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Zyra e Komisionerit për Gjuhët - Kancelarija poverenika za jezike
Office of the Language Commissioner

REPORT

IMPLEMENTATION OF THE LAW ON THE
USE OF LANGUAGES IN MUNICIPALITIES AND BASIC COURTS

March, 2024

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ABBREVIATIONS

OLC - Office of the Language Commissioner
BC - Basic Court
LUL - Law on the Use of Languages
OI - Ombudsperson Institution
IOM - International Organization for Migration
MLGA - Ministry of Local Government Administration
UNMIK - United Nations Mission in Kosovo

INTRODUCTION

The Constitution of the Republic of Kosovo ensures that the Albanian and Serbian languages and their alphabets are official languages at the central level and enjoy equal status. In addition to this, Law No. 02/L-37 on the Use of Languages (LUL), hereinafter the Law, clarifies the status of official languages at the central level, official languages and languages in official use at the local level. This means that in addition to the Albanian and Serbian languages, the official languages at the local level are also the Turkish and Bosnian languages. Turkish, Bosnian and Roma are also languages in official use in some municipalities of Kosovo. Each municipality, within the Municipal legal acts, has defined which languages are official and which are in official use. Therefore, the municipal bodies are obliged to respond to the citizens as defined in the legal provisions.

The project "Advancement of language rights" began in 2022 (first phase), while in October 2023 the second one titled "Promoting and Advancing Language Rights in Kosovo" began to be implemented and will last until May 2024. This project is being implemented by the International Organization for Migration (IOM), financed by UNMIK, while the main stakeholders/partners are OLC and OiK.

One of the important activities of this project is the monitoring of Municipalities and Basic Courts of the respective municipalities. In addition to monitoring their websites, the OLC has for the first time monitored Basic Courts in the field.

In the focus of this monitoring, the Working Group of the project selected 7 (seven) Municipalities and Basic Courts of the respective municipalities: the Municipality of Gračanica/Graçanicë, Peja/Peć, Prizren, Gjilan/Gnjilane, North Mitrovica, South Mitrovica and Prishtinë /Priština.

It is important to emphasize that, during the monitoring of the Municipalities in 2019, the findings showed that the Municipalities of the Republic of Kosovo had reached a more advanced institutional and legal stage in the protection of language rights. Meanwhile, the data from the monitoring done in the framework of this project, has highlighted the shortcomings in the fulfillment of the obligations to the citizens and the decrease in the level of implementation of the Law.

A very important thing is that in the municipalities of Kosovo there are no discriminatory policies by the municipal administrations towards one or the other language, when it comes to the provision of public services. However, Municipalities continue to operate with insufficient capacities in the implementation of language rights, which means that in order to provide services to non-majority citizens, in their official language (depending on the municipality) there are many shortcomings and challenges.

The municipal officials express the will and effort for the municipalities to advance the equality of official languages, but continuously mention the budget as the main problem, but also the lack of capacities (professional staff), in fulfilling the obligations to the citizens.

