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Minority Rights in Macedonia
- The Right to Use a Minority Language

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# ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>EU</td>
<td>European Union</td>
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<td>The Convention</td>
<td>Framework Convention for the Protection of National Minorities</td>
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<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<td>NLA</td>
<td>National Liberty Army</td>
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<td>OFA</td>
<td>Ohrid Framework Agreement</td>
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<td>OSCE</td>
<td>Organization for Security and Cooperation in Europe</td>
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<td>SEEU</td>
<td>South East European University</td>
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<td>The Charter</td>
<td>European Charter for Regional or Minority Languages</td>
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<td>The Law on language</td>
<td>The law on use of language - spoken by at least 20% of the citizens in Republic of Macedonia and in the units of local self-government</td>
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<td>USA</td>
<td>United States of America</td>
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All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.¹

PREFACE

I was born in Macedonia and I belong to the largest minority, the Albanian minority. The situation in the country has always been of great interest to me, especially the Albanians situation. After the conflict that shattered the country in 2001 the interest for the Albanian community grew. During my internship in 2008 at the Swedish embassy in Skopje I tried to figure out the relations between the Macedonian and the Albanian population. I knew then that I would write something including those two largest populations in Macedonia. It was not until I received the Minor Field Scholarship that I decided it would be the minority rights that my master thesis would cover. Along the field study in the country I decided that the most interesting and important minority right is the right for minorities to use their mother tongue.

1 INTRODUCTION

1.1 Background

For centuries the Balkan region has been a mosaic of cultural, ethnical and religious diversity, and remains to this date. The wars that took place on the territory of former Yugoslavia during the 1990s have left devastating consequences for all minority groups in the region. The post conflict ill-treatment of minority communities and violations of their rights represents an alarming and destabilizing factor, which affects regional stability and cooperation by hindering countries from positive political and socio-economic development.

Macedonia is one of the successor states of the former Yugoslavia, from which it declared independence in 1991. Macedonia has a population of 2,022 million people, among which the Macedonians are in majority with 65%. The Albanians cover 25% of the population, the Turks 3.5%, the Romani people 2.5%, and the Vlachs 0.5%.²

Macedonia is a country with underlying weak democracy, weak institutional structure and strong nationalistic undercurrents. After a decade of Albanian dissatisfaction towards discriminating politics small armed Albanian groups, under the National Liberty Army (NLA), started at the end of February 2001 a revolt that began in the north, close to the border to Kosovo. A brief conflict followed, that settled in August the same year in Ohrid with a peace agreement, the Ohrid Framework Agreement (OFA), which was prepared with the help of the European Union (EU), United States of America (USA), Organization for Security and Cooperation in Europe (OSCE) and North Atlantic Treaty Organization (NATO). The OFA regulated extensive changes regarding the constitution and other parts of the legislation.³

Even though the paper will not cover Macedonia’s aim for EU membership and NATO membership it is of vital importance even for those memberships that the OFA is fully implemented.

³ [http://www.regeringen.se/content/1/c6/04/37/88/1d72af5a.pdf], 11th of March 2015.
1.2 Purpose and disposition

The purpose of this master thesis is to answer the questions if the right to use a minority language is stated and how well it is stated in Macedonia. This will be done through examining the changes the OFA brought to the preamble of the Macedonian constitution. The preamble of the constitution is of interest because this was one of the main reasons to the conflict that took place in 2001. Focus though will be on the changes the OFA brought concerning the use of language for the minority population. It is also of importance to examine how well the constitution of Macedonia has taken into consideration the rights stated in the Framework Convention for the Protection of National Minorities (The Convention) on the parts regarding the rights of minority languages.

Another step in trying to answer if and how well the right to use a minority language is stated is to examine the European Charter for Regional or Minority Languages (The Charter). It is of interest to examine how well the Law on the use of a language - spoken by at least 20 % of the citizens in Republic of Macedonia and in the units of local self-government (the Law on language) has implemented the rights settled in the Charter.

As it will turn out in the paper the focus will be on the Albanian minority and the right to use the Albanian language because the Albanian minority consists of approx. 25 % of the Macedonian population.

Whether the right to use a minority language has any legal value and how well it is protected will not be examined in this paper. With legal value I mean the possibility for a person to plead in front of a court if the rights settled in the Law on language have been violated. With how well the right to use a minority language is protected I mean if there are any sanctions against those who violate the rights settled in the Law on language and if a person whose right to use a minority language is violated is entitled to receive damages.

The first part of this paper will examine what led up to the signing of the OFA. A historical overview will be presented.

In the second part the OFA will be presented and the parts where the language is regulated will be examined. Further relevant parts of the Macedonian constitution will be examined.
How well the constitution has implemented the rights of minority languages stated in the Convention will also be examined.

The third part will present the Charter and how well the Law on language has implemented the rights settled in the Charter.

The paper will end with concluding remarks.

1.3 Method and material

In trying to find out if and how well the right to use a minority language is stated in Macedonia I have examined relevant regulations and compared them and I have tried to see if the international frameworks and charters have been implemented in the national legislation. I answer the questions if and how well the right to use a minority language is stated in Macedonia by presenting my observations and analyses in the concluding remarks.

I tried to examine the possibility to exercise the rights stated in the Law on language and the right to plead in front of a court if those rights have been violated. I also tried to examine if there are any sanctions against those who violate the rights settled in the Law on language and if a person whose right to use a minority language is violated is entitled to receive damages. In trying to figure this out I made many questionnaires and emailed them out to contacts I found during my minor field study in the country. My questions where aimed at the minority population in different positions and in different areas of Macedonia. About a hundred questionnaires were sent out. Unfortunately I did not receive as many responses as necessary.

Almost all the material used writing this paper was selected and collected during my field study in Macedonia. I collected material and information from different organisations and institutions. I searched for material at the State University Library in Skopje and the South East European University (SEEU) library in Tetovo. I managed to collect enough material that covered the use of language for minorities.
A great deal of research has been done on the internet and a lot of different websites have been used.

1.4 Delimitation

Due to the lack of space and the time length I chose one minority right to focus on and I chose the right to use a minority language. This right is essential when it comes to communication and therefore I find it very interesting. One of the reasons I chose this right is because it was not until 2008 that Macedonia adopted the Law on language, which covers the right to use a minority language. It is fascinating to me how a country with almost one third of the population being minorities waited until 2008 to adopt a law on the right to use a minority language. Of course I being of Albanian ethnicity make the right to use my mother tongue of even more interest.
2 The signing of the Ohrid Framework Agreement

2.1 What led up to the signing of the Ohrid Framework Agreement?

2.1.1 A short historical overview

The Declaration for independence was sent to the Macedonian Parliament on the 25th of January 1991. This act was the first step towards the independence of Macedonia. The Declaration for independence did not express the multiethnic Macedonia, but contained definite nationalistic Macedonian characteristics. The fundamental definitions of the Declaration for independence misrepresent the historical and ethnical reality on which the new state in the Balkan had to be based on. The first section of the Declaration for independence expresses “the right of independence for the Macedonian population”. This formulation shows in a very clear way the character of the new state as a national Macedonian state, excluding the opportunity of the foundation of a multiethnic state, where the Albanians and the other populations living in Macedonia would be included.4

From the beginning Macedonian political parties wanted to make it clear to the Albanians that the country is called Macedonia, that Albanians would continue to be foreign in their own ethnic lands and that their rights would continue to depend on the desire and the will of Macedonian political parties and the Macedonians. On the other hand, Albanian political parties wanted to make it clear that, in the future they would not allow Albanians to remain “tenants in their own homes”. The development of political pluralism in Macedonia before the 2001 conflict is characterized by political war between the “small majority” and the “big majority”, extreme disrespect for the legitimate demands of the Albanian population in Macedonia, the institutional discrimination of the Albanian population, tragic events where the state violence resulted with losses of lives of citizens from Albanian ethnic background, etc.5

On the 20th of March 1991 the new government was chosen. Of course, in this government also Albanians were chosen so that the government would avoid the accusations as one ethnic government, which was not in accordance with the ethnic reality in Macedonia. But, the Albanians where only represented in one ministry.6

The then existing government rounded off the forming of the state, realizing with success the referendum of the 8th of September 1991 and the approving of the Constitution. The Macedonian politicians forced Macedonia through the international factor as a Macedonian national state. This did not meet the interests of the other people living in Macedonia, especially the national Albanian population. The general conviction was not just that the Albanian population did not gain anything from the referendum, but gave legitimacy to a country to strive to win international legitimacy without the Albanians as constituent people of the state. The Albanian people in Macedonia, in full members boycotted the referendum.7

The approval of the constitution on the 17th of November 1991 signified the lost chance for the Balkans to form a “Balkan Switzerland” which would stop all the neighbor confrontations. The preamble of the constitution of Macedonia in 1991 marks very clear the national Macedonian state. And it marks very clear the position of the Albanians as a national minority. The preamble was the main generator of the Macedonian crisis and the source of all the ethnical Albanian-Macedonian misunderstandings.8

2.1.2 The conflict in 2001

In 2001 the armed Albanian-Macedonian conflict took place. The first spark of the conflict started in Tanushë, Macedonia. On the 14th of March 2001 the conflict spread to the mountains of Tetovo. Step by step Macedonia was becoming a dangerous zone in the Balkans and the tension rose between the politicians in the government.9 Macedonia entered a deep crisis. The NLA committed several armed attacks against the state security structure and promoted their own political leadership and political demands. These

6 Rexhepi, supra note 4, p 42-43.
7 Rexhepi, supra note 4, p 43-46.
8 Rexhepi, supra note 4, p 53-54.
9 Rexhepi, supra note 4, p 167-173.
demands included a call for constitutional amendments and coincided with the statements of Albanian politicians who claimed that the constitution was the crisis generator.\textsuperscript{10}

From the Macedonian angle the conflict was exported from Kosovo and was hurried from the international on viewers.\textsuperscript{11} Even the idea of a great Albania was mentioned as a reason.\textsuperscript{12}

According to the Albanians the armed conflict was a result of the non equality and discrimination against the Albanians in the system. The Albanians never settled with the minority status in this newly formed state. The political war for the equality in Macedonia did not give the expected results and therefore the discrimination and the non equality drove the Albanians to take arms to realize their national rights. Even the higher education in Macedonia that discriminated the Albanians on their right to study was one of the main reasons.\textsuperscript{13} The offers for the reformation of the constitution made by the Albanians were either neglected or ignored.\textsuperscript{14}

According to the NLA the war was for the saving of the territorial entity and a war for ethnic equality. The development of the war forced the international on viewers to press the Macedonian and Albanian politicians.\textsuperscript{15} The quick conflict resolution without a large number of victims stands in contrast to the wars in the regions of the Balkans. The international involvement in Macedonia was specific compared to the other conflicts in the Balkans. The international union had learned the important lessons from the earlier conflicts in Europe such as Bosnia and Herzegovina and Kosovo. The involvement was in 2 dimensions: the prevention of the new escalation of the conflict and the realization of the peace process.\textsuperscript{16} The OFA provided for a guide out of the conflict.

