

MULTICULTURALISM  
IN PUBLIC POLICIES

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**PUBLISHED BY**

Academic Network for Cooperation in South-East Europe  
Institute of Social Sciences, Belgrade  
Institute for Ethnic Studies, Ljubljana  
Centre for International and Security Studies, Faculty of Political Science, Zagreb

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**TRANSLATION INTO ENGLISH AND PROOFREADING**

„M.Prevedi“, Belgrade

**GRAPHIC DESIGN AND LAYOUT**

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**PRINTED BY**

Faculty of Technology and Metallurgy of the University of Belgrade,  
Development and Research Centre of graphic engineering

edited volume

# MULTICULTURALISM IN PUBLIC POLICIES

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Belgrade, 2018

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# Policy of Multiculturalism in Serbia: Between Legal Confusion and Social Segregation

## Abstract

The paper which was developed at the Institute of Social Sciences within the research made for the project entitled “Social Transformations in the Process of European Integrations – Multidisciplinary Approach” provides a critical overview of the policy of multiculturalism in the Republic of Serbia. Constitutional solutions and legislation which regulate the status of national minorities do not correspond to the country’s multiethnic nature. In consequence, Serbia is reduced to a state in which the policy of multiculturalism is replaced with the policy of the state consensus with monocultural groups pertaining to the protection of their vital interests. Such political constellation befits only the most numerous, as well as territorially and politically homogeneous national minorities with clearly defined negotiating positions.

*Keywords:* Serbia, multiculturalism, public policies, ethnocultural groups

## Ethnic Structure of Serbia

■ According to the 2011 Population Census, the Republic of Serbia had 7,186,862 citizens living on its territory, 5,988,150 (83%) of which being Serbs, with the remaining 1,198,712 (17%) belonging to national minorities. The most numerous national minorities were Hungarians with the population of 253,899, Roma with 147,604 and Bosniaks with 145,278 people. The national minority groups with populations between 50 and 100 thousand included Slovaks with the recorded population of 52,750 and Croats with 57,900 people.

The group of the national minorities with populations between 10 and 50 thousand people included Bulgarians (18,543), Bunjevci (16,706), Vlachs (35,330), Macedonians (22,755), Romanians (29,322), Rusyns (14,246) and Montenegrins (38,527). Additionally, in this group we find the citizens which identified their nationality with religion – Muslims with the population of 22,301 people, as well as 23,303 Yugoslavs whose national identity is rooted in the identity of the state which dissolved during the 1990s. The Gorani people with the population of 7,767 are the only national minority with the population in the range between 5 and 10 thousand. The minorities with populations of up to five thousand people include Ukrainians with 4,903 members, followed by Germans (4,064), Slovenes (4,033), Russians (3,247), Egyptians (1,834) and Czechs (1,824). The census also recorded a number of national minorities with populations of less than a thousand people: Ashkali (997), Greeks (725), Jews (787), Armenians (222), Turks (627), Aromanians (243), Shokci (607) and Shopi (142). Only 5,809 Albanians were recorded in this Census, but this number is misleading as it resulted from this population's boycott of the Census, while it is estimated that there are some 60,000 of Albanians living in Serbia, excluding Kosovo. The previous Census recorded 61,647 Albanians living on this territory.<sup>1</sup>

Regional and local distributions of population have a major impact on the scope and quality of implementation of national minorities' rights, the fact which will be address in more detail. Here it needs to be stressed that the distribution of national minorities in Serbia is also characterised by higher concentrations of the numerous minorities, homogeneously distributed along the state borders, dispersion of certain minorities on the entire territory of Serbia, as well as concealment of certain minority identities within the neighbouring ethnic groups.

The minority populations concentrated in certain geographical areas, or municipalities include Albanians, Bosniaks, Bulgarians, Bunjevci, Hungarians, Rusyns, Romanians and Ukrainians, while the remaining populations are dispersed regionally, or throughout the country.

<sup>1</sup> Census of Population, Households and Residential Units in the Republic of Serbia in 2011, Nationality, The Data Segregated by Municipalities and Cities, Statistical Office of the Republic of Serbia, Belgrade, 2012

Most of the Albanians inhabit the central part of the country, the Preševo Valley. According to the latest Census, largely ignored by the Albanians, the number of members of this national minority (1,715) in Bujanovac, Preševo and Medveđa, the municipalities which they traditionally inhabit, is almost identical to the number of Albanians in Belgrade region (1,252). The census before last evidenced that 93% of the Albanian population lived in these three municipalities: 23,681 in Bujanovac, 31,098 in Preševo, and 2,816 in Medveđa.

The Bosniak population is concentrated in the southeast part of Central Serbia, the region called Sanjak by Bosniaks and Raška by Serbs. They are the most numerous in the city of Novi Pazar, with 77,443 members of this population living there, as well as in the municipalities of Tutin (28,041) and Sjenica (19,498). In the neighbouring municipalities of Priboj and Prijepolje, the recorded number of Bosniaks is 3,811 and 12,792 respectively, while Nova Varoš has 788 Bosniaks living there. When it comes to the population structure in the municipalities that Bosniaks traditionally inhabit, the greatest share of this population is in Tutin (90%), Novi Pazar (77%) and Sjenica (73%). The share of Bosniaks in the total population of the municipality of Prijepolje is 34%, 14% in Priboj, and 4.7% in Nova Varoš. The capital of Serbia has the Bosniak population of 1,596 members.

The greatest number of Bulgarians in Serbia, 15,501 of them, lives in Eastern Serbia, in the municipalities of Bosilegrad and Dimitrovgrad, while the village Ivanovo in the municipality of Pančevo has the Bulgarian population of some 500 people. There are 5,893 members of this national minority living in the municipality of Bosilegrad, this being 72% of the total population, while Dimitrovgrad has 5,143 Bulgarians, i.e. 53.4% of the total population belong to this national minority. A significant number of Bulgarians resides in the cities of Niš (927) and Vranje (589), as well as in the municipality of Surdulica (734). Finally, there are 1,188 Bulgarians living in Belgrade.

Out of the total number of 16,706 members of the Bunjevci population, the majority lives in Subotica (13,553) making 9.5% of the city's total population, as well as in the city of Sombor where 2,058 of Bunjevci make 2.3% of the total population. The total number of Bunjevci living in Belgrade is 172, with 278 additional members of this population living in Novi Sad, the capital of the Autonomous Province of Vojvodina.

The Vlach population resides in the northeast part of Central Serbia, and the members of this national minority are the most numerous in the cities of Bor (6,701 – 13.7%) and Zaječar (2,856 – 5%), as well as in the municipalities of Petrovac na Mlavi (4,609 – 15%), Boljevac (3,356 – 26%), Majdanpek (2,442 – 13%), Negotin (3,382 – 9%), and Žagubica (2,811 – 22%). The Vlach population is also dispersed in other municipalities such as Kladovo with 788 members of this national minority, Despotovac with 687, Čuprija with 782, Veliko Gradište with 382, Golubac with 424, and Žabari with 433. There are 182 Vlachs living in Belgrade according to the Population Census.

