



**Organization for Security and Co-operation in Europe
DEPARTMENT OF HUMAN RIGHTS & RULE OF LAW**

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INTRODUCTION

As increasing competences are transferred to the Provisional Institutions of Self-Government (PISG) coupled with the continued withdrawal of the international community, it is essential to analyse the current situation in the municipalities regarding the promotion and protection of minority language rights.

The purpose of this report is to give an accurate picture of minority language use Kosovo-wide in order to assess whether language standard requirements have been met at the municipal level and what measures have been undertaken by municipal authorities to ensure full implementation of the language rights of persons belonging to all minority communities.

The report will focus on giving a summary of the execution of Chapter 4 ‘Rights of Communities and Their Members’ of UNMIK Regulation 2001/9, A Constitutional Framework for Provisional Self-Government in Kosovo (The Constitutional Framework), and other legislation at both the central and municipal levels.¹ Furthermore, this report will provide an overview of minority communities’ ability to participate in the decision-making process, exercise their right to communicate in their own language with all municipal bodies and municipal civil servants and enjoy equal treatment in all facets of their lives. This report will also serve as a tool to identify shortcomings in the implementation of language rights and bring critical issues to the attention of central and local level authorities in order to ensure the realization of these rights.

In order to ensure equal rights without discrimination and opportunities for minority communities, the United Nations Interim Administration Mission in Kosovo (UNMIK) promulgated Regulation No. 2000/45 on Self-Government of Municipalities in Kosovo which stipulates the duties of municipal authorities regarding the use of both official languages (Albanian and Serbian) in Kosovo.

¹ The applicable law in Kosovo includes the Constitutional Framework Chapter 4 - Rights of Communities and Their Members; Kosovo Assembly Law No. 2004/3 The Anti-Discrimination Law Article 2 promulgated with UNMIK Regulation No. 2004/32; Law on Realization of Equality of Languages and Alphabets in the Socialist Autonomous Province of Kosovo No. 48/1977; UNMIK Regulation No. 2000/45 On Self-Government of Municipalities in Kosovo Section 9 on Languages; Kosovo Assembly Law No. 2003/12 On Access to Official Documents promulgated with UNMIK Regulation No. 2003/32; UNMIK Regulation No. 2000/43 on the Number, Names and Boundaries of Municipalities; UNMIK Regulation No. 2004/36 Amending UNMIK Regulation No. 2000/43 and Administrative Direction No. 2004/23 on the Number, Names and Boundaries of Municipalities.

As set out in the Constitutional Framework, the PISG shall observe and ensure internationally recognised human rights and fundamental freedoms, including those rights and freedoms set forth in, *inter alia*, the European Convention for Protection of Human Rights and Fundamental Freedoms, the European Charter for Regional or Minority Languages and the Council of Europe's Framework Convention for the Protection of National Minorities.²

FINDINGS

The report is based on an assessment conducted by the OSCE Mission in Kosovo Municipal Teams (OSCE MTs) from March to August 2006, covering the 30³ municipalities in Kosovo plus the three⁴ existing Pilot Municipal Units.

According to the findings of the OSCE MTs, there are several common concerns identified in various municipalities.

I. General information on municipal language use

Twenty-eight of the assessed municipalities (including Pilot Municipal Units) possess Municipal Statutes that are in compliance with the stipulation outlined in Section 9.5 of UNMIK Regulation 2000/45 on Self-Government of Municipalities in Kosovo "The Statute of the municipality shall make detailed provisions for the use of languages of communities as set out in this Section, taking into consideration the composition of

² The Constitutional Framework Chapter 3 – Human Rights

3.1 All persons in Kosovo shall enjoy, without discrimination on any ground and in full equality, human rights and fundamental freedoms.

3.2 The Provisional Institutions of Self-Government shall observe and ensure internationally recognized human rights and fundamental freedoms set forth in:

(a) The Universal Declaration on Human Rights;
(b) The European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;
(c) The International Covenant on Civil and Political Rights and the Protocols thereto;
(d) The Convention on the Elimination of All Forms of Racial Discrimination;
(e) The Convention on the Elimination of All Forms of Discrimination Against Women;
(f) The Convention on the Rights of the Child;
(g) The European Charter for Regional or Minority Languages; and
(h) The Council of Europe's Framework Convention for the Protection of National Minorities.

3.3 The Provision on rights and freedoms set forth in these instruments shall be directly applicable in Kosovo as part of this Constitutional Framework.

³ Pejë/Peć, Istog/Istok, Deçan/Deçane, Klinë/Klina, Novobërdë/Novo Brdo, Štrpce/Shtërpçë, Ferizaj/Uroševac, Kamenicë/Kamenica, Kaçanik/Kaçanik, Shtime/Štimlje, Viti/Vitina, Gjilan/Gnjilane, Prizren, Dragash/Dragaš, Rahovec/Orahovac, Suharekë/Suva Reka, Gjakovë/Đakovica, Malishevë/Mališevo, Fushë Kosovë/Kosovo Polje, Glllogoc/Glogovac, Obiliq/Obilić, Podujevë/Podujevo, Lipjan/Lipljan, Prishtinë/Priština, Zubin Potok, Vushtrri/Vučitrn, Leposavić/Leposaviq, Zvečan/Zveçan, Skenderaj/Srbica and Mitrovicë/Mitrovica.

