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MISSION IN KOSOVO**

Monitoring Department

**Implementation of the Law on the Use of Languages by
Kosovo Municipalities**

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1. EXECUTIVE SUMMARY

More than just political statements are needed to ensure the integration of non-Albanian communities in Kosovo. Political steps made to maintain and reintegrate persons belonging to non-Albanian communities within the Kosovo civil service have not been matched by the allocation of adequate resources for the implementation of laws such as the Law on the Use of Languages¹ (Law on languages), which affect the daily life of persons belonging to non-majority communities and may contribute to their integration or segregation.

Nineteen months after promulgation, the implementation of the Law on languages remains problematic. Some positive results are observable regarding topographical signs in both the official languages along regional roads or the provision of interpretation during meetings of municipal legislative and executive bodies. The Kosovo government has adopted Administrative Instructions and has established the Language Commission.² However, several challenges have yet to be addressed. Important Administrative Instructions have not been published or are not adequately implemented, and the general public has no access to them and cannot demand their implementation. Linguistic communities have not been consulted or involved in the appointment of the Language Commission. Kosovo Consolidated Budget constraints and shortage of resources are affecting the implementation process adversely, and the Law itself does not identify and allocate specific means to support the development of adequate municipal capacities. The Kosovo government has not undertaken any public information campaign in order to clarify the obligations of central and municipal institutions and the rights of users of official and other community languages.

Kosovo remains a society divided along linguistic lines. For nearly twenty years children of the Kosovo Albanian and Kosovo Serb communities have not received education in both official languages. In most cases, they continue to receive separate education. Kosovo Albanian and Serb communities also receive separate health care and municipal services. This divide also affects other communities, who are often forced to choose between one of the two systems, or whose linguistic rights in education have yet to be fully satisfied by the Kosovo authorities. As a result, these new generations know and speak only one of the official languages and cannot communicate with each other. At the same time, these generations will in future be responsible for ensuring the equal use of the official languages in government and civil society. While the likelihood of a common multilingual social and institutional space decreases, this paradox needs to be addressed with a clear commitment from the involved communities and adequate policy measures. The conflict and its root causes must be dealt with if a multi-linguistic society and institutional system is to be preserved.

Even if as a result of conflict-related displacement, several regions and municipalities of present-day Kosovo have lost their multi-linguistic diversity or have become less diverse, displaced persons still retain their right to return, to seek and obtain information on municipal affairs and may require services from such authorities. Municipalities are responsible to implement the Law regardless of their demographic composition.

¹ Assembly of Kosovo Law No. 02/L-37 On the Use of Languages, as promulgated by UNMIK Regulation No. 2006/51.

² This body operates based on Article 32 of the Law and the Office of the Prime Minister's Administrative Instruction No. 2007/03 and Administrative Instruction No. 2007/06.

2. INTRODUCTION

Through the adoption of the Law on languages in October 2006, the Assembly of Kosovo harmonised existing legislation on the use of languages, and reaffirmed the commitment to ensure the equal use of the official language, Albanian and Serbian. The legislator also set forth the conditions through which other community languages can be recognised and used in municipalities where the involved linguistic community represents three to five per cent of the population or where the language has been traditionally spoken. Based on Article 2.3 and 2.4 of the Law, languages traditionally spoken or spoken by three per cent of the population can be recognised as ‘languages in official use’. Users of such languages can receive services and obtain documents in their language only through individual requests. In addition, languages spoken by five per cent or more of the population can be recognised as additional official languages of the Municipality. Users of these languages have the same rights as users of the Albanian and the Serbian languages. However the recognition of languages through demographic thresholds will apply only after an official population census is conducted. The Law on languages is an advanced legal instrument. It is based on and complements the Constitutional Framework³, the Anti-discrimination law⁴ and international instruments for the protection of national minorities and regional or minority languages applicable in Kosovo.⁵

The OSCE Mission in Kosovo (OSCE) has assessed how Municipalities implement their obligations under the Law in order to allow for the Kosovo government to systematically enhance compliance and accountability towards linguistic communities. The OSCE analysed practices such as: interpretation during meetings; translation of official documents and municipal websites; use of languages on official and topographical signs; translation and interpretation capacities; and obstacles affecting the implementation of the Law.

3. IMPLEMENTATION OF THE LAW ON THE USE OF LANGUAGES

3.1 Public information regarding the Law on the use of languages

The Kosovo government has not fulfilled its obligation to “[...] conduct a public awareness programme with regard to the Law immediately upon its promulgation,” as required by Article 36.2 of the Law. The OSCE observed public information activities only in Klinë/Klina, where the municipality conducted a public consultation meeting prior to the adoption of a regulation on the use of languages, and Obiliq/Obilić, where the Municipal Communities Office convened communities’ representatives to discuss the implementation of the Law on languages by municipal authorities.