Hungarians are the most numerous in the northern part of the country and in certain cities and municipalities in Vojvodina. Most of them live in the north Banat and Bačka regions, along the river Tisa, while the number of Hungarians decreases in the southern parts of Vojvodina. The city of Subotica has the largest population of Hungarians living there, 50,496 of them, this being 36% of the total city population. Hungarians are the absolute majority in the municipalities of Kanjiža 85% (21,576), Senta 79% (18,441), Ada 75% (12,750), Bačka Topola 58% (19,307) and Mali Iđoš 54% (6,486). There are 13,272 (4%) of Hungarians living in Novi Sad, 9,874 (11%) in Sombor, 7,460 (26%) in Temerin, 3,387 (21%) in Srbobran, 2,464 (6%) in Vrbas, and 1,356 (2%) in Bačka Palanka. In the Banat region, members of the Hungarian national minority live in the cities of Pančevo 3,422 (3%), Vršac 2,263 (4%), Zrenjanin 12,350 (10%) and Kikinda 7,270 (12%), as well as in the municipalities of Žitište 3,371 (20%), Novi Bečej 4,319 (18%), Sečanj 1,691 (13%), Nova Crnja 1,819 (17%), Čoka 5,661 (49%), and Novi Kneževac 3,217 (28%). In the Srem region, Hungarians traditionally inhabit Indija 829 (2%), Irig 762 (7%) and Sremska Mitrovica 696 (1%). There are 1,810 (0.1%) of Hungarians living in Belgrade.

Macedonians are dispersed all over the country, with the greatest number of them living in Belgrade (6,970 or 0.4%) and Pančevo (4,558 or 4%). According to the Population Census, there are 1,111 (0.3%) of Macedonians living in Novi Sad and 823 (0.3%) in Niš. A small number of members, up to 400 people, of the Macedonian national minority, live in the majority of the local self-government units.



Roma are the second minority community in Serbia when it comes to the size of population. The Roma population is highly dispersed and prone to ethnic mimicry (Bašić; 2018: Bašić & Jakšić; 2005). The most numerous Roma population lives in Belgrade, where 18% of the total Roma population lives, 27,325 of them, making 1.6% of the total population of Belgrade. Around two thirds of the Belgrade Roma population lives in the urban municipalities of Zemun, Palilula, Čukarica and Novi Beograd. The cities of Leskovac, Niš and Vranje have at least 20,000 Roma living there. There are 7,700 (5%) of Roma living in Leskovac, 6,996 (3%) in Niš, and 4,654 (6%) in Vranje. In Central Serbia, towns with more than a thousand Roma include Bojnik 1,649 (14.4%), Lebane 1,251 (6%), Pirot 4,302 (5%), Bela Palanka 1,418 (12%), Smederevo 2,369 (2%), Vranjska Banja 1,375 (14%), Surdulica 2,631 (13%), Vladičin Han 1,503 (7%). In Požarevac, there are 3,688 Roma (5%), while in its municipality of Kostolac, there are 2,659 (19%) Roma. Roma also live in the municipalities of Žitorađa 1,336 (8%), Prokuplje 2,154 (5%), Doljevac 1,218 (7%), Ub 1,118 (4%) and the cities of Bor 1,758 (4%), Kragujevac 1,482 (1%), Kraljevo 1,266 (1%), Kruševac 2,461 (2%), Šabac 1,902 (2%) and Valjevo 1,413 (2%). A large Roma community of 4,576 people lives in Bujanovac, which makes 25% of the total population according to the 2011 Population Census, yet providing that the Albanian community boycotted the Census, as it has already been mentioned, Roma make around 1% of the population there. The cities and towns on the territory of Vojvodina with more than a thousand Roma living there include Novi Sad 3,576 (1%), Sremska Mitrovica 1,194 (1%), Ruma 1,297 (2%), Pećinci 1,008 (5%), Novi Bečej 1,295 (5%), Nova Crnja 1,016 (10%), Zrenjanin 3,410 (3%), Kikinda 1,981 (3%), Žabalj 1,301 (5%), Beočin 1,422 (9%), Bačka Palanka 1,064 (2%), Pančevo 2,118 (2%), Kovin 1,516 (4%), Vršac 1,368 (3%), Sombor 1,015 (1%), and Odžaci 1,035 (3%)

Romanians are the most numerous in Vršac 5,420 (10%), Alibunar 4,870 (24%), Pančevo 3,173 (2.4%), Žitište 1,412 (8%), Plandište 784 (7%), Kovačica 1,543 (6%), Bela Crkva 842 (5%), Kovin 1,170 (3%), Zrenjanin 2,161 (2%). There are 891 (0.2%) of Romanians living in Novi Sad, and 1,282 (0.7%) in Belgrade.

Traditionally, Rusyns live in larger numbers in the municipalities of Kula 4,588 (11%), Vrbas 3,375 (8%) and Žabalj

1,198 (5%). There are 2,160 (0.5%) of Rusyns living in Novi Sad, and 245 (0.1%) in Belgrade.

Traditional places of residence for Slovaks in Serbia include the municipalities of Bački Petrovac 8,720 (65%), Kovačica 10,577 (42%) and Stara Pazova 5,212 (8%). Slovaks also reside in the municipalities of Bačka Palanka 5,047 (9%), Bač 2,845 (20%), and the cities of Pančevo 1,411 (1%), Zrenjanin 2,062 (2%) and Novi Sad 6,393 (2%). There are 2,104 (0.1) of Slovaks living in Belgrade, 1,254 of whom lives in the settlements of Dobanovci and Boljevci in the metropolitan municipality of Surčin (3%).

Ukrainians traditionally live in the municipalities of Kula 1,290 (3%) and Vrbas 836 (2%). There are 425 of Ukrainians living in Novi Sad, and 418 in Belgrade.

Members of the Croatian national minority are the most numerous in Subotica 14,151 (10%), Sombor 7,070 (8%), Apatin 3,015 (10%), Bač 1,209 (8%), Petrovaradin 1,554 (5%), Šid 1,784 (5%), Stara Pazova 1,336 (2%), Inđija 1,569 (3%). According to the Census, there are 5,335 (1.5%) of Croats living in Novi Sad, and 7,752 (0.5%) living in Belgrade.

Montenegrins are the most numerous in Belgrade 9,902 (0.6%), Vrbas 7,353 (18%), Kula 4,334 (10%), Mali Idoš 1,956 (16%) and Novi Sad 3,334 (1%)

Small national minorities such as Czechs, Aromanians, Poles, Ashkali, Russians, Germans and Jews usually reside in urban areas and, except for Czechs who traditionally live in the municipality of Bela Crkva, and Germans concentrated in Vojvodina, the most of them live in Belgrade.

The description of the ethnic structure and overview of the national minorities' places of residence are also important since the public policies in the Republic of Serbia have adopted the system which favours the number and homogeneity of residence of national minorities' members as decisive when it comes to implementation of rights. The number of national minorities' members, dispersion of their populations and non-demographic factors such as social organisation of minority communities and organisation of minority self-government determine the collective rights which the national minorities would be able to implement, as well as the funds that they would be allocated to this end from

public funds. Numerous national minorities are more likely to organise their full cultural autonomy and secure the conditions for the preservation and development of their ethnic, cultural and linguistic identity. However, contrary to the “large number” principle are the needs of national minorities and the level of societal development fulfilled and achieved by certain national minority communities. Taking account its size, Serbian Roma community should be able to implement the same rights granted to Bosniaks and Hungarians. However, this is not the case since, unlike Bosniaks and Hungarians who have achieved their full cultural autonomy, Roma fail to do so, since apart from the size of population, this also requires specific location of a national minority and solidarity of the community members. Homogeneously residing national minorities achieve a higher level of the protection of their collective rights. In practice, this is strange and unjustified as public resources for identity protection remain unavailable to small and socially vulnerable national minorities (Bašić, 2018).