⁴ Junik, Hani i Elezit/Đeneral Janković and Mamuša/Mamushë/Mamuša Pilot Municipal Units.

communities in the municipality”. However, only five⁵ of these Statutes specifically state that there are two or more official languages in their respective municipalities. Whereas the other 23 do not explicitly state that there are two official languages, it is understood that there are in fact two official languages in the municipality because of the specific reference made to Section 9 of UNMIK Regulation 2000/45. Another five⁶ Statutes make reference to only Albanian and in some cases English as official languages and in the case of Leposavić/Leposaviq, the draft Municipal Statute has not been approved by the Municipal Assembly because of a lack of political consensus.

In addition, none of the municipalities analysed possess any additional written documentation or municipal policy aside from the Municipal Statute that makes reference in any way to language use or that could serve as a guideline against which to measure municipal officials compliance with mandatory language policy.

Another problem noted in many of the assessed municipalities is the lack of outreach or other specific measures by the municipality to inform persons belonging to minority communities of their rights or available municipal services. In most cases, the municipality demonstrates a reactive approach to addressing minority queries, concerns and needs by only meeting the minimum standard of mandatory established mechanisms such as the Municipal Community Office (MCO), rather than proactively working to reach out to communities.

However, there have been some positive municipal initiatives. Klinë/Klina municipal officials regularly meet with minority communities including Kosovo Serb urban returnees to discuss community concerns. Ferizaj/Uroševac publishes a municipal newsletter that is disseminated to minority communities via the four local community offices. Kamenicë/Kamenica produces information leaflets on various municipal departments’ functions in both official languages. Gjakovë/Đakovica officials have visited IDPs in Montenegro and at the Deçan/Deçane Monastery. Podujevë/Podujevo municipal officials regularly visit minority communities. Lipjan/Lipljan Municipal Assembly President (MAP) has recently held meetings with village leaders, public debates in Lepina/Lepi and Donja Gušterica/Gushtericë e Ulët and attended the Grackë e Vjetër/Staro Gracko village meeting on the recent vandalism of the Kosovo Serb cemetery. In Prishtinë/Priština, the Department of Education and the Chief Executive Officer (CEO) have worked together with the MCO to identify potential members from Roma, Ashkali and Egyptian communities to serve as teachers. In Rahovec/Orahovac the Municipality is successfully implementing a six month integration campaign for Kosovo Serbs with numerous outreach and confidence building activities.

⁵ Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Obiliq/Obilić, Mitrovicë/Mitrovica and Pilot Municipal Unit Mamuşa/Mamushë/Mamuşa.

⁶ Kaçanik/Kaçanik, Malishevë/Mališevo, Glogoc/Glogovac and Pilot Municipal Unit Hani i Elezit/Đeneral Janković. Podujevë/Podujevo plan to revise the Statute in September 2006.

As for municipal initiatives to raise awareness or to organise training for civil servants regarding language use, there have been almost no attempts by municipalities to curb non-respect and non-compliance of official and minority languages.⁷

II Municipal compliance on the use of languages (Minority access to information) – translation issues

According to Section 9.2 of UNMIK Regulation 2000/45, “Meetings of the Municipal Assembly and its committees and public meetings shall be conducted in both the Albanian and Serbian languages. In municipalities where a community lives whose language is neither Albanian nor Serbian, the proceedings shall also be translated, when necessary, into the language of that community” and Section 9.3 “All official documents of a municipality shall be printed in both the Albanian and Serbian languages. In municipalities where a community lives whose language is neither Albanian nor Serbian, all official documents of the municipality shall also be made available in the language of the community”. Furthermore, Chapter 4, Section 4.4 (c) of the Constitutional Framework also states that communities and their members should “[e]njoy access to information in their own language”. Based on the data compiled by the OSCE MTs, it is clear that in this respect, language compliance at the municipal level has not been achieved Kosovo-wide.

In relation to the feedback received from the OSCE MTs, 26 municipalities claim to have an inadequate capacity to meet all mandatory language policy as detailed in Section 9.2 and 9.3 of UNMIK Regulation 2000/45. The most common explanations put forth include a lack of financial resources due to Kosovo-wide municipal budget constraints which 11⁸ municipalities claim results in an inability to recruit or hire additional translators and interpreters to strengthen translation capacities; 11⁹ municipalities assert that existing staff are overburdened due to their insufficient numbers, sheer volume of work and scarce resources; there is a lack of experienced or professionally trained translation/interpretation employees which contributes to a low quality output of

⁷ There have been a few exceptions in certain municipalities. Gjilan/Gnjilane is in the process of organising such a training in co-operation with the OSCE (however, the training is currently on hold as the proposal must be resubmitted for funding approval). Shtime/Štimlje has organised a roundtable discussion whenever new signs are erected in villages. Novobërdë/Novo Brdo continues to provide language courses for civil servants based on demand. Pejë/Peć has formed a commission of five focal points who have begun reporting specifically on language use compliance and also put forth much needed recommendations to municipal directorates to address gaps in policy implementation.