3.2 Municipal regulations and practices for the recognition and use of languages traditionally spoken

Pursuant to Articles 2.4 and 35 of the Law on languages, municipalities were obliged to adopt detailed regulations regarding the recognition of languages traditionally spoken in their territory within six months from the date of its promulgation. In August 2007, the Ministry of Local Government Administration adopted the Administrative Instruction No. 2007/06 which sets forth procedures through which municipalities shall recognize languages in official use, under the conditions specified by the Law on languages.

Reportedly 22 municipalities have received the Administrative Instruction and 11 have not. To date, only one municipality has adopted a regulation on the use of languages⁶, which fails to establish procedures through which other languages could be recognized in accordance with the Law and the Administrative Instruction. Some municipalities are following informal procedures. In five

³ UNMIK Regulation No. 2001/9 On a Constitutional Framework for Provisional Self-Government in Kosovo, Chapter 3 (Human Rights) and Chapter 4 (Rights of Communities and their Members).

⁴ Kosovo Law No. 2004/3, promulgated by UNMIK Regulation No. 2004/32.

⁵ As regulated in the Constitutional Framework, Chapter 3.2(g); (h) and Chapter 3.3.

⁶ Municipality of Klinë/Klina, Regulation on the Use of Languages in Municipal Institutions No. 01-07-72/07.

municipalities, languages other than Albanian and Serbian were in official use prior to the promulgation of the Law. Pursuant to the Law the Turkish language is now official in Prizren. In 2007 and 2008, Gjilan/Gnjilane, Mitrovicë/Mitrovica, Prishtinë/Priština, and Vushtrri/Vučitrn recognized Turkish as a language in official use. To date, however, limited or no human resources have been allocated to sustain such a commitment. In Prizren and Dragash/Dragaš, municipal legislation and municipal building signs are also in Bosnian. In Dragash/Dragaš and Pejë/Peć street names and topographical signs are in Albanian, Serbian and Bosnian, and a project to translate street signs in both official languages has been implemented in 2008 in Novobërdë/Novo Brdo. In some other municipalities, persons whose mother tongue is not an official language are able to present submissions and receive answers in their own language, by provision of the respective Municipal Statutes or as an established practice.⁷ Although the Romani language is traditionally spoken in Prizren and eligible for recognition according to Article 2.4 of the Law, the Municipality neither recognizes nor protects the linguistic rights of this sizeable community.

3.3 Use of languages in relations with municipal authorities

Article 7.2 of the Law on languages provides that “[e]very person has the right to communicate with, and to receive available services and public documents from, municipal institutions and officials in any of the official languages. Every municipal representative and executive body has a duty to ensure that every person can communicate with, and can obtain available services and public documents from, any municipal institution or organ in any official language.” Article 8.1 further stipulates the right of persons whose language is in official use to present oral or written submissions and documents, and to receive a reply in their own language, from municipal institutions and officials, if they so request.

In 17 municipalities the OSCE interviewed persons belonging to non-majority communities, who described positive experiences and difficulties they face when using their mother tongue in relations with municipal authorities. The survey also enquired about safety perceptions regarding moving and using the mother tongue in public places inhabited by a majority population. Twenty-eight percent of the respondents experienced problems in receiving services in the respective languages. These belonged to the Kosovo Serb, Kosovo Turk, Roma and Kosovo Bosniak communities. Forty percent of the respondents highlighted difficulties in receiving written documents in their languages. These belonged to the Kosovo Serb, Kosovo Turk, Roma, Kosovo Bosniak and Kosovo Croat communities.

Serbian language-speakers highlighted difficulties in communicating with and receiving services and documents from the municipal authorities and remarked the fact that younger officials do not speak this language. On the contrary, Kosovo Albanian residents of the mixed Municipality of Novobërdë/Novo Brdo responded that they had no difficulties in communicating with and receiving services and documents in their mother tongue. The same positive experience was conveyed by members of the Ashkali and Egyptian communities of Albanian mother tongue who live in Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje and Gjakovë/Đakovica.

