

**(NON)IMPLEMENTATION OF THE AGREEMENT OF THE GOVERNMENTS
RELATING TO THE SOUTH OF SERBIA**

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INTRODUCTION

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Exactly fifteen years will be completed soon since the “Declaration on Demilitarization” of the Liberation Army of Presevo, Bujanovac and Medvedja (UCPBM), known as the “Konculj Agreement”, had been signed. This paved way for implementation of the “Plan and Program for Resolution of the Crisis in Municipalities of Bujanovac, Presevo and Medvedja”, called the “Covic’s Plan”.

In the meantime, other two agreements followed, one relating to reconstruction of the Coordination Body of the Government of the Republic of Serbia for the municipalities of Presevo, Bujanovac and Medvedja, and the other so called “Seven Points Plan”. They include measures that mostly refer to integration of Albanians into political, governmental and social system and respect of their human rights in accordance with European standards; establishment of safety and peace in the region; economic and social revitalization of the region and development in accordance with projects and priorities of municipalities.

The Council for Human Rights, having undertaken to perform analysis of the achieved from the stated agreements, has not aimed to prepare an overall analysis what was done and what was not done, but to focus to present a degree of integration of the Albanian minority in state institutions and to identify main advancements and issues regarding implementation of the “peace-keeping process” in the context of all three agreements.

Before it does this, also as necessary information, the analysis shall also provide general information on the region (the south of Serbia or, as Albanians call it, the Presevo Valley), as well as legislative and constitutional norms tied to the rights of national minorities in Serbia.

Likewise, the analysis will emphasize main points of all three agreements followed by the results of our quantitative and qualitative research.

Due to bureaucracy, insufficient political will and legislative possibilities, it should be said that during collection of information, researchers of the Council for Human Rights had a great problem in obtaining information from government institutions at the republic level.

ANALYSIS

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From November 2015 until the end of March 2016, the Council for Human Rights (hereinafter referred to as: CHR) investigated and analyzed the main documents resulting from agreement between republic authorities and representatives of Albanians from the south of Serbia: the “Plan and Program for Resolution of the Crisis in Municipalities of Bujanovac, Presevo and Medvedja”, adopted by the Government of the Republic of Serbia and the Government of the Federal Republic of Yugoslavia in February 2001, popularly called the “Covic’s Plan”; “Agreement on Principles for Reconstruction of the Coordination Body for the municipalities of Presevo, Bujanovac and Medvedja”, made in 2009, and the “Seven Points Plan” adopted by the Government of the Republic of Serbia in 2013.

“Plan and Program for Resolution of the Crisis in Municipalities of Bujanovac, Presevo and Medvedja” was passed in 2001 after signing of the agreement in Konculj, and it stopped armed conflicts between Serbian security forces and representatives of the Liberation Army of Presevo, Medvedja and Bujanovac.

“Agreement on Principles for Reconstruction of the Coordination Body” was signed in 2009 by the President of the Coordination Body, Milan Markovic, a member of the National Assembly, Riza Halimi, and the Head of the OSCE mission to Serbia, Hans Ola Urstad. At that time the Presidents of Municipalities of Presevo, Bujanovac and Medvedja, and President of the Coordination Body also signed the Decision on Reorganization and Competences of the Coordination Body. This Agreement returned Albanians to work at the Coordination Body, which they left in 2005.

The third document¹, which rightfully may be deemed legally binding for the Government of the Republic of Serbia, is the “Seven Points Plan” offered by political and institutional representatives of the Albanian community to the Government in Belgrade as a means for a dialogue after the monument to former UCPBM fighters was removed in front of the Municipality of Presevo’s building. At its session as of 04th June 2013 the Government adopted this document, in the form of information of the Coordination Body, by a special Conclusion.

¹ Conclusion of the Government of the Republic of Serbia as of 04th June 2013, 05 number: 06-4185/2013-4

I GENERAL INFORMATION

1. Geographic Data on Municipalities Bujanovac, Presevo and Medvedja

1.1. Bujanovac

Bujanovac municipality area mostly belongs to a highland area; 2/3 of the area (i.e. 313 km²) is within the range above 500 m above sea level, while 1/3 (148 km²) has plain features. Favorable geomorphological field configuration (50% of area is within the range of 800-1000 m above sea level).

1.2. Presevo

At the very south end of Serbia, at separation of Black Sea and Aegean Sea catchment areas, at the valley of the Moravica River, there is an underdeveloped, densely populated municipality of Presevo, holding the area of Presevo valley and its mountain rim. Population of 34,904 people lives at 264 km² in 35 settlements. It is located between western slopes of Skopska Crna Gora and eastern sides of the mountain Rujan and municipalities of Bujanovac and Gnjilane, while it borders the Republic of Macedonia to the south, i.e. it is open towards Kumanovo valley. The most important infrastructural corridors pass through its territory: railway line and road Beograd-Nis-Skopje.

1.3. Medvedja

As part of the mountain and valley area of the South Serbia, in the upper flow of the river Jablanica, there is a highland, peripheral from infrastructure perspective, rarely populated, immigration municipality of Medvedja. It is located between municipalities of Kursumlija, Bojnik, Lebane, Podujevo, Kosovska Kamenica and city area of Pristina.

Medvedja municipality area belongs to a highland area (95% of the area is within the range from 400 to 1000m above sea level), with pronounced deep, gorge-like river valleys. The lowest field levels are below 400 m (316 m) at the valley of the River Jablanica, and the highest at the mountains Radan and Majdan (1,376 m), while the most prevailing altitude belts are within the range of 600-800 m (44% of total area).

According to the administrative division of the Republic of Serbia, the municipalities of Bujanovac and Presevo belong to the Pcinja County, while the municipality of Medvedja belongs to the Jablanica County.

2. Population of Presevo, Bujanovac and Medvedja

Since 1981 the Albanian community has not participated in the population census, so results back then could not have corresponded to the actual situation. The population census performed by the Federal Statistical Office in the territory of the entire former Yugoslavia in 1981 was the last one that provided precise data on the population in Serbia. According to this census, 46,689 people lived in the municipality of Bujanovac. Albanians accounted for slightly over 55% of this number (25,848), Serbs about 34% (15,914) and Roma close to 9% (4,130). The municipality of Presevo had a population of 33,948. Most of them, over 85% (28,961) were Albanians, over 12% (4,204) were Serbs and over 1% (433) were Roma. Out of 17,219 residents of the municipality of Medvedja, there was 65% (11,354) of Serbs and Montenegrins, about 32% of Albanians (5,509) and somewhere around 0.5% (83) of Roma.

The general census performed in 1991 was boycotted by Albanians in Kosovo and in Presevo, Bujanovac and Medvedja. Assessments on the number of Albanian population were made based on the census from 1981. According to these, there were 49,238 people in the municipality of Bujanovac, 30% (14,660) of which were Serbs, 60% Albanians (29,588) and slightly below 9% Roma (4,408). It was evaluated that 38,943 people lived in the municipality of Presevo, 90% of which were Albanians (34,992), 8% Serbs (3,206), and 1.29% Roma (505). The Federal Statistical Office did not publish assessments for the municipality of Medvedja, but only results of census, according to which 13,368 people lived in this municipality, 9,205 Serbs and Montenegrins and 3,832 Albanians.

2.1. “The Great Census” of 2002

The first population census that was responded by the Albanian community in the south of Serbia was the census of 2002 envisaged by the “Covic’s Plan”. This census was, among other things, very significant for the Albanian community, since it enabled Albanians to be adequately proportionally integrated in the structures of local authorities in the municipality of Bujanovac, immediately after the census in the snap local election in 2002.

2.2. “Illegitimate” Legal Census of 2011

Albanian population boycotted the process of population census performed in 2011, since, as claimed by Albanian political representatives from the south of Serbia, the Statistical Office of the Republic of Serbia failed to provide guarantees that the census will include those residents of municipalities of Bujanovac, Presevo and Medvedja who left these municipalities during 1999, i.e. when the FRY security forces withdrawn from Kosovo were stationed in the territories of these municipalities.

According to the census of 2011, boycotted by the great majority of Albanian population, there are officially 5,805 Albanians².

An interesting fact after the 2011 census is that the number of Albanians in Serbia, not counting the south of Serbia, increased; in Vojvodina the number of Albanians increased by 556, from 1,695 to 2,251, in Belgrade it decreased by 240, from 1,492 to 1,252, and in the remaining part of Central Serbia it increased from 865 to 1,119.

Number of Albanian population per municipalities

	2002	2011	2002	2011	2002	2011
Serbia	7,498,001	7,186,862	61,647	5,809	0.822	0.081
Vojvodina	2,031,992	1,931,809	1,695	2,251	0.083	0.117
Central Serbia	3,889,885	3,595,613	58,460	2,306	1.503	0.064
Belgrade	1,576,124	1,659,440	1,492	1,252	0.095	0.075
Pcinja's county	227,690	159,081	54,795	680	24.07	0.427
Jablanica's county	240,923	216,304	2,841	548	1.179	0.253
North Backa county	200,140	186,906	315	486	0.157	0.26
Novi Sad	299,294	341,625	299	356	0.10	0.10
South Backa county	294,372	273,746	315	302	0.107	0.11
Raska county	291,230	309,258	160	267	0.055	0.086
North Banat county	165,881	147,770	197	264	0.119	0.179
South Banat county	313,937	293,730	158	250	0.05	0.085
West Backa county	214,011	188,087	165	226	0.077	0.12
Mid-Banat county	208,436	137,667	104	194	0.05	0.103
Srem county	335,901	312,278	142	173	0.042	0.055
Bor county	146,551	124,992	154	152	0.105	0.122

² Data from the 2011 Census

Nis - city	250,515	260,237	99	97	0.04	0.037
Danube-Basin county	210,290	199,395	68	86	0.032	0.043
Morava-Basin county	227,435	214,536	52	85	0.023	0.04
Zlatibor county	313,396	286,549	43	78	0.014	0.027
Zajecar county	137,561	119,967	88	76	0.064	0.063
Rasina county	259,441	241,999	8	52	0.00	0.021
Sumadija county	298,778	293,308	45	46	0.02	0.016
Moravica county	224,772	212,603	11	32	0.00	0.015
Pirot county	105,654	92,479	14	21	0.01	0.023
Nisava county – without Nis	131,239	116,082	35	21	0.03	0.018
Macva county	329,625	298,931	15	19	0.00	0.006
Toplica county	102,075	91,754	0	18	0.00	0.02
Branicevo county	200,503	183,625	26	16	0.01	0.009
Kolubara county	192,204	174,513	6	12	0.00	0.007
	Total		Albanians		Albanians in %	
	2002	2011	2002	2011	2002	2011
Medvedja	10,760	7,438	2,816	527	26.17	7.09
Presevo	34,904	3,080	31,098	416	89.10	13.51
Subotica	148,401	141,554	256	333	0.17	0.27
Bujanovac	43,302	18,067	23,681	244	54.69	1.35
Novi Beograd	217,773	214,506	268	223	0.12	0.10
Palilula	155,902	173,521	238	223	0.15	0.13
Novi Pazar	85,996	100,410	129	202	0.15	0.20
Zemun and Surcin	191,645	211,989	241	177	0.13	0.08
Vozdovac	151,768	158,213	143	125	0.09	0.08
Sombor	97,263	85,903	100	113	0.10	0.14
Bor	55,817	48,615	115	113	0.21	0.23
Zrenjanin	132,051	123,362	78	110	0.06	0.09
Cukarica	168,508	181,231	84	108	0.05	0.06
Rakovica	99,000	108,641	132	105	0.13	0.10
Zvezdara	132,621	151,808	156	91	0.12	0.06
Becej	40,987	37,351	66	81	0.16	0.22
Kanjiza	27,510	25,343	25	79	0.09	0.31
Kikinda	67,002	59,453	56	75	0.03	0.13