## Legal and Political Status

The constitutional definition of the Republic of Serbia as a state of Serbian people and all citizens who live in it<sup>2</sup> has thwarted the development of the integrative policy of multiculturalism. The Republic of Serbia is a national state which, apart from the Serbian majority, is inhabited by members of other nations, ethnic and linguistic groups. This constitutional provision produced apprehension among minority populations, especially among those who have advocated integration as the national social model. When compared to the previous 1990 Constitution, which defined Serbia as “a democratic state of all its citizens, based on freedoms and rights of the citizens,”<sup>3</sup> the character of the state was changed. From the declarative constitutional multiculturalism, a transition was made to monocultural logic of the state organisation. The

<sup>2</sup> Constitution of the Republic of Serbia, Official Gazette of the Republic of Serbia, no. 98/2006.

<sup>3</sup> Constitution of the Republic of Serbia, Official Gazette of the Republic of Serbia, no. 1/1990.

unease demonstrated by multiculturalists was contributed by the betrayed expectations concerning the new Constitution, as they had expected that much better conditions would be created for the protection of the minority cultural identities and their integration than the situation had allowed during the 1990s, when the aforementioned "Civic" Constitution had been in effect and contributed to the rise of nationalism, as well as grave political abuses of ethnicities.

The segregation model of multiculturalism in present day Serbia also originates from the constitutional guarantees of a special protection for national minorities in order to allow for them to exercise full equality and preserve their identity (Article 14) and Article 81 under which the state commits to giving impetus to the spirit of tolerance and intercultural dialogue. The commitment to legally protect particularised, closed identities by tolerating difference, rather than strengthening trust and exchange of cultural values is another discouraging message to the advocates of integrative multiculturalism.

Article 76 made constitutional certain institutions and legal principles which had existed before in legal and social life, but had not enjoyed the trust, until the adoption of the Constitution, of either public administration, which needed to implement those principles, or wider public in general. This article stipulates that, apart from the rights guaranteed by the Constitution to all citizens, additional, individual and collective rights are also guaranteed. Individual rights are implemented individually, while collective rights are implemented in community with others, in line with the Constitution, legislation and international agreements. Through the collective rights, members of national minorities, directly or through their representatives, participate in decision-making or decide themselves on the issues concerning their culture, education, information and official use of language and script, in line with the law.

Directly related to this is Article 79 which regulates the contents of the cultural autonomy and self-government of national minorities: "Members of national minorities shall have a right to: expression, preservation, fostering, developing and public expression of national, ethnic, cultural, religious specificity, use of

their symbols in public places, use of their language and script, have proceedings also conducted in their languages before state bodies, organisations with delegated public powers, bodies of autonomous provinces and local self-government units, in areas where they make a significant majority of population, education in their languages in public institutions and institutions of autonomous provinces, founding private educational institutions, use of their name and family name in their language, traditional local names, names of streets, settlements and topographic names also written in their languages, in areas where they make a significant majority of population, complete, timely and objective information in their language, including the right to expression, receiving, sending and exchange of information and ideas, establishing their own mass media, in accordance with the Law.”

It is highly important for the implementation of national minority rights that Article 76 of the Constitution envisages that national minorities’ members can implement their collective rights through minority self-governments, but also directly. Direct implementation of collective minority rights is not enabled due to the centralised organisation of minority self-governments, i.e. due to the legally stipulated manner of their election, as well as their organisation exclusively on the national level. Consequently, national minorities’ members directly decide only in a small number of cases: when they decide whether they would sign for a special voter list for the election of minority self-government units and pertaining to the language in which their children would receive instruction when enrolling them in preschools and schools (Bašić & Pajvančić, 2015, 131).

The collective rights to minority self-government and cultural autonomy which were constitutionalised in 2006, had been introduced into legislation in 2002 through the Law on the Protection of Rights and Freedoms of National Minorities<sup>4</sup>. The law was adopted in the National Assembly of the Federal Republic of Yugoslavia in order to define the basic principles of the protection

<sup>4</sup> Law on the Protection of Rights and Freedoms of National Minorities, Official Gazette FRY, no. 11/2002, “Official Journal SMN” no. br. 1/2003 – Constitutional Charter and Official Gazette RS, no. 72/2009 – other laws and 97/2013 – decision of the Constitutional Court.

of national minorities' rights in what was then a two-member federation. However, as both of the federation members had had their specific issues and attitudes towards multi-ethnicity, it was envisaged for each member state to adopt separate laws and thus regulate the status and protection of rights of the national minorities living on their territory. After the State Union of Serbia and Montenegro had been dissolved, this law was transplanted into the legal system of the Republic of Serbia. It needs to be emphasised that the law had an exceptional importance for the democratic development of the country, as its spirit and provisions influenced the text of the Charter of Human and Minority Rights and Freedoms and Civil Liberties which was a part of the constitutional system of the State Union of Serbia and Montenegro, and subsequently also had impact on the Constitution of the Republic of Serbia. However, positive legal, political and social legacy of the Law on the Protection of Rights and Freedoms of National Minorities cannot serve as an excuse for the state's failure thus far to adopt a law which would regulate the status and implementation of rights of national minorities.

Instead of a law which would regulate the implementation and protection of national minorities' rights, the Law on National Councils of National Minorities<sup>5</sup> was adopted in 2009 to stipulate the competences and election of minority self-government units. The status of national minorities and implementation of their rights (education and information in their mother tongue, official use of their language and script, protection of their cultural identity, their participation in political life, prohibition of discrimination, etc.), as well as the manner of their funding are regulated by other laws and bylaws that are often contradictory and do not contribute to the creation of legal security.

In attempts to overcome this problem, that experts have been warning against for more than a decade (Bašić, 2006, 61-116), after the opening of Chapter 23 for the accession of the Republic of Serbia to the European Union, the state introduced the initiative for the amendment of the Law on the Protection of Rights and

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<sup>5</sup> Law on National Councils of National Minorities, Official Gazette RS, no. 72/2009, 20/2014 – decision of the Constitutional Court and 55/2014.

Freedoms of National Minorities, Law on National Councils of National Minorities and the Law on Official Use of Languages and Scripts, yet the public discussions concerning these amendments have indicated that the proposed amendments do not repair the flaws of the existing policy of multiculturalism.<sup>6</sup>

Apart from the centralised arrangement of minority self-government units, the fundamental issues of the generally inconsistent policy of multiculturalism in Serbia are: a) partocratic character of the state generating excessive and destructive influence of political parties on the election and operation of minority self-government units, b) segregational character of the policy of multiculturalism which does not correspond to the multi-ethnic nature of the country and c) full or partial inaccessibility of cultural autonomy to the small and dispersed national minorities.

In the legal and political systems of the Republic of Serbia, political parties of national minorities have a status which, providing that they represent numerous and homogeneous minorities, provides them with a solid negotiating leverage. The Law on Political Parties<sup>7</sup> stipulates that a political party of a national minority is "a political party whose political operation [...] is particularly aimed at representation of and advocacy for the interest of a national minority and improvement of the rights of the national minority's members in accordance with the Constitution, law and international standards, which is regulated by the memorandum of association, programme and statute of the political party." To define the status of minority political party before adopting a law to regulate the status of the national minorities' members, is yet another indicator of the corporate approach to the regulation of national minorities' status in Serbia. Legal foundation of the status of national minority party contributed more to the negotiating positions of the interest

<sup>6</sup> See the Opinion of the Coalition of CSOs concerning the Draft Law on the Amendments to the Law on the Protection of Rights and Freedoms of National Minorities (<http://www.ercbgd.org.rs/sr/component/content/article/22/227-saopstenje-organizacija-civilnog-drustva-u-vezi-sa-nacinom-na-koji-tece-proces-izmene-propisa-kojima-je-uredjen-polozej-nacionalnih-manjina.html>)

<sup>7</sup> Official Gazette of the Republic of Serbia, no. 36/2009 and 61/2015 – Decision of the Constitutional Court.

groups within minority communities, than to the political participation of the national minorities in Serbia.