Kosovo Croats from Lipjan/Lipljan and Kosovo Bosniaks from Dragash/Dragaš, Prizren and Pejë/Peć underscored difficulties with reference to the issuance of written documents in their language, including documentation needed for the issuance of identity cards and death certificates, medical reports and instructions, as well as notifications on the announcement bill-boards of primary health care institutions which are provided only in the Albanian language. Turkish speakers in Gjilan/Gnjilane and Prishtinë/Priština have problems communicating with and receiving services and documents in Turkish from municipal authorities. Some respondents felt challenged when receiving written documents issued by the local authorities as most documents were in Albanian and it was difficult to ensure their translation. To date, the Romani language lacks specific protection or support in Kosovo. Although the Roma communities have traditionally spoken their language in various municipalities, it has not been recognized and remains confined to the private sphere. Romani speakers have problems in

⁷ Dragash/Dragaš, Klinë/Klina, Deçan/Deçane, Shtërpçë/Štrpce, Kamenicë/Kamenica, Novobërdë/Novo Brdo, Prishtinë/Priština, Zvečan/Zveçan, and Junik.

communicating with and receiving services and documents from municipal authorities due to the fact that municipal officials do not speak Romani and have to speak either in Albanian or Serbian.

Serbian and Romani speaking interviewees expressed insecurity perceptions regarding their freedom to move and use their mother tongue in public places inhabited by the majority population of particular municipalities, such as Gjilan/Gnjilane, Mitrovicë/Mitrovica and Klinë/Klina.

3.4 Civil servants, work environment and use of official languages

As Article 7.5 of the Law requires, “[m]unicipal institutions must ensure that their work environments are conducive to the effective use of the official languages and accommodate the use of any official language by their officers and employees.”

Reportedly nine municipalities and Pilot Municipal Units have no multi-community civil service, while the remaining 24 municipalities and the administration in northern Mitrovica/Mitrovicë have at least one civil servant belonging to a non-majority community in the respective municipality. In 20 municipalities, civil servants say that they feel comfortable using any of the official languages in contacts with colleagues at work. In a small number of municipalities, Serbian-speaking civil servants did not feel comfortable using their mother tongue in contacts with groups of colleagues (Klinë/Klina), or had been unable to communicate directly in Serbian with municipal officials, who requested an interpreter as a condition to meet (Ferizaj/Uroševac). These officials were allegedly able but unwilling to speak Serbian. While requesting interpretation does not imply a failure to comply with the Law on languages, relevant municipal authorities may consider actions to make their work environments more conducive to the use of the official languages. In 18 municipalities, civil servants confirmed that employees communicate with the public in any of the official languages for a variety of reasons, which include the facts that:

- they are willing to use both languages according to their linguistic proficiency;
- they want to abide by the Law;
- there is an institutional tradition of multi-lingual communication, which was maintained even during the most tense periods;
- senior officials give the example and communicate with the public in both official languages.

According to Article 7.5, where civil servants are not proficient in one or more official languages or languages in official use, municipal authorities are responsible for ensuring necessary interpretation.

3.5 Interpretation during meetings of representative and executive bodies

According to Articles 7.3 and 8.4 of the Law, the municipality is obliged to provide interpretation from one official language into the other and from one official language into another community language if there is a request. This obligation refers to meetings of representative and executive bodies, and to public meetings organized by the municipality.

The research showed that formal or informal procedures to request interpretation are in place only in 18 municipalities and Pilot Municipal Units. With few exceptions, interpretation is generally provided in these municipalities when requested in representative and executive bodies and Municipal Working Groups on Return.

3.6 Translation of official documents

As required by Article 7.4 of the Law on languages, “records of meetings and official records of municipal representative and executive bodies, public registers and other official documents shall be kept and issued in all official languages of the municipality.” In addition, Article 7.6 provides that “[r]egulations and subsidiary acts adopted by municipal institutions shall be printed and published in the official languages of the municipality [...]”. However, much remains to be done to ensure the equality of the official languages. Lack of will and resources continues to prevail in several Kosovo Albanian and Kosovo Serb majority municipalities. The fact that no or few persons whose language is Serbian or

Albanian live in or have returned to their places of origin, appears to be the reason why several municipalities fail to translate their documents into one of the official languages.

In the northern Kosovo Serb majority municipalities of Leposavić/Leposaviq, Zvečan/Zveçan, and Zubin Potok, minutes of representative and executive bodies are not issued in Albanian. In Kosovo Albanian majority municipalities, minutes in Serbian are never or rarely available in several Municipal Assemblies, Policy and Finance Committees, Communities Committees, Mediation Committees, Boards of Directors, and, to a lesser extent, Municipal Working Groups on Returns. The same divide between northern Kosovo Serb and southern Kosovo Albanian municipalities prevails with reference to the translation of Municipal Assembly decisions and regulations; conclusions, proposals and recommendations of Municipal Assembly Committees; and decisions of Boards of Directors and Departments. Such documents are available in Albanian always or most of the times in southern Kosovo but not in northern Kosovo; and are not published or printed in Serbian in several Kosovo Albanian municipalities.

