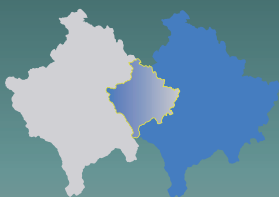


ANNUAL REPORT ON THE STATE OF LANGUAGE RIGHTS IN KOSOVO



Language Rights in the Time of the Pandemic



Mitrovica
2020



Norwegian Embassy



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1. Introduction

Respect for language rights is a topic that never loses its relevance in Kosovo. The reason why this issue is ongoing concerns the fact that the standards established by the legal framework for the protection of language rights in Kosovo go beyond the achieved level of political will and institutional capacity to put them into practice. Simply put, the things promised were not fulfilled.

The Constitution of Kosovo (2008) and the Law on the Use of Languages (2006) establish the equality of the Albanian and Serbian languages in Kosovo. Accordingly, all central and local institutions and all public service providers are obliged to ensure the equal use of both official languages in all the work they perform. The gap between normative guarantees and the practice of institutions in their implementation is, however, a ubiquitous problem that citizens and the civil sector have been hopelessly pointing out for years.

Pointing out the shortcomings of institutions in respecting language rights is a constant, but not a monotonous activity. Each new event or circumstance presents aspects of this problem that previously were not in focus. Something similar happened during the crisis caused by the coronavirus pandemic.

Informing citizens about the epidemiological situation and the measures taken by the competent institutions in order to prevent the spread of the virus is the most important segment of public health policy. During the pandemic crisis, it was therefore more important than ever for Kosovo institutions to ensure the equal use of official languages in their work and thus enable all Kosovo residents to be informed, in a language they understand, of measures taken to combat the epidemic. Unfortunately, that did not happen. Instead, the pandemic crisis has highlighted the failures and negligence of institutions in implementing the Law on the Use of Languages as well as the consequences that violations of language rights leave for the wellbeing of non-majority communities in Kosovo.

In an emergency situation such as a pandemic, a violation of the Law on the Use of Languages has more severe consequences than is the case under normal circumstances. The lack of information in the Serbian language during the pandemic crisis had multiple negative effects on the position of members of the Serb and other non-majority communities in Kosovo. First of all, the lack of translation increased the risk to public health because Serbian-speaking Kosovo residents were not able to be adequately informed about the general epidemiological situation, the number of infected people and hotspots, as well as the measures taken and to organize their movement and behavior accordingly. Another negative effect of the absence of translation concerned the restriction of movement measures. These measures included restrictions on entry into Kosovo as well as restrictions on movement within Kosovo itself. As the violation of these measures implied sanctions, the absence of a timely and correct translation into Serbian put the citizens at risk of being punished for non-compliance with regulations about which they could not have been previously informed. And lastly, the selective application of the Law on the Use of Languages had a negative impact on the socio-economic position of members of non-majority communities. Namely, the lack of adequate translation of information into Serbian made access to economic assistance measures to overcome the material consequences of the epidemic difficult for them.

During the pandemic crisis, it was drastically confirmed that the violation of the language rights of non-majority communities in Kosovo restricts their access to services and jeopardizes the exercise of other rights. In order to record this experience and draw appropriate lessons from it, the Annual Report on the State of Language Rights in Kosovo for 2020 is dedicated to respecting the Law on the Use of Languages during the pandemic crisis.

The annual report covers the period from March 13 2020, when the epidemic was officially declared in Kosovo, to October 15 2020. The aim of this report is to document the failures of central institutions regarding compliance with the Law on the Use of Languages during this period. The focus of the report is on

respect for official bilingualism and equal use of the Serbian language, as a less represented official language. In this regard, the report will seek to point out the detrimental consequences that the lack of information in the Serbian language has had on the well-being of members of the Serb and other non-majority communities in Kosovo who use the Serbian language in communication with institutions.

The annual report consists of five parts. The introduction is followed by another chapter in which several characterizing examples of violations of the Law on the Use of Languages by Central Institutions will be presented. The cases that will be mentioned are the result of monitoring the work of institutions during the first months of the epidemic. The third part of the report will be dedicated to the experiences of media reporting in Serbian regarding the availability of information published by central institutions. The purpose of this chapter will be to consider the extent to which the media themselves encounter obstacles arising from violations of the Law on the Use of Languages and how their actions mitigate the consequences to citizens that would arise due to the absence of translation. In the fourth part, the voice of the citizens themselves will be presented. This chapter will present the findings of the focus groups with members of non-majority communities in Kosovo. The fifth and final part of the report will contain conclusions and recommendations.



2. Respect for official bilingualism in the work of central institutions

2.1. Normative framework

The Law on the Use of Languages (Law No. 02 / L-37) in Art. 2 para. 1 establishes that Albanian and Serbian are the official languages of Kosovo and that they enjoy equal status in all institutions. Art. 3 para. 1 further specifies that every person has the right to freedom of expression and that this right includes “freedom to receive, seek and impart information and ideas in a language of his/her choice”. According to Art. 4, para. 1, equality of official languages is applied within the central institutions in Kosovo. Accordingly, Art. 4, para. 2 guarantees the right of every person to communicate and receive available services and public documents from central institutions “in any official language”, as well as the reciprocal obligation of central institutions to ensure that every person can communicate and receive available services and public documents from their bodies and institutions “in any official language”.

In accordance with the aforementioned legal provisions, the central institutions in Kosovo are obliged to enable citizens to be informed about their work in both official languages. The equality of official languages, however, is somewhat relativized by the formulation that the services and documents of central institutions are provided in “any official language”. This provision provides room for interpretation that the right to choose in which of the two official languages the requested information will be provided does not necessarily belong to citizens, but that institutions have the discretion to choose whether to provide the requested service or document in Albanian or Serbian. This interpretation of legal provisions is not uncommon in practice, although it is contrary to the meaning of the Law.

If the Law on the Use of Languages is interpreted in good faith, it follows from its provisions that the communication of central institutions with the media and the public should take place in

both official languages under equal conditions. In practice, this means that any legal act, announcement, or any other document created in the work of a central institution should be available in both Albanian and Serbian at the same time. In addition, when central institutions organize press conferences, public events, or meetings open to the public, they should be provided with translation into both official languages.

In light of this interpretation of the Law, during the pandemic crisis one dimension of language rights that was not previously in focus came to the fore. It is about the inseparability of language rights from the right to access information (freedom of information - FOI).