This was evident as early as 2003, when the political parties of national minorities failed to win a single seat at the parliamentary elections. This was followed by amendments to the Law on the Election of Members of Parliament to let political parties of national minorities and coalitions thereof to participate in the division of seats even if they failed to reach the electoral threshold of 5%.<sup>8</sup> This implies that political parties of national minorities may count to get some seats in case they managed to reach the “natural threshold”. Natural threshold is alleviation in the electoral system which allows national minority parties to participate in the distribution of representative seats in case they win at least the number of votes sufficient for a single seat. This means that with the total turnout of voters of 60%, political parties of national minorities can get a seat providing that they got some sixteen thousand votes (0.4%).

Natural threshold is not an affirmative action measure which allows for the political representation of national minorities regardless of the results of the election. On the contrary, it is a proper obstacle which national minorities need to overcome, so its application, without additional affirmative action measures, does not suit small and spatially dispersed national minorities. The introduction of the natural threshold ensued after the agreement of the parliamentary parties with influential minority parties and thus it suits numerous, homogeneous national minorities whose political parties have convergent political aims and actions. The Alliance of Vojvodina Hungarians is the only minority party which has been winning more and more seats from the election of 2007 onwards, while the members of other numerous national minorities, Albanians and Bosniaks, managed to win parliamentary seats only from time to time. In spite of being a numerous national minority, Roma do not benefit from this alleviation due to the

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<sup>8</sup> Article 82, para 2 of the Law on People's Deputies (Official Gazette of the RS, no. 35/200, 57/2003 – Decision by the Constitutional Court of the Republic of Serbia, 72/2003, other laws, 75/2003 – correction 18/2004, 101/2005 – other laws, 85/2005 – other laws, 28/2011 – Decision by the Constitutional Court, 36/2011 and 104/2009 – other laws).



spatial dispersion and heterogeneity of their population. Presently, due to the implementation of natural threshold, the National Assembly has four representatives of the Alliance of Vojvodina Hungarians in coalition with a representative of the Party for Democratic Action (a party of the Albanian national minority), the Party of Democratic Action has two representatives, as well as Justice and Reconciliation Party representing the interests of Bosniaks in Serbia, and a representative of the Democratic Alliance of Croats in Vojvodina, elected as a part of the list of the Democratic Party. There are eight representatives of Hungarian political parties in the Assembly of the Autonomous Province of Vojvodina – six from the list of the Alliance of Vojvodina Hungarians, elected by 5% of the voters, and two belonging to the coalition named Hungarian Movement for Autonomy, elected by 1.67% of the voters.

Small, spatially dispersed and politically heterogeneous national minorities cannot be aided by the natural threshold to participate in the political life, except in rare cases when representatives are elected for the councils of local self-governments. Truth be told, should national minorities' political parties change their political action strategy and try to achieve their political goals by creating broader coalitions, the number of their representatives in representative authorities would probably increase. It is clear that even then, a great number of the national minorities would be left outside the political decision-making process. This has been indicated by the example of the coalition *Together for Tolerance* which failed to reach the electoral threshold at the 2003 elections, regardless of the fact that it was composed of political parties of the numerous national minorities, Hungarians and Bosniaks, together with the League of Social Democrats of Vojvodina.

The political influence of national minority parties was strengthened in a manner which compromised minority self-government and cultural autonomy. Namely, Article 71 of the Law on National Councils of National Minorities enabled, among others, registered political parties of national minorities to submit their electoral lists and participate in the elections for minority self-government units. In practice this implies that other proponents (citizens' associations and groups of voters entered into special

minority voter lists) which lack appropriate infrastructure and have not developed internal discipline, do not enjoy equal conditions at the elections. In order to mask the open and predominant influence of national minority parties on the election of minority self-government units, associations and citizens' groups covertly supported by the political parties propose their lists. This, however, opened an avenue for non-minority parties to organise and find ways to influence the election of national minorities' self-governments. Such system is not just and it does not provide for effective participation of national minorities in political life, nor does it contribute to cultural autonomy and minority self-government.

The excessive influence of political parties on the operation of minority self-governments has been addressed in many complaints, opinions by the academic community, citizens' association, as well as by international community, yet the Draft Law on the Amendments to the Law on National Councils of National Minorities has not amended the status of national minorities' political parties in the process of the election of national minority self-government. The new article 7a which regulates the issue of the conflict of interest concerning the positions in minority self-government units<sup>9</sup> should serve as a diversion and draw attention from this problem.

So, political representation of national minorities is effectively secured only in those local self-governments in which national minority populations have absolute or relative majority in relation to the total population.<sup>10</sup> Confusion arises from Article 9 of the Law on

<sup>9</sup> <http://www.mduls.gov.rs/aktivnosti-obavestenja.php#a126>

<sup>10</sup> For Example, in the local self-government units in which Bosniaks have the absolute majority, the city of Novi Pazar and municipalities of Sjenica and Tutin, the majority of the councillors are Bosniak. In Novi Pazar, 42 councillors were elected from the four lists of the political parties representing Bosniaks. In Sjenica, out of 39 councillors, 30 were elected from the three "Bosniak" lists. In the municipality of Tutin, all 37 councillors were elected from the lists of the three political parties representing Bosniaks. In the municipalities of Prijepolje and Priboj in which Bosniaks are not in the majority, the situation is somewhat different: in Prijepolje, out of 61 councillors, 21 were elected from the lists of three Bosniak parties., while in Priboj, out of 41 councillors, 9 were elected from the lists of the parties representing Bosniaks. The situation is similar when it comes to political representation of other national minorities. In the municipality of Senta in which Hungarians are

Local Elections which stipulates that “in units of local self-government with a mixed ethnic composition, national minorities shall be proportionately represented in the assemblies of units of local self-government”. Proportionate representation of different national minorities is not secured. Other articles of this law (40, 41) stipulate the application of the natural threshold when distributing the mandates to the political parties of national minorities that failed to achieve the electoral threshold. The application of the aforementioned Article 9 would require not only a different election system, but also serious changes in the political system of the country. This article should be remembered as an example of legislative solution which contributes to the inconsistency of the Serbian policy of multiculturality.

The right of national minorities’ members to equally, under the conditions identical to those identified for other citizens, participate in administering public affairs and assume public positions is guaranteed by Article 77 of the Constitution, while the same article stipulates that “When taking up employment in state bodies, public services, bodies of autonomous province and local self-government units, the ethnic structure of population and appropriate representation of members of national minorities shall be taken into consideration.” The Law on the Protection of Rights and Freedoms of National Minorities stipulates that: “In respect of employment in public services, including the police, attention shall be paid to the national composition of the population, appropriate representation and competence in the language spoken in the territory of the relevant body or service” (Article 21). This provision, which aims at improving the integration of national minorities and strengthening of social trust, is not consistently implemented and this is clearly emphasised as an issue requiring urgent action, in the Third Opinion by the Advisory Committee on Implementation of the Framework Convention in Serbia.<sup>11</sup> The Advisory Committee

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in the majority, out of 29 councillors, 19 were elected from the three lists proposed by the political parties representing Hungarians; in Kanjiža, out of 29 councillors, 17 are from two lists of the Hungarian national minority; in the city of Subotica, out of 50 councillors, 10 are from the list of the Alliance of Vojvodina Hungarians...