3.7 Translation of municipal websites

Article 7.2 of the Law compels municipal authorities to “[...] ensure that every person can [...] obtain available services and public documents from any municipal institution or organ in any official language,” whereas pursuant to Article 7.6 “[r]egulations and subsidiary acts adopted by municipal institutions shall be printed and published in the official languages of the municipality.”

Municipal websites provide access to electronic information on mandates, activities, services and employment opportunities. As of November 2007, 23 municipalities and Pilot Municipal Units had opened a website, of which seventeen are functional. The names of municipalities in the website addresses were in Albanian in 17 and in Serbian in six cases. This disparity is incompatible with the obligation to ensure the equal status of both official languages. No municipality is fully compliant with the obligation to equally use both the official languages. In four websites there was no document translated into Serbian and in another five the number of documents translated in Serbian was never higher than twenty-nine percent of the total. More but not all documents (from fifty-four to seventy-four percent) were translated into Serbian on the remaining eight municipal websites. In ten websites up to sixteen percent of the documents were only partially translated into Serbian.

As to the quality of translation into Serbian, the OSCE assessed that content conversion was accurate in nine websites and more than sufficient in four. Quality tended to slightly decrease when grammar and syntax were considered. Grave mistakes were identified with reference to the use of the Serbian alphabet, particularly because specific letters of the latter were not used or were replaced by symbols in many of the websites. As a result the quality was assessed as inaccurate to less than sufficient in seven websites, and sufficient to accurate in the other six.

3.8 Use of languages on street and other topographical signs

According to Article 9.2 of the Law: “Official signs indicating or including the names of municipalities, villages, roads, streets and other public places shall be displayed in the official languages and in the languages that have the status of official language in the municipality in accordance with Article 2.3.” Pursuant to Section 11.2(k) of UNMIK Regulation No. 2007/30, Municipal Assemblies have the exclusive responsibility for decisions concerning “[t]he naming and renaming of roads, streets and other public places.”

Only 20 out of the 34⁸ administrative units have adopted a decision or regulation on street names. In 17 of them, Municipal Assembly decisions provide all or most street and public venues names only in one of the official languages, according to the community which represents the majority. Pejë/Peć and Dragash/Dragaš are the only municipalities in which all street names are translated and displayed in both Albanian and Serbian, as Article 9.2 of the Law requires.

⁸ Including the Pilot Municipal Units and the United Nations Administration in Mitrovicë/Mitrovica

Most streets (seventy-eight percent) are named after personalities and in most decisions, selected personal names are either Albanian or Serbian. The selection of names of personalities that belong exclusively or almost exclusively to the majority community prevents the equal use of the official languages and has a discriminatory impact. The problem could be addressed by insisting on municipalities using non-personal names which can be translated in all the official languages without hindrance, thus ensuring compliance with Article 9.2 of the Law.

In addition, Article 9.2 of the Law stipulates that in the territory of each municipality official signs indicating or including the names of municipalities and villages shall be displayed in the official languages of the municipality. The Ministry is responsible for maintaining the traffic signs on main and regional roads, while municipalities are responsible for traffic signs on local roads. The Ministry of Transport and Communications has ensured the installation of bi-lingual signs on regional roads throughout the territory of Kosovo. In 16 municipalities, the OSCE observed that these signs were consistently displaying the official names of municipalities and villages in both official languages. Violations were noticed in 17 municipalities and Pilot Municipal Units. These violations include the use of unofficial names,⁹ names of places only in one official language, misspellings of the official names, defaced signs which had not been cleaned or replaced, and several topographic signs removed or destroyed.

3.9 Obstacles to the implementation of the Law on the Use of Languages

The OSCE identified a number of obstacles which affect adversely the implementation of the Law in more than half of the municipalities: no or insufficient translation unit staffing and the inability to recruit additional language assistants; low salaries insufficient to attract or retain more qualified language assistants; language assistants are overburdened; the municipality allocates and/or has insufficient financial resources, the lack of a (written) municipal policy on the use of languages. Other obstacles were found to be relevant in less than fifty percent of the municipalities: lack of motivation of language assistants, due to working conditions, high workload, or other factors affecting morale; documents from central institutions are only in Albanian; language assistants are used for other assignments; the Municipality is not committed to language policy; the language staff has insufficient professional experience. The practice of various central institutions of delivering official documents to municipal authorities only in the Albanian language, or delivering documents poorly translated into Serbian was underscored as a reason for concern in 11 municipalities.

