



Заштитник грађана  
Zaštitnik građana

**REPUBLIC OF SERBIA  
PROTECTOR OF CITIZENS**

16-1977 / 10  
Belgrade

---

Ref. No. 21306 Date 7/11/2011

On the basis of Article 138 paragraph 1 of the Constitution of the Republic of Serbia (*Official Gazette of RS*, No. 98/06), pursuant to Article 1 paragraph 2 of the Law on the Protector of Citizens (*Official Gazette of RS*, Nos 79/05 and 54/07) and Article 31 paragraph 2 of the Law on the Protector of Citizens (*Official Gazette of RS*, No. 79/05 and 54/07), and based on collected facts and information, the Protector of Citizens hereby

**ESTABLISHES**

**The Law on Official Use of Languages and Scripts (hereinafter referred to as: the Law) does not provide all necessary means and measures for implementing the constitutionally defined obligation to the official use of Serbian language and Cyrillic script in the bodies or organisations vested with public authority.**

**The supervision of the implementation of the Law and the fulfillment of the obligation of public authorities to officially use the Serbian language and Cyrillic script is within the purview of the ministries, which do not have the necessary capacity to carry out such responsibilities.**

**The Law on Official Use of Languages and Scripts does not prescribe penalties if the body or organisation vested with public authority fails to fulfil the obligation of the official use of Serbian language and Cyrillic script in accordance with the Law.**

Given the evidence, the Protector of Citizens refers to the Ministry of Human and Minority Rights, Public Administration and Local Self-Government the following:

**RECOMMENDATION**

In order to achieve the consistent application of the Law, with the aim of fulfilling the obligations of bodies and organisations vested with public authority concerning the official use of Serbian language and Cyrillic script, it is necessary to ensure the following:

- *Effective supervision of the implementation of the Law;*
- *Necessary measures that will be applied to the body or organisation vested with public authority that fails to act in accordance with the provisions of the Law that regulate the official use of Serbian language and Cyrillic script.*

---

The Ministry of Human and Minority Rights, Public Administration and Local Self-Government will notify the Protector of Citizens, in accordance with Article 31 paragraph 3 of the Law on the Protector of Citizens, on the necessary measures undertaken to implement the recommendations within 60 days, or on the reasons, if appropriate, for failing to act upon the recommendation.

## RATIONALE

The Protector of Citizens was addressed by a large number of people who pointed to the violations of rights concerning the official use of Serbian language and Cyrillic script in cases where bodies or organisations vested with public authority fail to act in compliance with the provisions of the Law on Official Use of Languages and Scripts. The citizens have pointed out the problem of registration of personal names in their passports, the issuance of birth certificates and the acting of administrative authorities contrary to the provisions of the Law when they draft administrative acts in the Latin script. In addition, some citizens have expressed their dissatisfaction over the lack of initiative among public authorities to protect the Cyrillic script in official use.

Article 10 paragraph 1 of the Constitution of the Republic of Serbia (*Official Gazette of RS*, No. 98/2006) establishes that the Serbian language and Cyrillic script shall be in official use in the Republic of Serbia. The concept of the official use of Cyrillic script in the Republic of Serbia is regulated by the Law on Official Use of Languages and Scripts (*Official Gazette of RS*, no. 30/2010) and it implies the use of languages and scripts in the work of public authorities, bodies of autonomous provinces, cities and municipalities, institutions, companies and other organisations when exercising public powers (Article 2, paragraph 1 of the Law). The aforementioned provisions of the Law indicate that the official use of the Cyrillic script refers to the work of public authorities in exercising their public powers.

Article 22 of the Law stipulates that the supervision over the implementation of the official use of languages and scripts shall be in the purview of the ministries responsible for administration, traffic, urban planning and housing and public utilities, education, culture and health.

Bearing in mind such a way of supervision, established by the Law, over the fulfillment of the public authorities' obligation to use the Serbian language and Cyrillic script in their work and official addresses, the Protector of Citizens addressed the relevant ministries, informed them of the allegations from citizens' complaints and requested information on the implementation of monitoring, measures taken in case of violation or failure to comply with the Law, or planned activities aimed at improving the official use of the Cyrillic script.