\textsuperscript{10} Friedrich Ebert Stiftung, Rizvan Sulejmani, \textit{supra} note 5, p 145-146.
\textsuperscript{11} Rexhepi, \textit{supra} note 4, p 167-173.
\textsuperscript{12} Partnerë në Paqe dhe Prevencioni, Branislav Sarkanjac, Fondacioni Fridrih Ebert, Polyesterday, Skopje, 2004 p 77. My own translation.
\textsuperscript{13} Fondacioni Fridrih Ebert Branislav Sarkanjac, \textit{supra} note 12, p 77.
\textsuperscript{14} Rexhepi, \textit{supra} note 4, p 173.
\textsuperscript{15} Rexhepi, \textit{supra} note 4, p 183-189.
\textsuperscript{16} Fondacioni Fridrih Ebert, Veton Latifi, \textit{supra} note 12, p 94- 96.
2.2 The signing of the Ohrid framework Agreement

2.2.1 The negotiations in Ohrid, Macedonia

The negotiations of the ongoing conflict started in Skopje under the leader Trajkovski and the leaders of Albanian and Macedonian political parties. The impression of those negotiations was that they were only a formal dialogue. The Macedonian authorities and the Macedonian politicians did not wish to accept to sit down at a negotiation table to change the 1991 constitution. The Albanians considered the constitution as the generator of the conflict and therefore they wanted to change the constitution so that the Albanians could gain equal rights with the Macedonians. The Albanians also insisted that in the negotiations in Skopje there should be international mediating. The attitude of the Macedonian authority was that the internal conflict could be solved by the Albanian and Macedonian parties, without international mediating. The dialogue in Skopje was just the prologue to the negotiations in Ohrid. 17

In the middle of June 2001 USA sent their diplomat James Pardew to help solve the conflict in Macedonia. EU did the same and on the 28th of June they sent the French minister Francois Leotard. It was clear that the USA and EU were going to work together for the interference and the solution of the conflict in Macedonia. The negotiations could not take place in Skopje because of the great political burden. The negotiations where therefore held in Ohrid and serious negotiations started on the 28th of July. Once arrived in Ohrid it was clear for the participants that there was no easy exit from Ohrid and that serious negotiations were expected. No one was going to leave Ohrid without an agreement that was going to put an end to the conflict. 18

Leotard and Pardew insisted in the beginning of the negotiations to make it clear that the armed victory of either one of the parts was not an option. Therefore, it was necessary to negotiate in a serious manner in Ohrid, because the armed conflict was now a reality that could not end without negotiations. It was also clear that the territorial integrity of

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18 Latifi, supra note 17, p 36-42.
Macedonia was not going to be negotiated, there were only going to be discussions on constitutional changes.\textsuperscript{19}

Between the 7\textsuperscript{th} and 12\textsuperscript{th} of August 2001 there were no negotiations held due to the intensified conflict in field.\textsuperscript{20} It was stated that the longer the closing of the negotiations and the signing would be prolonged the possibility would grow for further incidents.\textsuperscript{21}

Through intense pressure the signing was finally decided to take place at the residence of the leader Trajkovski in Skopje. Trajkovski and the leaders of the four largest parties, Georgievski, Xhaferi, C\u0107rvenkovski and Ymeri signed the agreement on the 13\textsuperscript{th} of August 2001. Even though their greetings and congratulations where not sincere this gave the right signal to the citizens; that the conflict was coming to an end.\textsuperscript{22}

\textsuperscript{19} Latifi, \textit{supra} note 17, p 44-45.
\textsuperscript{20} Latifi, \textit{supra} note 17, p 110.
\textsuperscript{21} Latifi, \textit{supra} note 17, p 115.
\textsuperscript{22} Latifi, \textit{supra} note 17, p 125-127.
3 The Ohrid Framework Agreement and the Framework Convention for the Protection of National Minorities

3.1 The importance of the Ohrid Framework Agreement

The OFA\(^{23}\) is a contract between the Albanians and Macedonians for the new social-political relations and the future building of the country. The OFA is a successful result of the democratic forces in Macedonia. It is also a result of the political engagement of the Albanian politicians. The OFA rejects the ethnocentric concept of the state and at the same time the beginning of the new era in the Macedonian-Albanian relations. The OFA made it possible for the Albanian population to return the judicial and constitutional rights and to win the status as a state building people.\(^{24}\) Now the interest of the Albanian population would be protected in a legal way.\(^{25}\)

The OFA gave the Macedonian constitution a new view. The idea of the OFA was to guarantee all ethnic communities the political, societal and cultural participation and self-expression in Macedonia. Those guaranteed rights should not just be minimal, but the goal was that the smaller ethnic groups should have a realistic opportunity to exercise them. The OFA aimed for full integration of those ethnic groups who until then had been depending on the will of the largest ethnic community regarding their level of participation.\(^{26}\)

The OFA and the reforms to the Macedonian legislation have been largely supported by the Albanian community. Support among the Macedonian population has been considerably lower. Most reservations of the Macedonian political elite towards the OFA has been based on the concern over losing control of the state, both symbolically and in fact, and the much


\(^{24}\) Latifi, *supra* note 17, p 144-146.

\(^{25}\) Rexhepi, *supra* note 4, p 196-197.

\(^{26}\) Friedrich Ebert Stiftung, Stefan Dehneret and Rizvan Sulejmani, *supra* note 5, p 5-6.
feared scenario of secession.\textsuperscript{27} Even so some Macedonian circles were from the beginning spreading the view that the OFA is something imposed from abroad and that it advances the status of the Albanians by harming Macedonians. On the other hand, certain Albanian circles were promoting the view that the OFA does not advance the legal-political status of Albanians as much as it is necessary.\textsuperscript{28} It is important to understand that the OFA is concluded with the purpose to keep the country within its existing borders. It is actually a guarantee for the survival of the state, eliminating the threat of secession demands by the Albanian community. So, the OFA can also be termed as an agreement preventing the break-up of Macedonia.\textsuperscript{29}

The OFA needs to be considered as an act of reconciliation and negotiations for a more democratic, more stable and more European-like state. The most important thing in having a new beginning is making peace with the past. If the events of 2001 contributed to a more stable, democratic and equal Macedonia, the gains of the war can be treated in a positive historical context for Macedonia.\textsuperscript{30} The multi-ethnicity, the multi-religiosity and the multiculturalism should be understood as advantages and not as handicaps, where the implementation of the OFA should be understood as a necessity and not as good will.\textsuperscript{31}

Deadlines are set forth in the OFA and determine certain obligations that need to be implemented. Most of the deadlines have not been met. The delay is due to the complexity to the changes that are being introduced in the political system. The delay is also owing to the resistance by the political elite, the political bargaining and the resistance articulated by the representatives of the Macedonian ethnic community. The largest challenge related to the implementation of the OFA is the fact that, although it has been incorporated into the constitution, it itself is not a constitutional act, nor is a law that would oblige the ruling elite to implement it. The OFA is not a binding document from a formal and normative point of view; it is as mentioned above a contract between the Albanians and Macedonians. Even

\textsuperscript{27} Friedrich Ebert Stiftung, Florian Bieber, \textit{supra} note 5, p 36.
\textsuperscript{28} Friedrich Ebert Stiftung, Etem Aziri, \textit{supra} note 5, p 49-50.
\textsuperscript{29} Friedrich Ebert Stiftung, Ermira Mehmeti, \textit{supra} note 5, p 71.
\textsuperscript{30} Friedrich Ebert Stiftung, Rizvan Sulejmani, \textit{supra} note 5, p 159.
\textsuperscript{31} Friedrich Ebert Stiftung, Etem Aziri, \textit{supra} note 5, p 65.
though it is stated in article 10.1 of the OFA\textsuperscript{32} that the document takes effect upon signature very often, its implementation depends solely on the political will of the government.

The implementation of the OFA is the foundation of the democratic process in the multi-ethnic society of Macedonia. This process must not be undermined under any circumstances. The OFA is also the key to the European future of Macedonia.\textsuperscript{33}

Even though this paper does not cover Macedonia’s aim for EU and NATO membership it will briefly be mentioned that there are some conditions, standards and universal values that have to be fulfilled before gaining membership. Those are democracy, good ethnic reports, domestic stabilization, a set of laws, respect for the human rights, reforms on the safety and police structures, minority rights, the good and stable economic, co working regional and neighboring relations. For memberships in EU and NATO the implementation of the OFA, where all the above mentioned criteria could be included, is necessary for Macedonia.\textsuperscript{34}

3.2 Constitutional amendments, initiated in the Ohrid Framework Agreement

3.2.1 The preamble of the constitution of 1991

“Taking as the points of departure the historical, cultural, spiritual and statehood heritage of the Macedonian people\textsuperscript{35}, . . ., as well as the historical fact that Macedonia is established as a national state of the Macedonian people\textsuperscript{36}, in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanian\textsuperscript{37}, Turks, Vlachs, Romanies and other nationalities living in the Republic of Macedonia. . .”\textsuperscript{38}

\textsuperscript{33} Friedrich Ebert Stiftung, Ermira Mehmeti, supra note 5, p 71, 84-87.
\textsuperscript{34} Fondacioni Fridrih Ebert, Nazmi Maliqi, supra note 12, p 167.
\textsuperscript{35} My own italics.
\textsuperscript{36} My own italics.
\textsuperscript{37} My own italics.
The historical right and the heritage of the Albanian people are nowhere mentioned in the preamble. There are historians that tell that greater part of the Republic of Macedonia today has been inhabited by Illyrians that are the forefathers of Albanians.39