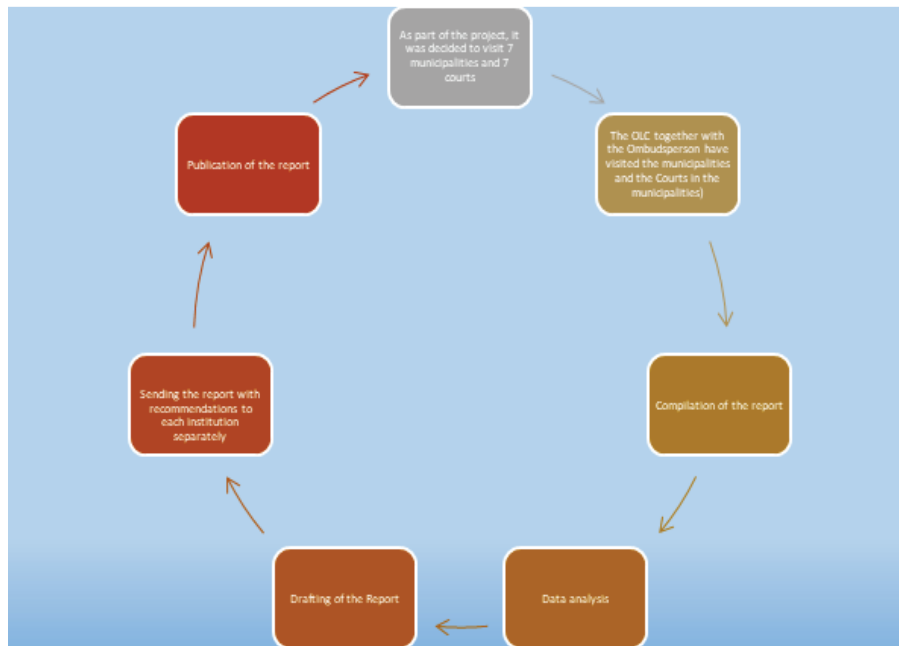


Fig. 1 The monitoring process on the level of respect for language rights and the report of the OLC

OBJECTIVE OF THE REPORT

Municipalities are the institutions with the closest level of government to the citizen, from where public services originate, which have a direct impact on the standard and life of citizens. From this point of view, apart from being the first door where the citizen knocks, Municipalities are institutions that must create the necessary conditions to provide services to citizens, timely and accurately implementing language rights, as well as offering services in their official languages.

Based on the Constitution of the Republic of Kosovo and the relevant Laws, the Basic Courts play a special role in the implementation of human rights. Language is a fundamental tool in solving citizens' cases and disputes, so a significant part of Kosovo's legislation, in addition to defining the status of official languages, underlines the protection and respect of linguistic rights and obliges Municipal institutions and Courts to implement legal provisions.

Therefore, the purpose of this report is to analyze and evaluate the level of implementation of the Law and respect for language rights in these municipalities of the Republic of Kosovo, as well as in the Basic Courts of these municipalities. Another goal of this report is to ascertain the real situation, the challenges faced by the Municipalities and the Courts, as well as the level of their readiness to meet the demands of the citizens.

This report summarizes the findings from the field visits and the recommendations for the respect of language rights, which will be given to the municipalities Gračanica/Graçanicë, Peja/Peć, Prizren, Gjilan/Gnjilane, North Mitrovica, South Mitrovica and Prishtinë /Priština.

The final goal of this report is that after identifying the challenges and shortcomings that municipalities and courts have in fulfilling their obligations to citizens, the OLC addresses the general and specific recommendations, in order to once again oblige certain institutions to implement Law, as well as reminding them about the responsibilities they have regarding language rights.

METHODOLOGY

According to the mandate that the OLC has, it is obliged to monitor and report on the implementation of the LUL and the respect of language rights in all institutions of the Republic of Kosovo. In this particular case, the Municipalities and Courts were first selected, their web pages were monitored, to then continue the monitoring in the field. The Judicial Council of Kosovo (an institution that is familiar with the mandate of the OLC) has been notified via e-mail that the OLC together with the Ombudsperson will conduct monitoring visits to the Basic Courts of the municipalities mentioned above. Then, through e-mail as well, all these institutions (up to three officials) were notified, where confirmation of receipt of the e-mail was requested and who will host the monitoring officials.

Officials of the OLC and the Ombudsperson visited each Municipality and Court separately, held meetings with mayors of municipalities (Prizren and Gjilan/Gnjilane), presidents of courts (Gračanica/Gračanicë, Gjilan/Gnjilane, Peja/Peć), vice mayors of municipalities, administrators of the courts, as well as other officials. The monitoring visits for these Institutions lasted about two weeks.

The monitoring team, during these meetings, clarified the purpose of the monitoring visit and took pictures (photos) from the meetings and signboards in these institutions.

The visits were made to see closely the state and level of implementation of language rights in the Municipality and Courts, and the readiness of officials to solve citizens' issues in both languages, as well as overcoming the challenges they face in real time.