The right of access to information is the reverse of the right to freedom of expression and concerns the free access to information held by public bodies. It was established by UN General Assembly Resolution 59 (1946) and Article 19 of the Universal Declaration of Human Rights (1948), which is one of the international agreements to which the Constitution of Kosovo recognizes the primacy over domestic legislation.¹ Exercising this right is a prerequisite for a democratic process, as it allows all individuals to be informed in decision-making, as well as good governance, as it raises the level of accountability and transparency in the work of institutions.

The right of access to information concerns all issues of public importance, including the field of public health. Precisely on the topic of public health, it has been shown that the violation of language rights consequently limits the effective exercise of the right to access information. The failure of institutions to provide information regarding the epidemiological situation in the Serbian language at the same time limited the ability of members of the Serb and other non-majority communities in Kosovo to access information relevant to public health. The report will describe several such examples that were noted during the first months of the pandemic crisis.

¹ "Freedom of Information", <https://www.un.org/ruleoflaw/thematic-areas/governance/freedom-of-information/>.

2.2. Examples of breaches of official bilingualism during the pandemic crisis

Since the proclamation of the coronavirus epidemic in Kosovo in March 2020, NGO AKTIV has regularly monitored the work of central institutions. The subject of interest was the measures taken by the institutions to combat the epidemic, but also to mitigate its economic and other consequences. The focus was on how the measures of the Government and other institutions are reflected on the position of non-majority communities in Kosovo.

The provision of information in the Serbian language soon emerged as a key issue that permeated all other procedures of the central institutions. In this regard, NGO AKTIV has repeatedly pointed out the failures of institutions to provide translation into Serbian of information of public importance. The following describes several situations in which the absence of a translation into Serbian limited the access of members of the Serbian and other non-majority communities to information of importance for the protection of public health, and potentially endangered their well-being.

Measures to restrict movement in Kosovo came into force without an official translation into Serbian

The Ministry of Health on April 13 passed a decision according to which the inhabitants of Kosovo were allowed to move outside their homes for only 90 minutes a day, at specific times.² This Decision entered into force on April 15.³ At the time of entry into force of the Decision, its official translation into Serbian was not provided.

Members of the Serbian community were informed about the Decision on Restriction of Movement through internet portals and social networks. However, due to the absence of an official translation, various allegations about the implementation of this measure began to circulate on the Internet. For example, there have been doubts in the public about whether a personal identification number or an ID card number is used to determine

² "Od srede na Kosovu oštija zabrana kretanja zbog korona virusa", <https://www.glasamerike.net/a/i-pristina-u-karantinu-najavljene-rigoroznije-mere/5369663.html>.

³ "Na Kosovu dozvoljeno sat i po kretanja dnevno", <https://www.slobodnaevropa.org/a/kosovo-korona-virus-sat-i-po-dnevno-nove-mere/30556144.html>.

the travel date, then whether the time-frame is determined on the basis of the last or penultimate digit, and whether foreign nationals should use an ID card or passport. Since the decision stipulated that the Kosovo Police would sanction people found on the street outside the allowed time, members of the Serb community were put at risk of being punished for violating measures that they could not previously have been accurately informed about.

Rules on entry into Kosovo only available in Albanian

National Border Management Center on June 2 posted on its Facebook page a proclamation explaining the rules of entry into Kosovo in accordance with the Government's decision of May 31.⁴ The publication of the National Center was available exclusively in Albanian, although it contained additional information and clarifications that were not covered by the Government Decision. The same announcement was published by the **Kosovo Police** and the **Ministry of Internal Affairs and Public Administration** on their official Facebook accounts exclusively in Albanian.

Information on the entry procedure into Kosovo was of great importance to members of the Serb community who had long waited to be allowed to move freely through official crossings. Unfortunately, due to the absence of an official translation and the circulation of differing information, a large number of citizens were confused about the rules of entry into Kosovo.

On this occasion, NGO AKTIV addressed the Ministry of Internal Affairs and Public Administration and the National Border Management Center with a request to provide an official translation of the notice into Serbian without delay in order to remove all doubts regarding the rules of entry into Kosovo. Following this intervention, the National Border Management Center amended the announcement and added a Serbian translation. After that, this institution retroactively changed several previous posts on "Facebook" to which a translation into Serbian was added.

⁴ <https://www.facebook.com/MPBQKMK/>

Poor translation as an obstacle to obtaining economic aid

The Government of Kosovo on March 30 adopted an emergency fiscal aid package to mitigate the economic consequences of the coronavirus epidemic. Measure 15 of this package provided for the payment of a monthly allowance to citizens living in difficult social conditions in the amount of 130 euros during the months of April, May, and June. In order for a person to be entitled to this assistance, it was necessary to be registered in the unemployment register at the competent institution, as well as to have no member of his/her household earning an income from any public or private source.⁵

For members of non-majority communities, the obstacles in applying for this assistance were related to inadequate information, which was due to the delay in the translation of information into Serbian and its poor quality. This is supported by the fact that the media only received a statement about this measure in Serbian on April 3. On the other hand, the Ministry of Finance published daily press releases in which the rules of applying were explained to the citizens, without a translation into Serbian.⁶ In addition, the translation on the official websites of the institutions was of poor quality. Access to information was further complicated by the fact that the explanations were not consolidated in one place, but some were on the website of the Employment Agency and others on the website of the Ministry of Finance and Transfer.⁷

On May 21, the Kosovo Post announced that the aid payment of 130 euros from the fiscal package would begin. The media in Serbian were not informed about that, but informed their readers by translating texts from the media in Albanian. In mid-August, the texting of citizens began informing them that they could withdraw money from any branch of the Kosovo Post. A new announcement from the Ministry of Labor and Social Welfare followed, also only in Albanian, stating that citizens could file a complaint with the centers for social work until August 31, if they had not received an SMS message.⁸

⁵ "Notice of application - Measure no. 15", <https://mf.rks-gov.net/desk/inc/media/E86EA596-B306-43FA-BBED-80F41A629884.pdf>.

⁶ The information was obtained during conversations that the researchers had with journalists from the Serbian media.

⁷ Apart from translation errors, the omission in the electronic form for registering the unemployed, which was posted on the website of the Employment Agency, also concerned the fact that the Gorani community was not among the options offered in the field related to the ethnicity of the registered. <https://apr.k.rks-gov.net/sr>

⁸ The information was obtained during conversations that the researchers had with journalists from the Serbian media.

Until the conclusion of this report, there was no official announcement in Serbian about whether the payment of assistance under measure 15 was completed, how much money was paid, or how many people were rejected, etc.

