



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-37

ON THE USE LANGUAGES

Assembly of Kosovo,

Pursuant to Chapters 5.4 (a), 5.7 and 9.1.26 (a) of Constitutional Framework for Provisional Self-Government in Kosovo (Regulation No.2001/9 dated May 15, 2001)

And for the purpose to respect the linguistic identity of all persons and with an intention to create an environment for all communities to express and preserve their linguistic identity,

Based on the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages,

And taking into account the Hague Recommendations regarding the Education Rights of National Minorities and the Oslo Recommendations regarding the Linguistic Rights of National Minorities, the Guidelines on the use of Minority Languages in the Broadcast Media, and with the intention to regulate the use of languages,

Hereby adopts the following:

LAW ON THE USE LANGUAGES

PART ONE
General Provisions

Article 1

1.1. The purpose of this law is to ensure:

- i. The use of the official languages, as well as languages of communities whose mother tongue is not an official language, in Kosovo institutions and other organizations and enterprises who carry out public functions and services;
- ii. The equal status of Albanian and Serbian as official languages of Kosovo and the equal rights as to their use in all Kosovo institutions;
- iii. The right of all communities in Kosovo to preserve, maintain and promote their linguistic identity;

- iv. The multilingual character of Kosovo society, which represents its unique spiritual, intellectual, historical and cultural values.

1.2. At the Municipal level, other community languages, such as Turkish, Bosnian and Roma will be languages in official use under conditions specified in this Law.

Article 2

2.1. Albanian and Serbian and their alphabets are official languages of Kosovo and have equal status in Kosovo institutions.

2.2. All persons have equal rights with regard to use of the official languages in Kosovo institutions.

2.3. In municipalities inhabited by a community whose mother tongue is not an official language, and which constitutes at least five (5) percent of the total population of the municipality, the language of the community shall have the status of an official language in the municipality and shall be in equal use with the official languages. Notwithstanding the foregoing, exceptionally, in Prizren Municipality the Turkish language shall have the status of an official language.

2.4. In municipalities inhabited by a community whose mother tongue is not one of the official languages of Kosovo and which represents above 3 (three) percent of the total population of the municipality, the language of the community shall have the status of a language in official use in the municipality in accordance with the provisions specified in Article 8. In addition, community whose language has been traditionally spoken in a municipality shall also have the status a language in official use within that municipality. Pursuant to Article 35, municipalities shall adopt detailed regulations on this issue within six months of the promulgation of this law.

2.5. Kosovo institutions will ensure the language rights of persons belonging to communities whose mother tongue is not the official language, in accordance with the provisions of this Law.

Article 3

3.1. Every person shall have the right to freedom of expression. This right shall include freedom to receive, seek and impart information and ideas in the language of one's choice without interference. Free receiving of the cross-boarder broadcasting, whether directly or through the repeated broadcasting or retransmission is not prohibited on the basis of language. The exercise of this freedom may be subject to such limitations as are compatible with binding international human rights treaties.

3.2. Every person has the right of equality before the law and of equal protection of the law. Any discrimination based on the grounds of language shall be prohibited.

PART TWO
Specific Provisions

Use of Languages in the Central Institutions

Article 4

- 4.1. In the central institutions of Kosovo the equality of the official languages applies.
- 4.2. Every person has the right to communicate with, and to receive available services and public documents from, the central institutions of Kosovo in any of the official languages. All central institutions have a duty to ensure that every person can communicate with, and can obtain available services and public documents from, their organs and institutions in any official language.
- 4.3. The official languages are used on an equal basis in the meetings and work of the central institutions. The central institutions shall make interpretation available from one official language into another, if such interpretation is requested, for meetings of central institutions, as well as in public meetings organized by these institutions.
- 4.4. Members of the Government whose mother tongue is not an official language have the right to use their mother tongue in the meetings of the central institutions, and in public meetings organized by these institutions. If requested, the central institutions shall ensure interpretation.
- 4.5. Official records and official documents shall be kept and issued in the official languages.
- 4.6. The official names of central institutions shall be displayed in the official languages as well as in the official languages of the municipality.
- 4.7. The central 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.