⁸ Štrpce/Shtërpçë, Viti/Vitina, Gjilan/Gnjilane, Vushtrri/Vučitrn, Skenderaj/Srbica, Fushë Kosovë/Kosovo Polje and Mitrovicë/Mitrovica. In Novobërdë/Novo Brdo, the regular absence of the translator has had a negative impact on the translation of documents and translation in meetings could not take place. Instead of taking disciplinary action towards this regular negligent behavior, the Municipality has refused to take firm action to hire a temporary replacement as it claims no qualified individual would work for so little and despite a budget increase, has to downsize nine other employees. (Zubin Potok, Leposavić/Leposaviq and Zvečan/Zvečan have recently severed ties with all PISG institutions which has further negative implications for the achievement of language standards. This also demonstrates a general lack of political will as for example in Zvečan/Zvečan, where the Municipality claims that fulfilling language standards are not a priority when there are over 4,000 IDPs displaced to this municipality).

⁹ Štrpce/Shtërpçë, Ferizaj/Uroševac, Viti/Vitina, Dragash/Dragaš, Rahovec/Orahovac, Gjakovë/Đakovica, Obiliq/Obilić, Zvečan/Zvečan, Mitrovicë/Mitrovica, Fushë Kosovë/Kosovo Polje and Klinë/Klina.

documents in seven¹⁰ cases; 16¹¹ municipalities have cited that documents received only in Albanian from central authorities compounds the situation further. Only Malishevë/Mališevo Municipality has openly opposed the need to meet language requirements.

Regarding municipal translation facilities and outputs, the situation appears to be mixed across Kosovo. There still remain seven¹² municipalities where translation units have not been set up. There are still six¹³ cases where a municipal translator is not currently employed. Consequently, the minority communities in municipalities north of the Ibar are completely dependent on UNMIK to provide translation services. In Istog/Istok, Lipjan/Lipljan, Prishtinë/Priština, Skenderaj/Srbica, Mitrovicë/Mitrovica and Prizren where translation capacities are either limited or severely overburdened, UNMIK provides some additional translation assistance, either verbal or written, to municipal translators/interpreters. The translator in Shtime/Štimlje can be considered non-official as he holds another position in the Municipality as a Public Information Officer.

Overall, many of the assessed municipalities have either improved or are gradually improving minority communities' access to information. Furthermore, Prishtinë/Priština, Obiliq/Obilić and Pejë/Peć Municipalities have advertised vacancies for additional translators but few qualified candidates have applied whereas Malishevë/Mališevo, which so far has been entirely reluctant to implement language policy, has recently designated a civil servant from the Department of General Administration as the first municipal translator (Prishtinë/Priština has recently filled one of the two vacant posts, Obiliq/Obilić has hired a second translator on a monthly renewable contract until a permanent post is available while Pejë/Peć opened a vacancy (recently filled) asking for a candidate with an Albanian Philology degree thus limiting the possibility of minority applicants). After the resignation of previous translators in 2005, Gjakovë/Đakovica has also recently deployed two full time translators. Four¹⁴ municipalities have also sent requests directly to the Ministry of Finance and Economy (MFE) for additional funds to bolster existing translation capacities by hiring additional translators/interpreters. With the exceptions of Malishevë/Mališevo and Glllogoc/Glogovac, all other municipalities either translate all

¹⁰ Ferizaj/Uroševac, Viti/Vitina, Prizren, Lipjan/Lipljan, Prishtinë/Priština, Fushë Kosovë/Kosovo Polje and Skenderaj/Srbica.

¹¹ Štrpce/Shtërpçë, Fushë Kosovë/Kosovo Polje, Kamenicë/Kamenica, Viti/Vitina, Gjilan/Gnjilane, Prizren, Dragash/Dragaš, Rahovec/Orahovac, Suharekë/Suva Reka, Gjakovë/Đakovica, Malishevë/Mališevo, Vushtrri/Vučitrn, Skenderaj/Srbica and Mitrovicë/Mitrovica. In Novobërdë/Novo Brdo the MAP has brought this to the attention of the Ministry of Justice. The Pilot Municipal Unit Mamuşa/Mamushë/Mamuşa only receives documents in Albanian and Serbian from the Ministry of Local Government and Administration (MLGA) though 95 % of the population are Kosovo Turks and one of the official languages in Pilot Municipal Unit Mamuşa/Mamushë/Mamuşa is Turkish.

¹² Novobërdë/Novo Brdo, Kaçanik/Kaçanik, Suharekë/Suva Reka, Malishevë/Mališevo, Glllogoc/Glogovac, Obiliq/Obilić and Pilot Municipal Unit Hani I Elezit/Đeneral Janković.