The procedure for applying for assistance under measure 15 was in itself complicated because it involved contacting two institutions - the Employment Office and the Center for Social Work. Since restrictions on movement were in place at the time, citizens were expected to apply for assistance electronically, which required a certain level of digital literacy. In such circumstances, poor translation quality and unavailability of information increased the risk of technical errors in applying, which could lead to the right to assistance not being exercised by those who needed it most. In addition, untimely and unclear notifications regarding measure 15 caused confusion and dissatisfaction among the citizens, but also led to the creation of queues and crowds in front of branches of the Kosovo Post and the offices of the Centers for Social Work.

The Ministry of Health and the National Institute of Public Health persistently ignore the Law on the Use of Languages

The Government of Kosovo on July 28 announced a decision on new measures to prevent the spread of the coronavirus. The Decision stated, inter alia, that all persons in Kosovo were obliged to “apply preventive measures and recommendations of the National Institute of Public Health and the Ministry of Health”. Members of the Serb and other non-majority communities in Kosovo, however, were unable to obtain information on these measures and recommendations as the two institutions published information almost exclusively in Albanian, leading to violations of the Law on the Use of Languages during the pandemic crisis.

Since the declaration of the coronavirus epidemic in Kosovo, information published by the Ministry of Health and the National

Institute of Public Health has been available almost exclusively in Albanian. The Ministry of Health has not updated its Serbian version of the website for months. The COVID-19 page launched by the Ministry of Health was also inaccessible in Serbian almost the entire time. The National Institute of Public Health does not even have a Serbian-language version of its website. All posts of this institution on its official page on “Facebook” are also available exclusively in Albanian. In addition, all press releases of the National Institute of Health and most press releases of the Ministry of Health were delivered to the media exclusively in Albanian, and without a translation into Serbian.

During the pandemic crisis, NGO AKTIV and some media outlets filed complaints with the Office of the Language Commissioner regarding violations of the Law on the Use of Languages by these institutions. However, that did not yield results. Both institutions continued as before, although they had a primary role in fighting the spread of the virus and informing the population about the epidemiological situation. Members of the Serb and other non-majority communities, therefore, could not be informed of the “preventive measures and recommendations” of these institutions, although they were obliged to implement them.

INFORMATA PËR KORONA VIRUS SR

Statistics world wide

CASES	DEATHS	RECOVERIES
77,717,440	1,710	5,705,275

Statistics in Kosovo

CASES	DEATHS	RECOVERIES
763	21	166

SIMPTOMAT

Simptomat më të zakonshme të COVID-19 janë etheja, lodhja dhe kollë e thatë. Disa pacientë mund të kenë dhimbje dhe vullajtje, zënie të hundes, rrjedhje në hundë, dhimbje të fytyrës ose diarre. Këto simptoma janë zakonisht të buta dhe fillojnë gradualisht. Disa njerëz infektohen por nuk shfaqin ndonjë simptomë dhe nuk ndjehen keq. Shumica e njerëzve (rreth 80%) shërohen nga sëmundja pa pasur nevojë për trajtim të veçantë. Rreth 1 nga çdo 6 persona që marrin COVID-19 sëmurën rëndë dhe kanë vështirësi në frymëmarrje.

MASAT PËR PARANDALIM

Ruajeni shëndetin tuaj dhe mbroini të tjerët duke bërë kështu:

LANI DUART E JUAJA SA MË SHPESH

Image 1 Serbian language version of the COVID-19 website

3. Respect for language rights from the point of view of the media

Experience so far in the fight against the epidemic has shown that adequate informing of citizens is of key importance for combating the spread of the virus and protecting public health. However, during the first months of the epidemic, the central institutions repeatedly failed to provide timely and accurate information in Serbian on the course of the epidemic and the measures taken. In such circumstances, Serbian-language media played a crucial role in informing members of the Serb and other non-majority communities in Kosovo, thus contributing to mitigating the consequences of the failures of central institutions.

Due to the importance of the Serbian media in informing the Serb community in Kosovo, this chapter aims to review the experiences of Serbian journalists regarding the observance of the Law on the Use of Languages by central institutions. Its purpose will be to examine how compliance with the Law on the Use of Languages is reflected in media coverage of the work of central institutions, especially during the pandemic crisis. The findings that will be presented are based on conversations conducted by the investigative team with several journalists from the media who report in Serbian, as well as on the insight into their correspondence with the central institutions.

3.1. Serbian media and the pandemic crisis

Serbian-language media have sought to keep members of the Serb community regularly informed of the epidemiological situation in Kosovo, as well as of the measures taken by relevant institutions to combat the spread of the virus. Their work, however, was hampered by violations of the Law on the Use of Languages by central institutions. The problem most often faced by Serbian journalists concerned the delivery of press releases by central institutions in most cases exclusively in Albanian, as well as the absence of translations at events open to the media.

The translation of documents into Serbian, if it arrived at all, would be provided with a delay of several days, while the poor quality of the translation would often make it difficult to understand the information contained.

At the beginning of the epidemic, when citizens had little knowledge about the coronavirus, Serbian media received reports on the epidemiological situation, the number of infected, on testing, as well as of the measures to prevent the spread of the epidemic exclusively in Albanian. Due to the delay in official translations, those notifications did not reach members of the Serb community in time.

The first session of the Government at which the plan for the fight against the coronavirus was adopted was held on March 10, 2020.⁹ The announcement from the session in the Serbian language was sent to the media with a delay of 24 hours. A press conference declaring a health emergency in Kosovo was held on March 15, 2020.¹⁰ There was no translation at the press conference of the then Prime Minister Albin Kurti and the Minister of Health Arben Vitia. Regarding the question of Serbian journalists, Minister Vitia briefly announced in Serbian what it was about. The announcement in Serbian about the adoption of measures against the spread of the virus was sent to the media after 24 hours.

The decisions of the Government of Kosovo regarding the epidemic, which were changed and supplemented almost every day, reached the media in Serbian or with a delay of several days or they did not exist at all. Only on April 2, did the then Minister of Health Arben Vitia and the then and current Minister of Communities and Returns Dalibor Jevtić have a joint address in Serbian.¹¹ On that occasion, the citizens were somewhat given an explanation of what the situation was and what measures they should adhere to during the epidemic.

⁹ "Kosovo government adopts plan to fight coronavirus"

<https://www.aa.com.tr/ba/balkan/vlada-kosova-usvojila-plan-za-borbu-protiv-korona-virusa/1761071>.