Article 5

- 5.1. The official languages are used on an equal basis in the work, debates or other proceedings of the Assembly of Kosovo and its Committees. Facilities shall be made available for simultaneous interpretation from one official language into the others of the debates and other proceedings of the Assembly and its committees.
- 5.2. Members of the Assembly of Kosovo whose mother tongue is not an official language have the right to use their mother tongue in the work, debates or other proceedings of the Assembly of Kosovo and its Committees, as well as in public meetings organized by the Assembly of Kosovo. Facilities shall be made available to ensure interpretation from and into the member's language, if requested. Any document submitted by such members shall be translated into the official languages and all responses requested by the member shall be made to the member in the original language used by that member.
- 5.3. Official documents as well as official records of the debates or other proceedings of the Assembly of Kosovo and its Committees shall be kept and issued in official languages.

5.4. All laws adopted by the Assembly of Kosovo shall be issued and published in the official languages. The official language versions are equally authoritative. All promulgated laws shall be published into the Bosnian and Turkish languages.

Article 6

Persons belonging to a community whose mother tongue is not the official language shall have the right to present oral or written submissions to Ombudsperson Institution, and to receive a reply in their mother tongue by the respective Institution.

Use of Languages in Municipal Institutions

Article 7

7.1. In municipal institutions applies the equality of the official languages of the municipality.

7.2. Every 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.

7.3. The official languages are used on an equal basis in the meetings and work of the municipal representative and executive bodies. Municipal institutions shall make interpretation available from one official language into another, if such interpretation is requested, for meetings of the representative and executive bodies of the municipality, as well as in public meetings organized by the municipality.

7.4. 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.

7.5. Municipal 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.

7.6. Regulations and subsidiary acts adopted by municipal institutions shall be printed and published in the official languages of the municipality. All official language versions are equally authoritative.

Article 8

8.1. In municipalities, persons belonging to communities whose language is in official use in accordance with Article 2.4, have the right 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.

8.2. Every municipal representative and executive body has a duty to ensure that such persons can present oral or written submissions and documents, and to receive a reply in their own languages.

8.3. Municipal regulations and subsidiary acts shall be issued and published in the languages of such communities, if they so request.

8.4. Members of municipal representative bodies, and their committees, belonging to communities whose mother tongue is not an official language of the municipality, have the right to use their languages in the work and meetings of the municipal representative bodies, and their committees as well as in public meetings organized by the municipality. Facilities shall be made available to ensure interpretation from and into the members' language, if requested. Any document submitted by such members shall be translated into the official languages and all responses requested by the member shall be made to the member in the original language used by that member.

Article 9

9.1. The official names of municipal institutions and organs 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.

9.2. 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.

Article 10

The Ministry of Local Government Administration shall issue an Administrative Instruction defining the procedures by which communities can express their requests in accordance with Articles 8.1, 8.2, 8.3. and 9.1 of this law, 90 days after the date of promulgation of this Law.

Use of Languages in Public Enterprises

Article 11

11.1. In Publicly Owned Enterprises and in Socially Owned Enterprises the equality of the official languages applies.

11.2. Every person has the right to communicate with, and to receive services and documents from, Publicly Owned Enterprises and Socially Owned Enterprises in any of the official languages.

11.3. Every such enterprise has a duty to ensure that every person can communicate with and can obtain services and documents in any official language.

Use of Languages in Judicial Proceedings

Article 12

12.1. Official languages shall be used on an equal basis in judicial proceedings.

12.2. Courts and prosecution bodies, as well as other authorities involved in a criminal procedure, shall, in any proceedings before them, ensure that any person participating in criminal or any other judicial proceedings may use the official language of his or her choice.

Article 13

13.1. Courts shall conduct proceedings in the official language or official languages chosen by parties to the proceedings. At the request of any party to the proceedings, facilities shall be made available for simultaneous interpretation of the proceedings, including evidence given, from one official language into another.

13.2. Courts shall make available facilities for the simultaneous interpretation of proceedings, including evidence given, from one official language into another, where it considers the proceedings to be of general public interest.

Article 14

Courts have a duty to issue documents related to proceedings in the official language(s) chosen for the proceedings and in other official languages if so requested by any party to proceedings or if in the view of the court so doing would serve the general public interest.

Article 15

15.1. Every person who is arrested or charged with a criminal offence and who does not speak or understand the language(s) of proceedings has the right to be promptly informed about the reasons for the arrest and of any charge against him or her in a language understood by the person.

15.2. Persons belonging to communities whose mother tongue is not an official language have the right to be promptly informed about the reasons for their arrest and of any charge against them in their mother tongue.

Article 16

16.1. Any person participating in criminal or other judicial proceedings who does not speak and understand the language(s) of proceedings, has the right to use his or her language in the proceedings.