During the work in the field, the monitoring team encountered challenges due to the lack of good information within the institution in some institutions, (even though the notification was made in time). The OLC has contact persons in all institutions, who help in cases where language rights have been dealt with, but due to the fact that there have been many changes and movements in institutions, in many cases there have been no contact persons. Regarding their absence, the Office has not received any prior notification (such as the retirement of some, change of workplace, etc.), while their addresses are still available on the websites of the Municipalities. The lack of cooperation and coordination within the institution itself, failure to provide the necessary information in time, as well as negligence to address the issue, are some of the many challenges encountered in the field.

As mentioned above, during the meetings with the representatives of the institutions, various questions related to languages were asked, such as: how many translators do you have? Do you have contracted translation companies? Are the meetings of the Assembly and the accompanying material translated? Is the news translated on time? Why is there a language mismatch on the official website? Etc.

Notes and photos were taken from the field, which will be part of this report, but in some municipalities, due to the lack of internal coordination, during the visit it happened that there was a wait time until they agreed on who will meet with the monitoring officials. There have also been cases when, despite the fact that the team has been introduced, it has been prevented from taking pictures of inscriptions, signboards and notice boards.



During the monitoring process

STRUCTURE OF THE REPORT

The report contains the introductory part, the purpose and methodology of conducting monitoring, the general and specific findings, as well as the recommendations given to the monitored institutions. Initially, the purpose of the monitoring visits and the compilation of the report was clarified, as a finalization of the project in general.

The report goes on to explain the methodology used for data collection, what procedures, tools and steps were used to reach the predetermined goal, as well as presenting a number of challenges encountered during monitoring. The data placed in the report are in written form and in graphic form.

The third part presents the general assessment and the specific assessment. It includes the internal professional language capacity of Municipalities and Courts, the number of translators, the contracting of language services, as well as the level of communication and cooperation within the institution. During the monitoring, special attention was paid to the readiness of the institutions for cooperation and commitment to implement the Law.

The fourth part contains the wrap-up and conclusions, as well as the general and specific recommendations, which the OLC gives to the Municipal Institutions and Basic Courts.

GENERAL ASSESSMENT

As a general assessment, we can say that the Basic Courts stand much better than the Municipal Institutions, in implementing the provisions of the Law.

For the first time in these institutions monitoring was done together with the Ombudsperson Institution. After monitoring and analyzing the data, when we compare a period of almost four years, in the municipalities, some changes have been identified that lead to the assessment that the level of applicability of the Law is not satisfactory. Although earlier it was established that the municipalities have reached a good level of institutional maturity in fulfilling legal obliga-

tions, in the protection and promotion of language rights, this time it was observed that the municipalities have suffered a decline in the level of implementation of the Law.

The municipalities in general have almost the same level of language performance, to emphasize that Prizren and Gračanica/Graçanicë stand a little better, while it has been established that the Courts stand better compared to the Municipalities.

During the monitoring, the "secret customer" method was also used, and in one case, the official at the Cadaster Directorate in Peja/Peć answered the party "I only speak Albanian", which contradicts the Law. In the other case, in the institution of the municipality of, Gračanica/Graçanicë when the official was addressed in the Albanian language, even though he did not know how to answer in the Albanian language, he was ready to call the translator, if needed. In addition, the monitoring team has recorded that:

- In spite of the identified shortcomings, as quite important, bilingualism is a standard that is respected in the Municipalities and in the Courts.
- The orientation inscriptions in the Courts are almost at a very satisfactory level, except in two cases (Gračanica/Graçanicë and, Prishtinë /Priština at the entrance counters). Across the municipalities there is variegation (Peja/Peć, Gjilan/Gnjilane), and a lot of deficiencies (in the Municipality of South Mitrovi ca and Prishtinë /Priština).
- According to the statements of the officials of the institutions visited, the meetings, documents, municipal acts, forms are all translated into both languages, but there are cases when a decision or a form is given only in the language of the applicant. Due to limited professional capacities, there are many difficulties in fulfilling the requirements.
- All Municipalities and Courts mainly have one translator, while the largest number of translators in the Municipalities is 3 (three), while in the Court 13 (thirteen).
- The municipalities have declared that they do not have contracted translation companies, except for the Municipality of Prizren, which has declared that it has an agreement with a translation company.
- In the Courts, the situation is better and the largest number of translators is 13 (thirteen), but even though there are courts with fewer translators, as far as the language issue is concerned, services are provided regularly and without obstacles.
- No municipality has a separate budget line for translations, despite the fact that the OLC has given several recommendations on this issue.
- In municipalities with a Serbian majority, municipal officials note that the criteria for the competition are high and it is difficult to find people who meet them.
- Municipalities, but in some cases also Courts, have complained that they do not have a specific budget to accept new translators, despite the fact that they need them.
- A concern presented by the translators in Municipalities is the fact that the court decisions are not being translated, and when they come to the municipality, must be translated by translators who are not judicial translators. As result there may be errors.
- The request was also made that the OLC hold trainings in the municipali