As mentioned above, among the most critical issues for the Albanians were the definitions set forth in the 1991 Constitution. They objected on the fact that, according to the Constitution, Macedonia was defined as a state that belongs exclusively to the Macedonians.40

3.2.2 The preamble of the constitution proposed in the OFA

According to the OFA, the constitution of Macedonia is not considered as something perfect or holy, but to the contrary; as the highest legal act that should change according to the created circumstances. The OFA is a historic document, on which the current Constitution is based.41

“The citizens of the Republic of Macedonia42 . . ., equal in rights and obligations towards the common good. . . , they have decided to establish the Republic of Macedonia as an independent, sovereign state, with the intention of establishing and consolidating rule of law, guaranteeing human rights and civil liberties, providing peace and coexistence, social justice, economic well-being and prosperity in the life of the individual and the community, and in this regard through their representatives in the Assembly of the Republic of Macedonia, elected in free and democratic elections,. . .”43

3.2.3 The new preamble of the constitution of 1991, amendment IV

In early November of 2001 there were many frustrations because of the usage of every opportunity from the Macedonian authority and for the protraction and prolongation of the constitutional amendments that gave the Albanians greater rights seen within the OFA. With forced oppression from EU, USA and NATO, the Macedonian parliament finally ratified the

39 Rexhepi, supra note 4, p 49-50.
40 Friedrich Ebert Stiftung, Ermira Mehmeti, supra note 5, p74.
41 Friedrich Ebert Stiftung, Etem Aziri, supra note 5, p 52.
42 My own italics.
OFA and the constitutional amendments on the 17th of November 2001, with more than 6 weeks of delay.44

“The citizens of the Republic of Macedonia, the Macedonian people, as well as citizens living within its borders45 who are part of the Albanian46 people, the Turkish people, the Vlach people, the Serbian people, the Romany people, the Bosniak people and others taking responsibility for the present and future of their fatherland. . . , with the intention of establishing and consolidating the rule of law, guaranteeing human rights and civil liberties, providing peace and coexistence, social justice, economic well-being and prosperity in the life of the individual and the community, and, in this regard, through their representatives in the Assembly of the Republic of Macedonia, elected in free and democratic elections. . . ”47

The new preamble represents the political foundation for building a multi-ethnic and democratic Macedonia. As a political manifesto, it determines the constitutional order of Macedonia as a result of concurrence for such order among the Macedonian and the Albanian people and all other people that live in the country. As stipulated by the new preamble, the ethnic groups are responsible holders of the sovereignty and the territorial integrity of the state. Macedonian and Albanians jointly took responsibility for Macedonia, as proprietors of the sovereignty of the state.48

The new constitution of the republic of Macedonia guarantees basic rights and freedoms to all persons and to citizens in particular. The constitution is based on the universal definition that every citizen of the republic of Macedonia should be responsible for the present and for the future of their homeland. The constitution of the republic of Macedonia foresees basic human and civil rights and freedoms as fundamental values of the constitution. It emphasizes the right to equality with the definition that citizens of the republic of Macedonia have equal rights and freedoms, regardless of their gender, race, color, ethnic or

44 Latifi, supra note 17, p 141-143.
45 My own italics.
46 My own italics.
48 Friedrich Ebert Stiftung, Ermira Mehmeti, supra note 5, p 75–76.
social origin, political or religious belief, social position and they are equal in front of the
constitution and law.\textsuperscript{49}

3.2.4 Paragraph 7 of the Macedonian constitution

“The Macedonian language, written using its Cyrillic alphabet, is the official language in the
Republic of Macedonia. In the units of local self-government where the majority of the
inhabitants belong to a nationality, in addition to the Macedonian language and Cyrillic
alphabet, their language and alphabet are also in official use, in a manner determined by
law.”\textsuperscript{50}

The Albanian language had the status of a minority language, with a limited, even
discriminative use. This continued until the change of the system into a society of political
pluralism.\textsuperscript{51}

3.2.5 Annex A of the OFA, proposal for changing article 7 of the constitution of
Macedonia\textsuperscript{52}

The Macedonian language, written using its Cyrillic alphabet, is the official language
throughout the Republic of Macedonia and in the international relations of the Republic of
Macedonia. Any other language spoken by at least 20 percent of the population is also an
official language, written using its alphabet. Any official personal documents of citizens
speaking an official language other than Macedonian shall also be issued in that language, in
addition to the Macedonian language. Any person living in a unit of local self-government in
which at least 20 percent of the population speaks an official language other than
Macedonian may use any official language to communicate with the regional office of the
central government with responsibility for that municipality; such an office shall reply in that
language in addition to Macedonian. Any person may use any official language to
communicate with a main office of the central government, which shall reply in that

\textsuperscript{49} Friedrich Ebert Stiftung, Ixhet Memeti, supra note 5, p 198.
\textsuperscript{50} Art 7 of the Macedonian constitution, available at: http://eudo-
citizenship.eu/NationalDB/docs/MAC%20Constitution%20%28amended%20by%20XXX%29%20eng.pdf, 29\textsuperscript{th} of
March 2015.
\textsuperscript{51} Friedrich Ebert Stiftung, Xheladin Murati, supra note 5, p 166.
\textsuperscript{52} Annex A of the OFA can be found on:
http://www.ucd.ie/ibis/filestore/Ohrid%20Framework%20Agreement.pdf, 14\textsuperscript{th} of March 2015.
language in addition to Macedonian. In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law. In the units of local self-government where at least 20 percent of the population speaks a particular language, that language and its alphabet shall be used as an official language in addition to the Macedonian language and the Cyrillic alphabet.

The minority languages spoken by less than 20% of the population are not forgotten and it is further written in Annex A on the proposal for the changes of art 7 of the constitution that with respect to languages spoken by less than 20% of the population of a unit of local self-government, the local authorities shall decide on their use in public bodies.

3.2.6 Amendment V of the constitution of Macedonia

Amendment V of the constitution of Macedonia fully adopted the proposal for the changing of article 7 in Annex A of the OFA. These constitutional changes brought about the advancement of Albanian language to the rank of the second official language; however only in some specific ways settled by law.

3.3 Framework Convention for the Protection of National Minorities

3.3.1 The Framework Convention for the Protection of national minorities

The Convention was initiated in Strasbourg in 1995. In 1997 Macedonia became a state party to the Convention. The aim of the Convention is to achieve greater unity between its members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage. The signing parties undertake to protect within their respective territories the existence of national minorities in the way of not only to respect the ethnic,
cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity. The signing parties determine to implement the principles set out in the Convention through national legislation and appropriate governmental policies.

3.3.2 The right to use a minority language

Article 5 of the Convention states the duties for the signing parties to promote the conditions necessary for persons belonging to national minorities by maintaining and developing their culture and to preserve the essential elements to their identity, namely their religion, language, traditions and cultural heritage.

Article 6 states the obligations of the signing parties to promote mutual respect and understanding and co-operation among all persons living in their territory, no matter their ethnic, cultural, linguistic or religious identity. It is the signing parties’ responsibility to take appropriate measures to protect persons who may be subject to threats or acts of discrimination because of, among others, their language.

Article 9 of the Convention states the non-discrimination for a national minority in their access to the media, the non-interference of public authorities when exercising the freedom of expression in their language and in the access of receiving information and ideas. Further it is obliged for the parties to ensure access to printed media and of sound radio and television and also to guarantee for creating their own media.

In article 10 it is stated that a minority language shall be used both in private and in public and both orally and written. Also a right to use the minority language in the relations with the administrative authorities shall be ensured as far as possible. When arrested a person should get the reason of the arrest in the language the person understands and also be able to defend themselves in their language.

Article 11, 12 and 14 of the Convention express, among other things, the right for the persons belonging to a national minority to use their surname and first name in the minority language and the official recognition of them. Also the display of traditional local names, street names and other topographical indications intended for the public should be in the
minority language. In the fields of education and research the parties should take measures to foster knowledge of the culture, history and language of their national minorities. Also the access of education at all levels should be on equal opportunities also for the minority population. The minority population shall have the right to learn their minority language.

3.4 Analysis

The preamble of the Macedonian constitution changed for the better for all the minorities living in Macedonia. Even though the constitution did not fully adapt the changes set out in the OFA it still made the minorities part of the country in a way that the former preamble did not. In the OFA the proposition for the changes of the constitution wanted to make it clear that it was the citizens of Republic of Macedonia that where the people of the country, without making any difference of the people living there. Though when deciding for a new preamble there must have been a need, for the Macedonian politicians, to clearly express in the preamble of the constitution that the people of Macedonia where the Macedonian people as well as citizens living within its borders. The new preamble of the Macedonian constitution was, even though not as democratic as proposed for in the OFA, still a good step in the right direction for a more open Macedonia for all of the minorities living there.

The changes proposed in the OFA for changing the old article 7 of the Macedonian constitution where fully adopted in amendment V of the constitution. Amendment V goes further than old article 7 of the constitution and settles the official statues of the language spoken by at least 20 % of the citizens even if it is specified in which areas the official status is applicable. For minorities with less than 20 % of the citizens the bodies of the units of local-self-government decide for their use in that unit of local self-government. Amendment V settles that there should be a second official language, it this case it is the official status of the Albanian language that is stated, although this official status is limited as specified in amendment V. Any other news regarding the minority languages spoken by less than 20 % where not settled in amendment V. Their destiny relies on the good will of the politicians of the bodies of the units of local self-government.
Regarding if the constitution has implemented the rights on minority language settled down in the Convention, the Convention speaks of minority language in a wider way than amendment V of the constitution. Amendment V of the constitution speaks more of a second official language. In one way amendment V goes very much further than what is stated in the Convention. In another way though amendment V says nothing more than that it is up to the units of local self-government and the local authorities to decide on the use of the minority languages spoken by less than 20% in the local self-government in public bodies. This must mean that the rights stated in the Convention are not applicable on other minority languages than Albanian as the Macedonian constitution is formed. This is also defined in the Law on language even though some of the articles in the law are applicable on all minority languages.