Vrsac	54,369	52,026	42	73	0.08	0.14
Backa Palanka	60,966	55,528	80	72	0.13	0.13
Novi Becej	26,924	23,925	14	72	0.05	0.30
Sremska Mitrovica	85,902	79,940	44	69	0.05	0.09
Pancevo	127,162	123,414	48	68	0.04	0.06
Stari Grad	55,543	48,450	64	63	0.12	0.13
Senta	25,568	23,316	57	62	0.22	0.27
Backa Topola	38,245	33,321	51	60	0.13	0.13
Kovacica	27,890	25,274	27	59	0.10	0.23
Ruma	60,006	54,339	37	57	0.06	0.10
Smederevo	109,809	108,209	37	51	0.03	0.05
Kula	48,353	43,101	27	50	0.06	0.12
Vrbas	45,852	42,092	45	48	0.10	0.11
Mali Idjos	13,494	12,031	3	43	0.06	0.36
Vracar	58,386	56,333	58	43	0.10	0.08
Jagodina	70,894	71,852	11	40	0.02	0.06
Zajecar	65,969	59,461	42	40	0.06	0.07
Negotin	43,418	37,056	30	33	0.07	0.09
Krusevac	131,368	128,752	6	32	0.00	0.02
Odzaci	35,582	30,154	12	32	0.03	0.11
Tutin	30,054	31,155	6	29	0.02	0.09
Sjenica	27,970	26,392	11	29	0.04	0.11
Kragujevac	175,802	179,417	32	27	0.02	0.02
Apatin	32,813	28,929	26	26	0.03	0.09
Backi Petrovac	14,681	13,418	5	26	0.03	0.19
Ada	18,994	16,991	33	25	0.20	0.15
Titel	17,050	15,738	7	24	0.04	0.15
Kraljevo	121,707	125,488	23	23	0.02	0.02
Savski Venac	42,505	39,122	35	23	0.08	0.06
Knjazevac	37,172	31,491	27	22	0.07	0.07
Leskovac	156,252	144,206	23	20	0.01	0.01

2.3. “Assessed” Census of 2015

The Ministry of Public Administration and Local Self-Government, in cooperation with national parliament members from Presevo, Bujanovac and Medvedja, and representatives of these municipalities, agreed in June 2015 on the methodology to assess the population size in the south of Serbia. A team of international experts was engaged by the Embassies of the United States of America and Great Britain and Delegation of the European Union to Belgrade, at the meeting chaired by the OSCE³.

Their data led to the following assessment of the number of population in each municipality: Presevo 29,600, Bujanovac 38,300, Medvedja, 7,400⁴.

³ The International Community engaged renowned experts who worked on the assessment in June: Ian White (Great Britain) with long-term experience in assessing population size in the EU countries and countries of Central Asia as well as countries in the region, who was also engaged by the Council of Europe, UNECE (United Nations Economic Commission for Europe), UN Statistical Division and UNFPA (United Nations Population Fund), Katerina Kostadinova-Daskalovska (FYR Macedonia) with more than 28 years of relevant experience in the Balkans region countries, in Moldova, Belarus and Turkmenistan, and Daniel Goodkind (USA) who has gained experience in this area working in 60 countries. Statistical Office of the Republic of Serbia and other Authorities of the Republic of Serbia also provided all the necessary support.

⁴ Report of the Expert Team on methodology to estimate South Serbian population missed from the 2011 Population and Housing Census.

II Rights of Minorities in Serbia

One of the basic principles proclaimed in the Article 1 of the Framework Convention for the Protection of National Minorities is an unambiguous position of the Council of Europe members that:

“The protection of national minorities and the rights and freedom of members of national minorities is an integral part of international human rights protection and as such falls into the area of international cooperation.”

The minorities issue in the Republic of Serbia is a very complex one. Since changes in 2000 the Republic of Serbia has been in the process of democratic transformation. The aim of such transformation is to establish democratic society and the rule of law, and the foundation of it all should lie in the respect of human and minority rights in accordance with the highest European standards. The issue of education of minorities and use of minority languages, as topics of great significance for preservation and development of identity of members of national minorities, as well as forms of efficient participation of minorities in governance of the state, present basic problems faced by minorities in the Republic of Serbia.

1. Legal Framework that Regulates Rights of Minorities

After October changes in 2000 there has been a step forward in establishing constitutional and legislative framework, and important international conventions that should aim to improve position of minorities have been accepted.

During this process the Law on the Protection of Rights and Freedoms of National Minorities⁵, passed as a basic law in this area, was adopted in 2002. International documents for the protection of national minorities rights (primarily the Framework Convention and the European Charter) were ratified, and in 2006 the Constitution⁶ was adopted assuming a sizable catalogue of rights of national minorities and their members, which were previously determined by the law. The Law on National Councils of National Minorities was adopted in

⁵ The Law passed in 2002 by the FRY Assembly

⁶ Constitution of Republic of Serbia

2009. It determines procedures for election of national councils of national minorities and competences of the council.

1.1. Law on the Protection of Rights and Freedoms of National Minorities

The Law on the Protection of Rights and Freedoms of National Minorities regulates “*the way to achieve individual and collective rights of national minorities in accordance with the Constitution and international agreements*”. This Law regulates special rights such as: freedom of national determination (Article 5), right of cooperation with fellow nationals (Article 6), right to choose and use personal name (Article 9), right to officially use minority language (Article 10, 11), right to nurture culture and tradition (Article 12), right to education in native language (Article 13, 14, 15), right to use national symbols (Article 16). However, the right guaranteed by the Paragraph 1 of this article has been narrowed by the following paragraph to the possibility to use national symbols that cannot be “*identical with symbols of other states.*”

1.2. Constitutional Norms for Minority Rights

The Constitution of the Republic of Serbia regulates human and minority rights in the second section. The Article 18, Paragraph 1, of the Constitution envisages that “*human and minority rights guaranteed by the Constitution are directly applied*”, and in the Paragraph 2 the Constitution guarantees direct application of “*human and minority rights*” that are also guaranteed by “*generally accepted rules of international law*” and “*confirmed international agreements*”.

Articles 75 to 81 of the Constitution regulate and guarantee special rights for national minorities members such as: prohibition of discrimination (Article 76), equality in performing public affairs (Article 77), prohibition of forced assimilation (Article 78), right to preserve special features (Article 79), right to association and cooperation with fellow nationals (Article 80) and development of the spirit of tolerance (Article 81).

In the Article 21, Paragraph 3, the Constitution envisages a possibility for the Republic of Serbia to undertake special actions that “*are not deemed to be discriminatory actions*” in order to “*achieve full equality of persons or a group of persons that are in an essentially unequal position with other citizens*”. However, when it comes to undertaking such actions to

achieve full equality of national minority members, then additional, debilitating conditions are placed, i.e. it has to be justified by the existence of “*extremely unfavorable living conditions that particularly affect them.*”

1.2.1. Opinion of the Venice Commission

This kind of position of the Constitution of the Republic of Serbia is not deemed justified by the Venice Commission, which has stated the following in its Opinion on the Constitution of Serbia⁷ : “The question is if only “*extremely unfavorable living conditions*” may justify positive actions in favor of national minorities that will not be deemed as discriminatory actions. On the same issue the Advisory Committee of the Framework Convention has restated its regret for obvious contradiction of the Article 76, Paragraph 3, of the Constitution with respect to above mentioned provisions, since it puts more strict requirements for application of special actions for national minorities than for other groups.

Hence, apart from the fact that the Constitution of the Republic of Serbia contains a catalogue of human and minority rights, this does not present sufficient guarantee that these rights will be realized in practice. The Republic of Serbia is also a signatory of the Framework Convention for the Protection of National Minorities⁸. By acceding to the Framework Convention, member states undertake to “protect survival of national minorities in their territory”. By acceding to the Convention, members deem that “violent turnovers in the European history showed that the protection of national minorities has key significance for the stability, democratic safety and peace” in the European continent.

⁷ Opinion of the Venice Commission, CDL-AD(2007)004, p. 43,

⁸ Law on confirmation of the Framework Convention for the Protection of National Minorities (“Official Gazette of the FRY – International Agreements”, No. 6/98)

III Special Obligations of the Republic of Serbia towards Municipalities of Presevo, Bujanovac and Medvedja

Apart from constitutional and legal obligations, as well as obligations imposed by internationally recognized agreements, the Republic of Serbia also undertook special obligations towards Presevo, Bujanovac and Medvedja pursuant to three special documents adopted by the Government.

1. Obligations Envisaged by the Plan and Program for Resolution of the Crisis in Municipalities of Bujanovac, Presevo and Medvedja

1.1. Program Objectives and Deadlines

The Program objectives set as key⁹ principles are as follows:

- *Eliminating all forms of endangerment of constitutional order, sovereignty and integrity of the FRY and Serbia,*
- *Establishing full personal and collective security,*
- *Construction of multi-ethnic and multi-confessional society at democratic principles, with full regard of human and minority rights, as well as rights of all citizens as per the highest standards,*
- *Prosperous and fast economic development of these municipalities with financial support of international community.*

The Plan and program contained precisely determined obligations and deadlines in which each obligation should have been fulfilled. Accordingly, for full execution of program liabilities there was a deadline of not more than 36 months from signing of the agreement (S+36, where the S is the agreement signing date). Based on the above mentioned, full execution of obligations should have been no later than until 2004.

According to these deadlines, *“integration¹⁰ of Albanians into the political and governmental system and respect of their human and minority rights as per the highest European*

⁹ Platform of necessary actions for affirmation of rights of Albanians in PBM

standards” should have been completed as per the following dynamics: S+2 =10%, and S+36 =100%.¹¹

The second objective of the program, *Establishing safety and peace in the region*, apart from the “full termination of actions” by the former UÇPMB, also implied “*withdrawal of extraordinary engaged military and police forces and return of local police forces with mixed national structure.*”

Amnesty of former fighters¹² from criminal liability is an integral part of the program that guaranteed safety to all participants on the side of UÇPMB.

Social and economic rebirth of municipalities has implied:

- a) Development of agriculture,
- b) Development of wood industry,
- c) Construction and rehabilitation of road and electric infrastructure, water supply system and telephone lines,
- d) Registration and rehabilitation of houses of Albanians.

2. Obligations envisaged by the Agreement on Principles for Reconstruction of the Coordination Body

The second binding document by which the Government of the Republic of Serbia undertook to affirm the rights of Albanians from Presevo, Bujanovac and Medvedja is the “*Agreement on Principles for Reconstruction of the Coordination Body*”¹³. The Agreement, which referenced the previous Plan and Program for Resolution of the Crisis in Municipalities of Bujanovac, Presevo and Medvedja, should have created conditions that enable all communities “*to express, preserve and develop their identity*” and to present a guarantee for “*inclusion of the Albanian community into government institutions*¹⁴”, which would “*achieve its effective participation in the decision making process*”.

¹⁰ Plan and Program for Resolution of the Crisis in Municipalities of Bujanovac, Presevo and Medvedja as of 2001; Annex 5B

¹¹ Plan and Program from 2001, Tasks for Realization of Objectives, Phase III, Realization of the Agreement

¹² Plan and Program 2001, Annex 5b, Article 2, Paragraph 4

¹³ Agreement on Principles for Reconstruction of the Coordination Body for Municipalities of Presevo, Bujanovac and Medvedja, signed in Belgrade on 27/03/2009

¹⁴ Agreement on Principles for Reconstruction of the Coordination Body, Article 5

2.1. Agreement Objectives and Deadlines

Based on this agreement it was agreed to include representatives of Albanians into the work of the Coordination Body by forming eight (8) work groups from important living areas and with participation of three representatives of the municipalities of Presevo, Bujanovac and Medvedja, and three representatives of the competent ministry for each group. They did not function.

After this agreement the Government made the Decision¹⁵ on 63 new work positions at the Customs Administration, Tax Administration and Treasury Administration to enable receipt of Albanian staff in these institutions.