<sup>11</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008c6aa>

recommended Serbian authorities to: “promote the effective participation of national minorities, including the numerically smaller ones, in the electoral process”, “take vigorous measures to address the under-representation of national minorities in public administration, particularly at state level” and “to pursue their efforts to create a multi-ethnic police force”.

In June 2009, the Ombudsman of the Republic of Serbia sent his Recommendations to the Human Resources Management Service of the Government of Serbia in order for them to undertake the following measures in order to increase the participation of members of national minorities in state administration bodies: a) “to collect and update the data pertaining to the nationality of the state officers and employees”, b) “develop the plan of action with the purpose of increasing the employment of national minorities’ members in the bodies of public administration, as well as to review the undertaken activities with the purpose of increasing the participation of members of national minorities as employees in public administration bodies” and “when filling up vacancies by issuing a public call, to publish the call in a newspaper in the languages of national minorities, especially when the vacancy being filled is in a regional unit of public administration which is established on a territory predominantly and traditionally populated by members of national minorities.”<sup>12</sup>

This right has not been implemented, while the HR Management Service of the Government of the Republic of Serbia has not implemented the recommendations made by the Ombudsman, the fact which was ascertained in the Report of the State on Implementation of the Framework Convention for the Protection of National Minorities by the Council of Europe<sup>13</sup> where it has been stated that there are no legal grounds for the collection of the data pertaining to the nationality of public administration officers and employees and it is thus impossible to establish the participation of members of national minorities in operation of the state authorities and public administration bodies. The general public has access only to the data

<sup>12</sup> [www.pravamanjina.rs/index.php/sr/podaci/dokumenta/-/419-preporuka-slubi-za-upravljenje-kadrovima](http://www.pravamanjina.rs/index.php/sr/podaci/dokumenta/-/419-preporuka-slubi-za-upravljenje-kadrovima)

<sup>13</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId>

pertaining to the representation of national minorities in the public administration bodies of the Autonomous Province of Vojvodina (65.5% of the employees of Serbian nationality, 14.28% Hungarian, 2.78% Croatian, 1.5% Romanian, 1.75% Montenegrin, 0.77% Rusyn).

The Law on Civil Servants<sup>14</sup> in Article 9 stipulates that “when employing in state authorities, it needs to be secured that the national composition, representation of sexes and the number of persons with disabilities reflect as much as possible the composition of the population.”<sup>15</sup>

### **Cultural Autonomy and the Right to Minority Self-Government**

As it has already been said, cultural autonomy and minority self-government were introduced into the legal and social life in 2002. A more comprehensive regulation of the right to national minority self-government was provided in the Law on National Councils of National Minorities. Minority self-government deals with the fields relevant for preservation of the minority’s cultural identity – education, official use of language, culture and information (cultural autonomy). The essence of minority self-government lies in the concept that members of national minorities directly or through an elected National Council of the national minority, decide on the issues which concern their ethno-cultural identity.

At the latest 2014 elections, national councils of national minorities (minority self-governments) were elected by 21 national minorities: Albanians, Ashkalis, Bosniaks, Bulgarians, Bunjevci, Croatians, Egyptians, Germans, Greeks, Hungarians, Macedonians, Montenegrins, Roma, Romanians, Rusyns, Slovaks, Slovenes, Ukrainians, Czechs, Vlachs and the Association of Jewish Communities. The list of national councils is open, as recognition of the status takes place from election to election. In practice it can

<sup>14</sup> [www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_3rd\\_SR\\_Serbia\\_sr.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_SR_Serbia_sr.pdf)

<sup>15</sup> Official Gazette of the Republic of Serbia, no. 79/2005, 81/2005 – correction, 83/2005 – correction, 64/2007, 67/2007 – correction, 116/2008, 104/2009, 99/2014 and 94/2017).

occur that a national minority with the elected national council, which on the next election for minority self-governments fails to fulfil the conditions from Article 2 of the Law on the Protection of Rights and Freedoms of National Minorities, ceases to have its minority self-government unit. This article defines national minority and stipulates objective and subjective criteria for recognition of the status of national minority: a) representative number of members; b) being in minority to the majority population; c) firm bond with the territory of the country; d) differentiating characteristics – language, culture, national and ethnic affiliation, confession; e) readiness of the minority members to preserve and nurture their common identity.

Providing the depopulation tendencies characterising Serbian population, it is possible that small minorities, or those prone to ethnic mimicry, fail to fulfil the condition concerning the size of population and thus become unable to elect their minority self-governments. The lower limit which allows members of a national minority to form their electoral register is 300 adult population members. Thus the Aromanians failed to document the support of 300 adult members of their population and so they were unable to establish their minority self-government unit (Bašić, 2018.a). Even though it may seem that such open definition of national minority has its advantages over enumeration of individual minorities with the state recognised right to national self-government, the aforementioned example evidences that even such definition may cause serious problems. First, even the smallest minorities have the right to the protection and preservation of their ethno-cultural identity, so the size of a national minority's population is not a just criterion for implementation of the right to preservation of the national minority's identity. Second, open definition requires decentralised organisation of minority self-governments. Minority self-governments can be elected on the local level, but also on the level of a single settlement. Such model would enable Aromanians, who were denied their right to minority self-government, and subsequently to preservation of their identity, to establish self-government units only in their places of residence, while Roma, being dispersed all over the country, would be enabled to achieve their full cultural autonomy. Third, cultural autonomy can be asymmetrically organised, as there are national minorities who

lack the capacities to achieve its full scope. Fourth, the open definition promotes artificial ethnic diversities which often represent setback to development.

## ***Education***

The education of national minorities' members is regulated by a number of laws<sup>16</sup> and numerous bylaws. They guarantee equal access to education for national minorities, as well as equal opportunities for education and instruction on all levels and pertaining to all types of education and instruction, without discrimination on any personal basis.

The outcomes of education in national minority languages correspond with the aims of the policy of multiculturalism. Namely, minority self-governments firmly advocate for education in national minority languages before education authorities, simultaneously neglecting the importance of the integrative bilingual education. Contributing to such positions of minority self-governments is Article 5 of the Law on Fundaments of Education System<sup>17</sup> which stipulates obligatory instruction in languages of national minorities, while it reduces bilingual education programs to a possibility which needs to be regulated by a separate law.

The consequence of this is that majority of the students who attend classes in a national minority language at the end of their primary school education do not possess the knowledge of the majority language at the level which enables their social integration. Multiculturalists emphasise that the organisation of bilingual classes would also attract those minority students who attend school in Serbian, thus strengthening the policy of protection of national minorities' identities. Furthermore, bilingual education would provide opportunities for students whose first (mother) language is

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<sup>16</sup> Law on Fundaments of Education and Instruction Systems, Law on Preschool Education and Instruction, Law on Primary Education and Instruction, Law on Secondary Education and Instruction, High School Law, Law on higher Education, Law on Education of Adults, Law on Education Textbooks and Other Teaching Aids, Law on Student Standard.

<sup>17</sup> Official Gazette of the Republic of Serbia, no. 88/2017 and 27/2018 – other laws.

Serbian, to learn the language of the community in which they live, thus increasing the chances of social integration. Within the education system, optional classes of minority languages with the fundamentals of national cultures are organised for the pupils attending classes in Serbian. The attendance of these classes becomes obligatory once a parent, or a student opts to take them.