Articles 5 and 6 of the Convention are implemented in the Law on language and are applicable at least on the languages spoken by more than 20% of the citizens. Article 9 of the Convention is fully implemented in the Law on language also regarding all the minority languages spoken in Macedonia. Article 10 of the Convention is also implemented in the Law on language but for the language spoken by more than 20% of the citizens. Although the last part of article 10 regarding the police authority, in the Law on language this is fully implemented and applicable on all minority languages and not just the one spoken by more than 20% of the citizens. The articles 11, 12 and 14 of the Convention are all secured in the Law on language and applicable on the minority language spoken by more than 20% of the citizens. Regarding the Law on language in detail more will be found in section 4, below.

Both the OFA and the Convention are framework agreements and therefore they lack any legal binding force. The OFA is agreed and signed in Macedonia and the purpose was to implement all of it into the national legislation of Macedonia. Until today not all of the OFA is implemented. The Convention was signed already in 1997 by Macedonia and until today all of it is not implemented into the Macedonian national legislation. It is one thing that Macedonia did not to fully implement an international framework agreement but a totally different thing when it comes to an agreement signed by politicians of the country. The OFA was one of the reasons the conflict in 2001 ended and great faith was put into the implementation of the OFA. It should also be mentioned that the OFA was mostly a contract
between the Macedonian and Albanian politicians and therefore the other minorities of the country where left out. This is one of the reasons the other minorities and their right of minority languages is only mentioned and not settled in amendment V of the Macedonian constitution.
4 The law on use of language-spoken by at least 20 % of the citizens in Republic of Macedonia and in the units of local self-government and the European Charter for Regional or Minority Language

4.1 Use of language initiated in the Ohrid Framework Agreement

In article 6 of the OFA57 the use of language is presented for minorities. Article 6 mostly covers the use of minority language in the field of education and in the field of being in contact with the organs of Macedonia. Also the use of language in the local self-governments, the use of language in the fields of criminal and civil judicial proceedings and the treatment of official personal documents are mentioned.

In Annex B of the OFA58 the proposals for legislative modifications are settled and the proposal for the Law on language is initiated. Point 8 of the Annex B states that new legislation is needed for the use of language in the organs of Macedonia and for the issuance of personal documents.

4.2 The law on use of language-spoken by at least 20 % of the citizens in Republic of Macedonia and in the units of local self-government59

The use and importance of a language at state level, particularly in the area of education and culture, is expressed in the programs of all political parties, including the Albanian parties. Language is a component part of the spiritual, culture and a constituent element of many nations. Therefore, a key challenge is full equality of languages. The use of language is

59 The law will be available as Appendix 1 of this thesis.
multidimensional: as a language of teaching in education, as a language of science, art and creation, as a language of politics, as a language of publications and mass media, and as a language of intercommunication.\textsuperscript{60}

The Law on language entered into force in Macedonia on the 13\textsuperscript{th} of August 2008.

\section*{4.3 European Charter for Regional or Minority Languages}

The preamble of the Charter states that the right to use a minority language in private and public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political Rights and according to the spirit of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms. The aim of the Charter for the signing parties is to maintain the values of interculturalism and multilingualism and the protection and encouragement of regional or minority language. Further the realizing the protection and promotion of regional or minority languages in the different countries and regions of Europe represent an important contribution to the building of a Europe based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity.\textsuperscript{61}

The charter was signed by the member states of the Council of Europe on November 5\textsuperscript{th} 1992. Macedonia signed the Charter in 1996.\textsuperscript{62}

\section*{4.4 The law on use of language-spoken by at least 20 \% of the citizens in Republic of Macedonia and in the units of local self-government, in the light of the European Charter for Regional or Minority Language}

In article 1 of the Law on language it is stated that the law regulates the use of language spoken by at least 20 \% of the citizens of the Republic of Macedonia and in the units of local self-government.

\textsuperscript{60} Friedrich Ebert Stiftung, Xheladin Murati, \textit{supra} note 5, p 165.

\textsuperscript{61} http://conventions.coe.int/Treaty/EN/Treaties/Html/148.htm, 18\textsuperscript{th} of March 2015.

\textsuperscript{62} http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=148&CM=8&DF=&CL=ENG, 18\textsuperscript{th} of March 2015.
In article 1 of the Charter, paragraph 1 a, it is stated that a regional or minority language means languages that are traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State’s population and that the minority languages are different from the official language of that State.

4.4.1 Correspondence between the citizens and the ministries, general administrative procedure and local self-government

In article 4 of the Law on language any citizen who lives in the units of local self-government in which 20 % of the citizens speak an official language other than Macedonian in their correspondence with the district units of the ministries in the particular unit of local self-government, is eligible to use also the respective official language and its alphabet. The district units which are in charge of the particular units of local self-government shall reply in Macedonian, as well as in the official language used by the citizen.

Any citizen who lives in the units of local self-government in which at least 20 % of the citizens speak an official language other than the Macedonian language, in their correspondence with the ministries is eligible to use the respective official language and its alphabet. The ministries shall reply in Macedonian, as well as in the official language and the alphabet used by the citizens.

In article 18 of the Law on language the citizens who speak a language other than Macedonian, which is spoken by at least 20 % of the citizens of Republic of Macedonia, are eligible to use the respective language in the administrative procedure maintained in the organs of the state administration, in the other state authorities, in the municipal authorities, the City of Skopje and the municipalities in the City of Skopje, and the legal and other entities which have been by law entrusted to perform public authorizations.

The parties in the procedure who speak a language other than Macedonian, which is also in official use, can submit their writs in the respective language and alphabet. The authorities where the respective procedure is conducted translate the respective writs into Macedonian and handle them accordingly. The authorities where the respective administrative procedure is conducted, when deciding on administrative issues reply in the official Macedonian language and its Cyrillic alphabet, as well as in the language and the alphabet used by the party.
In *article 41* of the Law on language it is stated that apart from the Macedonian language and its Cyrillic alphabet, the language and alphabet in official use in the municipality is also the one used by at least 20% of the citizens in the respective municipality.

*Article 10* of the Charter covers the administrative authorities and public services and there it is stated that it should be ensured that the administrative authorities of the state use the minority language and that those authorities that are in contact with the public use the minority language in their relation with the persons who are applying in minority languages. Further it is stated that the users of minority languages may submit oral or written applications and receive a reply in these languages. There should be widely used administrative texts and forms available for the population in the minority languages or in bilingual versions and the administrative authorities should draft documents in minority languages.

Further in *article 10* of the Charter it is stated that in the local and regional authorities the use of a minority language should be used as well as there should be a possibility for users of a minority language to submit oral or written applications in these languages. There should be publications in regional and local authorities of the official documents in the minority languages.

*Article 10* of the Charter also states that when it comes to public services provided by the administrative authorities to ensure that the minority languages are used in the provision of the service and for the users of minority language to submit a request and receive a reply in their language.

**4.4.2 Judicial procedures**

In *article 5* of the Law on language it is stated that the language used by at least 20% of the citizens and its alphabet shall also be in official use in criminal procedures.

In *article 6* of the Law on language it says that the defendant, the aggrieved, the private plaintiff, witnesses and others participating in a criminal procedure and who speak an official language other than the Macedonian language, are entitled, in the event of the pre-investigative, investigative and other court activities and during main hearing, as well as during the grievance procedure, to use their own language and alphabet. The court shall
provide for the translation of the written material which is relevant for the procedure or for the defense of the defendant. Other parties, witnesses and participants in the procedure in front of the court are entitled to interpreter assistance free of charge.

It is further stated in article 7 of the Law on language that the citizens who speak an official language other than the Macedonian language can refer their writs in their own language and alphabet. In article 8 it is obligatory for the court to write the summons, verdicts and other writs also in the official language other than the Macedonian language.

The rights stated above concerning criminal and misdemeanor procedure are applicable, because of the similarity, also on the litigation procedure. The right to use an official language other than the Macedonian is stated in article 10, 11 and 12 of the Law on language.

Article 14 of the Law on language states that the provision of the law referring to the use of litigation procedure shall likewise apply in an extrajudicial procedure and in the procedures of administrative disputes.

Article 9 of the Charter speaks of the judicial authorities and it is stated that in criminal procedures, paragraph 1 a, the courts at the request of one of the parties shall conduct the proceedings in the minority language, and/or to guarantee the accused to use the minority language, and/or to provide the requests and evidence in a minority language, and/or to produce, on request, documents connected with legal proceedings in the relevant minority language. Also if necessary, interpreters and translations shall be able to be used.

Article 9 of the Charter, paragraph 1 b, regulates the civil proceedings and the rights allowed here are similar as those under paragraph 1 a.

Paragraph 1 c of article 9 of the Charter speaks of the proceedings before courts in administrative matters and also those are similar with the rights provided in paragraph 1 a and 1 b of the same article.

4.4.3 Broadcasting service

In article 38 of the Law on language it is stated that the Macedonian radio and television broadcast at least one TV program and one radio program service in the language spoken by
at least 20 % of the citizens and is other than the Macedonian language and the other non-majority communities.

*Article 11*, paragraph 1 a, of the Charter speaks state that at least one radio station and television channel shall be in the minority language.

### 4.4.4 Education and science

*Article 48* through *article 52* of the Law on language state the right of primary and secondary education. It is stated that students of primary and secondary education who follow lectures in a language other than Macedonian, the upbringing and education work is carried out in the language and the alphabet of the respective community in a way specified by the law. Macedonian language study shall be on compulsory basis. Also textbooks should be in the respective language of the community. Pedagogical documents should be published both in Macedonian and in the language the lectures are delivered.

Regarding the classes in high educational institutions it is stated in *article 53* that the members of the communities are eligible to take the studies in the higher educational institutions in the language of the community other than the Macedonian language.

The Charter covers the parts of education under *article 8*, paragraph 1. The signing states are obliged for example to make available pre-school education, primary education, secondary education, technical and vocational education and university and higher education, in the relevant minority language.

### 4.4.5 Further rights stated in the Law on use of language-spoken by at least 20 % of the citizens in Republic of Macedonia and in the units of local self-government, that are not mentioned in the European charter for regional or minority languages

#### 4.4.5.1 General provision

In article 2 paragraph 1 of the Law on language it is stated that an official language other than the Macedonian language is eligible for usage in the organs of the state authorities in Republic of Macedonia.
4.4.5.2 Use of language in the parliament

It is stated in article 3 of the Law on language that in the organs of the Republic of Macedonia, any official language other than Macedonian may be used. A member of the parliament, who speaks a language other than the Macedonian language spoken by at least 20% of the citizens in Republic of Macedonia, is eligible to use the respective language in the sessions of the Parliament and in the sessions of the respective body. Also when presiding over the working body in the parliament the member is eligible to speak in the respective language. Further the member of the parliament is eligible to obtain the parliament materials also in their language and alphabet.