Therefore, based on such Decision of the Government of the Republic of Serbia, and aimed at the “*need to realize objectives of the Coordination Body of the Government of the Republic of Serbia for the municipalities of Presevo, Bujanovac and Medvedja*”, the maximum number of officers was increased:

Ministry of Finance:

- Customs Administration 30 officers;
- Tax Administration 20 officers;
- Treasury Administration 2 officers;
- Ministry of Trade and Services for the needs of market inspection - 5 officers;
- Ministry of Economy and Regional Development, for the needs of the republic tourism inspection – 1 officer;
- Ministry of Labor, for the needs of the labor inspection - 1 officer;
- Ministry of Agriculture, for the needs of the republic veterinary inspection – 1 officer;
- Ministry of Health, for the needs of the sanitary inspection - 1 officer;
- Ministry of Environment, for the needs of the republic environment protection inspection – 1 officer;

In total 63 new work positions were approved for opening with the aim to meet one of the basic principles of the Agreement on Reconstruction of the Coordination Body as of

¹⁵ Decision of the Government of the RS, as of 15th July 2010

27/03/2009 that aimed to achieve “*appropriate inclusion of Albanian community into government institutions, to achieve its effective participation in the decision-making process*”.

In a dialogue with the CHR researchers, MP Saip Kamberi said that “the intention was compromised. In fact, not only that the local Albanians were not employed but also the Serbs from other places were brought here. This means that even the local Serbs living in Presevo and Bujanovac were not taken into account.”¹⁶

2.2. Obligations Envisaged by the “Seven Points Plan”

At its session as of 04th June 2013 the Government of the Republic of Serbia adopted the plan in the form of Information of the Coordination Body, by a special Conclusion¹⁷.

The crisis that was made regarding the monument and unresolved living problems of Albanian community showed once again the fragility of political and security situation that required action. Precisely for this reason the OSCE Mission to Serbia and several Embassies started initiative to hold a new round of talks between Albanian representatives and the Government of the Republic of Serbia.

The objective was to avoid the ultimate deterioration of the crisis made firstly by putting the monument to fallen fighters of UÇPMB by the Municipality of Presevo, and afterwards by its removal by the gendarmerie, through new talks.

Representatives of Albanian community, during preparation for new talks, made a separate document stating priority actions to be taken by the Government in order to improve the position of Albanian minority in Presevo Valley¹⁸.

2.3. The Agreement Objectives and Deadlines

Having in mind that the proposed actions to be taken by the Government were divided in seven categories, the document was called the “*Seven Points Plan*”.

¹⁶ The dialogue between the Human Rights Committee researchers with MP Saip Kamberi, February 2nd, 2016

¹⁷ Conclusion of the Government of the Republic of Serbia as of 04th June 2013, 05 number: 06 - 4185/2013 – 4

¹⁸ “Platform of Urgent Actions for Affirmation of Rights of Albanians from the Presevo Valley”, April 2013

Special requirements contained in the “*Seven Points Plan*” are:

- Representation/integration into government institutions,
- Economic recovery,
- Official use of the language, letter and national symbols,
- Decentralization in the judicial system,
- Education, culture and the media,
- Healthcare and social protection,
- Safety and actions for establishing trust.

3. Blocked Process – Census and Judicial Reform

Even after several meetings with representatives of the state, the Prime Minister Ivica Dacic and the first Vice-President of the Government Aleksandar Vucic, but also with representatives of other ministries, the process is currently completely blocked as a result of the census boycott, i.e. reorganization of judicial system in Serbia, i.e. in Presevo, Bujanovac and Medvedja.

The talks were suspended and have not been continued until present. While the Albanian political representatives are blaming Belgrade for suspending the talks, Zoran Stankovic, the president of the Coordination Body, says : “We know precisely why the talks between the local Albanian leaders and representatives of authorities were suspended – because of the network of courts and prosecutor’s offices. But we said even then, when the second man in the Ministry of Justice hierarchy was present and stated the same thing, that we will perform an analysis in a year’s time and then see what to do next, since each Law is subject to amendments and adopted by the Assembly. We will suggest the best possible solution.”¹⁹

3.1. Problem of census boycott

The census boycott by Albanian population has primarily reflected on certain rights of Albanian national minority. During the assembly procedure for adoption of the Law on Amendments and Supplements of the Law on territorial jurisdiction of courts, the

¹⁹ <http://www.titulli.com/index.php?m=post&s=18871>

cancellation of the basic court in Presevo was explained by the fact that this municipality has only 3,073 people. Apart from this, due to population census boycott, the number of members of the National Council of Albanians ²⁰(ANC) was reduced from 29 to 15, since the Ministry of Public Administration and Local Self-Government applied the principle that, having in mind that there are “*only 5,805 Albanians*” in Serbia, the National Council of Albanians should have only 15 members, which further resulted in decrease of financial funds to be received by the National Council of Albanians from the budget.

This kind of position towards the National Council of Albanians was applied despite suggestions that came from the Council of Europe, through the Advisory Committee’s Third Opinion²¹ on Serbia:

The findings of international experts also found that: “*The last census of population performed in 2011 failed to provide accurate data on the number of people in three municipalities in the south of Serbia (Presevo, Bujanovac and Medvedja)*” since Albanian national minority boycotted the census. This is why the “*official number of people in these three municipalities, which was result of the census, has decreased by 68% compared to the 2002 census*”²².

Despite the fact that experts have suggested that these results “*are to be used to official purposes*”, there are complaints by the Albanian politicians that their application has not yet started, especially with reference to the National Council of Albanians and particularly to its funding. They state the example where, although the data were published in June 2015, the funding of the National Council of Albanians for 2016²³ is also done using criteria from the 2011 Census.

In a dialogue with the Human Rights Committee researchers, Riza Halimi, MP of Serbia, has stated that the 2011 Census data have been “*badly used since they represent the basis for the funding calculation even though they do not match the situation in the field. So ever since 2013 funding of the Albanian National Council has decreased by 30% even though the number of Albanians could not have been significantly changed in a single year’s time.*”²⁴

²⁰ Article 9, paragraph 2, of the Law on National Councils of National Minorities

²¹ The third Opinion of the Advisory Committee of the Council of Europe, November 2014

²² Report of the expert team on methodology used to assess the number of people of the south of Serbia excluded from the census of population and households in 2011

²³ Distribution of annual quota for the National Council of Albanians

²⁴ The dialogue between the Council for Human Rights researchers with Riza Halimi, on 19th January, 2016

3.2. Judicial Reform

Judicial reform performed in 2010 cancelled²⁵ the Municipal Court in Presevo and Bujanovac, as well as the Municipal Prosecutor's Office. Only court units were formed in these municipalities. There is a unit of prosecutor's office from Vranje in Bujanovac. This reform was not acceptable for representatives of Albanians from the south of Serbia.

The Basic Court in Bujanovac was reinstated on 01st January 2014 as per the new decentralized measure of courts, while there is still no court in Presev

²⁵ Law on the seats and territorial jurisdictions of courts and public prosecutors offices as of 2010 and 2013

IV (NON)IMPLEMENTATION

Regardless of the fact that these initial years after initiating the political process to resolve the crisis may be deemed successful, it may be rightfully said that they failed to provide the expected results focused towards key objectives, such as integration, fast economic recovery, return of escaped population and demilitarization of the region by the special security forces.

Taking into consideration that the set topics in the Seven Points Plan are linked to two previous Agreements, as well as that these topics have living significance for recovery and integration in the south of Serbia, the Council for Human Rights opted to focus on these seven points through which to perform analysis of (non)implementation of the realized agreements especially in the integration of Albanians into the state institutions.

1. Representation/Integration in the Government Institutions

Representation/integration to government institutions implies undertaking urgent actions to provide “*participation of Albanians in the Government institutions*” in accordance with “*proportional structure of population in these municipalities*”.

This kind of request is based on the Article 21 of the Law on the Protection of Rights and Freedoms of National Minorities, Article 77 of the Constitution of the Republic of Serbia, and Article 15 of the Framework Convention for the Protection of National Minorities. The example of this is the provision²⁶ that guarantees minorities “*participation in public life and equality of employment in public service*”. The law states that for “*employment in public services, including the police, national composition of population, corresponding representation and knowledge of language spoken in the area of the authority or service need to be taken into account*”²⁷.

As part of analyses of the condition of minorities in the Republic of Serbia, international experts (observers) agree that: “*Serbian legislation contains commendable provisions for the improvement of protection of national minority members’ rights, and these have been improved over the last several years.*” However, they also agree that Serbian legislation lacks an “*overall and strategic approach to integration of national minorities*” that they consider

²⁶ Article 21 of the Law

²⁷ Article 21 of the Law

“deficient”, while “*multiethnic relations in Serbia*” that are “*still a source of concern*” as per the opinion of the Council of Europe²⁸, present a special concern in the report of foreign experts.

However, there is no doubt that realization of this objective, which is basically “more essential than the peace-keeping” process in the south of Serbia, is the most unsuccessful. Neither the Program from 2001 nor the Agreement on Restructuring of Coordination Body from 2009²⁹, nor the “Seven Points Plan” have provided minimum results to improve participation of Albanians in the state institutions at the county and republic levels.

The practice shows that the existence of legal basis, without political will of the Government, is not enough to enable integration to a specific national minority.

Although it was very difficult to obtain any information from government institutions regarding representation of male/female members of national minorities, employed at government authorities, all data that exist and that researchers of the Council for Human Rights could obtain through different channels guarantee that the integration of Albanians at the level of institutions that are not under the competence of municipal authorities is but a symbolic one. In other words, there are a lot of institutions in the territory of Pcinja’s and Jablanica’s county, i.e. services, under the competence of republic institutions where the number of employed Albanians is a symbolic one or there are no Albanians at all.

1.1. Integration in Public Institutions and Services

1.1.1 (Not) Success

1.1.1.1. 2002 Local Elections

Snap election was organized in 2002 for three municipalities. They were particularly important for the municipality of Bujanovac. The election system was changed for this purpose and instead of then majority, the new law introduced a proportional system. This way the domination of local Serbs, who created a system for absolute domination over Albanians through creation of disproportional electorates, was elegantly terminated. Although the 2002

²⁸ The third Opinion of the Advisory Committee, ACFC/OP/III (2013) 006

²⁹ Out of 63 envisaged positions, only about 20 Albanians from the south of Serbia were employed during the process

census showed that Albanians make the majority of 56% of population in this municipality, they could be represented with no more than 12 councilmen in the local assembly. This is a consequence of then decision on electorates in the Municipality that enabled Serbian settlements with 130 voters to have one councilman, while Albanian settlements (V. Trnovac) with 2,100 voters could give maximum one councilman. The proportional election system terminated this decades-long domination and created possibility for Albanian parties to win the majority of 23 councilman seats, out of 41 that the Assembly of the Municipality of Bujanovac has, for the first time in 2002 election. Since then Albanian population has been proportionally represented in local governments in municipalities of Bujanovac, Presevo, but also Medvedja.

1.1.1.2. “Multiethnic” Local Police

At the proposal of the OSCE Mission, the “Principles for Multiethnic Police Element in Presevo, Medvedja and Bujanovac” were adopted³⁰. This document³¹ was signed on 27th June 2001 in Bujanovac by the representatives of the Government of the Republic of Serbia, Albanian ethnic community and the OSCE, and it presents the first concrete step towards equal participation of Albanians in execution of public affairs.

As part of this projects 300 Albanians have been included in the police forces. Despite this, members of Albanian community are not adequately represented at senior positions in the police. The situation of members of Albanian minority in the police is still not at the level envisaged by European standards³². Until present day about 30 police officers have lost their positions under various circumstances and new people from Albanian community have not been employed at their posts³³.