¹⁰ "Kosovo government declares state of emergency in public health due to coronavirus",

<https://www.aa.com.tr/ba/balkan/vlada-kosova-proglasila-vanredno-stanje-u-javnom-zdravstvu-zbog-korona-virusa/1767190>.

¹¹ "Vitia and Jevtic called on citizens to cooperate in the fight against COVID-19",

<https://www.slobodnaevropa.org/a/30525236.html>.

From the beginning of the epidemic until the end of September, the Ministry of Health sent notifications about the epidemiological situation and the introduced measures to the media a total of 8 times in Serbian. The translation was provided each time following reactions from journalists, the civil sector, or the Office of the Language Commissioner. From the end of September, the Ministry of Health started sending daily reports to the media in Serbian as well. The National Institute of Public Health, although the central institution for the fight against the virus, has been submitting announcements exclusively in Albanian since the beginning of the epidemic.

In addition to the official announcements sent by the institutions, the source of information for the media is also the official websites of the institutions. The experience with websites is similar. The information in the Serbian language was either posted late or completely missing. This was primarily the case with the websites of the institutions that played a central role in the fight against the epidemic.

On the official website of the Ministry of Health, the most important ministry at the time of the epidemic, information in Serbian was last published in March.¹² In order to inform the citizens about the epidemiological situation, the Ministry of Health launched the pages **COVID19** and **Kosova.Health**. However, the information in Serbian was not posted on these pages either.^{13,14}

The National Institute of Public Health was the leading institution when it comes to information on the number of people infected with the coronavirus in Kosovo. This institution stood out in promptly informing citizens about the number of sick and cured, as well as about measures and recommendations for the protection of public health. Although the information was published daily on the official Facebook page of this institution, it was available exclusively in Albanian. Moreover, this institution does not even have a Serbian version of the website.¹⁵

¹² <https://msh.rks-gov.net/sr/>

¹³ <https://covid19-rks.net/sr>

¹⁴ <https://kosova.health/sr/>

¹⁵ <https://niph-rks.org/>; <https://www.facebook.com/IKSHPK>

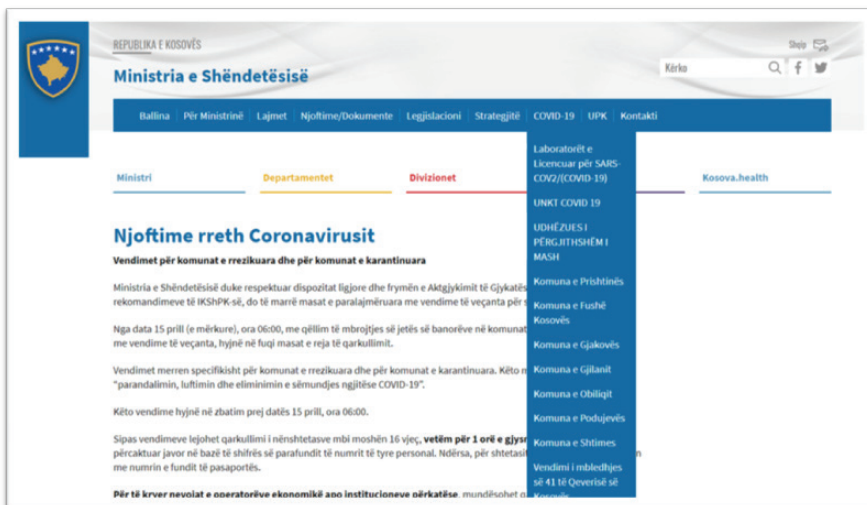


Image 2 COVID-19 page in Serbian on the website of the Ministry of Health

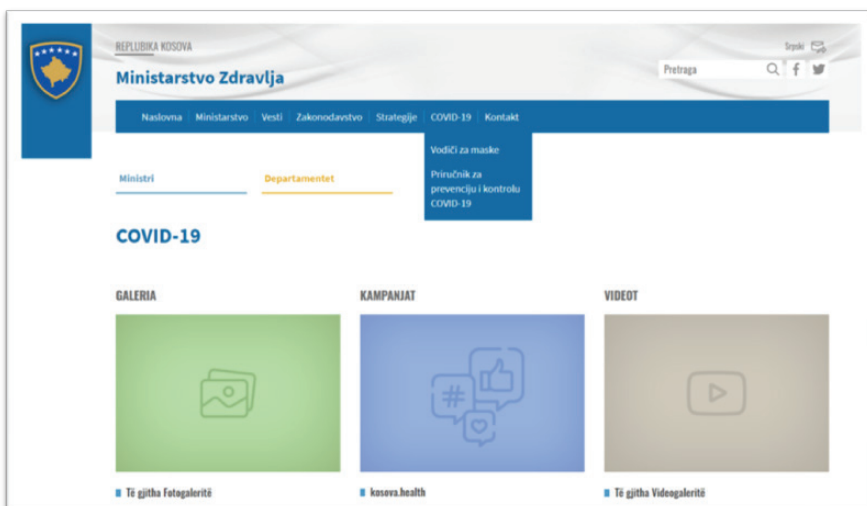


Image 3 COVID-19 page in Albanian on the website of the Ministry of Health

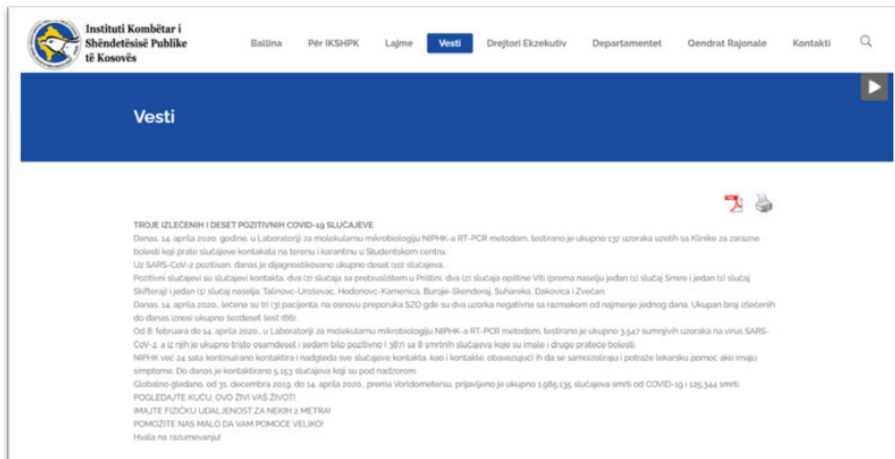


Image 4 The only page in Serbian on the website of the National Institute of Public Health

The problem that journalists faced when reporting on the epidemiological situation was also related to the failure of institutions to provide translation into Serbian at press conferences and other events open to the public. If press conferences have been held in the Government, translation is generally provided. However, when conferences were held elsewhere and were often organized in front of the Infectious Diseases Clinic in Priština or in front of the National Institute of Public Health, translation would be missing.