¹³ Zubin Potok, Leposavić/Leposaviq and Zvečan/Zvečan. Glllogoc/Glogovac is currently in the process of recruiting someone. In the Pilot Municipal Units of Mamuşa/Mamushë/Mamuşa and Hani Elezit/Đeneral Jankovic, funding for the recruitment of a translator is not foreseen by the MLGA.

¹⁴ Klinë/Klina, Kaçanik/Kaçanik and Fushë Kosovë/Kosovo Polje. Zubin Potok received a negative response to the request.

municipal documents or at least a small proportion.¹⁵ One common finding is that in 11¹⁶ municipalities there are often delays in translating documents which can be attributed to either overburdened staff or delays in distributing documents to translators. It is important to note that only half of the assessed municipalities commonly claim to use all official languages in official communication, public information and municipal documentation.

Generally, simultaneous translation during municipal meetings is available Kosovo-wide.¹⁷ However, in Fushë Kosovë/Kosovo Polje and Novobërdë/Novo Brdo only consecutive translation is provided. Equipment for simultaneous translation is now available in all but nine¹⁸ municipalities although it is rarely used, not operational or waiting to be installed.

It should be noted that to date, only Gjilan/Gnjilane Municipality is in the process of organising language training to build the capacity of civil servants while Novobërdë/Novo Brdo held a few language classes for civil servants back in December 2005 to January 2006. Moreover, according to the MCO in Viti/Vitina, requests for language training have been refused by the Director of General Administration.

¹⁵ In Deçan/Deçane there have been some efforts to improve the number of translated documents but efforts are limited for the moment. In Kaçanik/Kaçanik some municipal decisions, Rules and Procedures and the Municipal Statute have been translated. In Shtime/Štimlje 90% of documents are translated. In Prizren although documents are translated, the Serbian quality of translation is quite poor. Suharekë/Suva Reka is gradually improving but few documents have been translated to date. In Fushë Kosovë/Kosovo Polje document translation is affected due to the municipal translator's absences or scheduling conflicts thus, not everything is translated. In Lipjan/Lipljan most documents are translated. In Gjakovë/Đakovica a new unified logo is displayed on all official documents translated in three languages. All translations are on hold in Zubin Potok, Leposavić/Leposaviq and Zvečan/Zveçan due to municipal authorities recent severing of ties with the PISG.

¹⁶ Istog/Istok, Novobërdë/Novo Brdo, Štrpce/Shtërpçë, Vushtrri/Vučitrn, Skenderaj/Srbica, Mitrovicë/Mitrovica, Rahovec/Orahovac and Gjakovë/Đakovica. In Pejë/Peć the Policy and Finance Committee does not receive translated documents. In Prishtinë/Priština meetings are sometimes postponed due to translation delays. In Gjilan/Gnjilane invitations and other materials are often delayed or not translated at all for the Kosovo Serb Director of Agriculture.

¹⁷ Vushtrri/Vučitrn, Istog/Istok, Pejë/Peć and Lipjan/Lipljan, are now starting to provide this service,. In Prizren no Turkish translation was provided during the public discussion on the second draft urban regulatory plan nor Bosnian during a Ministry of Culture Youth and Sports organised event on the presentation of the new Kosovo Youth Assemblies Action Plan. In Fushë Kosovë/Kosovo Polje translation has not taken place recently in the Policy and Finance Committee meetings, while in Skenderaj/Srbica and Podujevë/Podujevo, simultaneous translation is provided based on minority attendance at meetings or upon request as these municipalities have either no or small minority community populations. In Dragash/Dragaš and Rahovec/Orahovac simultaneous translation services are indeed available and used on a daily basis. Previously the same applied to Zubin Potok, Leposavić/Leposaviq and Zvečan/Zveçan municipalities, however since all ties with PISG institutions have been broken, mandatory municipal meetings are rarely taking place.

¹⁸ Malishevë/Mališevo, Zubin Potok, Zvečan/Zveçan, Glogoc/Glogovac, Deçan/Deçane and Kaçanik/Kaçanik. In the Pilot Municipal Unit Mamuša/Mamushë/Mamuša, the donation of equipment from the MLGA is not foreseen. In Mitrovicë/Mitrovica some parts of the equipment are still missing. In Pilot Municipal Unit Hani i Elezit/Đeneral Janković central level has told the Pilot Municipal Unit that they will receive translation equipment at a later date as a further step to decentralization.

Furthermore, from the evidence collected by the OSCE MTs, 17¹⁹ municipalities display information varying from vacancy postings and tenders to municipal decisions and regulations on their municipal building public boards either in two or in the cases of Prizren and Dragash/Dragaš, three languages. However, Shtime/Štimlje and Prishtinë/Priština do not regularly update displayed information. Aside from ten²⁰ municipalities that only display information exclusively in either Albanian or Serbian, the remainder either has no board erected as in Mitrovicë/Mitrovica and the Pilot Municipal Unit in Junik, or the municipal public board is rarely used as in Obiliq/Obilić and Deçan/Deçane.