The number of employees at the Ministry of Interior per municipalities:

Municipality	Employee	Albanians	Serbs	Roma
Presevo	248	125	120	3

³⁰ Document was signed by the republic Minister of Interior, Dusan Mihajlovic, President of the Assembly of the Municipality of Presevo, Riza Halimi, Head of the OSCE Mission to Yugoslavia, Stefano Sanino, and President of the government Coordination Body, Nebojsa Covic, PhD

³¹ Agreed Principles of the Multiethnic Police Element in Presevo, Bujanovac and Medvedja, 2001

³² http://www.bezbednost.org/upload/document/zastupljenost_albanske_nacionalne_manjine_u_mup_sr.pdf

³³The dialogue between the Council for Human Rights researchers and Saip Kamberi on 2nd February, 2016

Bujanovac	307	107	198	2
Medvedja	142	7	133	2
Total	697	239	451	7 ³⁴

Representation of ethnic minorities in the police management in three municipalities at the south of Serbia³⁵:

	Presevo	Bujanovac	Medvedja
Chief	Albanian	Serb	Serb
Commander	Serb	Albanian	Serb
Deputy Commander	Albanian	Albanian	Serbian
Assistant Commanders	Serbian, Albanian	4 Serbian	4 Serbian

1.1.1.2. “State” Media

The Agreement of reorganization of local media in 2002 enabled forming the desk in Albanian within the existing Radio Bujanovac, which was immediately followed by formation of TV Bujanovac also using the model of two desks.

Radio Television Presevo, which even today has a desk in Serbian, was formed little after this, as well as Radio Medvedja, where the desk in Albanian was formed in 2004.

1.1.1.3. Local/Regional Judicial System

The research showed that a very small number of Albanians has been employed in the judicial system, which not only creates problems in access to justice in minority languages in areas where that should be possible, but also contributes to the lack of trust these minorities have in the judicial system.

³⁴ Ethnic structure of population, employees and managers of authorities, institutions and companies within municipalities of Presevo, Bujanovac and Medvedja; the Council for Human Rights, Presevo, 2011/2012

³⁵ Data obtained in a private interview performed by the Council for Human Rights researchers

Ethnic composition of the employees in the judicial system³⁶

Municipality	TOTAL	Serbs	Albanians	Roma
Presevo	68	31	27	0
Bujanovac	80	61	18	0
Medvedja	6	5	1	0

In a dialogue with the Council for Human Rights researchers, MP Saip Kamberi said that “data on ethnic structure of the Judiciary employees, especially in the municipalities of Bujanovac and Presevo, actually showed disproportion of the employees. In Presevo, where the Serbs make up 5% of the population, more than 60% of the total number of Judiciary employees are the Serbs.”³⁷

1.2. Local State Institutions

Although not without problems, the situation is considerably better at the local level, and representation of minorities is higher. Likewise, it is noticeable that Roma community is not integrated enough at the local level.

³⁶ Records of the Municipality of Bujanovac from 2014

³⁷ The dialogue between the Council for Human Rights researchers and Saip Kamberi on 2nd February, 2016

Employment at local government institutions in municipalities of Presevo, Bujanovac and Medvedja – data from March 2016.

No.	Institutions of local government at the Municipality of Presevo	Reply	Employees	Serbs	Albanians	Roma
1	Cultural Center	Positive	19	2	17	XX
2	Library	Positive	15	XX	15	XX
5	Organization for Physical Education	Positive	8	XX	8	XX
6	Moravica	Positive	53	3	50	XX
7	Social Services	Positive	19	2	17	XX
8	Municipality Administration	Positive	122	6	115	1
No.	Institutions of local government at the Institutions of Municipality of Bujanovac	Reply	Employees	Serbs	Albanians	Roma
1	Directorate for Construction	Positive	39	10	29	
2	Komunalac	Positive	180	76	88	16
3	Sports Center Mladost	Positive	20	12	8	XX
4	Tourist Organization	Positive	8	4	4	XX
5	Library	Positive	16	5	11	XX
6	Cultural Center	Positive	20	4	14	2
9	Municipality Administration	Positive	148	63	82	3
No.	Institutions of local government at the Municipality of Medvedja	Reply	Employees	Serbs	Albanians	Roma
1	Library	Positive	13	12	1	XX
2	Interpreters at the Faculty and technical personnel	Positive	7	2	5	XX
3	Kindergarten	Positive	18	15	3	XX
4	City Sanitation	Positive	52	48	2	2
5	Municipality Administration	Positive	108	97	10	1

Total					
Serbian	361	Albanian	478	Roma	26

According to Kenan Rašitović, Roma municipal councilors in the Municipal Assembly of Bujanovac, statistics prove that Roma are not proportionally represented in local government in local, district or national institutions.³⁸

³⁸ The dialogue between the Council for Human Rights researchers with Kenan Rasitovic, Youth Forum for Education of Roma (OFER) and a Member of the Municipal Council in Bujanovac from the United Party of the Roma, December 22nd, 2016

1.3. Republic and County Institutions

As part of realization of this project the Council for Human Rights asked competent institutions, referring to the Law on Free Access to Information of Public Importance, to provide information on the number of employees and their national structure. However, almost no one of the institutions stated in the table responded to requests of the Council for Human Rights.

Researchers of Council for Human Rights have met with representatives of Commissioner for free access to information of public importance in order to ask them for advisory assistance in getting information from institutions which did not reply to requests for providing information with regards to ethnic structure of employees in regional and republican institutions. Representative of Commissioner for free access to information of public importance has instructed the researchers of Council for Human Rights that it is not possible to acquire information at a second level legal instance because Constitution prohibits ethnic classification of employees.³⁹

The list of institutions where requests were sent and their replies

No.	Institutions	Reply	Employees	Serbs	Albanians	Roma
1	Traffic inspection	Negative	XX	XX	XX	XX
2	Sanitation inspection	Negative	XX	XX	XX	XX
3	Affairs of the second instance administrative procedure	Negative	XX	XX	XX	XX
4	Agricultural inspection	Negative	XX	XX	XX	XX
5	Veterinary inspection	Negative	XX	XX	XX	XX
6	Forestry and hunting inspection	Negative	XX	XX	XX	XX
7	Water management inspection	Negative	XX	XX	XX	XX
8	Environment protection inspection	Negative	XX	XX	XX	XX
9	Affairs of educational and pedagogic development	Negative	XX	XX	XX	XX
10	Sanitary inspection	None	XX	XX	XX	XX
11	Healthcare inspection	None	XX	XX	XX	XX

³⁹ The dialogue between the Council for Human Rights researchers with the representatives of the Commissioner for Information of Public Importance, Belgrade, February 4th, 2016

12	Labor inspection	None	XX	XX	XX	XX
13	Market inspection	None	XX	XX	XX	XX
14	Tourist inspection	None	XX	XX	XX	XX
15	Market inspection	Negative	XX	XX	XX	XX
16	Tourist inspection	Negative	XX	XX	XX	XX
17	Labor and occupational safety inspection	None	XX	XX	XX	XX
18	Sanitary inspection	None	XX	XX	XX	XX
19	Healthcare inspection	None	XX	XX	XX	XX
20	Agricultural inspection	Negative	XX	XX	XX	XX
21	Phyto-sanitary inspection	Negative	XX	XX	XX	XX
22	Veterinary inspection	Negative	XX	XX	XX	XX
23	Forestry and hunting inspection	Negative	XX	XX	XX	XX
24	Water management inspection	Negative	XX	XX	XX	XX
25	Ecological inspection	Negative	XX	XX	XX	XX
26	Inspection for protection of the fish fund	Negative	XX	XX	XX	XX
27	Basic Court Vranje	Partly	86	XX	XX	XX
28	Higher Court Vranje	Positive	38	37	XX	1
29	National Employment Service	Negative	XX	XX	XX	XX
30	Tax Administration, Branch Office Nis	Negative	XX	XX	XX	XX
31	Emergency Situations Department, Administration Vranje	Negative	XX	XX	XX	XX
32	Police Administration Vranje	Negative	XX	XX	XX	XX
33	Treasury Administration	Negative	XX	XX	XX	XX
34	Customs Administration, Branch Office Vranje	Positive	15	12	3	XX
35	General hospital Vranje	None	XX	XX	XX	XX
36	County prison	None	XX	XX	XX	XX
37	Higher Public Prosecutor's Office	None	XX	XX	XX	XX
38	Cadaster Administration, Vranje	None	XX	XX	XX	XX
39	Social Services Center	Partly	43	XX	XX	XX

40	School for Preschool Teachers	None	XX	XX	XX	XX
41	Music School, Bujanovac	None	XX	XX	XX	XX
42	Faculty in Medvedja	Positive	7	5	2	XX
43	Faculty of Economy in Bujanovac	None	XX	XX	XX	XX
44	Maternity Ward in Presevo	None	XX	XX	XX	XX
45	Healthcare Center Presevo	Positive	214	44	169	1
46	Healthcare Center Bujanovac	Positive	236	154	76	6
47	Healthcare Center Medvedja	Positive	72	70	2	XX
48	Military Section Vranje	None	XX	XX	XX	XX
49	Special school "V.Antic", Vranje	None	XX	XX	XX	XX
50	Kindergarten "Nasa radost", Bujanovac	Positive	95	65	30	XX
51	Kindergarten "8. Mart", Presevo	Positive	58	5	52	1
52	Kindergarten "Mladost", Medvedja	None	XX	XX	XX	XX
53	"Skenderbeu" High School, Presevo	None	XX	XX	XX	XX
54	"Sezai Surroi" High School, Bujanovac	None	XX	XX	XX	XX
55	"Nikola Tesla" Technical High School, Medvedja	None	XX	XX	XX	XX
55	Post of Serbia	Partly	15200	13570	27	74
56	EPS Srbija, Department in Bujanovac	Positive	24	18	6	XX
57	Bujanovacka Banja	None	XX	XX	XX	XX
58	Sijarinska Banja	None	XX	XX	XX	XX
59	Simpo, Vranje	None	XX	XX	XX	XX
60	Duvanska Industrija Bujanovac	Positive	76	67	5	4
61	Bivoda, Rakovac-Bujanovac	None	XX	XX	XX	XX
62	Yumco, Vranje	None	XX	XX	XX	XX
63	Megal, Bujanovac	None	XX	XX	XX	XX

It may be observed that institutions that had examples of minority integration made positive replies to the request.

2. Economic Recovery

When we talk of economic development, situation has not changed a lot for many reasons. Most government/public companies have been closed. Privatization of a few of them failed to yield the expected results. By keeping them in the status of liquidation for decades, they are deteriorating.

2.1. Unemployment

Unemployment rate exceeds 60%⁴⁰, and these municipalities have the lowest income per capita compared to other parts of Serbia.

According to the data of the Chamber of Commerce of Leskovac, the average monthly salary in Pcinja's and Jablanica's county for October 2015 is 33,670 dinars, 24% less than average salary in Serbia – the average salary at the republic level is 44,124 dinars. Medvedja has the highest average personal income – 38,636 dinars, while the municipality of Trgoviste has the lowest – 27,248 dinars.

The number of employed and unemployed people in Pcinja's and Jablanica's county

	Jablanica's county	Pcinja's county	Total
Employed	33,012	28,604	61,616
Unemployed			73,755 ⁴¹

The number of employed and unemployed people in municipalities of Bujanovac, Presevo and Medvedja

	unemployed	women	men
Presevo	5,004	2,821	2,183
Bujanovac	4,536	2,331	2,205
Medvedja	1,646	823	823

⁴⁰ Official statistical data

⁴¹ Data from March 2015, since new data were not published by the statistical Ent

Based on the private interviews performed by the Council for Human Rights with the National Employment Service representatives in Bujanovac and Presevo, members of national minorities dominate proportionally among unemployed people in municipalities of Bujanovac, Presevo and Medvedja, Roma are followed by Albanians.

2.2. Subsidies to Private Companies

When it comes to support to small and medium size companies, entrepreneurs and cooperatives, in 2012 the Coordination Body Service, in cooperation with municipalities of Presevo, Bujanovac and Medvedja and the Chamber of Industry and Commerce of Serbia, made a program for awarding non-refundable funds to businessmen in these three municipalities. The objective of this program is to support development of economic potentials of municipalities of Presevo, Bujanovac and Medvedja and increase production of small and medium sized companies, entrepreneurs and agricultural cooperatives. The funds are dedicated to small and medium sized companies, entrepreneurs and agricultural cooperatives headquartered in municipalities of Presevo, Bujanovac and Medvedja.