After the election of the new Government of Prime Minister Avdulah Hoti and the appointment of Armend Zemaj as the new Minister of Health, translation was provided at press conferences. However, invitations to press conferences and announcements came exclusively in Albanian. Translation into Serbian was not provided even during the sessions of the Government. On this occasion, on June 5, after the intervention of journalists, the Minister for Communities and Returns, Dalibor Jevtić, acted. After that, translation was provided during the sessions of the Government, and not only at the press conferences.¹⁶

¹⁶ "Dalibor Jevtic: Provide translation of government sessions for Serbian journalists", <http://gracanicaonline.info/tag/obezbediti-prevod-sednica-vlade/?script=lat>.

The lack of the official translation of the statements into Serbian slows down journalists and creates additional translation costs for them. Since they have to provide the translation themselves, Serbian media is occasionally late in publishing information. Some journalists use google translate or a similar translation program. However, since this translation is often not good and accurate, misinformation has spread in some media. This, they say, can be more harmful than not transmitting the information. When there are no translations at press conferences and other public events, Serbian journalists are forced to ask either colleagues or friends who know both languages to tell them at least briefly what it is about. When there is no translation from the scene, journalists cannot inform their readers about current topics in time, but they are also worried about whether the information they transmitted is accurate. Unless a translation is provided later, newsrooms generally pay for the translation to convey accurate information to their audiences.

Due to frequent complaints from the media and civil society organizations, both prime ministers, Albin Kurti and Avdulah Hoti, apologized to both citizens and journalists reporting in Serbian. After those apologies, announcements would start arriving in Serbian, but that would not last long. After a few days, everything would be back to normal.

Based on the knowledge of the journalists themselves, central institutions and public companies lack qualified translators and proofreaders. However, their impression is that the institutions also lack the political will to implement the Law on the Use of Languages.

3.2. Media and other institutions

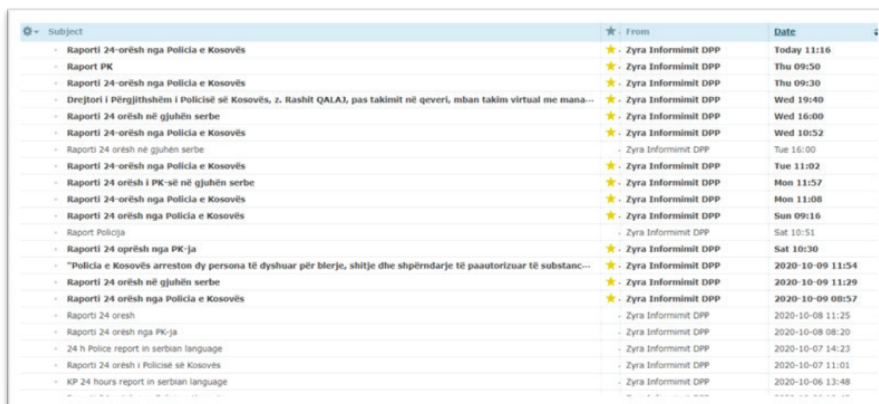
The problem of violating the Law on the Use of Languages does not concern only the Ministry of Health. The journalists interviewed by the researchers note that an identical problem exists in the Assembly, the Government of Kosovo, other ministries, the Kosovo Police and other institutions.

From the **Assembly of Kosovo**, after the election of Vjosa Osmani as the President of this institution, announcements and invitations for the sessions of the Assembly, as well as the sessions of the Presidency and Parliamentary Committees, are delivered almost exclusively in Albanian. From its constitution until October 2020, the Assembly sent announcements in Serbian only 4 times and the notifications about scheduled sessions were also sent in Serbian only 4 times. No translation into Serbian was provided at any press conference at which the Speaker of the Assembly spoke. As the presence of journalists at parliamentary sessions is not allowed due to the epidemic, it is not possible to determine whether the “rule” that the translation of the session into Serbian is still not provided if there are no Serbian deputies in the hall is still valid. The information in Serbian that is published on the website of the highest legislative body is two days late, while the translation into Serbian is of poor quality.

The **Ministry of Internal Affairs** sends an e-mail to the media on a daily basis, informing them about the activities of the officials of this ministry, but also about the measures taken to prevent the spread of the coronavirus. However, between the outbreak of the epidemic and October, only 3 announcements were in Serbian, while news in Serbian is occasionally updated on the Ministry's website.

The **Kosovo Police** sends a 24-hour report on incidents and arrests on a daily basis, information on traffic accidents, and the controls and penalties it applies to measures taken to prevent the spread of the virus. Since the beginning of the epidemic, the

report has been sent to the Serbian media in Serbian only 10 times. However, from the end of September, twenty-four-hour reports began to arrive every day in Serbian, too. Updates of the Serbian version of the institution's website are 5 days late.



Subject	From	Date
Raporti 24-orësh nga Policia e Kosovës	Zyra Informimit DPP	Today 11:16
Raport PK	Zyra Informimit DPP	Thu 09:50
Raporti 24-orësh nga Policia e Kosovës	Zyra Informimit DPP	Thu 09:30
Drejtori i Përgjithshëm i Policisë së Kosovës, z. Rashit QALAJ, pas takimit në qeveri, mban takim virtual me mana...	Zyra Informimit DPP	Wed 19:40
Raporti 24-orësh në gjuhën serbe	Zyra Informimit DPP	Wed 16:00
Raporti 24-orësh nga Policia e Kosovës	Zyra Informimit DPP	Wed 10:52
Raporti 24-orësh në gjuhën serbe	Zyra Informimit DPP	Tue 16:00
Raporti 24-orësh nga Policia e Kosovës	Zyra Informimit DPP	Tue 11:02
Raporti 24-orësh i PK-së në gjuhën serbe	Zyra Informimit DPP	Mon 11:57
Raporti 24-orësh nga Policia e Kosovës	Zyra Informimit DPP	Mon 11:08
Raporti 24-orësh nga Policia e Kosovës	Zyra Informimit DPP	Sun 09:16
Raport Policia	Zyra Informimit DPP	Sat 10:51
Raporti 24-orësh nga PK-ja	Zyra Informimit DPP	Sat 10:30
"Policia e Kosovës arreston dy persona të dyshuar për bërje, shitje dhe shpërndarje të paautorizuar të substanc...	Zyra Informimit DPP	2020-10-09 11:54
Raporti 24-orësh në gjuhën serbe	Zyra Informimit DPP	2020-10-09 11:29
Raporti 24-orësh nga Policia e Kosovës	Zyra Informimit DPP	2020-10-09 08:57
Raporti 24-orësh	Zyra Informimit DPP	2020-10-08 11:25
Raporti 24-orësh nga PK-ja	Zyra Informimit DPP	2020-10-08 08:20
24 h Police report in serbian language	Zyra Informimit DPP	2020-10-07 14:23
Raporti 24-orësh i Policisë së Kosovës	Zyra Informimit DPP	2020-10-07 11:01
KP 24 hours report in serbian language	Zyra Informimit DPP	2020-10-06 13:48