In addition, eight²¹ municipalities have voluntarily erected municipal websites in both official languages and in the case of Prizren, four languages to ensure equal access to information for all minority communities. Another seven²² municipalities either have sites currently under construction or are in the process of updating the sites to ensure their language compliance in both official languages. Only in the case of Malishevë/Mališevo has there been outright municipal resistance to providing information in Serbian. Despite these positive developments, an overall need still exists to reinforce the use of all official languages and other minority languages in every aspect of municipal life to ensure minorities can fully exercise their rights.

III. Municipal compliance on the use of languages – sign compliance

According to Section 9.4 of UNMIK Regulation 2000/45, “Official signs indicating or including the names of cities, towns, villages, roads, streets and other public places shall give those names in both the Albanian and Serbian languages. In municipalities where a community lives whose language is neither Albanian nor Serbian, those names shall also be given in the language of that community”. The compiled data visibly demonstrates that in this respect, municipal level adherence to the regulation has not been effectively enforced across Kosovo.

Based on the information obtained from the OSCE MTs, 13²³ of the assessed municipalities do not always use the officially designated places’ names set forth in

¹⁹ Istog/Istok, Pejë/Peć, Novobërdë/Novo Brdo, Štrpce/Shtërpçë, Viti/Vitina, Gjilan/Gnjilane, Prizren, Dragash/Dragaš, Kamenicë/Kamenica, Rahovec/Orahovac, Gjakovë/Đakovica, Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan, Prishtinë/Priština and Vushtrri/Vučitrn. In Ferizaj/Uroševac job vacancies are only in Albanian. In Pilot Municipal Unit Mamuša/Mamushë/Mamuša for public meetings.

²⁰ Kaçanik/Kaçanik, Suharekë/Suva Reka, Malishevë/Mališevo, Gillogoc/Glogovac, Zubin Potok, Lepsavić/Lepsaviq, Zvečan/Zveçan, Skenderaj/Srbica, Lipjan/Lipljan and Klinë/Klina.

²¹ Ferizaj/Uroševac, Kamenicë/Kamenica, Prizren, Dragash/Dragaš, Gjakovë/Đakovica and Podujevë/Podujevo. In Viti/Vitina the person designated to translate the site does not speak Serbian and depends on the official municipal translator to provide him with the material on time (shortcomings related to the insufficient professional quality and low number of available translators). In Vushtrri/Vučitrn only 13 to 14 Municipal regulations have been translated.

²² Obiliq/Obilić, Shtime/Štimlje, Prishtinë/Priština and Mitrovicë/Mitrovica. Podujevë/Podujevo plans to complete all works by autumn 2006. Gjilan/Gnjilane has made significant progress recently and Suharekë/Suva Reka is slowly translating the website into Serbian.

²³ Malishevë/Mališevo. In Istog/Istok the village Gjurakovac/Đurakovac is referred to as Gurrakoc. In Viti/Vitina the Statute does not follow the regulation. Rahovec/Orahovac refers to three villages with

UNMIK Regulation 2000/43 and 2004/36 and Administrative Instruction 2004/23 in all official communications.²⁴

Overall, many of the assessed municipalities have either improved or are gradually attempting to improve all forms of municipal sign compliance. In Prizren, for instance, the name of streets are mentioned in either Albanian, Serbian or Turkish, depending on the area of location and street name title. However, there continue to be several cases of non-compliance, municipal authorities' lack of initiative or action to implement corrective measures. There is also a continuing practice by authorities to use only the majority language for street, place, road and municipal premises signs. In Zubin Potok, Leposavić/Leposaviq and Zvečan/Zveçan signs are almost exclusively in Serbian. In Kosovo Serb majority villages in Prishtinë/Priština, Lipjan/Lipljan, Pejë/Peć and Istog/Istok, signs are only in Serbian, whereas in Glllogoc/Glogovac, Malishevë/Mališevo and Kaçanik/Kaçanik, many signs are only displayed in Albanian.

Evidence shows that many municipalities exhibit several common problems related to enforcing complete sign compliance: in seven²⁵ municipalities, there is visible defacing of signs; in ten²⁶ municipalities only the word 'street' is translated on street signs

different names (Gurikuq for Petković/Petković, Malesi e Vogël for Radostë/Radoste and Fortese instead of Bellacërkë/Bela Crkva). In Suharekë/Suva Reka often the Municipality is referred to as Theranda but now the Municipality is starting to distance itself from the use of this name in some official documentation and the municipal website displays the proper name of the Municipality. In Fushë Kosovë/Kosovo Polje three villages are referred to in only one official language in official documents and communications. In Glllogoc/Glogovac the Municipality is referred to as Drenas in official documents, road signs and in the third issue of the Municipal Bulletin. In Obiliq/Obilić some village signs do not display the proper Serbian name while the main road sign between Mitrovicë/Mitrovica and Prishtinë/Priština displays the unofficial name of Kastriot. In addition, the MAP and the Prime Minister during a municipal visit orally referred to the name of the Municipality as Kastriot. In Prishtinë/Priština in some municipal documents, regulations and decisions non-existent village names are used such as Bardhosh/Devet Jugoviça instead of the official Nëntë Jugoviçët/Devet Jugoviça. In Vushtrri/Vučitrn sometimes documents submitted by municipal directors include unofficial place names. In Zubin Potok, Leposavić/Leposaviq and Zvečan/Zveçan only Serbian names are referred to in all official communications.