Based on the answers provided by the ministries it has been established that, with the exception of the Ministry of Education and Science and the Ministry of Human and Minority Rights, Public Administration and Local Self-Government, other ministries do not fulfill their legal obligation and do not supervise the implementation of the provisions of the Law. Based on the submitted answers, it can be concluded that the competent ministries do not recognise either their legally prescribed obligation or the importance of monitoring the official use of Serbian language and Cyrillic script, or the need to consider these issues within the scope of their own work and solve the problems pointed out by the citizens. The ministries respond that no significant shortcomings have been identified in exercising the right to official use of Serbian language and Cyrillic script, and that they do not have data on the problems that arise in this area, while the supervision of the official use of Cyrillic script is reduced to regular use of Cyrillic alphabet in their work.

In addition to the established deficiencies in connection with the supervision of the official use of Serbian language and Cyrillic script in the work of these ministries, the error has also been identified regarding the implementation of Article 22 of the Law stipulating that other ministries,

---

which are obliged to ensure the official use of Serbian language and Cyrillic script in their work, shall undertake to implement appropriate supervision over the fulfillment of this obligation. More precisely, in amending the Law in 2010, Article 22 was taken from the 1991 Law on Official Use of Languages and Scripts, without having considered all the circumstances arising from the adoption of the Constitution of the Republic of Serbia in 2006, as well as the changes in the ministries' competences and the internal organisation of public authorities. As a result, Article 22 of the Law Amending the Law on Official Use of Languages and Scripts does not provide for the supervision of the implementation of the Law in the ministries responsible for foreign affairs, defence, internal affairs, finance, justice, economy and regional development, agriculture, trade, forestry and water management, religion and diaspora and labour and social policy. Moreover, after the adoption of the new Law on Ministries (*Official Gazette of RS*, No. 16/2011), in addition to the Republic Secretariat for Legislation, whose competence was established by the previous law, the Ministry of Human and Minority Rights, Public Administration and Local Self-Government was assigned to perform the tasks related to official use of languages and scripts (Article 11).

**Taking into consideration the competences, the above-described issues and omissions in the work of competent public authorities, it is clear that there is no effective way of monitoring the implementation of the Law under which it is possible to timely notice problems and failures and to plan measures for their elimination. The Protector of Citizens believes that these problems can be overcome by establishing the competence of one authority that would be responsible for the supervision of the implementation of the Law on Official Use of Languages and Scripts.**

The Law on Official Use of Languages and Scripts has certain shortcomings relating to the lack of penalties and measures that should be taken in the event that a body or organisation vested with public powers acts contrary to the provisions of the Law or fails to apply legal provisions that regulate the official use of Serbian language and Cyrillic script. **The Protector of Citizens believes that it is necessary to prescribe measures that will contribute to the consistent application of the law, for the cases when a body or organisation vested with public authority fails to act in accordance with the provisions of the Law on Official Use of Languages and Scripts.**

In making this Recommendation, the Protector of Citizens took into account the experiences of the authorities in AP Vojvodina related to the supervision of the official use of languages and scripts and securing funds for this purpose. More precisely, Article 76 of the Law on Establishing the Competences of the Autonomous Province of Vojvodina Autonomous Province establishes that the autonomous province, through its bodies, in accordance with the Law governing the official use of languages and scripts, shall regulate in more details the official use of languages and scripts of national minorities in the autonomous province and carry out inspection in accordance with the Law regulating the official use of languages and scripts as delegated work. These activities fall within the purview of the Provincial Secretariat for Education, Administration and National Communities, which supervises the implementation of legal provisions, monitors the situation and allocates funds from the provincial budget, through a competition. Thus, significant results have been achieved in relation to the consistent application of legal provisions concerning the official use of languages and scripts. The Provincial Secretariat for Education, Administration and National Communities each year presents a Report on completed supervision of the implementation of regulations governing the official use of languages and scripts.

Based on the foregoing, the Protector of Citizens hereby gives a recommendation to the Ministry of Human and Minority Rights, Public Administration and Local Self-Government with the aim that this authority takes all measures and actions to resolve the identified shortcomings and ensures consistent application of the official use of Serbian language and Cyrillic script in the work of bodies and organisations vested with public authority.

## DEPUTY PROTECTOR OF CITIZENS

Goran Bašić, PhD