3.10 Translation and interpretation capacities

Although the Law on languages does not stipulate this explicitly, the implementation of the Law would require adequate human, financial and technical resources, which are often insufficient. This includes establishing translation units, recruiting an adequate number of qualified language assistants, and assuring their access to appropriate working conditions and professional development opportunities.

Out of the 34 administrative units, 28 have established municipal translation units and 24 municipalities have appointed Language Focal Points. Six municipalities have no language assistants at all, another 23 have one to two language assistants and only five have recruited three or more assistants. Of 56 language assistants working in municipalities, 48 provide services in Albanian and Serbian (1.4 per municipality). There have been no new recruitments in 2008. Therefore, insufficient or no staffing impacts upon the efficiency of translation/interpretation services or causes frequent failure to translate the working documents of representative and executive bodies. None of the translation units comprise language editors responsible for proof-reading and quality-control. Since documents are originally produced in Albanian in most municipalities, this particularly affects the quality of translations into

⁹ Drenas/Gllogovac instead of Gllogoc/Glogovac, and Skenderaj/Skenderaj instead of Skenderaj/Srbica are used on regional and local roads. In Obiliq/Obilić some road signs in the regional road Prishtinë/Priština – Mitrovicë/Mitrovica use the name “Kastriot” instead of Obiliq.

Serbian. The same situation applies to the Albanian language in Kosovo Serb majority population municipalities.

Functioning simultaneous interpretation equipment is installed and used in 20 municipalities. In another seven available assets do not function or are not used and there is no interpretation equipment in six municipalities.

Translation units have no separate budget and in some cases have inadequate equipment and office space. According to the OSCE observation, 22 municipalities did not allocate sufficient financial resources to boost their capacities. No specialized higher education curriculum is currently available in Kosovo to train and certify interpretation and translation specialists, linguist lawyers and court interpreters. Thirty-one out of 56 language assistants hired by municipalities, have only secondary education. In ten municipalities none of the interviewed assistants had allegedly attended a specialized course. Twenty-five assistants stated having attended only one training session or course organized by the Kosovo Institute of Public Administration, the Ministry of Public Services and the Ministry of Local Government Administration, in a time span from 2005 to 2007. These courses had a short duration of one to five days. Seven assistants had received additional specialized training from other institutions.

In 2007, the Ministry of Public Services' Central Language Monitoring Unit began to systematize activities aimed at assessing capacity building needs and designing professional development training for language units of Ministries. Every three months the staff of these units undergoes a language proficiency test whose results are used to identify weaknesses and design capacity building courses. In 2007, the Ministry of Public Services, the Ministry of Local Government Administration and the Kosovo Institute of Public Administration have jointly organized one training on interpretation techniques which targeted all central level language assistants, and most of the language assistance staff employed by municipalities.

4. CONCLUSIONS AND RECOMMENDATIONS

Nineteen months after promulgation of the Law on languages insufficient human and financial resources are allocated to implement the Law at the municipal level. Municipal regulations on the recognition and use of additional municipal official languages and languages in official use need to be adopted. Various municipalities continue to receive from Ministries and other central institutions documents not translated in Serbian or whose Serbian translation is of poor quality, but do not report these cases to the Language Commission.

The OSCE welcomes the creation of the Language Commission in May 2007, as a central mechanism to oversee and ensure implementation of the Law, and the issuance of several Administrative Instructions, but remarks that some of these have not been published¹⁰ or are not adequately implemented. Therefore the general public has no access to them and cannot demand their implementation. One year after its establishment, the public is generally not aware about the Language Commission and of the important use of language-related procedures. Only one complaint has been submitted to the Commission. The appointment and composition of the Commission has not enabled the effective participation and representation of all linguistic communities as required by the Law on languages, Article 32.10. Moreover the Commission lacks own budget, resources and office space. Ministries and the Assembly of Kosovo have not invited the Commission to comment on draft legislation related to the use of languages.

For these reasons, the OSCE recommends that Kosovo institutions:

¹⁰ For instance the Prime Minister's Administrative Instruction No. 2007/03 and the Ministry of Local Government Administration Administrative Instruction No. 2007/06.

- **Conduct** a public awareness campaign, publish all related Administrative Instructions and allocate adequate financial, human and technical resources to ensure implementation of the Law;
- **Ensure** that municipalities adopt regulations on languages, regulate the functioning of translation units and develop a systematic professional development curriculum for translation units;
- **Amend** the composition of the Language Commission to enable the effective participation and representation of all linguistic communities, and empower the Commission to operate effectively and independently through adequate resources and logistic support;
- **Ensure** that the Kosovo education system does not reinforce linguistic separation and provides full instruction in either of the chosen official languages with compulsory classes in the other, and provide regular civil servant trainings to ensure learning of both official languages.