

The Municipalities of Preševo, Bujanovac and Medveđa and the Passivization Debate

Separating Law from Rhetoric

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Foreword

In Serbia, the administrative practice known as “passivization” — the deactivation of registered addresses of citizens who cannot be confirmed as residing at those addresses — has become a focal point of criticism directed at the country's treatment of its Albanian minority in the municipalities of Preševo, Bujanovac and Medveđa, in the Municipalities of Preševo, Bujanovac and Medveđa of South Serbia. Advocacy organisations, diaspora networks and international commentators alike have characterised the procedure in increasingly dramatic terms, up to allegations of systemic ethnic persecution via bureaucratic means. While we agree that these claims deserve serious examination, such examination reveal a significant gap between the rhetoric employed and the factual basis on which it rests.

The Legal Basis

The passivization mechanism derives from Article 18 of the 2011 Law on Permanent and Temporary Residence of Citizens¹. The law authorizes authorities to deactivate a registered address where verification reveals that a citizen does not in fact reside there, or where false information was provided at the time of registration. Citizens whose addresses have been passivized retain the right to re-register at their actual address to the Ministry of Internal Affairs within eight days of receiving the decision. The procedure has been subject to constitutional review on multiple occasions; the Constitutional Court of Serbia has consistently dismissed challenges to its constitutionality.

This provision constitute an administrative instrument for the maintenance of accurate population registers , and its application is conditioned on factual non-residence, not on any criteria related to ethnicity, language or national minority status.

What the European Commission Actually Found

Critics of the Serbian government have invoked European Commission reports as confirmation that passivization constitutes a politically motivated tool of ethnic exclusion. A careful reading of those documents does not support this conclusion.

¹ “Zakon: o prebivalištu i boravištu građana,” *Službeni Glasnik Republike Srbije* 87/2011 (November 21, 2011): para. 18, <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/skupstina/zakon/2011/87/1/reg>.

The Commission's 2025 Serbia Enlargement Report notes, under the heading "Protection of minorities,"² that members of the Albanian national minority "continued to raise concerns about the way police were checking residence status in south Serbia, resulting in the 'passivization' of certain addresses." The Commission's recommended course of action is that "to better explain to the public how these checks are being conducted."

In other terms, the Commission calls for procedural transparency and administrative improvement, and does not find the law to be an unlawful ethnic policy. More importantly, the 2025 Rule of Law Report³ — the Commission's dedicated assessment of Serbia's justice system and fundamental rights — contains no reference to the passivization practice, the Albanian minority, or the Municipalities of Preševo, Bujanovac and Medveđa whatsoever. If the Commission genuinely regarded this as a rule-of-law emergency, its omission from that document would be inexplicable.

Some wrongfully assert that the Commission "implicitly confirms" that passivization functions as a political tool to strip Albanians of their legal existence, projecting a political conclusion that the Commission deliberately chose not to

² The European Commission, "Serbia 2025 Report: Accompanying the document communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions," *The European Commission* (Brussels, Belgium: Publications Office of the EU, November 4, 2025), 46–47.

³ The European Commission. "2025 Rule of Law Report Country Chapter on the Rule of Law Situation in Serbia: Accompanying the document communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions." *The European Commission*. Brussels, Belgium: Publications Office of the EU, July 8, 2025.

draw. The difference between raising concerns and confirming allegations is not a technicality, it is the difference between evidence and conjecture.

The Problem of Selective Comparison

Another recurring feature of the most critical accounts of Serbian minority policy is the comparison with Kosovo⁴. The argument goes as follows: the Serbian minority in Kosovo enjoys robust constitutional protections, active international monitoring and significant institutional support, while the Albanian minority in Serbia receives none of these. The asymmetry is presented as proof of discriminatory intent.

The comparison has some validity as an observation about differential monitoring mechanisms. It is, however, analytically incomplete. Kosovo is an internationally supervised territory whose current institutional architecture emerged directly from a UN-administered post-conflict transition, with the United Nations Interim Administration Mission in Kosovo (UNMIK), the European Union Rule-of-Law Mission in Kosovo (EULEX), and the Organization For Security and Co-operation in Europe (OSCE) all playing ongoing supervisory roles that have no structural equivalent in Serbia. The intensity of international oversight in Kosovo reflects that specific legal and historical context, not a deliberate policy of applying greater pressure to Kosovo than to Serbia on comparable issues.