Legislation also regulates collection and recording of the data relevant for implementation of education in a language of a national minority.<sup>18</sup> The data concerning nationality of children, pupils and students are collected with the expressed clarification that declaring one's nationality is not obligatory. The educational institution in which education or instruction work is organised issues certificates in Serbian, in Cyrillic script, as well as in the language of the national minority in which the educational program was implemented.

Minority self-governments are delegated with the competences concerning the right of making decision, or participating in the decision-making process pertaining to the issues relevant for the protection of their national identity. In line with such commitment, representatives of minority self-governments are included in: a) the National Education Council for Preschool, Primary and Secondary General and Artistic Education and Instruction (one minority representative is elected, from the list of candidates submitted together by all minority self-governments); b) the National Council for Higher Education, in case the classes are partially, or entirely held in a national minority language; c) administrative body of a primary, or secondary school, where educational programs are implemented in minority languages, or which are confirmed by a competent authority to be particularly important for a national minority (minority self-government proposes three representatives to the local self-government); d) boards of parents in the institutions in which national minority students are being educated.

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<sup>18</sup> Law on the Fundamentals of Education and Instruction System, Law on the Protection of Personal Data (Official Gazette of the Republic of Serbia, no. 97/2008, 104/2009 – other law, 68/2012 – decision by the Constitutional Court and 107/2012), Rulebook on the Contents and the Manner of Keeping Records and the Issuance of Public Certificates in Primary Schools (Official Gazette of the Republic of Serbia, no. 55/2006, 51/2007, 67/2008, 82/2012 and 8/2013), etc.



In 2015/16, preschool education was organised in seven minority languages (Albanian, Bosnian, Hungarian, Romanian, Rusyn, Slovak and Croatian) in 40 units of local self-government, within 43 preschool institutions providing education to 4,035 children. Bilingual preschool education is implemented in Serbian and 8 minority languages (Albanian, Bulgarian, Hungarian, German, Roma, Romanian, Slovak and Croatian) in 14 local self-government units<sup>19</sup> within 18 preschool institutions, covering the total of 39 groups and 443 children.

According to the data of the Ministry of Education, Science and Technological Development for the curricular 2016/17, 526,762 pupils attended primary schools in Serbian, while 34,740 pupils attended primary school in 8 national minority languages (Albanian, Bosnian, Bulgarian, Macedonian, Hungarian, Romanian, Rusyn, Slovak and Croatian). In the same year, optional classes of a Native Language with elements of the national culture were attended by 11,509 pupils in 322 primary schools, within 150 local self-government units. These classes were held in the aforementioned languages of national minorities, but also in Czech and Ukrainian language, as well as in the Vlach and Bunjevci dialects.<sup>20</sup> The classes in the languages of national minorities require a great number of additional textbooks. The situation should improve upon the adoption of the new Law on Educational Textbooks and entry into force of the Memorandum of Cooperation concerning obtainment of the textbooks for primary school education in the languages of national minorities, which has been entered into by the Ministry of Education, Science and Technological Development and Institute for Textbooks for one party and eight minority self-governments for the other. According to the Ministry of Education's Catalogue of Textbooks<sup>21</sup> some 50 Albanian textbooks were selected for primary school education, nearly 70 Bosnian textbooks, over 130 Hungarian textbooks and around 120 textbooks in Slovak, Romanian and Rusyn languages.

<sup>19</sup> Alibunar, Bačka Palanka, Bečej, Vršac, Kikinda, Kovačica, Kovin, Kruševac, Novi Sad, Odžaci, Pančevo, Plandište, Sombor and Subotica.

<sup>20</sup> Report on Implementation of the Action Plan for Implementation of Rights of National Minorities, Ministry of Education, Science and Technological Development.

<sup>21</sup> [www.mpn.gov.rs/wp-content/uploads/2016/05/katalogudzbenika.pdf](http://www.mpn.gov.rs/wp-content/uploads/2016/05/katalogudzbenika.pdf)

In 2016/17 curricular year, in secondary public schools, 243,532 (96%) of students attended their classes in Serbian in 9,419 regular and 759 combined<sup>22</sup> classes within 518 schools. The classes in 8 minority languages were attended by 9,741 students in regular and combined classes, within 54 schools. The majority of these students, 5,511 of them, attended classes in Hungarian, while Albanian classes were attended by 2,888 pupils.<sup>23</sup> According to the data concerning the curricular year of 2015/16, classes of the subject entitled *Native Language with Elements of the National Culture* were organised in secondary schools in five different languages (Bulgarian, Hungarian, Romanian, Rusyn and Slovak), in 18 local self-government units, 28 secondary schools, 84 classes and for 1,167 students.

In higher education institutions, classes in minority languages were organised in Albanian and Hungarian, in the faculties, or the departments thereof in the areas in which these populations traditionally reside. Faculties and vocational colleges provide education programs for preschool, primary and secondary school teachers in Hungarian, Romany, Romanian, Rusyn and Slovak. Faculties of the Universities of Belgrade, Kragujevac and Novi Sad have departments for studying: Albanian, Bulgarian, Hungarian, German, Romanian, Rusyn, Slovak, Ukrainian and Czech languages, while the University of Novi Pazar also has the department of Bosnian language.<sup>24</sup>

### ***Official Use of Language and Script***

The Law on Official Use of Languages and Scripts<sup>25</sup> defines official use of a national minority language as: a) use of a national minority language in administrative and court proceedings and taking these proceedings in a national minority language; b) use of

<sup>22</sup> A combined class consists of the pupils of two or more grades.

<sup>23</sup> Report on Implementation of the Action Plan for Implementation of Rights of National Minorities, Ministry of Education, Science and Technological Development, 2017.

<sup>24</sup> The Fourth Periodical Report on Implementation of the European Charter for Regional and Minority Languages, Government of the Republic of Serbia, Belgrade, 2017.

<sup>25</sup> Official Gazette of the Republic of Serbia no. 45/91, 53/93, 67/93, 48/94, 101/2005 – other law and 30/2010.

a national minority language by the bodies which exercise public authorities in communication with citizens; c) issuance of official public certificates, keeping official records and personal data collections in the languages of national minorities and acceptance of documents and certificates in these languages as valid; d) use of national minority languages on voting ballots and material; e) use of national minority languages in operation of representative bodies; f) writing of the names of the bodies exercising public authority, names of local self-government units, settlements, squares, streets and other toponyms in the language and script of the national minority, which is in equal official use in the local self-government unit, simultaneously abiding tradition and spelling.

Language and script of a national minority are introduced into equal official use in a local self-government unit: a) in case members of the national minority traditionally live on its territory and b) in case the share of certain national minority community amounts to 15% of the total population, according to the data obtained by the latest population census. Fulfilment of the second condition assumes the obligation on the part of the local self-government unit to introduce the national minority language into official use. In practice, there was a famous case of councillors in the municipality of Priboj who, from 2002 to 2011, were refusing or avoiding to vote on the introduction of the Bosnian language into official use, while the competent state authorities failed to undertake legally stipulated measures against them (Bašić, 2018). In consequence, the legal obligation to introduce Bosnian language into official use ceased to be effective after 2011 Population Census, as the number of Bosniaks in the municipality fell to less than 15%.

Members of national minorities have the right to address public authorities in their own language, as well as to receive answer in the same language. However, communication with public authorities in their own language is guaranteed to the members of the national minorities which make at least 2% of the total population of the Republic of Serbia according to the latest census. The law stipulates that they do not address public authorities in their language directly, nor do they receive a direct answer, but that they rather do that via a local self-government unit in which the language is in official use, with the obligation of the local self-government unit

to provide interpretation and cover the expenses of the translation of a communication addressed to a public body, as well as translation of this body's answer.