ties on the Law on the use of languages, due to the fact that, as they said, there are cases when officials do not fully understand and find it difficult to distinguish between the official language and the language in official use at the local level.

- It should be noted that the Municipality of North Mitrovica does not have a website at all. According to the vice mayor, the request has been made but they are still waiting for the request to be fulfilled.



The meeting with mayors of the municipalities of Gjilan/Gnjilane, and Prizren

SPECIFIC ASSESSMENT

- **Translators in Municipalities and Courts**

Regarding the monitored municipalities, in addition to Albanian and Serbian as official languages at the central level, Bosnian and Turkish are official languages at the local level in the municipalities of Peja/Peć and Prizren. The Turkish language is the language in official use in the Municipality of Gjilan/Gnjilane, Mitrovica and Prishtinë /Priština, while the Roma language is the language in official use in Gračanica/Gračanicë and Prizren.

The municipalities employ translators, where most of them are mainly for the Albanian-Serbian version and vice versa. Among the municipalities, the smallest number of translators is one (1), while the largest number is in Prizren (3 translators). In some municipalities, they have stated that they have announced a competition for translators, but it is difficult to find a candidate who meets the conditions, due to the fact that there is a lack of relevant personnel, as well as a lack

of budget. In some cases, according to them, in the circumstances when the need arose, the OSCE came to their aid with its translators. In cases where there is a need, in some municipalities officials who know two or three languages also help, as well as community officials who have knowledge of the languages of the area, so there have been no reactions and dissatisfaction from citizens.

Another concern of the municipal officials was that the documents sent by the courts to the municipality are only in one language, so the municipal translators have to translate them and not only are they burdened with extra work, but there is also the other concern that they are not licensed court translators and they can make mistakes.

With the support of IOM, in two municipalities, a translator has been engaged for the Roma language, for a period of six (6) months, but at the time of the monitoring visits, we understood that the translator in the Municipality of Prizren has not been engaged yet, with the reasoning of the mayor that they are interested in making a long-term solution, and this process is taking a little more time. In the Municipality of Gračanica/Graçanicë, the translator for the Roma language had started work.

In the courts, the situation is better, where the largest number of translators is thirteen (13), (Basic Court in Mitrovica) and the smallest number is one (1).

According to the need, the courts assign translators from the list of translators of the Judicial Council who are licensed.