Based on the program, in November 2012 the Coordination Body Service announced a competition for awarding subsidies in the amount of 40 million dinars for all three municipalities. The competition was performed by the commission composed of representatives of the Coordination Body Service, representatives of municipalities and independent economic experts. Out of 40 applied businessmen, 15 businessmen received funds – 7 from the municipality of Bujanovac, 5 from the municipality of Presevo and 3 from the municipality of Medvedja.

In 2013 the Coordination Body Service again announced a competition for awarding subsidies in the amount of 60 million dinars. Upon performed competitions, 22 businessmen in total received funds – 10 from the municipality of Bujanovac, 8 from the municipality of Presevo and 4 from the municipality of Medvedja. The total amount of awarded funds for all three municipalities was 49,756,286.30 dinars.

Table review of cash investments and number of companies supported by the Coordination Body of the Government of the Republic of Serbia for municipalities of Bujanovac, Presevo and Medvedja

	2012	2013	2014
Amount	40,000,000	60,000,000 dinars	49,756,286.30 dinars
Number of businessmen applied	40		
Number of businessmen who received funds from municipality of Bujanovac	7	10	14
Number of businessmen who received funds from municipality of Presevo	5	8	5
Number of businessmen who received funds from municipality of Medvedja	3	4	1

3. Investments – Coordination Body for Municipalities Bujanovac, Presevo and Medvedja

Important projects have been started in the field of road and water supply infrastructure, as well as on the construction or renovation of school infrastructure. Total investments of the Coordination Body to the municipalities of Presevo, Bujanovac and Medvedja on all bases – 6,278,971,055.61 dinars⁴².

Zoran Stankovic, the president of the Coordination Body said that the state “invested about a billion dinars through the Coordination Body in the last three years, not taking into account the regular budget financing. About 700 million were invested in the projects suggested by local communities themselves.”⁴³

On the other hand, in dialogues with the researchers, the Albanian representatives claim that these investments remain “a dead letter”.

⁴² Data from the Coordination Body

⁴³<http://www.kt.gov.rs/sr/news/arhiva-vesti/intervju-zoran-stankovic-predsednik-koordinacionog-tela-za-opstine-presevo-bujanovac-i-medvedju/>

3.1. Infrastructure (reconstruction and asphaltting of roads, construction and reconstruction of school and healthcare facilities, water supply, rehabilitation of landslides, sewage)

Investments of the Coordination Body for municipalities of Bujanovac, Presevo and Medvedja for infrastructure projects	
Municipality of Bujanovac	2,174,229,738.17 dinars
Municipality of Presevo	1,935,047,514.03 dinars
Municipality of Medvedja	1,705,550,645.43 dinars
TOTAL: 5,814,827,897.63 dinars	

3.2. Social Welfare Benefits (one-off social aids, assistance in case of natural disasters, scholarships, school supplies)

Total for all three municipalities – 219,480,264.39 dinars

3.3. Non-Refundable Funds for Subsidies

Total for all three municipalities – 197,374,147.10 dinars

3.4. Donations (awarding funds at competition for NGO projects and media)

Total for all three municipalities – 47,288,746.49 dinars

4. Official Use of Language, Letter and National Symbols

4.1. Official Use of Language

Albanian was introduced as official language at municipalities of Bujanovac, Presevo and Medvedja by the municipal statutes during 2002. At institutions of local self-government,

Albanian is “*equally officially used in parallel with Serbian*”⁴⁴ on the entire territory of these municipalities.

However, it is another question when it comes to official use of the language at judicial institutions, public and government services. Introducing the language of national minorities to official use is slower outside of Vojvodina borders, and practical difficulties disturb realization of this right in practice.

Judicial system reform from 2010 that led to closing of smaller local courts and transfer to larger urban centers, which was partially improved by the reform from 2013, has also aggravate problems in access to justice in national minorities languages, especially in these municipalities where the Albanian is in official use, although this was determined by the Law on Official Use of Languages and Scripts.⁴⁵

Table 1 – Albanian nationality and Albanian as native language in Serbia and in Belgrade, as per the population censuses

Census year	Albanian nationality – Serbia	Albanian native language – Serbia	Albanian nationality – Belgrade	Albanian native language – Belgrade
1948	532,011	-		
1953	565,513	561,976	3,262	-
1961	699,772	684,166	8,262	-
1971	984,761	967,416	6,978	-
1981	1,303,034	1,309,197	8,212	-
1991	78,281	19,004	5,370	-
2002	61,647	63,835	1,492	2,753
2011	5,809	10,040	1,252	3,832

4.2. Official Use of Scripts

Problems with realization of this right still occur in practice. Some services in charge of registries of births, marriages and deaths fail to provide adequate information to members of national minorities on possibilities of keeping records of names in their own language and scripts, and it may be the case that the possibility to record names in minority languages is not applied evenly across Serbia, which creates uncertainty and inequality among citizens. Apart from this, representatives of national minorities indicate that in practice personal

⁴⁴ Statutes of municipalities of Bujanovac, Presevo and Medvedja

documents in minority language may still be obtained only in municipalities where a certain minority language is in official use, despite the fact that the law no longer recognizes territorial restrictions.

Special problem is the fact that names in minority languages containing letters that do not exist in Cyrillic script are deformed when transcribed into Cyrillic, which creates special problems to persons who were unable to obtain documents in their native language.

Representatives of the Albanian National Council have the following objections to the state administration:

- Until present the most important republic laws have not been translated into Albanian;
- Birth certificates are mainly in Serbian;
- Signs of certain government institutions in Presevo, Bujanovac and Medvedja are written only in Serbian and in Cyrillic, street names as well, etc (Report from 2013).⁴⁶

However, local self-governments where Albanian is in official use have the capacity to act in the administrative procedure in both languages, Serbian and Albanian. Situation is more difficult at republic institutions and institutions with public authorities. All administrative procedures at these institutions are exclusively in Serbian language. If the procedure is in Serbian language, a member of the Albanian national minority is entitled to use of Albanian language.

In practice, it is almost a rule that signs on municipal institutions are bilingual, and signs in republic institutions exclusively in Serbian. As far as topographic names are concerned⁴⁷, there is room for improvement of situation regarding writing local names, street names, square names and other toponyms in Albanian.

⁴⁶ <http://www.knsh.org/Portals/0/Plani%20Strategjik-AL.pdf>

⁴⁷ Right to topographic marks in minority languages is one of the minority rights closely linked to official use of minority languages. This right is based on Article 79, Paragraph 1, of the Constitution of the Republic of Serbia, Article 11, Paragraph 3, of the Framework Convention, Article 10, Paragraph 2, Item g) of the Charter, and Article 11, Paragraph 5, of the Law on Protection of Rights and Freedoms of National Minorities. Pursuant to this law, in a municipality with at least 15% of population belonging to a national minority, names of institutions with public authorities and all topographic names should be written in Serbian and in minority languages, in accordance with the tradition of national minorities and orthography of the minority language.

4.3. Official Use of National Symbol

The Law on Rights and Freedoms of National Minorities prevents the use of national symbol of Albanians⁴⁸, the flag with red field and two-headed black eagle in the middle, which is at the same time the state symbol of the Republic of Albania. Albanians feel that any change of that symbol would present intrusion into elements of identity of the Albanian minority in Serbia.

When put like this, this issue presents a stumbling block between Albanian community and the state since termination of the armed conflict in 2001.

Albanians consider that this restriction also presents a violation of the Article 8 of the same Law, which guarantees that this law “*does not change or cancel the rights of members of national minorities acquired pursuant to regulations applied before this law came into force*”.

Hence, the restriction from Paragraph 2 invades already acquired rights of Albanian national minority, which acquired the right to official use of national symbol during the former SFRY.

5. Judicial System

5.1. Law on Amnesty

The Law on Amnesty was adopted⁴⁹, which implies waiver from criminal prosecution and liability⁵⁰ of all members of UCPBM who “*did not commit criminal offences of war crimes or violations of customs of war*”

Amnesty for members of UCPBM was confirmed on 21st May 2001 in the letter sent by the Vice-President of the Government of Serbia and President of the Coordination Body Nebojsa Covic, Commander of the Joint Security Forces General Ninoslav Krstic and Commander of Special Police Forces Goran Radosavljevic to then personal emissary of the Secretary-General of the NATO Pieter Feith.

⁴⁸ Article 16, Paragraph 2, of the Law on Rights and Freedoms of National Minorities

⁴⁹ Law on Amnesty of Members of UCPBM published in the Official Gazette of the FRY “Amnesty is the Way Out”

⁵⁰ Item 4, Annex 5b: Amnesty from Criminal Liability for Terrorism and “Pacifying”, i.e. “Recycling” terrorists into civilians, with full freedom of movement

Due to requests of the Albanian community to give the declared amnesty a form of law, on 04th June 2002 the Federal Assembly adopted the Law on Amnesty that refers to all citizens of Yugoslavia suspected to participate in terrorist activities from 01st January 1999 to 31st May 2001. The procedure for application of amnesty shall be performed as per the provisions of the Law on Criminal Procedure.

5.2. Facing the Past and (Non)Trust of Albanian National Minority in Judicial System

There is no doubt that one of the greatest defeats of “peace-keeping” process in the south of Serbia is in facing with the past, i.e. non-processing of murder cases, misuse, violence, kidnappings of civilians in the period 1996-2002⁵¹. According to the report of the Humanitarian Law Center, during 2015 many war crime trials were not processed⁵². This fact reflected poorly on the building of trust of the Albanian community towards judicial system, especially after two cases of arrest of former members of UCPMB – “Gjilan Group” and Group 2012, who were released after several months from custody since the charges were not raised.

5.3. Decentralization of Judicial System

Judicial reform, somewhat corrected in 2013, again failed to acknowledge the following particularities that exist in these municipalities: proximity of border with Macedonia and Kosovo, which generates court cases, needs of integration of Albanian minority and judicial institutions, possibilities for realization of the right to official use of language and scripts of minorities. Instead of judicial unit, with changes of the Law on territorial jurisdiction of courts Bujanovac again got the Basic Court, but even the judicial unit was terminated in Presevo, and citizens of this municipality are compelled to travel for kilometers for any legal affair before judicial institutions in order to have “access to justice”. The next anomaly introduced by the Law is that neither Bujanovac nor Presevo have Basic Prosecutor’s Office, which presents a unique case. In the entire in Serbia where there is a Basic Court, there is also a Basic Prosecutor’s Office, or, if the court located at one municipality is in charge of the adjoining municipality, then the Basic Prosecutor’s Office is established in the later

⁵¹ For human rights violations see the report of the Humanitarian Law Center: “Albanians in Serbia – Presevo, Bujanovac, Medvedja”, Belgrade 2003. <http://www.hlc-rdc.org/images/stories/publikacije/Albanci-u-Srbiji.pdf>

⁵² <http://www.hlc-rdc.org/?p=31348>

municipality, such as the case is with Vladicin Han and Surdulica⁵³. (Article 9, Item 13: *Basic Public Prosecutor's Office in Vladicin Han, for the area of the Basic Court in Surdulica*)

Before the mentioned situation, according to the data from 2009, judicial bodies in Bujanovac were employing 18 Albanians, 61 Serb and no Roma, while judicial bodies in Presevo were employing 27 Albanians, 37 Serbs and 4 Roma. Three judges of Albanian nationality (out of the total 5) worked in Presevo. Among misdemeanor judges in Presevo, two were of Serbian (including the head of the body for misdemeanors), and two were of Albanian nationality. Judges of Serbian nationality were not from Presevo, but from Leskovac and Vranje. One judge in Bujanovac was of Albanian nationality, one judge for misdemeanors and one deputy of the municipal public prosecutor. No persons of Albanian nationality worked in the County Court in Vranje that existed until 01st January 2009 and had territorial jurisdiction for this area. The municipal public prosecutor in Presevo and one deputy were of Albanian nationality, while the other one was of Serbian nationality.

6. Education, Culture and Media

6.1. Education

The basic problem for schools in these municipalities that hold their classes in Albanian presents the lack of adequate textbooks, both for elementary and for high school education.

