the Statute of AP Vojvodina, the Law on Establishing the Competences of AP Vojvodina, the Law on National Councils and other relevant regulations, has been provided into all languages which are officially used in authorities and organisations of AP Vojvodina.

According to the abovementioned, it is clear that, when it comes to the official use of languages and scripts, the Republic of Serbia has provided a high level of the exercise and protection of this right, which is of great importance for the preservation of specific features of national minorities living in Serbia. The evidence of this conclusion is first of all, legal framework which guarantees it and which was created even before the enactment of relevant international documents within this area. The level of the exercise of this right in practice has also proven to be very high and in case the violation of regulations in this area possibly happens, certain mechanisms have been prescribed for the protection of this right and accountability of entities who commit such violation. Of course, there is always the possibility for improvement and advancement, but what the Republic of Serbia certainly does not lack is the determination and desire to enable the exercise of all rights of persons belonging to national minorities, including the right to use languages and scripts of national minorities, at the highest possible level.