

ANNEX II
THE RIGHTS OF COMMUNITIES AND THEIR MEMBERS

Article 1 Basic Provisions

1.1 Inhabitants belonging to the same national or ethnic, linguistic, or religious group traditionally present on the territory of Kosovo (Communities) shall have specific rights as set forth in this Annex, in addition to the human rights and fundamental freedoms provided for in Article 2 of Annex I of this Settlement.

1.2 Every member of a Community shall have the right freely to choose to be treated or not to be treated as such and no discrimination shall result from this choice or from the exercise of the rights which are connected to that choice.

1.3 Members of Communities shall have the right to freely express, foster and develop their identity and community attributes.

1.4 The exercise of these rights shall carry with it duties and responsibilities to act in accordance with Kosovo law, and shall not violate the rights of others.

Article 2 Obligations for Kosovo

2.1 Kosovo shall create appropriate conditions enabling Communities, and their members to preserve, protect and develop their identities. The Government shall in particular support cultural initiatives from Communities and their members, including through financial assistance.

2.2 Kosovo shall promote a spirit of tolerance, dialogue and support reconciliation between Communities and respect the standards set forth in the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

2.3 Kosovo shall take all necessary measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their national, ethnic, cultural, linguistic or religious identity.

2.4 Kosovo shall adopt adequate measures as may be necessary to promote, in all areas of economic, social, political and cultural life, full and effective equality between members of Communities. Such measures shall not be considered to be an act of discrimination.

2.5 Kosovo shall promote the preservation of the cultural and religious heritage of all Communities as an integral part of the heritage of Kosovo. Kosovo shall have a special duty to ensure an effective protection of the sites and monuments of cultural and religious significance to the Communities.

2.6 Kosovo shall take effective actions against all those undermining the enjoyment of the rights of members of Communities. Kosovo shall refrain from policies or practices aimed

at assimilation of persons belonging to Communities against their will, and shall protect these persons from any action aimed at such assimilation.

2.7 Kosovo shall ensure, on a non-discriminatory basis, that all Communities and their members may exercise their rights specified hereinafter.

Article 3 Rights of Communities and their Members

3.1 Members of Communities shall have the right, individually or in Community, to:

- a. Express, maintain and develop their culture and preserve the essential elements of their identity, namely their religion, language, traditions and culture;
- b. Receive public education in one of the official languages of Kosovo of their choice at all levels;
- c. Receive pre-school, primary and secondary public education in their own language to the extent prescribed by legislation, with the thresholds for establishing specific classes or schools for this purpose being lower than normally stipulated for educational institutions;
- d. Establish and manage their own private educational and training establishments for which public financial assistance may be granted, in accordance with the law and international standards;
- e. Use their language and alphabet freely in private and in public;
- f. Use of their language and alphabet in their relations with the municipal authorities or local offices of central authorities in areas where they represent a sufficient share of the population in accordance with the law. The costs incurred by the use of an interpreter or a translator shall be borne by the competent authorities.
- g. Use and display Community symbols, in accordance with the law and international standards;
- h. Have personal names registered in their original form and in the script of their language as well as revert to original names that have been changed by force;
- i. Have local names, street names and other topographical indications which reflect and are sensitive to the multi-ethnic and multi-linguistic character of the area at issue;
- j. A guaranteed access to, and special representation in, public broadcast media as well as programming in their language, in accordance with the law and international standards;
- k. The right to create and use their own media, including to provide information in their language, and the use of a reserved number of frequencies for electronic media in accordance with the law and international standards;

l. Enjoy unhindered contacts among themselves within Kosovo and establish and maintain free and peaceful contacts with persons in any States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage, in accordance with the law and international standards;

m. Enjoy unhindered contacts with, and participate without discrimination in the activities of local, regional and international non-governmental organizations;

n. Establish associations for culture, art, science and education as well as scholarly and other associations for the expression, fostering and development of their identity.

Article 4 Participation of Communities and Their Members in Public Life and Decision-Making

4.1 Communities and their members shall be represented in the Assembly. Legislation specifically designated by the Constitution may not be enacted or amended without the consent of the majority of the members of the Assembly holding seats reserved or guaranteed for Communities, as set forth in Article 3.7 of Annex I.

4.2 The composition of the Government and the appointment process of judges and prosecutors shall provide for specific modalities ensuring the participation of Communities and their members, as set forth in Annexes I and IV.

4.3 There shall be a Community Consultative Council under the auspices of the President of Kosovo in which all Communities shall be represented. This Community Consultative Council shall be composed, *inter alia*, of representatives of associations of Communities. The mandate of the Community Consultative Council shall include the following:

4.3.1 Provide a mechanism for regular exchange between the Communities and the Kosovo Government;

4.3.2 Afford to the Communities the opportunity to comment at an early stage on legislative or policy initiatives that may be prepared by Government, to suggest such initiatives, and to seek to have their views incorporated in the relevant projects and programs.

4.3.3 Any other responsibilities and functions as provided for in this Settlement, or in accordance with law.

4.4 Communities and their members shall be entitled to equitable representation in employment in public bodies and publicly owned enterprises at all levels, including in particular in the police service in areas inhabited by the respective Community, while respecting the rules concerning competence and integrity that govern public administration.

4.5 In municipalities where at least ten per cent (10%) of the residents belong to Communities not in the majority in those municipalities, a post of Vice President of the Municipal Assembly for Communities shall be reserved for a representative of these communities. The position of Vice President shall be held by the non-majority candidate who received the most votes on the open list of candidates for election to the Municipal

Assembly. The Vice President for Communities shall promote inter-Community dialogue and serve as formal focal point for addressing non-majority Communities' concerns and interests in meetings of the Assembly and its work. The Vice President shall also be responsible for reviewing claims by Communities or their members that the acts or decisions of the municipal assembly violate their constitutionally guaranteed rights. The Vice President shall refer such matters to the Municipal Assembly for its reconsideration of the act or decision. In the event the Municipal Assembly chooses not to reconsider its act or decision, or the Vice President deems the result, upon reconsideration, to still present a violation of a constitutionally guaranteed right, the Vice President may submit the matter directly to the Constitutional Court, which may decide whether to accept the matter for review.