This issue is linked to the issue of curriculums and syllabuses. However, with respect to textbooks, the total absence of systematic approach may be observed. For years there are no textbooks in Albanian published in Serbia, and textbooks published in the beginning of 1990s do not correspond to specific needs of education in Albanian, but present a translation of textbooks from Serbian to Albanian, which are outdated after numerous national reforms in education. However, the legal system of Serbia knows the possibility of importing textbooks on the language of a minority. The National Council of Albanian National Minority has jurisdiction over the question of textbooks (Article 14 of the Law on National Councils of National Minorities).

⁵³ Article 3, Paragraph 1, Item 60) of the Law on the Seats and Territorial Jurisdictions of Courts, and Article 9, Item 13, of the Law the Seats and Territorial Jurisdictions of Courts

6.1.1. Textbooks in Albanian Language

With the initiative of the National Council of Albanians in the period from 2010 to 2014, in cooperation with the Ministry of Education in Belgrade and Tirana, 50% of textbooks in Albanian for elementary schools, both textbooks imported from Albania, translations of textbooks used for classes in Serbian or by local authors, were provided.

However, procedures for importing foreign textbooks⁵⁴ are bureaucratized to such an extent that it takes over a year until consent is obtained for their import. Since 2007 the use of textbooks from Kosovo has been prohibited. There is no success in overcoming this problem, even for those textbooks that are not “problematic”.

The National Council of Albanian National Minority indicated that, despite good progress in preparation of textbooks in Albanian over the last several years, it will take another five years to build a full range of necessary textbooks only for elementary education, while for high school education this process has not yet begun.

It is significant, judging by the positions of the National Council of Albanians, to have the procedures for approval of textbooks performed efficiently and that the National Council of Albanians is timely informed on issues regarding non-compliance with the curriculum of the Serbian educational system, as well as not to let small circulation present an obstacle for publishing such textbooks

The Republic of Serbia did not legalize over 103,000 books in Albanian, dedicated by Kosovo to Albanian students in Presevo, Medvedja and Bujanovac. The books were returned in March 2016 to Kosovo.

So far 63 textbooks for elementary schools in Albanian were approved for publishing, 45 of which are schoolbooks and 18 workbooks.

Out of this number, 18 schoolbooks and workbooks were imported from Albania, 10 schoolbooks and workbooks were written by domestic authors and 35 schoolbooks and workbooks were translated (Minorities, Annual Report, 2014). Gafur Hyseni, an independent researcher, says that 45 textbooks for elementary schools in Albanian have been provided,

⁵⁴ Articles 20 and 27 of the Law on Textbooks

while 46 are missing, provided that we count in the set of textbooks intended for foreign languages into the provided textbooks⁵⁵.

The rulebooks for preschool institutions are only in Serbian language, there are none in Albanian. For high schools in Albanian the Ministry of Education last month passed the Decision that approves the set of textbooks “Albanian Language” for the first, second, third and fourth grade of Gymnasium for the first time. Due to different fund of classes in other high schools and educational profiles, it remains questionable if these textbooks may be used. Therefore, apart from 4 sets of textbooks in Albanian, there are no other books for the subject Albanian Language and Literature.

The number of missing textbooks in Albanian, for example, for high schools is 140.

6.1.2. (Non) Recognition of Kosovo Diplomas

A great problem in education is non-recognition of diplomas from Kosovo, regardless of the fact that this issue has been included in the Brussels Agreement and that the Government passed a Decision on recognition of diplomas from Kosovo⁵⁶.

Recognition of diplomas from Kosovo has not yet begun, although in accordance with agreements from Brussels it should have started on 01st March 2015. Representative of the National Council of Albanians for education, Zejni Fejzullahu, said that the Serbian side completed the Law for Recognition of Diplomas, but that the Office for Verification of Diplomas in Pristina has not yet been opened⁵⁷. Waiting to get their diplomas recognized since 2007 makes a large number of young graduates to seek rescue in the countries of Western Europe. Drain of the youth leaves municipalities without human resources and makes economic deterioration even greater.

⁵⁵The sets of textbooks for foreign languages are the same sets of textbooks intended for elementary schools in Serbian language. Therefore, the content is in a foreign language (English, German, French, etc), and the dictionary, brochure, which includes questions and explanations are only in Serbian.

⁵⁶ Decision on special method of recognition of high education documents and valuation of study programs from universities from the territory of the Autonomous Province of Kosovo and Metohija that perform activity in accordance with the Resolution 1244 of the UN Security Council. The Decision was published in the “Official Gazette of the RS”, number 125/2014 as of 14th November 2014. This Decision shall be applied as of 22nd November 2014.

⁵⁷ <http://titulli.com/index.php?m=post&s=25004>

6.1.3. “Separate” Schools

Albanians and Serbs in Presevo and Bujanovac lead parallel lives in separate schools, places to have fun, with very little mutual socialization and interaction.

There are 10 elementary and two high schools and a School for Elementary Musical Education in the territory of the municipality of Bujanovac. Schools where classes are held in Serbian: Elementary School “Branko Radicevic”, Bujanovac; Elementary School “Bora Stankovic”, village Klenike; Elementary School “Dragomir Trajkovic”, village Zbevac; Elementary School “Vuk Karadzic”, Levosoje; Expert High School “Sveti Sava”, Bujanovac; School for Elementary Musical Education in Bujanovac.

There are a total of 311 employees in elementary and high schools that hold their classes in Serbian language and they are all of Serbian nationality. Schools where classes are held in Albanian language: Elementary School “Naim Fraseri”, Bujanovac; Elementary School “Sami Fraseri”, Lucane; Elementary School “Muharem Kadriu”, Veliki Trnovac; Elementary School “Midjeni” village Muhovac – with 45 employees all of whom are of Albanian nationality. Elementary School “Ali Bektasi”, Nesalce; Gymnasium “Sezai Suroi”, Bujanovac; the school “Desanka Maksimovic” in Biljaca has classes both in Serbian and in Albanian; preschool institution “Nasa radost” – children are divided into 43 groups at the level of the preschool institution, 33 of which are groups of preschool program, 19 in Albanian and 12 in Serbian. The remaining 10 groups ranges from daycare age to five years of age and in all of them program is held in Serbian language. This institutions works with 661 children in total, 364 of who are children of Albanian and 297 are of Serbian nationality.

There is one preschool institution in the municipality of Presevo with several classes in the surrounding villages, eight elementary schools and two high schools. Classes in Albanian are held in 6 elementary schools, and classes in Serbian language in one, while classes are held in both languages in the Elementary School “9. maj” in the village of Reljane attended by students from both communities. The existing elementary schools are: Elementary School “Vuk Karadzic”; Elementary School “Profesor Ibrahim Keljmendi”; Elementary School “Abdulah Krasnica”, village Mirativac; Elementary School “9. maj”, village Reljane; Elementary School “Selami Halici”, village Oraovica; Elementary School “Midjeni”, village Cerevajka; Elementary School “Zejnol Hajdini”, village Rajince; and Elementary School

“Diturija”, village Crnotince. The municipality of Presevo has two high schools – Gymnasium and Technical High School, where classes are held in Albanian.

The Municipality of Medvedja has one preschool institution, six elementary schools, one high school, departments of Faculty of Law and Faculty of Economy of the University of Nis. The total number of students in elementary schools is 569, high school is attended by 410 students, and there are 75 students from the Albanian and Serbian communities at the departments of two faculties.

The condition in this area is characterized by a lack of textbooks for elementary and high schools.

6.2. High Education in Albanian Language

In October 2009 departments of Faculty of Economy and Faculty of Law of the University of Nis were opened in Medvedja. Students from Albanian community listen to classes with provided simultaneous translation of lectures. They are enabled to pass all the tests and preliminary exams in their native language, and the Coordination Body Service provided translations of all the books into Albanian.

The Coordination Body Service enabled printing of the first Serbian-Albanian Law Dictionary that is of great help to students of the department of Faculty of Law in Medvedja in mastering legal expressions.

The feasibility study on the development of high education in Presevo and Bujanovac from 2010 done by the Ministry of Education and Science formed a working group for resolution of issues in the area of high education in Bujanovac and Presevo, composed of representatives of the Ministry of Education and Science, Coordination Body Service, National Council of Albanians, domestic expert for high education and representatives of the office of High Commissioner for national minorities from the Hague (OSCE). Based on recommendations of the working group, in October 2011 the Faculty of Economy from Subotica of the University of Novi Sad opened a department of the faculty in Bujanovac. Classes in the department are held on two languages: students of Serbian and Roma communities attend classes in Serbian, while students from the Albanian community attend classes in Albanian.

Cross-section of condition in October 2015 says that 165 Serbian, 190 Albanian and 1 Roma student were enlisted to the Faculty.

The Faculty of Economy in Subotica signed the Agreement on cooperation with the Faculty of Economy of the State University in Tetovo (the Republic of Macedonia), so classes in Albanian language are held by professors and assistant professors from Tetovo. The curriculum and syllabus enable Albanian students to attend 14 out of 32 subjects in native language and to write their graduation paper in Albanian language.

6.2.1. Student Scholarships

Since 2011 the Coordination Body Service has been giving scholarships to young people from the municipalities of Bujanovac and Presevo who wish to study at faculties of the University of Novi Sad. The youth from the two municipalities aged from 18 to 22, who had excellent or very good records during education, are entitled to a scholarship.

In the first year of scholarship program realization 23 young people from Bujanovac and Presevo applied to the competition. The Commission for awarding scholarships selected 13 young people from two municipalities, 6 of which from the Serbian and 7 from Albanian community. Admission exams were passed by 11 candidates – 6 from the Serbian and 5 from Albanian community. 46 candidates applied to the competition in 2012, and the commission selected 21 of them, 11 of which were of Albanian nationality. Admission exams were passed by 21 candidates – 10 from the Serbian and 11 from Albanian community. 52 candidates applied to for scholarships in 2013. Admission exams were passed by 12 candidates – 6 from the Serbian, 5 from Albanian and 1 from Roma community.

5 students of Albanian nationality received scholarships for studying in Novi Sad in 2014, and only one in 2015.

By giving scholarships to young people from multiethnic municipalities in the south of Serbia the first step has been made in realization of the program of the Government of the Republic of Serbia for their further integration into social life of the country. The project was realized with the support of the Government of the AP Vojvodina, Provincial Secretariat for Education, Administration and National Communities and Rector's Office of the University

of Novi Sad. This initiative of the Coordination Body Service was supported by the Ministry of Education and Science.

6.3. Culture

6.3.1. Legal Framework

The Constitution of the Republic of Serbia, Article 79, states that “members of national minorities are entitled to express, keep, nurture, develop and publicly exhibit their national, ethnic, cultural and religious specifics”. The Framework Convention for the Protection of National Minorities, Article 5, Paragraph 1, “puts obligation to states to improve the needed conditions for members of national minorities to be able to maintain and develop their culture and to preserve important elements of their identity, i.e. religion, language, tradition and cultural heritage”.

The Charter regulates the question of culture in the Article 12.

Cultural activities include protection of cultural heritage, development of cultural activities and institutions relevant for development of culture (especially libraries, video stores, cultural centers, museums, archives, academies, theaters and cinemas), as well as literary creation and film production, colloquial forms of cultural expression, festivals and cultural industry and, among other things, use of new technologies. Serbia has accepted the following actions: to encourage forms of expression and initiatives specific for regional or minority languages and to nurture different forms of access to works produced in these languages (Article 12, Paragraph 1), to encourage works made in regional and minority languages using different means by assisting and developing translation, voice-over and titled translations (Article 12, Paragraph 1, Item B), to improve access of regional or minority languages to works produced in other languages by developing translation, voice-over and titled translations (Article 12, Paragraph 1, Section 05 5.1 Legal Framework 2012-2016 Strategic plan of operation of the National Council of Albanian National Minority 69, Item c)), to encourage direct participation of representatives of users of the given regional or minority language in provision of conditions and planning of cultural activities (Article 12, Paragraph 1, Item f). Serbia has also accepted to approve, encourage and/or provide appropriate cultural activities and benefits in the territory different from the one where regional or minority languages are

traditionally in use if that is justified by the number of users of regional or minority languages (Article 12, Paragraph 2).