Image 5 Twenty-four-hour reports of the Kosovo Police

From the **Ministry of Culture**, no e-mail was ever sent in Serbian, while the Serbian version of the institution's website was last updated in July 2020. The **Ministry of Finance** also sends all information exclusively in Albanian and does not update the Serbian version of its website. The **Ministry of Economy** has a partial translation of the activities on its website, but announcements and invitations to events organized by this ministry are not sent to the media in Serbian. The website of the **Ministry of European Integration** in Serbian was last updated in April 2020. Updates of the Serbian version of the website of the **Ministry of Agriculture** are 5 days late and press releases are rarely sent, except when certain subsidies are in question. Then the announcement arrives in both languages, although the quality of the translation into Serbian is poor. From the **Ministry of Education**, no information is received in Serbian and invitations to press conferences are exclusively in Albanian.

Among the rare positive examples are the **Ministry of Communities and Returns** and the **Ministry of Local Self-Government**. These institutions regularly send press releases to the media in both official languages and Serbian-language versions of their websites are regularly updated.

Translation is always provided at press conferences in the **Presidency of Kosovo**. Since the beginning of the epidemic, there has been no translation at only one conference, but after the reaction of the journalists, the complete transcript in Serbian arrived within half an hour. Besides, all information and announcements are regularly sent in Serbian at the same time as in Albanian.

4. Focus groups

During August 2020, 2 focus groups were held. The first focus group was held in Dragaš/Dragash municipality. Members of the Gorani community took part in it. The second focus group was held in the returnee settlement of Osojane in the municipality of Istok/Istog. Its participants were members of the Serb community from the municipalities of Istok/Istog and Peć/Peja.

The municipalities of Dragaš/Dragash, Istok/Istog, and Peć/Peja were selected as examples of local communities in which the Albanian community is a majority population. The aim was to examine the extent to which members of non-majority communities in Albanian-majority communities were allowed to exercise their rights in the Serbian language. The questions concerned the general situation regarding the use of the Serbian language in these municipalities, while a special segment was dedicated to respecting language rights during the pandemic crisis. Below is a summary for each discussion individually.

Municipalities of Istok/Istog and Peć/Peja (enclave of Osojane)

Members of the Serb community from the municipalities of Istok/Istog and Peć/Peja took part in the focus group in the Osojane enclave. Participants in this discussion were generally aware that Albanian and Serbian officially enjoy equal status in Kosovo. However, their impression is that this equality has not taken root in practice and that the situation varies considerably from institution to institution. According to their assessment, when there is a desire of institutions to facilitate communication, they can do it in a completely correct way. However, they recognize the biggest problem is the lack of professional staff who know the Serbian language well. Participants say they have occasionally encountered comments such as “you live in Kosovo and do not know Albanian”. However, they are generally reluctant to complain about language rights violations. They believe that there is no point in doing that, but instead, they tend to finish their obligations as soon as possible.

In the building of the **municipality of Peć/Peja** inscriptions and notices are posted exclusively in Albanian. The impression of the participants is that in the municipality of Peć/Peja it is not impossible to exercise a right in Serbian, but that it is quite difficult. As an example of the difficulties they face, they cited the experience with certain written instructions that were so poorly translated into Serbian that it was not possible to understand them. They do not know that officials from the Serbian community work in the municipality, and they notice that almost none of the officials speak Serbian. An increasing number of young people are employed in the municipality, but they generally do not know Serbian.

In the building of the **municipality of Istok/Istog** there have been several notices in Serbian in recent years. When it comes to staff, there are no officials from the Serb community in the municipality. Older municipal workers know Serbian, although it depends on their will whether they will use it, while younger officials do not speak Serbian. Participants believe that a job should be created either for a translator or for an officer from the Serb community who could help them access documents and information more easily. The Municipality of Istok/Istog posts notices on its website, but they are only available in Albanian. Participants state that they generally do not visit the websites and profiles of municipalities on social networks because they know that they will not find anything in Serbian there.

When it comes to the **Civil Status Office in the municipality of Peć/Peja**, participants state that sometimes it is necessary to change several workers in order for someone to appear who can explain a certain procedure about the extract in Serbian. Participants also had experience with incorrect data entry into the extract, which made it necessary to wait several days for corrections to be made. When the **municipality of Istok/Istog** is in question, the documents issued by the **registry office** are bilingual, while Serbian-speaking senior officials also work there. Conditions in the **Civil Registration Agency in the municipality of Istok/Istog** are rated as bad by the participants, due to the lack of Serbian-speaking officials.

Police in the municipality of Istok/Istog is assessed as fair in terms of language use. The traffic police want to speak in Serbian. Older police officers know Serbian, but there are also younger ones who speak it. When it comes to traffic fines, they are mostly written in Albanian. The policemen explain in Serbian what it was about before the party signs the fine. Participants state that they never insist that fines be written in Serbian, although one participant helped a police officer write a fine in Serbian. Experiences with the police in the municipality of Istok/Istog are also positive when obtaining certificates that a person is not under investigation. The officials speak Serbian, while the request and certificate are bilingual. A similar experience exists in the **court** in the **municipality of Istok/Istog** in connection with the issuance of a certificate of no criminal record. In addition, summons are bilingual, as are judgments.

In the **municipality of Peć/Peja**, experiences with the **police** are also mostly positive. Both older and younger police officers speak Serbian and are ready to use it. In the **court** in the **municipality of Peć/Peja** the situation is different. Summons and other documents are always submitted in Albanian, although the translation in court during the hearings is good.