4.4.5.3 Ombudsman

In the procedure in front of the Ombudsman the official language in use is the Macedonian language and languages spoken by at least 20% of the citizens. In the correspondence with the Ombudsman, any citizen is eligible to use one of the official languages and their alphabets, and the Ombudsman shall reply in Macedonian as well as in the official language used by the petitioner. This is stated in article 20 of the Law on language.

4.4.5.4 Electoral process

In article 21 through article 25 the rights to use a language spoken by at least 20 of the citizens during the elections are presented. It is, among other rights, stated that the list of candidates for a Mayor in local elections and the lists of candidates of parliament shall also be in languages spoken by at least 20% of the citizens. The voting guides shall be printed also in languages and alphabets of the communities listed in the Preamble of the Constitution of Macedonia. Further it is stated that for the members of the communities, the name of the list submitter and the name and the surname of the candidate and the holder of the list respectively are also written in the language and the alphabet of the community to which they belong.

4.4.5.5 Personal documents

For citizens who speak an official language other than Macedonian, the template of the identification card and for the passport and the travel list are printed also in the official language used by the citizen. Upon the citizens request the data for the personal name that
are entered in the identification card shall be written in Macedonian as well as in the language used by the citizen, article 29 and 30 of the Law on language.

4.4.5.6 Personal registration

In the units of local self-government in which at least 20 % of the citizens speak an official language other than the Macedonian language, the template for the personal registration books is printed and the data in it is entered also in the official language used by the citizen. The certificates are issued in Macedonian as well as in the official language used by the citizen, article 31 of the Law on language.

4.4.5.7 Police authorizations

In the event of the application of police authorizations of summon, detention and confinement, the police officer must immediately inform the person in the language that he/she understands about the reasons for the summoning, the detention or the confinement and in a clear way must instruct the person about the right of keeping silent, the right to consult a defender, the right to having a defender during the police procedure, the right of receiving legal aid if the person has asked for that, as well as about the right of informing a member of his/her family or a person close to him/her. This is stated in article 32 of the Law on language.

4.4.5.8 Broadcasting service

Special radio programs will be broadcasted and at least one radio and one television program intended for information for immigrants and citizens of Macedonian who live in the neighboring countries, in Europe and in other continents, in Macedonian and in the language that is spoken by at least 20 % of the citizens and is other than the Macedonian and the language of the other non-majority communities, article 38 of the Law on language.

4.4.5.9 Infrastructure object

In a municipality in which at least 20 % of the citizens use an official language other than Macedonian, the name of the street, the square, the bridge or of any other infrastructure objects will be written also in the language and the alphabet used by at least 20 % of the citizens in the respective municipality, article 40 of the Law on language.
4.4.5.10 Culture

In article 56 of the Law on language it is stated that in the local libraries in the units of local self-government in which apart from Macedonian languages spoken by at least 20% of the citizens in Macedonia is also in official use, the entry registration and the basic catalogue of the library are maintained in Macedonian and in languages spoken by least 20% of the citizens.

4.4.5.11 Free access to information

In article 57 it is stated that the requestor who speaks an official language other than the Macedonian language is eligible to present the request for public information also in the respective official language and alphabet.

4.4.5.12 Publication of acts

The laws are also published in any official language and alphabet spoken by at least 20% of the citizens from the communities in Macedonia, article 58.

4.4.6 Rights set out in the European Charter for regional or minority languages that are not mentioned in the Law on use of language - spoken by at least 20% of the citizens in Republic of Macedonia and in the units of local self-government

4.4.6.1 Education

In article 8, paragraph 1 a and 1 d, of the Charter it is said that the rights for school education in the minority language also covers pre-school education, technical and vocational education.

4.4.6.2 Media

In article 11, paragraph 1 e, of the Charter it is stated that at least one newspaper should be in a minority language. In paragraph 2 of the article it is said that there should be guaranteed freedom of direct reception of radio and television broadcasts from neighboring countries in a language used in identical or similar form to a regional or minority language.
4.4.6.3 Cultural activities and facilities

In article 12, paragraph 1 a and b, of the Charter there are different rights set out regarding cultural life. Regarding especially, among others, libraries, video libraries, cultural centers, museums, archives, academics, theatres and cinemas, literary work, the parties of the charter undertake, among other things, to encourage types of expression and initiative specific to minority language and foster the different means of access to works produced in these languages, to foster the different means of access in other languages to works produced in minority language by aiding and developing translation, dubbing, post synchronization and subtitling activities.

4.4.6.4 Economic and social life

Article 13, paragraph 1 a and b, of the Charter states that, for example, documents such as contract of employment, instructions for the use of technical products or for installations should also be in minority languages. In paragraph 2 a it is stated the right to use the minority language in drawing up payment orders or other financial documents. Paragraph 2c states that social care facilities, hospitals, retirement homes and hostels, should offer the possibility of treatment in minority languages. Paragraph 2 d states that safety instructions should be drawn up also in minority languages.

4.5 Analysis

Articles 8, 9, 10 and 11 of the Charter are almost fully implemented in the Law on language, as mentioned above in part 4.4.1- 4.4.4. The main difference is that in article 1 paragraph a of the Charter it defines that regional or minority languages mean languages that are traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the States’ population and are different from the official languages of that State. The Law on language defines in article 1 that the law regulates the use of language spoken by at least 20 % of the citizens in Macedonia and in the units of local self-government.
Indeed the Law on language goes very much further than the Charter and regulates that the language spoken by at least 20 % of the citizens also is an official language. The minority languages spoken by less than 20 % of the citizens are not mentioned in the Law on language other than that their right to use their language need special provisions.

When it comes to the right to use a minority language in the country as a second official language this covers only the Albanian language because the Albanians cover ca 25 % of the population. When it comes to using a minority language as a second official language in the local self-governments this covers mostly the Albanian language but also in some places the Turkish, Serbian and Romany languages.

The Law on language provides, as stated above in part 4.4.5, many rights that are not mentioned in the Charter. This is of course very positive although it is mostly only applicable on the languages spoken by at least 20 % of the citizens.

As mentioned above in part 4.4.6 there are some rights stated in the Charter that are not implemented in the Law on language. Article 8 paragraph 1 a and 1 d, article 11 paragraph 1 e and paragraph, article 12 and article 13 are not implemented in the Law on language. This is of course negative and the questions remain if and when these rights will be implemented in the Macedonian legislation.

The Law on language even though it applies on minority languages spoken by at least 20 % of the citizens on some parts it applies on all minority languages. Examples are article 24 who state that the voting guidelines shall be printed also in the languages and alphabets of the communities listed in the preamble of the Macedonian constitution. Article 25, paragraph 3, states that for members of the communities, the name of the list submitter and the name and the surname of the candidate and the holder of the list respectively are written also in the language and the alphabet of the community to which they belong. In article 32 it is mentioned that in the event of the application of police authorizations of summon, detention and confinement, the police officer must immediately inform the person in the language that the person understands about the reasons for the summoning, the detention or the confinement. When it comes to broadcasting service the Law on language also permits broadcasting services in other minority languages than just for the languages spoken by at least 20 % of the citizens. This is stated in articles 32 throughout article 37 of the law.
Regarding education in the Law on language article 48 through 53 states that all the levels of education are carried out in Macedonian as well as in the language and alphabet of the respective community for the members of those communities. As far as this is positive it is of course not satisfactory. The Law on language should be applicable on all minority languages. The Albanian minorities’ armed fight against the Macedonian politics should not just favor the Albanian population in the country. The Law on language can in a way be seen as a law to solely satisfy the Albanian minority. The Law on language is from this point of view not at all in corporation with the Charter.

In the new preamble of the Macedonian constitution the Albanian, Turkish, Vlach, Serbian, Romany and Bosniak minority are mentioned as part of the Macedonian country. It is also stated that others who live in the country are a part of the country. Should not then the Law on language be applicable also on the minorities stated in the constitution? To imply that the Law on language should be applicable on all minorities is of course an ideology that maybe cannot be fulfilled. The definition of a minority should of course be settled and why then not define them as in the constitution? I do not think that only the Albanian minority should be the users of the Law on language but I believe that at least also the minorities mentioned in the constitution should have equal right to use the Law on language and to practice the rights within the law.
5 Concluding remarks

It was a long way for Macedonia and, as it seems, a conflict was needed for the country to realize that changes were in need to secure all the citizens equal rights. It took 17 years from the countries independence for the Law on language to enter into force.

The Law on language took its start in the OFA and it even so respects and has on many points even implemented many of the articles of the Convention and the Charter

To answer the questions if the right to use a minority language is stated and how well it is stated in Macedonia there must be said that this right is very well stated in the Law on language.

Though as the name of the Law on language states the law is aimed for the minorities with more than 20 % of the total citizens in Macedonia. So for answering the questions of this thesis once again it can be said that yes, the right to use a minority language is stated very well if you belong to the minority with more than 20 % of the citizens in Macedonia. Is the Law on language compatible with the purpose of the Convention and the Charter? The answer here must be no. In those two international documents nowhere is it stated that the right to use a minority language solely belongs to some large minorities. The Law on language only states that the local authorities shall decide of the use of minority languages spoken by less than 20 % of the population in the local self-governments in the use of the language in public bodies.

Even if it was not the purpose of this thesis it would have been of great interest to examine the rights to use a minority language for the minorities with less than 20 %. At the start of this thesis it was never the intention just to examine the right to use a minority language for the minorities with more than 20 % of the citizens however the Law on language turned out to have the focal point on the minorities with more than 20 % of the citizens and that is why it became the main focus of this paper. Nevertheless it would have been also very interesting to examine the right to a minority language even for the minorities with less than 20 % as there are many minorities in Macedonia with less than 20 % of the population. Even though the Law on language at some parts actually even covers some rights of using a language for all minority languages it is not satisfactory and not enough to be used as some
guideline for how well the minorities with less than 20% of the citizens of Macedonia have the right to use their language.