The Law on Official Use of Languages (Article 12) stipulates that first instance administrative, criminal, civil, or any other proceedings in which it is decided on the rights and obligations of citizens, can also be taken in languages of national minorities. The condition for implementation of proceedings in a language of a national minority is that the language of the national minority is in official use in the body, or organisation before which the proceedings is taken. The manner in which the language of national minority in which proceedings are taken is being determined is legally stipulated and includes three different modalities: a) in case the proceedings involve a party belonging to a national minority, the proceedings are, upon a request by the party, taken in the national minority language which is in official use in the body, or organisation before which the proceedings are taken; b) in case when the proceedings include a number of parties belonging to different national minorities using different languages, the proceedings are taken in one of the languages which is in official use in the body or organisation before which the proceedings are taken; c) in case the parties cannot reach agreement pertaining to the language in which the proceedings will be taken, the language of the proceedings shall be determined by the body, or organisation before which the proceedings are taken (Bašić & Pajvančić, 2015, 99). Under certain conditions, it is also possible for second instance proceedings to be taken in a national minority language.

Writing of the names of settlements and other geographical names, names of streets and squares, bodies and organisations, traffic signs, public notices and warnings and other public inscriptions in languages of national minorities is guaranteed in the regions and environments in which these languages are in official use. The law also regulates the use of national minorities' languages and scripts in writing the names of companies, institutions, or other legal entities and businesses. This right can be implemented providing that the national minority language is in official use in the local self-government unit in which the legal

entity's headquarters are located, or when the national minority language is in official use in the legal entity's place of business.

Finally, due to the fact that it directly influences official use of national minority languages and scripts, it needs to be noted that national minority members have personal rights to freedom of choice and use of their personal name and names of their children, as well as the right to enter these names into all official documents, official records and personal data collections in line with the rules of their language and script. When demanded by a national minority member, public documents can be issued in the national minority's language.

There are ten national minority languages which are officially used in the Republic of Serbia: Albanian, Bosnian, Bulgarian, Croatian, Czech, Hungarian, Macedonian, Montenegrin, Romanian, Rusyn and Slovakian. Albanian is officially used in 3 local self-government units, Bosnian in 4, Bulgarian in 3, Croatian in 5, Hungarian in 31, Macedonian in 3, Montenegrin in 1, Romanian in 10, Rusyn in 6 and Slovakian in 12.

## **Culture**

Among other things, the Draft Strategy for Cultural Development in the Republic of Serbia until 2027 indicates that Serbia "treats its contemporary identity as a cohesive and inclusive social factor, which is reflected in the common heritage of all Serbian citizens and intercultural dialogue on all levels," but also that the dimensions of Serbian culture are based on Slavic, Byzantine, ancient Balkan, heroic, Enlightened-European and democratic contact values.<sup>26</sup>

The Draft Strategy has been developed based on the dominant monocultural model, while the cultures and identities of the national minorities are hardly ever referred to. In this spirit, it is also evident the resolve to found this cultural development on ethno-cultural, rather than state identity.

<sup>26</sup> [www.kultura.gov.rs/docs/dokumentij/nacrt-strategije-razvoja-kulture-republike-srbije-od-2017--do-2027-/nacrt-strategije-razvoja-kulture-republike-srbije-od-2017--do-2027-.pdf](http://www.kultura.gov.rs/docs/dokumentij/nacrt-strategije-razvoja-kulture-republike-srbije-od-2017--do-2027-/nacrt-strategije-razvoja-kulture-republike-srbije-od-2017--do-2027-.pdf)

Among the values believed to be of general interest to culture, the Law on Culture<sup>27</sup> also lists the discovery, creation, studying, preservation and presentation of national minority cultures. The development of cultural creation and cultural expression of national minorities' members is included in this Law among the strategic directions of cultural development. However, multiculturalism is not among the principles that the cultural policy is based on.

According to Article 5 of the Law on Culture, national minority self-governments "ensure the implementation of cultural policy of respective national minority" and "participate in the decision-making process related to their culture, establish cultural institutions and other legal entities in the field of culture." Furthermore, Article 16 of the Law regulates composition of the National Council for Culture and stipulates the election to its membership of two national minority members upon the proposal of national minority councils.

National Council of National Minority suggests (to the respective minority council) at least one member for the board of directors and supervisory board of an institution with a special relevance for preservation, advancement and development of cultural specificity and preservation of the national identity of the national minority. In cases where more than one national minority councils give a proposal for the member of the board of directors, the proposal shall be submitted jointly by all interested national minority councils. Finally, in case of transferring founder rights to the National Minority Council, the act on transferring founder rights shall determine the method of appointing the supervisory board members.

In spite of the fact that national minorities are heirs, or founders of a great number of cultural properties, the Law on Cultural Property<sup>28</sup> fails to adequately regulate representation and participation of minority self-government units in the decision-making process concerning the cultural property relevant for their culture and identity.

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<sup>27</sup> Official Gazette of the Republic of Serbia, no. 72/2009, 13/2016 and 30/2016 – correction.

<sup>28</sup> Official Gazette of the Republic of Serbia, no. 71/94, 52/2011 – other law and 99/2011 – other law.

## *Information*

The Law on Public Information and Media<sup>29</sup> regulates information in national minority languages as a public interest implemented in three different ways: a) via public services; b) through the right of minority self-government units to found institutions and business associations with the purpose of implementing the right to public information; and c) by co-financing projects, upon competitions in the field of public information.

Public interest in the field of public information includes, inter alia, full information of national minority communities in their native language, as well as preservation of the cultural identity of the national minorities living on the territory of the Republic of Serbia.

Despite the fact that the privatisation of national minority media was finalised with no major consequences on information of national minority communities, the public information service of Radio Television of Serbia failed to enable national minorities to be appropriately informed in their respective native languages and scripts. The credit for maintaining the amount of media contents, as well as quality of the program in national minority languages goes to Radio Television of Vojvodina which, as a public service of the Autonomous Province of Vojvodina, fulfils its obligation of broadcasting program in national minority languages. According to the Report of the Ombudsman of the Republic of Serbia on Information in National Minority Languages after the 2016 Privatisation of Media<sup>30</sup> Serbian national service failed to respond to “what was for years demanded by the national minorities that mainly live on the territory of Central Serbia, for the RTS to enable them equal access to information in their native languages, as national minorities in Vojvodina are enabled through radio and television programs of the provincial public service.”

<sup>29</sup> Official Gazette of the Republic of Serbia, no. 83/2014, 58/2015 and 12/2016 – authentic interpretation.

<sup>30</sup> [www.pravamanjina.rs/images/stories/Izvestaj\\_o\\_informisanju\\_na\\_jezicima\\_nacionalnih\\_manjina\\_nakon\\_privatizacije\\_medija.pdf](http://www.pravamanjina.rs/images/stories/Izvestaj_o_informisanju_na_jezicima_nacionalnih_manjina_nakon_privatizacije_medija.pdf)

The situation is more complicated when it comes to the status and sustainability of the media in languages of national minorities founded by minority self-government units. The problem lies in the fact that the majority of printed and electronic media in national minority languages are not sustainable and their operation requires affirmative measures, i.e. additional financial support by the state, province and local self-governments. In spite of the fact that the Law on Information and Media explicitly envisaged public call as a manner of media financing, the Provincial Secretariat for Culture and Information adopted the decision on subsidising of the minority self-government units which founded institutions producing media contents. It may be that the Provincial Secretariat does not act in line with the law, yet its actions are just, as the media in minority languages have managed to survive due to these subsidies. The aforementioned Ombudsman Report provides an illustrative example of the funds necessary for publishing a single issue of Rusyn newspaper "Ruske slovo" being four times higher than the total budget of the Rusyn self-government.