In addition to experiences in relations with institutions, during the discussion, specific situations were discussed in which the absence of translation had a negative effect on the needs of participants. Participants from the municipality of Istok/Istog gave an example of competition for employment in the police. The brochures distributed in connection with the competition were initially available exclusively in Albanian. Only a few weeks later, a Serbian version of the brochure appeared, although its translation was very poor. In such situations, participants may recognize that “google translate” is used for translation. Participants from the municipalities of Istok/Istog and Peć/Peja also pointed to a problem with passing the driver's test. According to them, driving instructors do not know Serbian, while the tests for taking the exam are exclusively in Albanian and can only be completed with someone else's help.

Regarding access to information related to the epidemiological situation, participants stated that members of the Serb community from the municipalities of Istok/Istog and Peć/Peja are mainly informed via the Internet, i.e. portals in the Serbian language such as Kossev, kosovo-online, as well as through the Most and Herc TV stations. In this way, they also obtained information on measures taken by Kosovo institutions in the fight against the epidemic, such as decisions to restrict movement. When it comes to economic measures and 130 euros in aid, members of the Serb community relied on information they received from each other. However, participants felt that individuals were generally poorly informed about the measures and only realized what was needed after they were rejected. According to them, some people in the course of two days first received a message that they had been approved for help, and then that an error had occurred and that they had been rejected. Some people will have to return the money.

Dragaš/Dragashi municipality

A focus group in the municipality of Dragaš/Dragash was organized to examine the experience of members of the Gorani community regarding respect for language rights. At the beginning of the discussion, the linguistic specifics of Gora were discussed. The participants explained that the mother tongue of Gorani people in Gorais Gorani or našinski (our language). It is a language that Gorani use in direct communication with each other. That language, however, is not standardized and therefore cannot be used in public life. The language in which Gorani are educated is Serbian, which they also consider their mother tongue. When determining the constitutional framework of Kosovo's institutions, Gorani, therefore, opted for Serbian as the language of communication in public life. When they receive information, notices, and documents from institutions, Gorani expect them to be translated into Serbian.

When it comes to respecting the language rights of Gorani, participants state that there is a difference between the central and local levels. The local authorities in Dragaš/Dragash

municipality have more understanding and are trying to provide translation, although they do so to a lesser extent than necessary and required by the Constitution and the Law. The translations of documents provided by the municipality are quite rough and allow one to understand the essence, but not the nuances. The problems, however, come to the fore in legal disputes when understanding the nuances becomes important in order to adequately write a complaint.

When it comes to notices, job vacancies, calls for subsidies, and projects published by the municipality, in most cases a translation into Serbian is not provided, but the documents are available in Albanian or English. When the Serbian version is provided, it is a rough translation that is difficult to understand because, as it is assumed, "google translate" is used. Participants state that translation is provided only to satisfy the form. However, due to the lack of quality translation, they often do not understand what documents they need in order to apply for the competition. When they contact the officers by phone, they do not receive an answer even then. Sometimes they provide the translation of the document themselves, which is then shared on social networks, although it is too late then. That is the reason why a small number of farmers and businessmen apply for subsidies. Due to the lack of translation, a small number of them manage to file an appeal in time in case they are rejected for the subsidy. While they provide a translation of the decision and understand why they were rejected, the deadline for appeal has passed.

Despite all these objections, participants feel that local authorities have an understanding of these issues and are working to address them. It is rare for officials to send back a party, but there is always someone to help with the translation. Written translation of documents is provided after a certain time, while the waiting time varies depending on the directorate.

Participants see the problem in the lack of Serbian-speaking officials in Dragaš/Dragash municipality. There are two translators working in the municipality, while there are also older

workers who speak Serbian. They expect that the problem will be bigger in the future because the younger generations of officials do not speak Serbian. In addition, there are not enough officials from the Gorani community in the municipality because the legal provisions on the obligation of the percentage of workers from non-majority communities are not respected.

When it comes to the central level, the objections regarding the respect of language rights are even bigger. The Gorani have stated that they want to be informed in Serbian because they are educated in that language. However, central institutions do not respect this right. According to them, in 90 percent of cases, the documents concerning their rights arrive in Albanian. This applies to general information, but also to documents concerning them individually. When it comes to individual acts, institutions sometimes send a translation, but its quality is far from the actual essence.

A separate **department of the Basic Court** in Prizren is located in the Dragaš/Dragash municipality. According to the participants' experience, translators working in court speak Serbian poorly. Interpretation during the hearing is so bad that it is not clear to the party what the judge or prosecutor wanted to say. Much of a judge's or prosecutor's statement is not actually translated. While their statements last for several minutes, the translation spoken by the translators lasts comparatively shorter. For these reasons, it happens that the parties incorrectly answer the questions that are asked of them, which can seriously jeopardize their position before the court. A happy circumstance is when the process is led by a judge who speaks Serbian and understands what the party is saying, and sometimes she/he translates better than the translator.

Summonses for hearings, indictments, verdicts, and all other court documents always are sent to the parties in Albanian first. If the party requests a translation, it usually arrives only after a few weeks. As for the minutes, after the hearing, the parties will be informed that they can get the Albanian version immediately and that they have to wait for the Serbian translation. When they

receive the verdict in Albanian, the parties from the Gorani community do not ask for an official translation but provide it themselves so that their deadline for appeal does not expire. When they write a complaint in Serbian, they themselves provide a translation into Albanian. As they state, the right to submit letters to the court in Serbian is not used because in that case, they would have to wait for the court to appoint an interpreter who will translate it, and that has been in waiting for a long time.

When it comes to judicial bodies, the participants believe that their language rights are not respected and that this endangers the exercise of their other rights. A similar problem exists with **private executors** which ask them to sign documents they do not understand.

An additional problem that members of the Gorani community face before the courts relates to the fact that they are regularly entered in the minutes as members of the Bosniak community. At the beginning of the trial, the judge states that the party is a Bosniak and that a translation into Bosnian will be provided, without asking them how they declare themselves.

The problem with language rights in Dragaš/Dragash municipality is also evident in the **health system**. Health facilities in Gora are part of the Kosovo system. There are no dispensaries that are part of the parallel Serbian health care system, as is the case in areas where members of the Serb community live. The problem they face is related to the fact that there are no interpreters in hospitals and dispensaries who can explain their diagnosis, while young doctors do not know Serbian. If it were not for the members of the Gorani community who work in health care institutions, Gorani people would not be able to access health services at all.

When it comes to informing about the epidemiological situation, informing Gorani about the measures taken was not adequate. Notices, decisions, and conclusions of the **Crisis Response Team of Dragaš/Dragash Municipality** were posted on the official website of the municipality exclusively in Albanian in 90 percent

of cases. When the notices were available in Serbian, it was mostly a rough translation in which much was left unsaid. In such a situation, members of the Gorani community received information privately, thanks to contacts at the crisis response team, and this was then spread on social networks.