My wish when starting to create this paper was also to try to examine the possibility to exercise the rights stated in the Law on language and the right to plead in front of a court if those rights had been violated. I also tried to examine if there are any sanctions against those who violate the rights settled in the Law on language and if a person whose right to use a minority language is violated is entitled to damages. In trying to figure this out I made many questionnaires and emailed them out to contacts I found during my minor field study in the country. My questions where aimed at the minority population in different positions and in different areas of Macedonia. About a hundred questionnaires were sent out. I did not unfortunately receive as many answers necessary to be able to use as relevant data in this thesis. This was of course a disappointment because it was of great interest for the thesis and for me personally as belonging to the largest minority and to whom the Law on language is applicable. It is also a shame because it would have been very interesting to see if the discrimination based on language was still ongoing in the country or if the Law on language actually had entered into force with full legal value. I have my thoughts and ideas for the legal value of the Law on language even though I did not receive the amount of answers that I wished for. The politicians of Macedonia are very good at creating and recognizing a huge amount of laws but not always so good at seeing to that those laws are respected and followed. My intuition says that regarding the Law on language this is not an exception. Macedonian politicians signed the OFA where it was clearly stated that a law on minority languages was needed, a law that took 7 years to enter into force.

It should also be mentioned that the OFA was a contract mostly between Albanians and Macedonians; it was between these two largest groups that the conflict was ongoing. My presumption is that because of this fact and because of the large difference in number between the Albanian minority and the other minorities that the Law on language focused on the Albanian language. Even though the status and the usage of the Albanian language is regulated both in the constitution and in the Law on language the other minority languages were forgotten. This is of course very unfortunate. So to once again answer the questions of
this master thesis the right to use a minority language is stated for the Albanian language to a satisfactory level, not at a complete level. The other minority languages are left aside.
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Law on the Use of a Language

spoken by at least 20% of the citizens in Republic of Macedonia
and in the Units of Local Self-Government

July 2008

Law was passed in Parliament on 25 July 2008
and will enter into force on the day of its publication in the Official Gazette
I. GENERAL PROVISIONS

Article 1

This Law regulates the use of the language spoken by at least 20% of the citizens in Republic of Macedonia and in the units of local self-government.

Article 2

In pursuance with this Law, a language other than the Macedonian language is eligible for usage in the organs of the state authorities in Republic of Macedonia.

The language spoken by at least 20% of the citizens of Republic of Macedonia shall be used in the Parliament of RM; in the correspondence of the citizens with the Ministries; in the court proceedings; in the administrative procedure; in the enactment of sanctions; ombudsman, electoral process; in the event of direct declaration by the citizens; in the issuance of personal documents for the citizens; in the maintenance of personal registration; in the application of police authorizations; in the broadcasting service; the infrastructure objects; the local self-government; the finance; the economy; the education and science; in culture; and in other areas and institutions in line with the Law herewith.

II. USE OF THE LANGUAGE IN THE PARLIAMENT

Article 3

The Macedonian language and its Cyrillic alphabet is the language in official use in the work of the Parliament.

A member of the Parliament, who speaks a language other than the Macedonian language spoken by at least 20% of the citizens in Republic of Macedonia, is eligible to use the respective language in the sessions of the Parliament and in the sessions of the respective body.

A member of the Parliament who speaks a language other than the Macedonian language spoken by at least 20% of the citizens in Republic of Macedonia, when presiding over the session of a working body in the Parliament is eligible to speak also in the respective language.

A member of the Parliament, who speaks a language other than the Macedonian language spoken by at least 20% of the citizens of Republic of Macedonia, is eligible to obtain the parliament materials also in their language and alphabet.

III. CORRESPONDENCE BETWEEN THE CITIZENS AND THE MINISTRIES

Article 4

Any citizen who lives in the units of local self-government in which 20% of the citizens speak an official language other than the Macedonian language, in their correspondence with the district units
of the ministries in the respective unit of local self-government are eligible to use also the respective official language and its alphabet.

The district units which are in charge of the respective units of local self-government shall reply in Macedonian language and in its Cyrillic alphabet, as well as in the official language and alphabet used by the citizen.

Any citizen who lives in the units of local self-government in which at least 20% of the citizens speak an official language other than the Macedonian language, in their correspondence with the Ministries are eligible to use the respective official language and its alphabet.

The Ministries shall reply in Macedonian language and in its Cyrillic alphabet, as well as in the official language and the alphabet used by the citizen who lives in the units of the local self-government in which at least 20% of the citizens speak an official language other than the Macedonian language.

IV. USE OF LANGUAGE IN LEGAL PROCEEDINGS

1. Criminal and Misdemeanor Procedure

   Article 5

   The Macedonian language and its Cyrillic alphabet is the official language in the criminal procedure. The language used by at least 20% of the citizens and its alphabet shall also be in official use in the criminal procedures, in line with this Law.

   Article 6

   The defendant, the aggrieved, the private plaintiff, witnesses and others participating in a criminal procedure and who speak an official language other than the Macedonian language, are entitled, in the event of the exercise of the pre-investigative, investigative and other court activities and during the main hearing, as well as during the grievance procedure, to use their own language and alphabet. The Court shall provide for the verbal interpretation of what the person or others respectively state, as well as written translation of the documents and of other written exhibits. The Court shall provide for the translation of the written material which is relevant for the procedure or for the defense of the defendant.

   Other parties, witnesses and participants in the procedure in front of the Court, are entitled to interpreter assistance free of charge if they do not understand or speak the language in which the procedure is conducted.

   The person shall be instructed of their entitlement to a translator. The minutes shall note that such instruction has been provided, as well as the statement of the person.

   The translation is done by a court translator.
Article 7

The lawsuit, appeals and other writs are referred to the court in the language in which the proceedings are conducted.

The citizens who speak an official language other than the Macedonian language can refer their writs in their own language and alphabet, while the court translates the respective writs and submits them to the other parties of the proceedings.

The defendant who does not understand the language in which the proceedings are conducted is provided with the translation of the indictment in the language they used during the proceedings.

Article 8

The Court submits the summons, verdicts and other writs in the language in which the proceedings are conducted.

To the citizens who speak an official language other than the Macedonian language the summons, verdicts and other writs are referred to them also in their respective language.

The defendant, who is detained, confined or on mandatory psychiatric treatment and kept in a medical institution is provided with the translation of the writs of paragraph 1 in the language that they used during the proceedings.

The defendant, who does not understand the language of the proceedings, shall be presented with the translation of the verdict in the language they used during the proceedings.

Article 9

The provisions of this Law referring to the use of languages in the crime procedure shall likewise apply in the misdemeanors procedure.

2. Litigation Procedure

Article 10

The parties and the other participants in the procedure who speak another official language, which is at the same time an official language in the Republic of Macedonia, during procedure, throughout the hearings and the other verbal proceeding activities before the court, are eligible to use their language.

During the procedure, the participants and the other participants of paragraph 1 of this Article shall be provided with the interpretation in their own language of what is said in reference to the hearing, as well as verbal and written translation of the documents that used as proof during the hearing.

The translation shall be done by sworn translators.
Article 11

The summons, verdicts and other court writs shall be referred to the parties and to the other participants in the procedure in Macedonian language and its Cyrillic alphabet.

The parties and the other participants, citizens of Republic of Macedonia, whose language is an official language other than the Macedonian language, shall be referred the summons, the verdicts and other courts writs in the respective language.

Article 12

The parties and the other participants in the litigation procedure shall file the lawsuits, appeals and other writs to the court in Macedonian language and the Cyrillic alphabet.

The parties and the other participants, citizens of Republic of Macedonia, whose language is an official language other than the Macedonian language and the Cyrillic alphabet, can file the lawsuits, appeals and other writs to the court in their own language and alphabet. The court shall translate these writs into Macedonian language and its Cyrillic alphabet and shall refer them to the parties and the other participants in the procedure.

Article 13

The Court bears the burden of the translation expenses for the parties and the participants in the procedure, who are citizens of Republic of Macedonia, that have occurred under the application of the provisions of this law referring to the eligibility to use the own language and alphabet.

3. Other procedures

Article 14

The provisions of this Law referring to the use of languages in a litigation procedure shall likewise apply in an extrajudicial procedure and in the procedures of administrative disputes.

4. Other usage in the judicial and other organs

Article 15

On the election of a judge and lay magistrate in a court located in the region of a unit of local self-government in which at least 20% of the citizens speak an official language other than the Macedonian language, the judge and the lay magistrate of the respective community shall make a statement under oath in Macedonian languages and shall sign it in Macedonian language and its Cyrillic alphabet and in the language and the letter of the respective community.

In the courts situated in the units of local self-government in which apart from the Macedonian language and its Cyrillic alphabet the language in official use is also the one spoken by at least 20% of the citizens, the seal of the court, the title and the seat of the Court are also written and noted in the respective language and alphabet.
Article 16

The Public Prosecution shall accordingly apply in its performance the provisions of the Law on Criminal Procedure referring to the use of languages.

Article 17

The elected members of the Judicial Council of Republic of Macedonia, who are members of the communities who speak an official language other than the Macedonian language, and which is spoken by at least 20% of the citizens, give their statement under oath of Article 28 of the Law on Judicial Council of Republic of Macedonia in Macedonian language and sign it in Macedonian language and its Cyrillic alphabet and in the language and the letter of the respective community.

V. OTHER USAGE

1. General Administrative Procedure

Article 18

The citizens who speak a language other than the Macedonian language, which is spoken by at least 20% of the citizens of Republic of Macedonia, are eligible to use the respective language in the administrative procedure maintained in the organs of the state administration, in the other state authorities, in the municipal authorities, the City of Skopje and the Municipalities in the City of Skopje, and the legal and other entities which have been by law entrusted to perform public authorizations.

The eligibility of paragraph 1 of this Article may be used by any citizen who lives in a unit of local self-government in which at least 20% of the citizens speak an official language other than the Macedonian language, in the correspondence with the district units of the Ministries, which is to say they are eligible to use any of the official languages and the respective alphabets. The district units which are in charge of the respective units of local self-government shall reply in Macedonian language and its Cyrillic alphabet as well as in the official language and alphabet used by the citizen. In their correspondence with the Ministries, the citizens are eligible to use one of the official languages and the alphabets, whereas the Ministry shall reply in Macedonian language and its Cyrillic alphabet, as well as in the official language and the alphabet used by the citizen.

The parties in the procedure who speak a language other than the Macedonian language, which is also in official use, can submit their writs in the respective language and alphabet. The authorities where the respective procedure is conducted translate the respective writs into Macedonian language and its alphabet and handle them accordingly.