The Law on National Minorities guarantees rights with respect to preservation of culture of minorities in the Article 12. The Law guarantees the right to expression, preservation, keeping, development and transfer of culture and identifies this right as individual and collective right (Article 12, Paragraph 1). It also envisages establishing cultural-artistic and scientific institutions (Article 12, Paragraph 2) and envisages that the state will financially support these institutions in accordance with its possibilities (Article 12, Paragraph 3).

6.3.2. Strategic Plan of the National Council of Albanians

Strategic plan of operation of the National Council of Albanian national minority 2012-2016 speaks of the situation in culture in Albanian language⁵⁸:

When it comes to the area of culture, as basic features of the current situation one might point out outdated capacities (both technical and program capacities) of the institutions of culture, which do not meet modern needs of population, a small number of cultural events that are systematically supported.

“Cultural Summer Bujanovac” (“Bujanovac Summer Days”)	Multicultural events, traditional dances and music, etc.	Bujanovac
“Silvester” party at the town square Bujanovac	Event organized by the Youth Office	Bujanovac
Youth organizations from Bujanovac made short films and played them in the amateur theater.		Bujanovac
“Albanian Comedy Festival”	The most significant cultural activity in Presevo organized for the first time in 1994, with different hardships and several interruptions in operation, and organized for the seventh time in 2015. The festival has	Presevo

⁵⁸ <http://www.knsh.org/Portals/0/Plani/Strate%C5%A1ki%20Plan.pdf>

	no permanent financial support, but tries to raise donors each year (Ministry of Culture, the municipality of Presevo, local sponsors, etc).	
Presevo Artist Colony	There are about 30 artists in Presevo, painters and sculptors, who jointly gather artistic organizations.	Presevo
„Reveille Maja”	Central event of Albanians in Medvedja marked in the village of Tupale since 2003. It is a big festival, with songs, dances, recitals, etc, where not only people from Medvedja, but guests from Kosovska Kamenica and Gnjilane, participate.	Medvedja

6.3.3. Institutions of Culture in Municipalities of Bujanovac, Presevo and Medvedja

Cultural Center. Funded by the municipality. The Cultural Center in Bujanovac has large capacity (hall with 405 seats), but it is technically outdated and of poor quality, so it barely can be used.	Bujanovac
Library. Funded by the municipality. The number of books in Albanian language is insufficient. Up to 2002 there were no books in Albanian at the library in Bujanovac. Situation has changes since then, so at the moment there are 10,000 books in Albanian at the moment.	Bujanovac
Cultural Center. Funded by the municipality. It has large capacity (hall with 600 seats), but it is technically outdated and of poor quality.	Presevo
Library. Funded by the municipality. According to the data from the National Council of Albanians, the number of books in Albanian language is insufficient.	Presevo
Out of 40,000 books at the library in Medvedja, there are only 3,000 books in Albanian language.	Medvedja

None of these three municipalities has active cinema, theater or museum.

According to what Ragmi Mustafa from the National Council of Albanians⁵⁹ said, “the stated funds were low and symbolic, and in this way the practice of the Ministry of Culture to allocate very low funds for projects linked to co-funding or funding of projects in the field of culture in Albanian language continued⁶⁰.”

6.3. Media in Albanian Language

Process of privatization/digitalization of media has led to reduction of offered programs in minority languages, i.e. to termination of local media funded from the budget, which broadcasted the program in minority languages.

The Advisory Committee has “encouraged authorities, especially at the state level, to take into consideration the need for sufficient and stable funding to guarantee sustainability of the media in minority languages, as an integral part of access to information by members of national minorities”, especially outside of Vojvodina. The Advisory Committee has also recommended that “the impact of introducing digital broadcasting of television program on the media of minorities must be carefully reevaluated, with full consultations with the councils of national minorities”.

There is a good deal of media in Albanian language today in municipalities of Bujanovac, Presevo and Medvedja.

RTV Presheva	Presevo	Serbian and Albanian language	Transformation into joint-stock company	Radio and television
TV Aldi	Presevo	Albanian language	Private property	Television
RTV Spektri	Bujanovac	Albanian language	Private property	Radio and television
RTB Bujanovac	Bujanovac	Albanian, Serbian and Roma language	Transformation into joint-stock company	Television

⁵⁹ The dialogue between the Council for Human Rights researchers and Ragmi Mustafa, the National Council of Albanians, on 2nd March, 2016

⁶⁰ In 2015 the Ministry of Culture and Information awarded funds, as part of the public competition for collecting proposals for funding or cofounding of project proposals in culture in the field of cultural activity of national minorities, for the following projects: Presevo, “Albanian Comedy Festival” 200,000 dinars; Festival of Children Songs “Nasa radost” 100,000 dinars; The Council for Human Rights, “Yes, I will”, 100,000 dinars.

www.preshevajone.com	Presevo	Albanian language	Private property	Informative portal
www.presheva.com	Region, headquarters Presevo	Albanian language	NGO founder	Informative portal
www.titulli.com	Bujanovac	Serbian and Albanian language	Private property	Informative portal
www.lajmial.com	Bujanovac	Albanian language	Private property	Informative portal
www.luginapress.com	Bujanovac	Albanian language	Private property	Informative portal
www.bujanoci.net	Bujanovac	Albanian language	Private property	Informative portal
www.lugina-lajm.com	Bujanovac	Albanian language	NGO founder	Informative portal
Magazine “Jehona”	Bujanovac	Albanian language	NGO founder	Magazine, published once in two or three months

The National Service RTS does not broadcast news in Albanian language⁶¹.

7. Healthcare and Social Protection

7.1. Outpatient Maternity Ward

By opening the outpatient maternity ward⁶², but also by supplying adequate equipment to healthcare centers, the objective stated in all three documents was fulfilled.

Reconstruction of a part of the Healthcare Center where outpatient maternity ward is located in Presevo was funded by the Ministry of Health, Coordination Body for the Municipalities of Presevo, Bujanovac and Medvedja and local self-government, while the European Union and the Government of Switzerland funded procurement of equipment for the maternity ward

⁶¹ Article 8, Law on Public Media Service

⁶² In operation as of 15th July 2015; The Ministry of Health, Coordination Body of the Government of the Republic of Serbia for Municipalities of Presevo, Bujanovac and Medvedja and the Municipality of Presevo invested in renovation of the maternity ward. Renovation was assisted by the European Union and the Government of Switzerland with 250,000 Euros. Through the Program of European partnership with municipalities (EU Progress), the European Union and the Government of Switzerland provided incubator, ultrasonic device and other necessary devices.

with 250,000 Euros. The maternity ward was opened in April 2015. The admission of two gynecologists and ten nurses was approved for the needs of operation by the Decision of the Ministry of Health. The Coordination Body for the Municipalities of Presevo, Bujanovac and Medvedja and the Ministry of Health invested about 20 million dinars for the construction of maternity ward.

8. Security

The fact is that security situation today is much better than 15 years ago. Naturally, there are different perceptions of this view (this refers to the government on one hand and local political representatives of Albanians on the other hand) on security situation⁶³, but definitely the greatest issue of dispute is the presence of special military and police forces, as envisaged by the Covic's Plan.

8.1. Withdrawal of Exceptionally Engaged Special Military and Police Forces

The actions for establishing trust implied the “*withdrawal of all exceptionally engaged special military and police forces*” in accordance with the Plan and Program for Resolution of Crisis in the Municipalities of Bujanovac, Presevo and Medvedja of the Government of the Republic of Serbia from 2001 (Annex 5b, Paragraph 2, Item 2).

One of the most important objections of Albanian Representatives is if and to which extent there was a withdrawal of exceptionally engaged military and police forces. It was not possible to obtain official data on the stated issue.

The fact should be stated that 1.5 billion dinars were provided solely for the construction of the military base “South base”.

8.2. (Non) Return of Displaced Population

Due to armed conflicts and fear for safety, Albanian population from municipalities of Presevo, Bujanovac and Medvedja were leaving their homes on three instances. The first

⁶³ See the report “Conflict of Perceptions Security in the South of Serbia”. <http://media.balkanskicentrazabliskistok.com/2013/05/Sukob-percepcija-SRB1.pdf>

wave was during NATO bombing in 1999, when about one third of Albanians left the area⁶⁴. The second wave of emigration was in 2000-2001; the third wave of emigration from Presevo and Bujanovac to Kosovo counted about 14,000 emigrants from this area.

The return of displaced Albanians started after termination of armed conflicts. Return was preceded by organized visits of displaced persons to their homes during June 2001. The assistance of international organizations in renewal of damages houses and in other spheres of life has been very significant. International organizations have assessed that about 5,300 Albanian in total returned to Presevo, Medvedja and Bujanovac.

Those (exact number unknown) who remained in Kosovo are recorded there neither as internally displaced persons, nor as refugees, and as such have no documents. They are recorded in Serbia as “*legally invisible persons*” and the action of “*passivation of residence*” is taken towards them.

Hence, although citizens of Serbia, where they are recorded as taxpayers as well, they will gradually be left without valid document and cannot realize their social rights. Without valid documents they will not be able to realize their voting right.

8.3. Opening Small Border Crossings

Providing freedom of movement through opening of small border crossings towards Macedonia (Miratovac – Lojane). This crossing has not yet been opened.

⁶⁴ UN Inter Agency Assessment Mission to Southern Serbia - April 2001

CONCLUSION AND RECOMANADATION

The analysis proved that there is progress in various segments of life that refers to realization of three Agreements between the state and Albanians from the south of Serbia.

Beginning of the integration process of Albanians in 2002 provided huge improvements, which were reflected in the processes of integration of Albanians in the local police force, local media, and adequate representation in local authorities of Presevo, Bujanovac and Medvedja.

Likewise, the state has invested through the Coordination Body, particularly in infrastructure, private companies and student scholarships. Opening of outpatient maternity ward and departments of faculties in Bujanovac and Medvedja may also be seen as good decisions at the level of healthcare and high education.

The issue of textbooks and curriculums at schools in Albanian, as well as implementation of the agreement on recognition of degrees with Kosovo remain key issues in education.

Despite positive dynamics regarding the use of Albanian language and letter, the issues still relate to the use of legal right in government institutions that are not under competence of local self-government.

Also, there is still the issue of solution for the use of national symbols for the Albanian community.

However, the analysis has proven that there is no essential progress in main objectives envisaged by the “peace-keeping process”, i.e. the signed agreements.

Although it is very difficult to obtain information on representation of Albanian population in institutions that are not under competences of local authorities, there is no doubt that the little information and unofficial data prove that integration of Albanian in institutions is merely a symbolic one and far from proportional representation.

Integration of Roma community at the local level is also one of the issues with reference to implementation of agreements.

Judicial system also remains a great issue, not only with reference to proportional representation or due to “consequences” of judicial reform to the territory of Presevo, Bujanovac and Medvedja after the Albanian boycott of census, but also for the context of processing of files from 1996-2002.

In the security context, the presence of special military and police units remains unclear, as does the discontinued positive process of integration of local minority in “multiethnic police”, i.e. their representation in the command hierarchy.

Economic recovery is also one of the segments mostly in distress. Unemployment dominates and the state should be more focused on policies that would contribute to specific actions for improvement of economic situation.

At the time of pending opening of chapters for further process of integration of Serbia to the EU, especially chapters 23 and 24, the essential problem is that the process of dialogue between representatives of the government and local representatives of Albanians from the south of Serbia is currently blocked. Likewise, practice has proven that it is also important for future changes in legislation in(directly) associated with rights of national minorities and potential changes of constitution to take into account items and norms that enable progress of individual and collective rights of Albanian national minority in Serbia and their compliance with European standards.