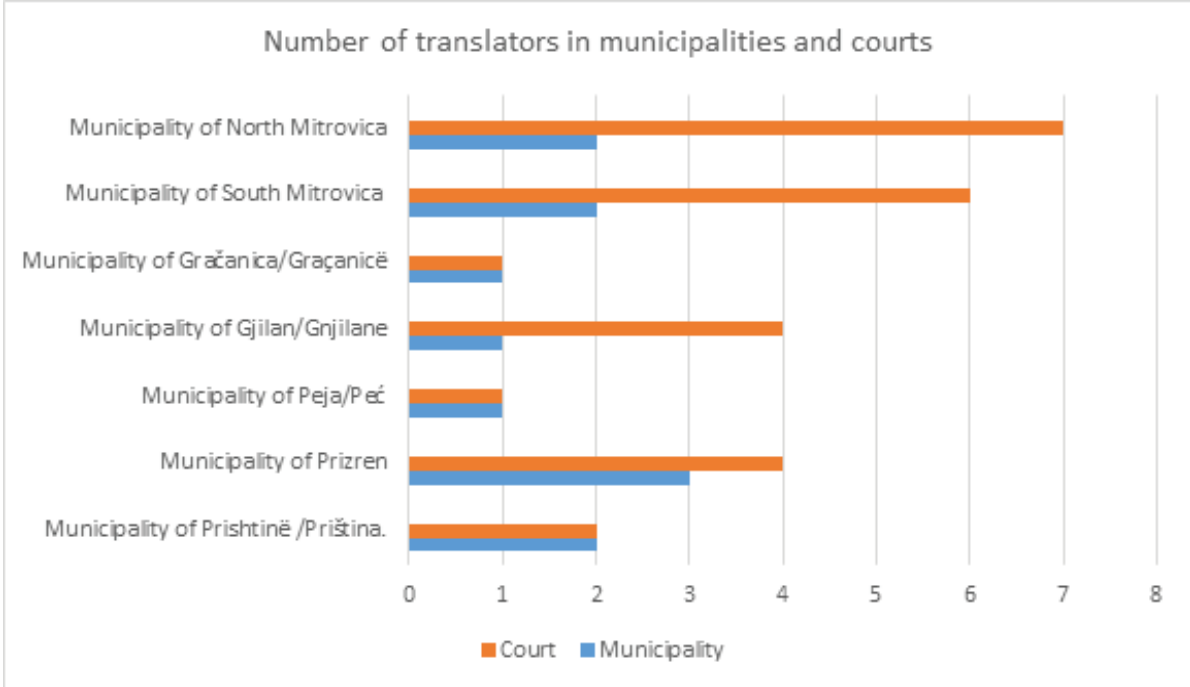


Fig. 2 Number of translators in municipalities and courts

- **Contracting of language services**

The Office of the Language Commissioner has consistently assessed that the genuine implementation of the Law can be done when institutions have employed translators, but in cases where institutions of any level do not have employed translators for official languages, they are obliged to outsource translation companies. In this regard, Municipalities and Courts have been asked if they also have outsourced translation services.

Only one municipality (Municipality of Peja/Peć) has contracted a translation company, while the answer from the Courts was that they do not have a contracted company, since in case of need, they seek help from the List of translators of the Judicial Council, except for the Basic Court in Prizren who have declared that they receive outsourced services, through a contract.

It is worth noting that both in the case of translators and the contracting of translation companies, the institutions in question do not have a separate budget line for these services, despite the fact that the OLC requested this from the municipalities some time ago.

- **Assembly meetings**

It seems that all municipalities have paid special attention to Assembly Meetings, as well as meetings of various Assembly Committees. In all the municipalities they have stated that during the Assembly Meetings there is simultaneous translation, sometimes according to the need, but in general the translation is functional in all the municipalities without problems. The documentation is translated in time and also sent in time to the relevant MPs, in their official mother tongue. There have never been work delays or meeting delays due to translation.



Inscriptions of Institutions

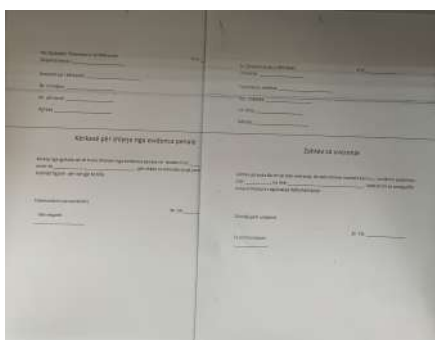
- **Forms and services with citizens**

The service to citizens has been found to vary depending on the municipalities. Forms are in both languages in almost all municipalities, but not all forms are provided to citizens in their own language. There are cases when the forms are in one language, while as far as the reception offices are concerned, all municipalities have stated that citizens receive answers in their own language and that they have not received any complaints. In the question of why the party is not given the document in their official language, (due to the fact that the OLC has received com-