The authorities where the respective administrative procedure is conducted, when deciding on administrative issues reply in the official Macedonian language and its Cyrillic alphabet, as well as in the official language and the alphabet used by the party.
If in the event of the administrative procedure the witness does not know the language in which the procedure is conducted, then he or she is cross-examined through a translator.

If an interrogation during the administrative procedure is conducted through a translator, the minutes shall note the language that the person interrogated had used as well as the name of the translator.

2. Enactment of Sanctions

Article 19

The right of the convicts to use the language in their communication with the Department for Enactment of Sanctions, the Authority for Enactment of Sanctions or other state authorities shall be regulated in line with the provisions of this Law referring to the use of language in general administrative procedure.

3. Ombudsman

Article 20

In the procedure in front of the Ombudsman, the official language in use is the Macedonian language and its Cyrillic alphabet.

In the procedure in front of the Ombudsman, the language spoken by at least 20% of the citizens and its alphabet shall be also in official use.

The provisions referring to the use of languages in the general administrative procedure shall apply accordingly also in the procedure before the Ombudsman.

In their correspondence with the Ombudsman, any citizen is eligible to use one of the official languages and their alphabets, and the Ombudsman shall reply in Macedonian language and its Cyrillic alphabet as well as in the official language and alphabet used by the petitioner.

4. Electoral Process

Article 21

During the conduct of elections, in the work of the municipal election commissions and the electoral boards in the municipalities in which at least 20% of the citizens speak an official language other than the Macedonian language, apart from the Macedonian language and its Cyrillic alphabet the language and the alphabet spoken by at least 20% of the citizens in the respective municipality shall be likewise in official use.
Article 22

During the conduct of local elections, in the units of local self-government in which at least 20% of the citizens speak an official language other than the Macedonian language, the submitter of the lists of the Electoral Code shall present the list of candidates for a Mayor in the language and the alphabet used by the citizens in the respective unit of local self-government.

During the conduct of Parliamentary elections, in the election districts in which at least 20% of the citizens speak an official language other than the Macedonian language, the submitter of the lists of the Electoral Code shall present the list of candidates in Macedonian language and its Cyrillic alphabet as well as in the language and the alphabet used by the citizens in the respective unit of local self-government.

Article 23

The State Election Commission shall publish the specified single lists of candidates for members of the Parliament from the electoral districts in the daily papers, one of which in the language of the community that is spoken by at least 20% of the citizens of Republic of Macedonia, not later than 25 days from the day designated for elections.

In the municipalities in which at least 20% of the citizens speak an official language other than the Macedonian language, the specified lists of candidates shall be published in Macedonian language and its Cyrillic alphabet as well as in the language and the alphabet used by the citizens in the respective municipality.

Article 24

The voting guidelines issued by the State Election Commission shall be printed in Macedonian language and its Cyrillic alphabet and in the languages and alphabets of the communities listed in the Preamble to the Constitution of Republic of Macedonia.

Article 25

The ballot is printed in Macedonian language and its Cyrillic alphabet.

The name of the list submitter, the name and the surname of the candidate and the holder of the list respectively are written in Macedonian language and its Cyrillic alphabet.

For the members of the communities, the name of the list submitter and the name and the surname of the candidate and the holder of the list respectively are written in Macedonian language and its Cyrillic alphabet as well as in the language and the alphabet of the community to which they belong.

In the municipalities in which at least 20% of the citizens speak an official language other than the Macedonian language, the election ballots shall be printed in Macedonian language and its Cyrillic alphabet as well as in the official language and the alphabet used by the citizens of the respective municipality.
5. Forms of Direct Declaration

Article 26

The ballot for a national referendum is printed in Macedonian language and its Cyrillic alphabet.

In the municipalities and in the City of Skopje in which apart from the Macedonian language and its Cyrillic alphabet another language and its alphabet are also in official use, the ballot is printed in Macedonian language and its Cyrillic alphabet as well as in the official language and the alphabet that are in official use in the respective municipality and in the City of Skopje.

Article 27

The ballot for local referendum is printed in Macedonian language and its Cyrillic alphabet.

In the municipalities, in the City of Skopje and in the municipalities in the City of Skopje in which apart from the Macedonian language and its Cyrillic alphabet another language and its alphabet are also in official use, the ballot is printed in Macedonian language and its Cyrillic alphabet as well as in the official language and the alphabet that are in official use in the respective municipality, the City of Skopje and in the municipalities in the City of Skopje.

Article 28

The petitions by the citizens for taking a civil initiative on a national level shall be submitted in a template to the state administration organ in charge of the registration of the right to vote, within working hours.

The template of paragraph 1 of this Article will contain the proposal on which petitions by the citizens are collected as well as data including number, name and surname, single birth registration number of the citizen and space for the signature of the citizens.

In the municipalities and in the City of Skopje in which apart from the Macedonian language and its Cyrillic alphabet, another official language and its alphabet are also in official use, the template of paragraph 2 of this Article is printed in Macedonian language and its Cyrillic alphabet as well as in the official language and the alphabet that are in official use in the respective Municipality and in the City of Skopje.

6. Personal Documents

Article 29

For citizens who speak an official language other than the Macedonian language, the template of the identification card is printed also in the official language and the alphabet used by the citizen.

For citizens who speak a language other than the official language, upon their request the data for the personal name that are entered in the identification card shall be written in Macedonian language and its Cyrillic alphabet as well as in the language and the alphabet used by the citizen.
Article 30

The templates for the travel documents and visas are printed in Macedonian language and its Cyrillic alphabet, with the translation into English and French languages and their alphabets.

For the citizens who speak an official language other than the Macedonian language, upon their personal request, the template for the passport and the travel list are printed also in the official language and the alphabet used by the citizen.

For the citizens who speak an official language other than the Macedonian language, upon their personal request, the data which are entered in the passport and in the travel list are written in Macedonian language and alphabet and in the official language and the alphabet used by the citizen.

For the citizens who speak a language other than the official one, upon their personal request, the data for the personal name which is entered in the passport is written in Macedonian language and its Cyrillic alphabet and in the language and the alphabet used by the citizen.

7. Personal Registration

Article 31

The personal registration books are maintained in Macedonian language and its Cyrillic alphabet.

In the units of local self-government in which at least 20% of the citizens speak an official language other than the Macedonian language, the template for the personal registration books is printed and the data in it is entered in Macedonian language and its Cyrillic alphabet and in the official language and the alphabet used by the citizen.

The certificates that are issued on the basis of the personal registration books of paragraph 2 of this Article are issued in Macedonian language and its Cyrillic alphabet, as well as in the official language and the alphabet used by the citizen.

8. Police Authorizations

Article 32

In the event of the application of police authorizations of summon, detention and confinement, the police officer must immediately inform the person in the language that the latter understands about the reasons for the summoning, the detention or the confinement and in a clear way must instruct the person about the right to keeping silent, the right to consulting a defender, the right to having a defender during the police procedure, the right to receiving legal aid if the person has asked for that, as well as about the right to informing a member of his/her family or a person close to him/her.
9. Broadcasting Service

Article 33

The Broadcasting Council, apart from the criteria foreseen with the Law on Broadcasting Council, shall assess the applications filed with regard to the Law also on the basis of the thematic and genre diversity of the program content, the percentage of the shows originally produced in Macedonian language and in the languages of the non-majority ethnic communities who live in Republic of Macedonia within the overall daily program scheduled to be broadcasted, representation of shows that cover events and happenings that are relevant for the area in which the program is broadcasted and the representation of the European Audio-visual works.

Article 34

The Broadcasters are obliged to broadcast on daily basis at least 30% of the program that is originally produced in Macedonian language or in the languages of non-majority communities who live in Republic of Macedonia, not counting the time set aside for news, sports events, games, commercials, tele-text and tele-shopping services.

The broadcasters are obliged to ensure that at least 30% of the broadcasted vocal and instrumental music will be in Macedonian language or in the language of the non-majority ethnic communities in the Republic of Macedonia.

The provision of paragraph 1 of this Article does not refer to the broadcasters who have thematic (typical) program services or which are conditioned with a payment by the user.

Article 35

The broadcasters shall broadcast the program in Macedonian language and in cases when the program is intended for the non-majority community they shall broadcast it in the language of the respective community.

If the program services which are broadcasted through the public communication networks are titled in a language other than the language in which they were originally produced, they must be titled in Macedonian language, except for the tele-shopping and the commercials.

Article 36

The programs in foreign languages or the parts of them which are broadcasted in the programs of the broadcasters must be translated in Macedonian language, or respectively in the language of the non-majority community.

The provisions of paragraph 1 of this Article do refer to the broadcasting of music and stage events, educational programs for learning foreign languages, or to the parts of the programs which are intended for foreigners.

The parts of the programs which are not translated are announced in Macedonian language or respectively in the language of the non-majority community.
Article 37

The commercials or the tele-shopping clips are obligatorily broadcasted in Macedonian language, with a Macedonian translation or in the language of the respective ethnic community.

Article 38

In the territory of Republic of Macedonia, the Macedonian Radio and Television (hereinafter MTV) broadcasts one TV program service in Macedonian language and one TV program service in the language spoken by at least 20% of the citizens and is other than the Macedonian language and the languages of the other non-majority communities.

In the territory of Republic of Macedonia, the MRT broadcasts at least two radio program services in Macedonian language and one radio program service in the language spoken by at least 20% of the citizens and is other than the Macedonian language and the languages of the other non-majority communities.

MRT broadcasts special radio programs intended for information of the immigrants and citizens of Republic of Macedonia who live in the neighboring countries, in Europe and in other continents in Macedonian language and in the language that is spoken by at least 20% of the citizens and is other than the Macedonian language and the languages of the other non-majority communities.

MRT broadcasts at least one radio and one television program service via satellite intended for the immigrants and citizens of Republic of Macedonia who live in the neighboring countries, in Europe and in other continents in Macedonian language and in the language that is spoken by at least 20% of the citizens and is other than the Macedonian language and the languages of the other non-majority communities.

Article 39

MRT is obliged for every television program service that is broadcasted between 18h00-22.00 to provide at least 40% of program that is originally produced in Macedonian language or in the languages of the non-majority communities in Republic of Macedonia out of the total annual time of broadcasting, at which at least 30% of program per day that was originally produced in Macedonian language or in the languages of the non-majority communities in Republic of Macedonia.