²⁴ UNMIK Regulation No. 2000/43 on the Number, Names and Boundaries of Municipalities; UNMIK Regulation No. 2004/36 Amending Regulation No. 2000/43 on the Number, Names and Boundaries of Municipalities and Administrative Direction No. 2004/23 on the Number, Names and Boundaries of Municipalities. It is important to note that AD 2004/23 does contain various mistakes with regard to the Serbian spelling of several places as it makes no distinction between the letters “c”, “ć” and “č”.

²⁵ Pejë/Peć, Suharekë/Suva Reka and Fushë Kosovë/Kosovo Polje. In Klinë/Klina there are rare cases. In Rahovec/Orahovac school and health facility signs in Ratkocë/Ratkovac village have been defaced. In Prishtinë/Priština Albanian on school, health house and courts signs in Kosovo Serb majority villages have been defaced as well as Serbian in certain Kosovo Albanian areas. In Skenderaj/Srbica road/village signs have been defaced.

²⁶ Gjilan/Gnjilane, Suharekë/Suva Reka and Gjakovë/Đakovica. In Klinë/Klina the naming of streets remains at a political impasse in the Municipal Assembly. In Štrpce/Shtërpçë streets do not have names. In Ferizaj/Uroševac street names have yet to be approved by the Municipal Assembly. In Rahovec/Orahovac Kosovo Serb areas exclusively utilise Serbian lettering. In Fushë Kosovë/Kosovo Polje the naming of streets is still pending. Skenderaj/Srbica and Pilot Municipal Unit Mamuša/Mamushë/Mamuša have no street signs.

otherwise names remain in the majority language²⁷; and some municipal premises and villages in 18²⁸ municipalities do not even display certain signs or are in only one official language. On the whole, 20²⁹ municipalities do exhibit a high standard of sign compliance.

In reference to municipal use of the correct spellings in each official language, compliance tends to be varied. The data shows that 17³⁰ of the assessed municipalities in some instances do not adhere to the above mentioned regulation on official spellings. In most cases, discrepancies appear on road/village signs and in official documents including reference to non-existent place names. On a positive note, in Rahovac/Orahovac and Skenderaj/Srbica previous misspellings on signs have been at least partially corrected.

²⁷ It should be noted that even when signs are language compliant, the name of the street can often carry a significant political connotation as what may be deemed appropriate may not literally remain the same or take on a pejorative connotation for a community that uses another language.

²⁸ Suharekë/Suva Reka. In Pejë/Peć school signs are only in Albanian. In Istog/Istok the school sign in Čerkolez/Črkolež is only in Serbian and the cultural house has no sign. In Pilot Municipal Unit Junik school and health house signs are in Albanian. In Štrpce/Shtërpçë the municipal building sign is not in Albanian. In Ferizaj/ Uroševac the Serbian part of the road sign at the entrance of the town has been removed and defaced at another entrance. In Kamenicë/Kamenica some villages do not possess signs. In Viti/Vitina most municipal premises' signs are only in Albanian. In Gjakovë/Đakovica school and health house signs are in Albanian only as well as the entry sign into the town. Moreover, the Directorate for Public Services' door sign and MCO signs are not in both official languages. In Fushë Kosovë/Kosovo Polje not all municipal directorate door signs are displayed but they are currently in the process of being finalised. In Vushtrri/Vučitrn some village signs are missing or the names have not been translated. In Skenderaj/Srbica school signs are only in Albanian. In Mitrovicë/Mitrovica some street signs in the town have been removed. In Lipjan/Lipljan no Albanian is displayed on minority school buildings. In Rahovec/Orahovac the word "school" is translated but the Albanian name is used and the same rule applies for the health house. In Deçan/Deçane Directorate door signs are in Albanian only. In Podujevë/Podujevo door signs are either missing or in the case of the Directorate of Cadastre, Geodesy and Property is only in Albanian. In Klinë/Klina all information inside the main Health Centre is only in Albanian.

²⁹ Istog/Istok, Klinë/Klina, Novobërdë/Novo Brdo, Štrpce/Shtërpçë, Ferizaj/Uroševac, Kamenicë/Kamenica, Shtime/Štimlje, Gjilan/Gnjilane, Pejë/Peć, Dragash/Dragaš, Rahovec/Orahovac, Suharekë/Suva Reka, Prishtinë/Priština, Podujevë/Podujevo, Vushtrri/Vučitrn and Mitrovicë/Mitrovica. In Prizren everything is in compliance except for the municipal emblem in Albanian and English and new signs are currently being posted on the remaining municipal premises such as the 'Bankos' building. In Obiliq/Obilić all signs are compliant except for three village signs that were stolen. In Lipjan/Lipljan the Municipality alerted the Ministry of Transport and Communications of one non-compliant sign which was removed but not replaced, while the Pilot Municipal Unit Mamuša/Mamushë/Mamuša only has one sign.