Co-financing upon winning funds in competitions for projects has created the biggest confusion, as these competitions are not implemented transparently, while no clear and measurable criteria for project acceptance have been defined. Furthermore, the opinion of minority self-government unit pertaining to proposed projects should not be decisive for allocating funds. The general confusion is contributed by the fact that calls for co-financing of projects can be issued at any point during the year, which promotes the sense of insecurity of minority media founders. According to the aforementioned Ombudsman Report, by the end of 2016, out of 68 multinational local self-governments, only 28 made decisions to co-finance projects based on implemented competitions. In other words, 40 local self-government units did not select any media related projects, while 17 failed to publish calls for proposals. What may be encouraging, however, is the fact that in 2016, 49 out of 68 multinational local self-government units allocated almost 390,000,000RSD to co-finance the production of media contents in the public interest and in national minority languages.



## Financing Minority Self-Government and Cultural Autonomy

The Law on National Councils of National Minorities (Articles 114 and 115) stipulates that the funds necessary for financing national minority councils are obtained from the budgets of the Republic of Serbia, Autonomous Province of Vojvodina, local self-government units, as well as through donations and other sources of income. Article 119 of the Law also envisages foundation of the Budget Fund for National Minorities. By mid-April 2018, this Fund has not been founded.

The amount of the funds obtained out of public resources allocated for operation of national minority councils is determined each year by the Law on State Budget of the Republic of Serbia, as well as by the decisions adopted pertaining to the budgets of AP Vojvodina and local self-government units.

The funds secured in the budget of the Republic of Serbia are allocated in such way that 30% is allocated equally to all registered national minority councils in the Republic of Serbia, while the remainder of the resources (70%) is allocated proportionately to the number of the national minority members represented by the council. A half of the remaining resources (35%) is allocated to national minority councils proportionately to the share of the national minority in population total according to the results of the latest population census. Other half of the remaining funds (35%) is divided in four, one part for each field, in line with the point-based system. The point-based system defines the criteria in the fields of culture, education, information and official use of language and script, as well as the allocation of points for each of the criteria. Total number of points serves to calculate the share of individual national councils in allocation of the funds.<sup>31</sup>

According to the Regulation, a national minority self-government unit (national council) is awarded 50 points if it has

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<sup>31</sup> Regulation of the Process of Funds' Allocation out of the Budget of the Republic of Serbia for Financing Operation of National Councils of National Minorities, Official Gazette of the Republic of Serbia, no. 95/2010 and 33/2013.

founded an institute for culture, or a publishing house in a minority language, 20 points are awarded for publication of a journal in a minority language, while 5 points are awarded to those who publish multilingual journals. If a national council is the founder of a company which publishes a daily newspaper in a minority language it shall be awarded 70 points, another 50 points for a weekly, etc. Even though they promote integrative multiculturalism and they are much harder to prepare, bilingual periodicals are awarded five times less points. Each national council which has at least one national minority institution in the language and script of respective national minority is awarded 50 points. Finally, 10 points are awarded for each preschool, primary school and secondary school class in which education is provided in the respective national minority language. The same number of points is awarded for each bilingual class.

The Autonomous Province of Vojvodina allocates funds in a similar way to the national councils of the minorities the number of which on the territory of Vojvodina makes more than a half of the total number of that minority's members in the Republic of Serbia, or to the national councils of those national minorities the communities of which on the territory of Vojvodina amount to more than 10,000 members according to the latest population census.<sup>32</sup> The criteria for the allocation of funds include the size of a minority population (30%) and the number of institutions in the field of cultural autonomy (70%).

The resources secured in the budgets of local self-government units are allocated, in line with a decision by the competent authority of the local self-government unit, to the national minority self-governments which represent the national minorities the communities of which make at least 10% of the total population of the local self-government unit, or the national minorities the language of which is in official use on the territory of the local self-government unit.

<sup>32</sup> Decision on the Manner and Criteria of Allocating Budget Funds of the Provincial, Official Journal of the Autonomous Province of Vojvodina, no. 40/2012.

## Conclusion: The Recognised Rights Do Not Guarantee Social Integration of National Minorities

It is an undisputed fact that the Republic of Serbia has invested momentous political and legal efforts with the purpose to regulate the status of national minorities, but it is also true that the policy of multiculturalism does not correspond to the multiethnic nature of the country. The main indicators of such condition are the segregational social relations. Present day Serbia is a sum of a number of monocultural ethnic communities living side by side. It is often quoted that they do not know much about each other and that mutual prejudices result in ethnic distancing and discrimination.

The state interest assumes social stability and in multiethnic societies it is achieved by erasing the borderlines between ethno-cultural groups. In the political sense, this is achieved through decentralisation, different kinds of autonomy, transfer of competences to minority self-government units, adjustments to the election and political systems, etc. On the level of Culture, social integration of minorities is promoted, while limitrophe areas are created between different cultural groups. The means to achieve this include: multilingualism, the sense of societal security and intercultural exchange.

The policy of multiculturalism, implemented in Serbia without a clear strategic vision since 2001, has managed to produce adverse effects. Selective implementation of solutions borrowed from the multicultural policies of the neighbouring countries, especially the Republic of Hungary, as well as the exclusive attitude of the majority towards national minorities<sup>33</sup> have contributed to the establishment of a system which does not favour all national minorities equally. "More" rights are granted to

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<sup>33</sup> The will of the majority is made absolute in the political discourse of the ruling majority and is reflected in the attitudes of the citizens. Thus, we have a somewhat larger number of those who believe that the will of the majority should always prevail, even over the rights of minority groups, than those disagreeing with such notion (39.3% against 34%). When the attitude towards national minorities is concerned, national minority members react to such position quite differently as: 89.2% of Bosniaks, 68.5% of Croats, 62.5% of Hungarians, 66.7% of Roma disagree with such position. (Bašić & Lutovac, 2017)

numerous, culturally and territorially homogeneous national minorities, while the national minorities the populations of which are less numerous and which actually require more protection, remain deprived of the majority of rights concerning the protection of their identity. The condition is further deteriorated by the partocratic operation of the state and its attempts to control social processes through "representation of political parties' members" in the public bodies such as national councils. The influence of political parties on the bodies the function of which is based on autonomy and self-government renders meaningless the essence of the policy of multiculturalism. Finally, the attempts of minority self-government units, interconnected with the interests of political parties, to preserve centralised organisation and control the electorate within minority communities, represent a crucial obstacle to integrative and effective policy of multiculturalism.

The present process of amending the regulation concerning the policy of multiculturalism evidences the lack of will, in both national minorities and the state, to effect substantial and meaningful changes. The political parties of certain national minorities and their national councils have managed to strengthen their negotiating position over time and they are fundamentally disinterested in any changes that may disturb or weaken their leverage. The countries in the region that the most numerous national minorities in Serbia ethnically originate from, are generally satisfied with the existing condition where impermeable monocultural entities coexist on Serbian territory. The draft amendments of the most important legislation, which should provide foundations for the policy of multiculturalism, further evidence the lack of the state's will to make radical changes. Time will tell what the consequences of such situation will be.

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