ANNEXES

Anex 5

AGREEMENT

on the solution of crisis in Bujanovac, Presevo and Medvedja municipalities

This agreement is concluded between:

The Governments of the Republic of Serbia and of Federal Republic of Yugoslavia and the Albanian ethnic community in the municipalities of Presevo, Bujanovac and Medvedja.

The implementation of this Agreement is supported and in framework of the Joint Commission guaranteed by the international community, under the auspices of the United Nations.

1. The subject of this Agreement is the solution of the crisis in the municipalities of Presevo, Bujanovac and Medvedja, in a peaceful way.

2. The parties to the Agreement agree that the common objectives for the solution of the crisis are :

a) The establishment of the respect of the constitutional - legal order, i.e. of the sovereignty and territorial integrity of the Republic of Serbia and of Republic of Yugoslavia on part of their territory, and the assurance of full normalization of work of the organs of the state, of the other legal organs in that territory;

b) The establishment of full personal security and security of property of all citizens and of full and undisturbed freedom of their movement in all parts of their movement in all parts of the territory of these municipalities, which shall be assured by the complete disbanding of the extremist, by the restoration of security and peace in the region, and by making possible the return of all citizens - refugees to their household.

c) The development of multiethnic and multiconfessional society based on democratic principles with the respect of all human, political and minority rights and liberties according to the highest standards;

d) Prosperous and rapid economic and social development of the region with national financial assistance in the best interest of all citizens who live in the region.

3. The parties to the Agreement are agreed:

a) That the crisis be resolved in a peaceful way, by political - diplomatic means and by dialogue.

b) That the Albanian ethnic community gives up its request which imply autonomy, special status for those municipalities, or the change of the the borders of the Republic of Serbia, and accepts that the solution of the crisis be in the framework of the present constitutionally arranged orser of the Republic of Serbia.

c) That the Government of the Republic of Serbia undertakes the obligation to integrate the Albanians in the socio-political and economic system of Serbia and ensures the exercise of all their rights, including the rights in the framework of local self -government.

d) That they undertake to ensure the complete implementation of this Agreement and to affirm its consistent implementation.

e) That they unsertake to ensure free access to the endangered area to all announced and accredited representatives of humanitarian organisations, organisations for human right, monitoring misson of the international community, and of media.

5. The objectives referred to in 2 of this article 3 of this Agreement, shall be fulfilled:

1. By the restoration of security and peace in the region;

2. By the integration of Albanians in the socio - political and economic system of Serbia;

3. By the economic and social development of region.

4.. The restoration of security and peace in the region shall be achieved by the complete disarmament and disbanding of the armed extremist organisations and groups, and by the withdrawal of the extraordinary engaged special military and police forces from the region, according to aseparate Plan (Annex 5b) , according to the following schedule :

Within 2 months 10%

Within 4 months 100%

6. The integration of the Albanians in the socio- political and economic system of the Republic of Serbia shall be achieved according to a separate Plan of Integration (Annex 5a) ,according to the following schedule :

- Within 2 months 10%
- Within 4 months 20%
 - Within 8 months 40%
- Within 24 months 100%

7. The economic and social development of the region shall be achieved according to a separate Plan of Development (Annex 5c) , according to the following schedule :

- Within 2 months 5%
- Within 4 months 10%
- Within 8 months 30%
- Within 36 months 100%

8. A Joint Commission of the Parties to the Agreement and of the representatives of the international community shall be established for the implementation and verification of the fulfilment of the provisions of this Agreement.

9. If the organisations and groups of armed extremists do not accept the disarmament and disbanding of the extremist organisation, the Federal Republic of Yugoslavia and the Republic of Serbia shall continue the implementation of the provisions of article 4. paragraphs 2) and 3) of this Agreement until the level of 10% and the competent international organisation shall ensure that the UN SC and KFOR , in accordance with article 1. paragraph 4 a) and article 5) of the Annex B of the Military Technical Agreement, force the armed extremists to withdraw from GSZ, or give the approval to the Yugoslav security forces to do that by entering and staying in the GSZ.

ADDENDA : Annexes 5a-5d (4)

Done at _____

On _____2001

For the Government of the FRY and of the RS _____

For the Albanian ethnic community _____

For the international community _____

PLAN

of the integration of the Albanians into the political, government and social system of the Republic of Serbia

This integration of the Albanians into the political government and social system of the Republic of Serbia and of municipalities would be achieved by the following tasks:

1. The harmonisation of the ethnic composition of the executive boards of the municipal assemblies, by appointing the members of the Albanian ethnic community to the offices proportionately to the ethnic structure of the population of the municipality.

Result : Decision of the MA

Charged with the task : Presidents of the MA

Deadline : S +30

2. Starting the initiative for the change of the laws on elections and on local self - government in order to ensure the representation of the Albanians in the municipal assemblies and in the National Assembly of the Republic of Serbia, which would correspond to the ethnic structure of the population in the Republic and in the municipalities.

Result : Changes of law

Motion for the changes The Government of the Republic of Serbia.

3. The harmonization of the ethnic structure of the employees in the police, judiciary, health services, education, local self-government, economy (including the harmonization of the ethnic structure of the managers).

4. Increased control of the legality of thw work of the police and the other organs with emphasis on the violation of the human rights of Albanians by the state organs

Result : - Efficient reacting to justified plaints and grievances of the citizens - Information of the public and of the damaged persons.

Charged with the task : Competent organs

Deadline : Permanent tasks, first report s+30 days

5. Full freedom of access to every part of the territory for the representatives of the organisations for human rights, and opening of the offices for human rights in local communities.

Result : Opening of the offices

Charged with the tasks : Coordinating Body , police, local self - government

Condition : Registering of the organisation

Deadline: Corresponding to the implementation of the tasks mentioned under 3, after the fulfillment of all security conditions.

6. Engagement of the ethnically mixed patrols and other police units in actions undertaken in the places with Albanian population.

Result: Ethnically mixed patrols in villages populated by Albanians:

Charged with the task: Responsible chief of the police

Condition: Number of employed Albanian policemen

Deadline: Corresponding to the implementation of the tasks mentioned under 3, after the fulfillment of all security conditions.

All entities in charge of the tasks in this Plan shall make their separate plans of implementation.

The reports on the fulfillment of the tasks shall be submitted to the Coordination Body after the fulfillment, at least once a month.

ADDENDUM: Plans of entities in charge of the tasks 1-6 (Addenda 5a/1-5a/6)

AGREEMENT

On Principles of Reconstruction of the Co-ordination Body for Presevo, Bujanovac and Medvedja municipalities

Recalling the “Plan and Programme for Solution of the Crisis in the Municipalities of Presevo, Bujanovac and Medvedja”, which was drawn up in 2001.

Pledging a continued commitment to the objective of the programme that envisages the development of a multiethnic and multi-confessional society, which is based on democratic principles, with respect for all human rights, as well as political and minority rights and liberties of all citizens according to the highest standards,

Recalling the “Agreement on Basic Principles of Holding the Municipal By-Elections in South Serbia” signed in Belgrad on March 18, 2002,

Considering that a pluralistic and true democratic society should create appropriate conditions which enable all communities to express, preserve and develop their identities,

Confirming the intention to engage in the establishment of multiethnic governments in the municipalities of Presevo, Bujanovac and Medvedja with adequate inclusion of the Albanian community in state institutions, thus achieving its efficient participation in the decision-making process,

The undersigned parties declare their commitment to the Decision on the Organization and Competences of the Co-ordination Body as attached to this Agreement.

Milan Markovic
Minister for Public Administration and Local
Self-Government,
Head of the Co-ordination Body for Presevo,
Bujanovac and Medvedja municipalities

Riza Halimi
Member of the National Assembly of the
Republic of Serbia

Ambassador Hans Ola Urstad
Head of the OSCE Mission to Serbia

Done in Belgrad on 27. March 2009. in Serbian and English languages. In case of discrepancies, Serbian version prevails.

REPUBLIC OF SERBIA
G O V E R N M E N T
05 Ref. No: 06-4185/2013-4
June 4th, 2013
Belgrade

**COORDINATION BODY OF THE REPUBLIC OF SERBIA FOR THE
MUNICIPALITIES OF PRESEVO, BUJANOVAC, AND MEDVEDJA**

B E L G R A D E

The conclusion 05 Ref. No: 06-4185/2013-4 adopted by the Government at its session of 04th June 2013 on accepting the Agreement reached at the meeting between representatives of the Coordination Body of the Government of the Republic of Serbia for the municipalities of Presevo, Bujanovac and Medvedja, and representatives of the political parties of Albanians from the area of the municipalities of Presevo, Bujanovac and Medvedja is submitted in attachment.

The afore-mentioned Conclusion is submitted for the purpose of implementation.

Attachment: as in the text

SECRETARY GENERAL

Veljko Odalović

Submitted to:

- the Ministry of Internal Affairs,
- the Ministry of Foreign Affairs,
- the Ministry of Finance and Economy,
- the Ministry of Agriculture, Forestry and Water Management,
- the Ministry of Regional Development and Local Self-Government,
- the Ministry of Transport,

- the Ministry of Construction and Urbanism,
- the Ministry of Justice and Public Administration,
- the Ministry of Education, Science and Technological Development,
- the Ministry of Health,
- the Ministry of Culture and Information,
- the Ministry of Labour, Employment and Social Policy,
- the Ministry of Foreign and Internal Trade and Telecommunications,
- The *GENERAL SECRETARIAT* of the *GOVERNMENT* of the Republic of *SERBIA*

410212,119/44

Pursuant to Article 43, Paragraph 3 of the Law on Government ('RS Official Gazette', No. 55/05, 71/05-corrigendum, 101/07, 65/08 16/11, 68/12 – CC and 72/12), under proposal of the Service of the Coordination Body of the Government of the Republic of Serbia for the municipalities of Presevo, Bujanovac and Medvedja,

The Government has adopted

CONCLUSION

1. The Report from the meeting between the President of the Coordination Body of the Government of the Republic of Serbia for the municipalities of Presevo, Bujanovac and Medvedja, and representatives of the political parties of Albanians from the area of the municipalities of Presevo, Bujanovac and Medvedja, which is an integral part of this Conclusion, is acknowledged.

2. The Ministry of Internal Affairs, the Ministry of Finance and Economy, the Ministry of Foreign Affairs, the Ministry of Regional Development and Local Self-Government, the Ministry of Transport, the Ministry of Construction and Urbanism, the Ministry of Justice and Public Administration, the Ministry of Agriculture, Forestry and Water Management, the Ministry of Education, Science and Technological Development, the Ministry of Health, the Ministry of Culture and Information, the Ministry of Labour, Employment and Social Policy, the Ministry of Foreign and Internal Trade and Telecommunications shall be entrusted with taking all measures within their jurisdiction with regard to implementation of the activities afore-mentioned in the Report listed in item 1 of this Conclusion, and to provide all the necessary help and support to the Coordination Body of the Government of the Republic of Serbia for the municipalities of Presevo, Bujanovac and Medvedja in implementing activities afore-mentioned in the Report listed in item 1 of this Conclusion.

3. This conclusion shall, for the purpose of implementation, be submitted to the Coordination Body of the Government of the Republic of Serbia for the municipalities of Presevo, Bujanovac and Medvedja, The Ministry of Internal Affairs, the Ministry of Finance and Economy, the Ministry of Foreign Affairs, the Ministry of Regional Development and Local Self-Government, the Ministry of Transport, the Ministry of Construction and Urbanism, the Ministry of Justice and Public Administration, the Ministry of Agriculture, Forestry and Water Management, the Ministry of Education, Science and Technological Development, the Ministry of Health, the Ministry of Culture and Information, the Ministry of Labour, Employment and Social Policy, the Ministry of Foreign and Internal Trade and Telecommunications, and The *GENERAL SECRETARIAT* of the *GOVERNMENT* of the Republic of *SERBIA*.

05 Ref. No: 06-4185/2013-4

Belgrade, June 4th, 2013

GOVERNMENT

Transcript accuracy certified by
SECRETARY GENERAL

PRESIDENT
Ivica Dačić, m.p.

4100313.039/13

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