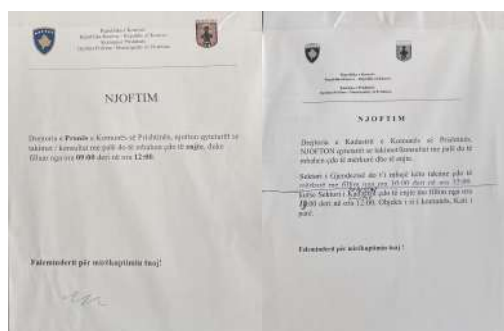
plaints from citizens), according to the answers of the officials, some citizens want to get work done as soon as possible and they do not wait for the translation, they don't ask for the document in their language. The decision is written beforehand in Albanian or Serbian, and citizens do not wait for it to be translated into their language, they just receive it as soon as possible in any official language. This happens more often, for example, in the municipality of Graçanica/Graçanicë and Gjilan/Gnjilane, where the citizens know both languages, but mostly the citizens have never filed a complaint. However, this does not justify the lack of bilingualism in the documents. In the Courts, they are almost all in both languages, regardless of any minor shortcomings.

Competitions in both languages were placed on the information boards of the institutions, almost in most cases, with some rare exceptions.

It is very important to note that in most cases in the Municipalities, officials at the Reception Office are able to speak in the official languages with citizens, except for some cases that may be sporadic. But another identified shortcoming is that, when the party is notified of the completion of the case, or other services, SMS are sent to citizens only in the Albanian language.



Good example



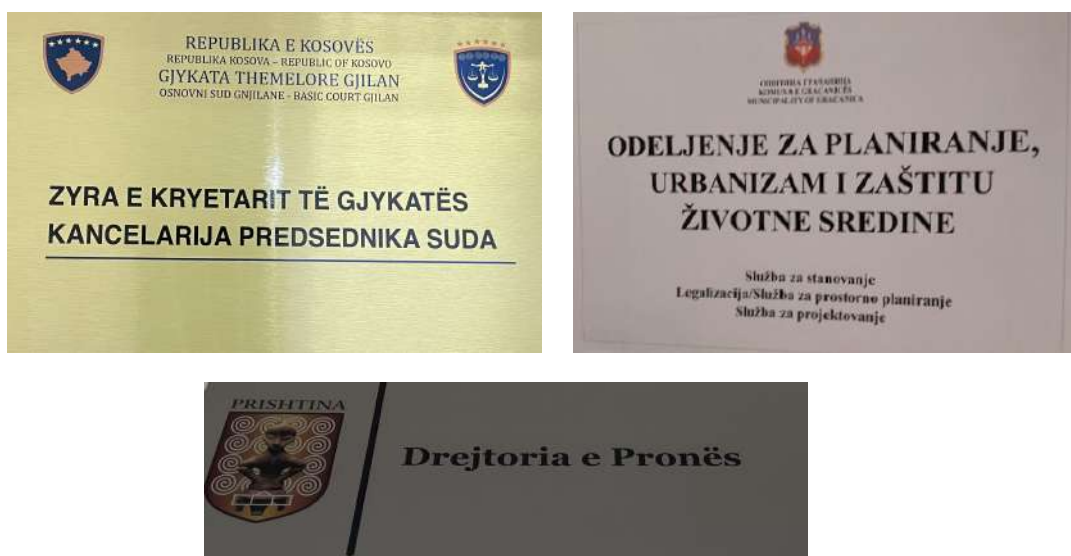
Wrong example

- **Inscriptions and orientation signs**

Based on the current findings, the situation with the inscriptions and orientation signs in the Courts is good, and the Basic Court in Gjilan/Gnjilane stands out. At some counters in other courts, there are minor deficiencies, but in general, the orientation signs in the official languages are clear. The Basic Court of Mitrovica operates in two facilities, so the facility in the North is

well-equipped with orientation signs, while according to the officials of this court, the facility in the South is being renovated, so the services are performed in an improvised facility and there currently these signs are missing, but once the renovation of the building is finished, they will be placed immediately, was the answer of those in charge.