When it comes to economic assistance from measure 15, members of the Gorani community complied with the recommendation to submit applications electronically in order to avoid creating crowds. The Gorani mostly submitted applications online, although the form was incomprehensible and did not offer the Gorani nationality option in the drop-down menu, although this is a constitutional category unlike the German or Montenegrin options offered. The Gorani applied for this help electronically, expecting that they would later receive notifications electronically whether the help was approved, or they were rejected and why. Had they received the answers electronically, as they expected, they would have a clear idea of what they should complain about if they were rejected. However, they received notifications of rejection via SMS, which is not a valid ground for appeal. For this reason, participants expressed doubts that it was discretionarily and arbitrarily decided who would receive assistance.

5. Conclusions and recommendations

The official equality of the Albanian and Serbian languages has a special role to play in maintaining a delicate balance between the majority Albanian population and non-majority communities in Kosovo. Although Serbian is a less represented official language, its equal use by institutions in Kosovo has multiple implications for the position of Serbian and other non-majority communities. Thus, the violation of the Law on the Use of Languages by institutions puts the people of Kosovo who use the Serbian language in an unequal position and makes it difficult for them to access public services.

Extraordinary circumstances, such as a pandemic, exacerbate the problems faced by members of non-majority communities due to language rights violations. Therefore, the Annual Report on Language Rights in Kosovo for 2020 was dedicated to the observance of the Law on the Use of Languages by central institutions during the pandemic crisis. The purpose of this report was to document the omissions and negligence of the central institutions in respecting official bilingualism, as well as to show how the consequences of these omissions effect the position of the Serb-speaking inhabitants of Kosovo.

In the period from mid-March to mid-October 2020, there were violations of the Law on the Use of Languages by central institutions in relation to the use of the Serbian language, which can be classified into three forms. These are the complete absence of translation, the delay in providing translation, and the poor quality of translation.

The lack of information in the Serbian language gave the impression to members of the Serbian and other non-majority communities that the central institutions were ignoring them. The neglect of the Serbian language during the pandemic has thus led to a deepening of the distrust they feel towards Kosovo's institutions, but it has also created practical obstacles for them to exercise other rights.

During the pandemic crisis, the violation of language rights was consequently reflected in the exercise of the right to access information. Due to the lack of translation into Serbian, members of non-majority communities had limited access to information on the epidemiological situation, but also on the measures taken by the institutions to combat the epidemic and overcome its economic consequences. This consequently increased the risk of the virus spreading, but also the risk that Kosovo residents who do not speak Albanian would be sanctioned for violating the measures or being denied economic assistance.

In addition to the problems citizens are facing, this report highlighted the obstacles faced by Serb journalists in Kosovo for violating the Law on the Use of Languages. This is a dimension of this problem that has not been visible enough so far due to the enormous effort that the media is investing in overcoming the omissions made by the institutions. The report noted that violations of language rights make it difficult for the media to do their job professionally, creating additional costs for them. In addition, it has been shown that the media invest a lot of effort and resources to make up for the failures of institutions. In line with that, it can be assumed that the problems due to the lack of information in Serbian would have been even greater if the Serbian media had not tried to mitigate the negligence of the institutions.

Numerous journalists and civil society organizations have repeatedly reacted during the pandemic crisis to the lack of information in Serbian. Complaints were addressed either directly to institutions that violated the Law on the Use of Languages or to the Office of the Language Commissioner. After the complaints were filed, the situation would improve briefly, but soon everything would be back to normal. In this regard, another lesson pointed out by the pandemic crisis is that there is a lack of an effective mechanism that can ensure full compliance with the Law on the Use of Languages by central institutions.

Since Kosovo has a long way to go to fight the epidemic and repair the health, economic and psycho-social consequences it leaves, it is crucial to learn from lessons from previous periods of crisis and to avoid repeating the same mistakes. A key lesson that central institutions should learn from 2020 is that the availability of information has an irreplaceable role to play in combating the epidemic and its consequences.

Violations of the Law on the Use of Languages and the negligence of central institutions in providing information in the Serbian language have put members of the Serb community and other residents of Kosovo who use the Serbian language during the pandemic crisis in an unequal and unfavorable position. Timely and complete publication of information on the epidemiological situation and measures taken in both official languages under equal conditions should therefore become a priority of the institutions in order to ensure the equal protection of all Kosovo residents in the fight against the crisis that affects everyone regardless of their language.

5.1. Recommendations

in short term

1. The Ministry of Health and the National Institute of Public Health, as key institutions in the fight against the epidemic, should stop the current practice of neglecting the Serbian language and make sure that all the information they provide is available in Albanian and Serbian at the same time. This refers to the information that these institutions publish on their websites and social networks and to the announcements they provide to the media.

2. The Government of Kosovo and other central institutions that play a significant role in the emergency, such as the Ministry of Finance and Transfer, the Ministry of Internal Affairs, and the Kosovo Police, should ensure strict compliance with the Law on the Use of Languages and Official Bilingualism. All decisions and notices related to the pandemic crisis should be published in both official languages at the same time.
3. All central institutions that publish information related to the pandemic crisis should ensure the appropriate quality of translations into Serbian and to that end allocate greater resources for the proofreading of translated documents.
4. All central institutions should ensure that all announcements regarding the pandemic crisis submitted to the media are bilingual and that the translation into Serbian is of appropriate quality, as well as that translation into both official languages is provided at press conferences and events open to the public.
5. All institutions should comply with the Law on General Administrative Procedure (Law no. 05 / L-031) which obliges them to consider the official language in which the party addresses them as the language of the procedure and to send the answers to the party in the official language that they can understand.
6. During an emergency, institutions should establish partnerships with civil society organizations and the media that have translation capacity and can provide support in providing translation in emergencies.

in medium-term

1. All central institutions should ensure that their websites have functional versions in both official languages and are regularly updated with identical information.
2. All central institutions that have official accounts on social networks should ensure that all posts are bilingual.
3. All central institutions should, in addition to the equal use of the Serbian language, guarantee the appropriate quality of translation into Serbian that enables understanding. In this regard, it is necessary to allocate more resources for the services of proofreading translated documents.
4. Mechanisms need to be strengthened to monitor the implementation of the Law on the Use of Languages and to determine the responsibility of institutions and responsible persons for violations of the Law.