16.2. Persons belonging to communities whose mother tongue is not an official language and who are participating in criminal or other judicial proceedings have the right to use their mother tongue in the proceedings.

16.3. Courts and prosecution bodies, as well as other authorities involved in a criminal procedure, should provide to persons mentioned in paragraphs 1 and 2 of this article the assistance of an interpreter free of charge.

Article 17

17.1. Any person participating in criminal proceedings who does not speak and understand the language(s) of proceedings, has the right to make submissions, testify and hear the facts of the case and any evidence against him or her, in a language spoken by him or her.

17.2. Persons belonging to communities whose mother tongue is not an official language who are participating in criminal proceedings have the right to make submissions, testify and hear the facts of the case and any evidence against them, in their mother tongue.

17.3. Courts and prosecution bodies, as well as other authorities involved in a criminal procedure, should provide to persons mentioned in paragraphs 1 and 2 of this article the assistance of an interpreter and translator free of charge.

Article 18

Penal and detention institutions should ensure that their staff speaks the language(s) of the greatest number of the incarcerated, or the language(s) understood by them. Interpretation into a language understood by an incarcerated person shall be provided when there is a need.

Use of Languages in Education

Article 19

19.1. The languages of instruction in public education shall be in the compliance with the provisions of the Constitutional Framework and with the laws in the field of education.

19.2. Every person has the right to choose, and to choose for their children, their preferred official language of instruction.

19.3. Every person has the right to enroll, and to enroll their children, in a school where their chosen official language is the language of instruction.

19.4. In municipalities where a person's chosen official language is not used by any school as the language of instruction, special provision shall be made to ensure appropriate teaching in their chosen official language. The details of implementation shall be determined by the Ministry of Education, Science and Technology.

Article 20

20.1. In areas inhabited by persons belonging to communities whose mother tongue is not an official language, the persons belonging to these communities have the right to receive instruction in their mother tongue in public school education.

20.2. The Ministry of Education, Science and Technology shall determine by an Administrative Instruction detailed rules for implementation of the right established in paragraph 20.1.

Article 21

21.1. In primary and secondary schools where the language of instruction is not an official language, pupils shall also study an official language of their choice.

21.2. The Ministry of Education, Science and Technology shall determine by an Administrative Instruction the procedure by which persons can declare which official language they wish to study as a second language.

Article 22

22.1. The right of persons to establish private educational institutions with instruction in a language of their choice is guaranteed in Kosovo.

22.2. The Ministry of Education, Science and Technology shall establish a procedure for registration of such private educational institutions.

Article 23

23.1. The official languages of Kosovo are the primary languages of instruction in public universities.

23.2. The use of official languages and of any other language in educational programs is determined by universities through their own regulations.

23.3. In training teachers, interpreters and translators in the languages of communities, universities shall accommodate the use of such languages as the languages of instruction.

23.4. The use of language in university administration is determined by universities through their own regulations, which must conform to the provisions of this law.

Article 24

24.1. A pupil, together with his or her parents, shall decide in which official language his/her school records will be kept, and reports issued, by the educational institutions that he/she attends. The Ministry of Education, Science and Technology shall establish through administrative instruction the procedure by which persons shall declare in which official language they wish their records to be kept.

24.2. The Ministry of Education, Science and Technology shall determine procedures for issuing school certificates in the official languages of Kosovo through an Administrative Instruction 90 days after the promulgation of this Law.

24.3. A pupil receiving education under Article 20.1 has the right to have his or her school records kept, and reports and certificates issued, in his/her mother tongue, in addition to the official languages.

Use of Languages in Media

Article 25

Every person has the right to establish media in the language of his/her choice in accordance with the Law in force.

Article 26

26.1. The public broadcaster shall promote cultural diversity and the multilingual character of Kosovo in accordance with the Law in force.

26.2. Communities have the right to program broadcast time in their own language in the public broadcaster in accordance with the Law in force.

26.3. The use of languages during the broadcasting in public broadcaster, the broadcast time and programs in Article 26.2 shall be determined by the other law, fully taking into account the rights and interests of community members to have equal opportunity and access to information.

Personal Names Article 27

27.1. The name and surname of a person shall be entered into public registers, personal identification and other official documents in the writing system in the official language chosen by the person.

27.2. A person belonging to a community whose mother tongue is not the official language shall have the right to entry of the original form of their name and surname in the script, and according to the tradition and linguistic system, of their language, in public registers, personal identification and other official documents and this form shall be used by public officials.