As for some brochures and informational documents in the Courts, the officials have stated that they were compiled only in the Albanian language by USAID, but considering the fact that this organization helps according to the requests and recommendations it receives from the relevant institution, the responsibility for this does not belong to USAID, but to the said Courts.



Orientation inscriptions in offices

- **Complaints of citizens**

During the monitoring team's inquiry, whether the institutions have received complaints from citizens and if so, how they resolve them, except for one municipality, the officials have stated that they have not received any complaints regarding the language issue. According to the answers of the official of that municipality, the complaint did not come directly, but in an indirect way, which means it was not addressed to the municipality as an institution, but during a round table with the civil society, shortcomings in the implementation of the Law were highlighted.

- **Official website**

The first element that the citizen seeks to have access to an institution is the official website, therefore it is very important that the official website of the Municipality is translated and updated in the official languages, due to the fact that it offers the possibility of informing the citizens in time and on all the issues they are interested in.

One of the areas of activity of the OLC is the monitoring of the official websites of institutions and organizations which, according to the Regulation, fall under its jurisdiction. The office has

previously monitored the websites of the Municipalities and Basic Courts listed in this project, in order to ascertain the level of compatibility of the official languages on the official website. According to the Law, the websites of the institutions must be in all official languages depending on the municipalities (how many official languages they have) and that the institutions are obliged to update the language at the same time. In this way, the monitoring of these websites is focused only on the respect of language rights, without analyzing the level of transparency in other aspects.

An important element is that the monitored Municipalities and Courts have websites in both official languages, although the situation is not good. Of particular importance in the operation of web pages is the regular and complete updating of documents, various meetings, municipal news, court documents, etc. in all official languages. According to the answers received in the institutions in question, it is said that due to the overload of work, they do not manage to put all the documents in both languages at the same time, but also as a key problem, cooperation with the MLGA and the poor functioning of the web sites (in municipalities) are emphasized. The municipality of North Mitrovica does not have a website at all and according to the vice mayor, even though she has requested several times that work is done on that aspect, the request has not been implemented.

All municipalities have almost a similar standing, with a few differences depending on the municipality, but the municipalities of Prishtinë /Priština and Gjilan/Gnjilane have more deficiencies in the language update of the website. There are also cases when municipalities have presented the problem as being due to the lack of an information officer. In the remark that was made about the website, they stated that they do not have an information officer due to not meeting the acceptance criteria. They have stated that the translations to a certain extent are done on time, but the problem lies with the IT people who do not enter the data on the page. In the Courts, the condition of the official website is much better, except for some small deficiencies, errors or any other information.



Basic Courts websites



Municipality websites

CONCLUSION

Finally, during field visits to these Institutions, it was possible to gather evidence and facts about the general situation of the implementation of the Law.

If we analyze all these data presented as above, we can conclude that the current situation in the field of implementation of the Law cannot be assessed as satisfactory. Even during the monitoring of the official websites, but also during the field visits, we understand that the situation from 2019 until today in the municipalities has declined, while the Courts, as was emphasized earlier, were monitored only through the website, which have been at a satisfactory level with minor omissions. Even further, there are very few translators, capacities within the institution are decreasing every day, as the translation service is not outsourced in most municipalities. The special budget has not been allocated to any institution, while on the other hand, from all relevant institutions, it is found that there is a lack of staff and qualified persons to perform translation services, especially in the municipalities. In some cases, even though the competition is announced several times and repeated, there are no people who meet the conditions.

The report establishes that in some municipalities of the Republic of Kosovo the level of implementation of the Law has declined, which cannot be said to be the same with the Courts. The report underlines that there are many shortcomings in the fulfillment of these legal obligations. A greater commitment would bring results despite the shortcomings, lack of capacities, changes in the status and movements of translators (retirement, change of jobs, etc.), as well as the increase in the responsibilities of competent officials.