³⁰ Viti/Vitina, Prishtinë/Priština, Zvečan/Zveçan, and Mitrovicë/Mitrovica and Prizren. In Istog/Istok the village name Gurrakoc is incorrect. In Ferizaj/Uroševac there are examples in translations of the use of non-existent words. In Rahovec/Orahovac there are some small exceptions on signs. In Gjakovë/Đakovica there are some mistakes on village/road signs. In Malishevë/Mališevo there are many mistakes on village/road signs. In Fushë Kosovë/Kosovo Polje incorrect spelling of village names are used in official documents and conversations (Livragonë/a instead of Vragoli/Vragolija). In Obiliq/Obilić there are reports of incorrect spellings in Serbian. Glogoc/Glogovac only uses Albanian spelling. In Lipjan/Lipljan there are some errors in Serbian on road signs. In Vushtrri/Vučitrn the road sign at the entrance of the town which falls under the responsibility of the Ministry of Transport and Communications is non-compliant. In Leposavić/Leposaviq and Zubin Potok generally spellings are only in Serbian.

IV. – Implementation of Roma, Ashkali, Egyptian, Turkish, Bosniak and Gorani minority communities’ language rights

Throughout section 9 of UNMIK Regulation 2000/45, several legal guarantees are spelled out to ensure the use of the languages of communities whose language is neither Albanian nor Serbian whose community constitutes a substantial part of the population. The data compiled shows that generally, these communities are able to communicate in their own language with municipal institutions and officials. However, municipal responses to community requests related to the use of their languages have been inconsistent.

Upon analysis of existing data, there have been very few instances of Roma, Ashkali, Egyptian, Kosovo Turkish or Kosovo Bosniak communities putting forth specific requests to respective municipal officials for additional language usage in any form in their relevant tongue.³¹ Moreover, there are only a few reported cases such as Pejë/Peć and Prizren where municipal authorities engaged in an initiative to increase or further strengthen the language rights of other minority communities. (In Pejë/Peć, authorities passed a Municipal Assembly decision requiring that all information written in Serbian be in Latin letters so as to accommodate the needs of the Kosovo Bosniak community, while the use of Turkish and Bosnian has become commonplace by Prizren municipal authorities). It is important to note that the right to communicate in one’s own language is visibly secured for persons belonging to all communities across Kosovo except in the case of the Kosovo Bosniak community in Deçan/Deçane who reportedly are afraid to speak Bosnian in public and therefore prefer to communicate in Albanian.

It has been reported that members of Roma, Ashkali and Egyptian communities communicate in either Serbian or Albanian with municipal authorities and in the case of Gjakovë/Đakovica, the Bosniak community articulate their needs in Albanian due to their high level of integration into the majority community.³² This situation is identical for the Kosovo Turkish community in Vushtri/Vučitrn, although municipal officials’ state that no institutional mechanism is in place to guarantee that members of the community can access services in Turkish.

³¹ In Dragash/Dragaš, the Gorani and Kosovo Bosniak communities have requested that new village signs be posted where they had been defaced or in cases where the Albanian spelling precedes the Serbian/Bosniak (signs are currently being replaced for the third time). The Municipality is in the process of replacing all of the above-mentioned signs. In Gjiilan/Gnjilane, the Kosovo Turkish community has submitted written requests via the Communities Committee to the MAP requesting that signs and documents be displayed in Turkish. The request is to be raised during the Municipal Assembly session. In Mitrovicë/Mitrovica, the Kosovo Turkish community has formally requested the Municipality that Turkish be granted equal status as an official language and should be displayed on street names and in documents. The issue has also been raised with the OSCE Regional Centre and debated in the Communities Committee. According to the Municipality, document requests are fulfilled with delays and the Municipal Assembly claims that it does not possess the authority to take a final decision on the matter.

³² Although Roma speak either Serbian or Albanian, it is likely that they can also address the municipality via the MCO in municipalities where Roma constitute a large portion of the total population.

CONCLUSIONS

The Kosovo-wide assessment conducted on municipal minority language compliance demonstrates several successes and gaps in existing implementation practices and identifies many concerns. Despite progress, there is still room for improvement of minority language rights promotion and protection by municipal and central level authorities. Failure to comply with mandatory language requirements has resulted in an overall reactive approach on the part of many municipalities to address minority community needs by only meeting at best, a minimum level of language compliance. The overall implementation of minority communities' languages rights remain unfulfilled Kosovo-wide and as a result, minority access to information, municipal sign compliance, capacity building of municipal officials on language issues and municipal outreach to all minority communities continue to be unachieved targets in some places.