Linguistic Freedom Article 28

All persons have the right to establish and manage judicial subjects as cultural associations and business enterprises in their languages, including the right of displaying these names on the basis of their tradition and language system.

Use of Official Languages in the Private Sphere

Article 29

29.1. Any person has the right to act in the private enterprises, private institutions, associations, organizations or in self-employed activities in language or in languages of their choice.

29.2. In the cases mentioned in Paragraph 1 where the language is not one of the official languages, Kosovo institutions require an additional use of the official languages, where their activities affect legitimate public interests as public order, public safety, health or protection of rights of other persons, as well as for the purposes of public administrative supervision.

Article 30

30.1. In enterprises performing public services the equality of the official languages applies in connection with the performance of these services.

30.2. Every person has the right to communicate with, and to receive services and documents from, enterprises performing public services in any of the official languages. Every such enterprise has a duty to ensure that every person can communicate with and can obtain services and documents in any official language.

30.3. In municipalities inhabited by communities, whose language has the status of language which is spoken in the municipality, the provisions of Paragraphs 30.1 and 30.2 apply.

PART THREE Implementation

Article 31

The Government and Kosovo institutions shall adopt measures promoting the use and equal status of the official languages, as well as ensuring the protection, preservation and promotion of the languages of communities whose mother tongue is not an official language.

Language Commission

Article 32

32.1. In order to preserve, promote and protect the official languages and their equal status in Kosovo, as well as to ensure protection of the languages of communities whose mother tongue is not an official language, the Kosovo Government shall establish a Language Commission to supervise the implementation of this Law.

32.2. The Language Commission will take actions and measures within its authority to ensure recognition of the equal status of the official languages and the compliance with this Law.

32.3. The Language Commission will conduct and carry out investigations pursuant to any complaint made to it that, by act or omission:

- (i) The equal status of the official languages was not or is not being recognized.
- (ii) Any provision of any Law or Regulation relating to the use of the official languages, or languages of communities whose mother tongue is not an official language, was not or is not being complied with.

32.4. The Language Commission can also conduct and carry out investigations on its own initiative.

32.5. The Language Commission can mediate in situations where such mediation is required to ensure the implementation of this Law.

32.6. On conclusion of an investigation, the Language Commission can issue Recommendations on remedies required, and recommendations for redress.

32.7. Where recommendations of the Language Commission have not been implemented within a reasonable period, as determined by the Commission, the Commission can issue a written warning.

32.8. Where recommendations of the Language Commission have not been implemented within a reasonable period after the Commission issues a written warning, this shall be cited in the Commission's annual report to Government and the Assembly of Kosovo.

32.9. The Language Commission may review, and make recommendations regarding:

- (i) Any regulations or administrative instruction made under this Law, and
- (ii) Any other regulations or administrative instruction that affect or may affect the status or use of the official languages, or languages of communities whose mother tongue is not an official language.

32.10. The detailed competencies and composition of the Commission will be determined by an Administrative Instruction issued by the Office of the Prime Minister, taking into account the rights and interests of all language communities in Kosovo, and taking into account the need to reflect the linguistic diversity of communities in Kosovo, 90 days after the date of promulgation of this Law.

32.11. Within the period of one year after adoption of this Law, and thereafter on an annual basis, the Language Commission will inform the Government and the Assembly of Kosovo on the legal and other measures undertaken to implement this Law.

Administrative Sanctions

Article 33

Administrative sanctions in case of violation of provisions of this Law shall be determined by an Administrative Instruction issued by the Ministry of Public Services.

PART FOUR

Transitional and Final Provisions

Article 34

Kosovo Institutions shall use the English language in their work, contacts and official documents during the mandate of the United Nations Interim Administration Mission in Kosovo.

Article 35

The Provisional Institutions of Self-Government are obliged to adopt in their bylaws detailed regulation for the use of languages, in accordance with the provisions of this Law.

Article 36

36.1. Within the deadline of 6 (six) months after promulgation of this Law by the SRSG, the Provisional Institutions of Self-Government will issue administrative instruction for the purpose of implementation of this Law.

36.2. The Government of Kosovo shall conduct a public awareness programme with regard to the Law immediately upon its promulgation.

Article 37

This Law shall abrogate all the provisions of the applicable Law with which it is in contradiction.

Article 38

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

Law No. 02/L-37
27 July 2006

President of the Assembly

Kolë Berisha