REQUEST ADDRESSED TO THE OLC

- To hold trainings in the municipalities on the Law on the use of languages and to explain to all officials the obligations arising from this law;
- To influence the central institutions and the courts that the documents sent to the municipality are in two languages (Serbian and Albanian), so that the municipal translators do not need to translate them and are further burdened with translation but also that mistakes do not occur. (5 municipalities);
- To strengthen the role and position of translators in the institution and to announce them a deficit cadre. To ease employment conditions, increase wages and provide incentives for those who speak two or three languages;
- To insist on the employment of a greater number of translators in the municipality; to organize training; purchase of translation software; strengthening of inter-institutional cooperation in the provision of language services, etc.;
- To strengthen the role and position of translators in the institution and to have greater endorsement and support through a regulation;
- To influence the heads of relevant institutions to increase the budget to enable the employment of translators.

GENERAL RECOMMENDATIONS

- To ensure that the official websites of Municipal Institutions and Courts are adjusted where they have deficiencies, updated in time in terms of language according to the official languages of the respective municipality or court, in accordance with the existing legislation;
- To assess the need for increasing the number of language professionals and internal language services in Courts and Municipalities;
- To ensure that all documents, orientation signs and notices that are placed on boards, in Courts and Municipalities are fixed when they are damaged, updated when there are cases of renovation of the object and are in all official languages, as required by the Law;
- To implement the recommendations continuously and to increase the self-evaluation and self-monitoring of the Courts and Municipalities in terms of the implementation of the Law.

SPECIFIC RECOMMENDATIONS

- Ensure that the official websites of the municipalities are adjusted and updated at the same time, in the official municipal languages, in accordance with the existing legislation where deficiencies have been highlighted (in particular the Municipality of Gjilan/Gnjilane, Municipality of South Mitrovica);
- To fix all orientation inscriptions in all municipalities, especially in the Municipality of South Mitrovica and the Municipality of Prishtinë /Pristina, without excluding all municipalities where deficiencies have been observed;
- To provide a separate allocation of the budget for the provision of language services;
- Notify the parties through SMS in their native language (Municipality of Peja/Peć).

LEGAL FRAMEWORK

• Constitution of the Republic of Kosovo

Article 5 [Languages] 1. The official languages in the Republic of Kosovo are Albanian and Serbian. 2. Turkish, Bosnian and Roma languages has the status of official languages at the municipal level or will be in official use at all levels as provided by law.

Article 22 of the Constitution of the Republic of Kosovo guarantees the direct implementation of international agreements and instruments that guarantee freedoms and human rights. The latter enjoy priority over provisions, laws and other acts of public institutions.

• Law on the Use of Languages

The Law on the Use of Languages is based on the Constitution and European and international conventions and stipulates that Albanian and Serbian and their alphabets are official languages of the Republic of Kosovo and have equal status in their use in all Kosovo institutions, Agencies and Public Enterprises.

Except this, Law defines the official languages at the municipality level and when a language can acquire the status of an official language if it has been traditionally spoken.

Law , also determines the status of languages in official use in the Municipality. The same article determines the status of a language in official use in the municipality, if that language has

been traditionally spoken in that municipality.

The law also determines the equality of official languages in Municipal Institutions . Based on the Law, the MLGA issued Administrative Instruction (MLGA) no. 01/2022 on Defining the Procedures for the Implementation of the Law on the Use of Languages in Municipalities which defines the procedures when a language automatically acquires the status of an official language or that of a language in official use, as well as when communities can submit a request when they consider that their mother tongue should acquire the status of a language in official use. Therefore, the MLGA has obliged the municipalities to issue internal regulations that define which are the official languages and which are in official use, as well as what are the procedures that a community must follow when it considers that its language should have the status of the official language and the language in official use at the local level.

OFFICE OF THE LANGUAGE COMMISSIONER

With the entry into force of Regulation No. 07/2012 on the Office of the Language Commissioner, the Office of the Language Commissioner was established, which according to the mandate oversee the implementation of the Law on the Use of Languages, with the aim of protecting language rights and the implementation of official languages in the Republic of Kosovo at the central and local level, as well as languages in official use in municipalities. It is committed to preserving, promoting and protecting the languages of communities whose mother tongue is not one of the official languages or languages in official use.