The causes of this situation stems from gaps in existing legislation, a failure to establish language compliance as a municipal priority, lack of proper allocation of existing municipal and central level resources, general negligence, ongoing dependence on the international community – UNMIK Department of Civil Administration (DCA) and OSCE - to provide necessary translation services to fill municipal gaps, political unwillingness or in cases, resistance in the application of the law. This has led to disrespect for individual minority rights and in certain cases, possible minority discrimination. These actions result in clear violations of the principles of non-discrimination whether direct or indirect based on language and ethnicity and do not adhere to the principles of fair representation of all persons and interethnic tolerance of the people of Kosovo as stipulated in the Kosovo Assembly Anti-Discrimination Law.

Moreover, the results of this assessment raises a concern over the use of Serbian as an equal substitute for Bosnian to adhere to language legislation in municipalities where the language of communities is neither Albanian nor Serbian and the Bosniak community constitutes a substantial part of the population.

At the time that this report was finalised, there was no clear definition in Kosovo's existing legislative framework that elaborated to what extent central level authorities could regulate, intervene, overturn and impose disciplinary actions upon municipalities especially regarding matters of legislative non-compliance. This has been addressed in the new Kosovo Assembly Law on the Use of Languages, and should now be effectively implemented.³³

Effective protection of minority rights is reflected in the Kosovo Standards Implementation Plan and the European Partnership Action Plan. Despite these developments, the OSCE urges all relevant stakeholders to take immediate steps to protect the individual and group rights of all minority communities in Kosovo.

³³ Kosovo Assembly Law No. 02/L-37 promulgated with UNMIK Regulation No. 2006/51 of 20 October 2006.

RECOMMENDATIONS

1. To the municipalities

Fully comply with the existing legal framework including the Anti-Discrimination Law, the Constitutional Framework, the Law on Access to Official Documents, and UNMIK Regulations regulating the self-government of municipalities and the number, names and boundaries of municipalities.

Ensure the equal implementation of minority community language rights for non-Kosovo Albanian and Kosovo Serb communities by fully complying with the new Kosovo Assembly Law on the Use of Languages.

Promote the use of the Communities and Mediation Committees as the main municipal authorities for every individual in Kosovo to raise awareness, promote individual and minority rights and challenge wrongful municipal conduct on any issue that affects the general population.

Prioritise the allocation of funds from existing municipal resources to ensure the existence of adequate translation and interpretation capacities (i.e. verbal and written translation, all forms of official communication, sign compliance) thus fulfilling all forms of translation compliance articulated in the relevant legal framework. These corrective measures will enhance the ability of all communities to participate in the decision-making process.

Ensure the full implementation of the use of the Bosnian language where required based on the population make-up of communities where their language is neither Albanian nor Serbian and these communities constitute a substantial part of the population. Where municipal websites have been erected, work to guarantee that all individuals have equal access to this information in all official languages. Intensify outreach activities towards minority communities to bolster community confidence in municipal institutions. Actively organise capacity building initiatives for municipal staff regarding the importance of individual language rights. Undertake initiatives to raise civil society awareness of the importance of language compliance as a means to guarantee individual and group rights.

2. To the Ministry of Local Government Administration

As per UNMIK Regulation No. 2005/15 Amending UNMIK Regulation No. 2001/19 on the Executive Branch of the Provisional Institutions of Self-Government in Kosovo Annex XIV item (iii) (e) and (i):

Guide the municipalities on the implementation of UNMIK Regulations on municipal self-government and provide support to municipalities to undertake any necessary capacity building initiatives including the organisation of all necessary training of

municipal staff that would further guarantee language rights and secure significant progress related to language legislation.

Revise Administrative Instruction 2005/7 for the Implementation of Responsibilities of the Ministry of Local Government Administration in Relation to Monitoring and Supervision of Municipalities to address certain gaps in Kosovo's legislative framework such as, ensuring that municipalities comply fully with section 9 of UNMIK Regulation 2000/45 and other municipal responsibilities.

Improve the capacity of the established sector to monitor language compliance at the ministerial and municipal levels by allocating the necessary funding and staff needed to regularly and effectively monitor compliance.

3. To the Ministry of Transport and Communications

Take all necessary remedial action regarding the posting and replacement of defaced and non-compliant road signs falling under the competence of the Ministry. Also ensure regular communication with municipalities.

4. To the Ministry of Public Services

Improve the capacity of the established sector to monitor language compliance at the ministerial and municipal levels by allocating the necessary funding and staff needed to regularly and effectively monitor compliance.

5. To the Ministry of Finance and Economy and all other ministries

Always provide municipalities with documentation in all official languages and also in the languages of communities whose language are neither Albanian nor Serbian and constitute a substantial part of the population in a municipality to ensure equal access to information for all individuals.

Promote the continued implementation of all Standards for Kosovo at the central and municipal levels and always provide any central level training for municipal civil servants in the language of all participants.

6. To UNMIK

Revise the Annex to UNMIK Administrative Instruction 2004/23 to ensure that the official spelling of all places are respected.