MRT is obliged to provide on each of its radio program services at least 40% of program per day originally produced in Macedonian language or in the languages of non-majority communities.

MRT is obliged to ensure that at least 45% of the broadcasted vocal and instrumental music is in Macedonian language or in the language of the non-majority ethnic communities in Republic of Macedonia.
10. Infrastructure Objects

Article 40

The name of a street, square, bridge and other infrastructure object is written in Macedonian language and its Cyrillic alphabet.

In a municipality in which at least 20% of the citizens use an official language other than the Macedonian language, the name of the street, the square, the bridge or of any other infrastructure object will be written also in the language and the alphabet used by at least 20% of the citizens in the respective municipality.

11. Local Self-Government

Article 41

The official language in the municipalities is the Macedonian language and its Cyrillic alphabet.

Apart from the Macedonian language and its Cyrillic alphabet, the language and alphabet in official use in the municipalities is also the one used by at least 20% of the citizens in the respective municipality.

The decision on the usage of the language and the alphabet that are used by less than 20% of the citizens in the municipality is taken by the Municipal Council.

Article 42

The official language in the City of Skopje is the Macedonian language and its Cyrillic alphabet.

Apart from the Macedonian language and its Cyrillic alphabet, the language and alphabet in official use in the City of Skopje is also the one used by at least 20% of the citizens of the City of Skopje.

The decision on the usage of the language and the alphabet that are used by less than 20% of the citizens in the City of Skopje is taken by the Council of the City of Skopje.

The regulations referring to the usage of languages and letters that are spoken by less than 20% of the citizens of the City of Skopje are adopted by the majority of votes of the attending members of the Council of the City of Skopje, in which the majority of votes of the attending members of the Council who come from the non-majority communities in the City of Skopje must be ensured.

Article 43

The official language in the municipalities of the City of Skopje is the Macedonian language and its Cyrillic alphabet.
Apart from the Macedonian language and its Cyrillic alphabet, the language and alphabet in official use in the municipalities of the City of Skopje is also the one used by at least 20% of the citizens of the respective municipality.

The decision on the usage of the language and the alphabet that are used by less than 20% of the citizens in the municipality of the City of Skopje is taken by the Council of the respective municipality.

The regulations referring to the usage of languages and alphabets that are spoken by less than 20% of the citizens of the municipalities of the City of Skopje are adopted by the majority of votes of the attending members of the Council of the respective municipality, in which the majority of votes of the attending members of the Council who come from the non-majority communities of the respective municipality must be ensured.

12. Finance

**Article 44**

The official language used in the tax procedure is regulated by the provisions referring to the use of language in the common administrative procedure of this law.

**Article 45**

The business records and the other books must be attached in the official language.

The Public Revenue Department may allow for exceptions to the provision of this Article in case when the business records and books are written in a language that the official person has a command of.

13. Economy

**Article 46**

The company of the trade enterprise is designated in Macedonian language and in Cyrillic alphabet.

The company of the trade enterprise the Head Office of which is situated in a unit of the local self-government in which at least 20% of the citizens speak an official language other than the Macedonian language, may be designated also in the respective language and is used only simultaneously with the company designation in Macedonian language and Cyrillic alphabet.

**Article 47**

The merchant shall run the financial books in Macedonian language, with Arabic ciphers and with values expressed in denars. If he uses abbreviations, codes, signs, or symbols, he must clearly explain their meaning.
The merchant seated in a local self-government unit where at least 20% of the citizens speak an official language other than the Macedonian language, shall run the financial books in Macedonian language and may also do that in the respective at language.

14. Education and Science

Article 48

The upbringing and education work in the primary school is carried out in Macedonian language and its Cyrillic alphabet.

For the members of the communities who follow lectures in a language other than the Macedonian language and its Cyrillic alphabet, the upbringing and education work is carried out in the language and the alphabet of the respective community in a way specified by this law.

The pupils of paragraph 2 of this Article shall study the Macedonian languages on compulsory basis.

Teachers, collaborators and educators in a primary school, with the exception of the teachers of Macedonian language, in which the lectures are delivered in a language other than the Macedonian language, must know the language and the alphabet in which the lectures are delivered.

The primary school is obliged to organize verification of the language knowledge for the teachers of paragraphs 1 and 2 of this Article.

Article 49

For the purpose of accomplishment of the upbringing and education work in the primary schools, textbooks and educational paraphernalia are used.

The members of the communities who follow the classes in a language other the Macedonian language use textbooks in the language of the respective community.

Article 50

The pedagogical documentation in the primary schools is maintained and published in Macedonian language and its Cyrillic alphabet.

For the pupils from the communities who follow the classes in a language other than the Macedonian language, the pedagogical documentation is maintained and published both in Macedonian language and its Cyrillic alphabet and in the language and the alphabet in which the lectures are delivered.

Article 51

The upbringing and education work in the secondary school is carried out in Macedonian language and its Cyrillic alphabet.
For the members of the communities who follow lectures in a language other than the Macedonian language and its Cyrillic alphabet, the upbringing and education work in the public secondary schools is carried out in the language and the alphabet of the respective community in a way and under conditions specified by this law.

The pupils of paragraph 2 of this Article shall study the Macedonian language on compulsory basis.

For the purpose of accomplishment of the upbringing and education work in the public school, textbooks are used.

The members of the communities who follow the lectures in a language other the Macedonian language use textbooks in the language of the respective community.

**Article 52**

The pedagogical documentation in the secondary schools is maintained and published in Macedonian language and its Cyrillic alphabet.

For the pupils from the communities who follow the lectures in a language other than the Macedonian language, the pedagogical documentation is maintained and published both in Macedonian language and its Cyrillic alphabet and in the language and the alphabet in which the classes are delivered.

The class register is maintained in the language and the alphabet in which the lectures are delivered.

**Article 53**

The classes in the high educational institutions are delivered in Macedonian language.

The members of the communities, for the purpose of the expression, safeguarding and fostering of their identity and other specificities, are eligible to take the studies in the higher educational institutions in the relevant study programs and syllabus in the language of the community other than the Macedonian language, in pursuance with this Law and the Statute of the respective Higher Educational Institution. Funds will be provided from the state budget also for higher education delivered in the language spoken by less than 20% of the population in Republic of Macedonia.

The lectures at the state institutions for higher education in the area of pedagogy intended for the tutoring of the educators in the pre-school education and the teachers in the primary education, as well as the classes on the subjects of didactics and methodology intended for the teachers in the secondary education can be carried out also in the languages of the members of the other non-communities in Republic of Macedonia.

The lectures at the private institutions for higher education can be carried out also in the languages of the non-majority communities in Republic of Macedonia or in the lingua franca. When the lectures are delivered in the languages of the non-majority communities in Republic of Macedonia or in the lingua franca, the Macedonian language is taught as a special subject and the lectures on at least two other subjects are carried out in Macedonian language.
When the lectures are delivered in the languages of the non-majority communities in Republic of Macedonia, in line with paragraphs 2, 3 and 4 of this Article the Macedonian language is taught as a special subject and the lectures are delivered in Macedonian language and so are delivered at least two additional subjects from the study program.

15. Culture

Article 54

For the purpose of achievement of the national interest, the Ministry of Culture in conformity with the National Program announces project calls that are of national interest in the month of May of the current year for the upcoming year.

The calls of paragraph (1) of this Article are announced in the public information media and are in progress 30 days from the day of their announcement. The calls are announced at least in one of the papers published in Macedonian languages and in the language spoken by at least 20% of the citizens who speak an official language other than the Macedonian language.

Article 55

The plaque awarded in line with the Law on Culture to the recipients of the title Ambassador of Culture of Republic of Macedonia from the rank of the members of the ethnic community which has more than 20% representation in Republic of Macedonia, apart from being awarded in Macedonian language it is also awarded in the language spoken by the member of the respective community.

Article 56

In the local libraries in the units of local self-government in which they are founded and in which apart from the Macedonian language and its Cyrillic alphabet language and the alphabet spoken by at least 20% of the citizens in Republic of Macedonia is also in official use, the entry registration and the basic catalogue of the library fund are maintained in Macedonian language and its Cyrillic alphabet and in the language and the letter spoken by at least 20% of the citizens of Republic of Macedonia in the territory of the respective unit of local self-government.

16. Free Access to Information

Article 57

The requestor, in line with the Law on Free Access to Public Information, shall present the request to the holder of the information in Macedonian language and its Cyrillic alphabet, and the requestor who speak an official language other than the Macedonian language and alphabet is eligible to present the request also in the respective official language and alphabet in line with this Law.
17. Publication of Acts

Article 58

The laws are also published in any official language and alphabet spoken by at least 20% of the citizen from the communities in Republic of Macedonia.

VI. TRANSITIONAL AND FINAL CLAUSE

Article 59

The provisions of the laws and the Rules of Procedure in the Parliament of Republic of Macedonia referring to the usage of language spoken by at least 20% of the citizens in Republic of Macedonia shall become void on the day this law enters into force.

Article 60

This Law shall enter into force on the day of its publication in the "Official Gazette of Republic of Macedonia".
RATIONALE

I. Assessment of the state of play in the area herein regulated and the objective desired to be achieved by the regulation of the relations in the manner proposed herewith

With the adoption of the Amendments to the Constitution of Republic of Macedonia IV – VIII, the necessary constitutional and legal conditions for the promotion of the rights of the members of the communities as well as the constitutional basis for use of the language that is spoken by at least 20% of the citizens of Republic of Macedonia have been created, but the issue of the language that is spoken by at least 20% of the citizens has remained not fully regulated by laws and bylaws, which had caused certain misunderstanding, flat interpretation and therefore convolution about the usage of the language that is spoken by at least 20% of the citizens.

The Law on use of the language that is spoken by at least 20% of the citizens in Republic of Macedonia will provide to the units of local self-government the legal norms on the usage of the language that is spoken by at least 20% of the citizens as well as the basis for the application and enactment of the law provisions, whereas the failure to respect this law will be sanctioned in accordance with the relevant regulations.

From the rationale stated above it is evident that the adoption of this law is necessary.

II. Financial Means

For the purpose of the implementation of this Law, additional funds from the Budget of Republic of Macedonia will be required.

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