Moreover, Kosovo's record on minority rights is itself contested. The implementation of the Association of Serbian Municipalities, agreed under the Brussels process, remains incomplete. The events of 2023 in the north of Kosovo, including episodes of property damage and the withdrawal of Serb representatives

⁴ * This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999.

from institutions, illustrates that the protection of minorities in Kosovo, while constitutionally enshrined, faces practical challenges that are not always acknowledged by those who hold Kosovo up as an example.

On the claims of Serbian discrimination against Albanians

Among the most recurrent grievances from the Albanian community towards the Serbian government are restrictions on the use of Albanian symbols, flags, and language as a sign of institutionalized discrimination towards the Albanian community. These claims should be addressed and more importantly contextualized.

On the question of the national flag, Article 16 of the Law on the Protection of Rights and Freedoms of National Minorities explicitly grants minority communities the right to choose and use national symbols and insignia, and provides that confirmed minority symbols shall be officially displayed during state and minority holidays on local public buildings in areas where the minority language is in official use.⁵ However, the same article imposes a critical limitation: minority symbols cannot be identical to the symbols of another state. Since the Albanian national flag is simultaneously the state flag of the Republic of Albania, it cannot legally function as the official symbol of the Albanian national minority under Serbian law. This is reinforced by Article 8 of the Law on the Appearance and Use of the Coat of Arms, Flag and Anthem of the Republic of Serbia, which requires that any foreign state flag displayed on Serbian territory be accompanied

⁵ “Zakon: O Zaštiti Prava I Sloboda Nacionalnih Manjina,” *Sluzbeni Glasnik Republike Srbije* (Paragraf.lex, 2002), https://www.paragraf.rs/propisi/zakon_o_zastiti_prava_i_sloboda_nacionalnih_manjina.html.

by the Serbian flag — a requirement whose violation is penalized under Article 41 paragraph 3 of the same law⁶. The repeated fining of the president of the Albanian National Minority Council for raising the Albanian flag during cultural commemorations is therefore not arbitrary: it is the consistent application of a law that applies to the display of all foreign state flags on Serbian territory. Whether that framework strikes the right balance between sovereignty and minority identity expression is a debate about legislative design, not ethnic targeting. For comparison, the Croat minority has its own flag and its use doesn't pose any issue as it is in line with Article 16 of the Law on the Protection of Rights and Freedoms of National Minorities.

On institutional representation, the figures are documented: Albanians constitute well under thirty percent of employees in public institutions in the Municipalities of Preševo, Bujanovac and Medveđa despite forming a clear local majority. The Commission's 2025 Enlargement Report confirms the action plan for improving Albanian representation "has not yet delivered measurable outcomes."⁷ A particularly concrete structural barrier is the non-recognition of diplomas from the University of Pristina — a consequence of Serbia's non-recognition of Kosovo that has impacts on members of the minority that studied there.

On Burden of Proof

⁶ "Zakon: O Izgledu I Upotrebi Grba, Zastave I Himne," *Sluzbeni Glasnik Republike Srbije* (Paragraf.lex, 2009), <https://www.paragraf.rs/propisi/zakon-o-izgledu-upotrebi-grba-zastave-himne-republike-srbije.html>.

⁷ The European Commission, "Serbia 2025 Report: Accompanying the Document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions," 47.

The most serious charge thrown at Serbian authorities — that passivization is being applied selectively against Albanians — is a claim that, if substantiated, would constitute a genuine violation of the principle of non-discrimination enshrined in Serbian constitutional law and European human rights standards.

The difficulty is that those making this accusation have not, to date, produced the evidence that would be required to establish it. Anecdotal contrasts and rhetorical vivid imagery cannot substitute factual analysis.

This matters because the appropriate responses to administrative dysfunction are different from those appropriate to deliberate ethnic policy. Combining the two — treating institutional inertia as if it were malicious design — serves rhetorical purposes but impedes genuine reform. The Albanian community in southern Serbia deserves advocacy grounded in verifiable facts. Overstated claims are not only intellectually dishonest; they are counterproductive, providing Belgrade with ample grounds for dismissal.

Final word

The situation of the Albanian minority in southern Serbia raises real and legitimate questions about procedural fairness, minority representation and the practical enjoyment of linguistic rights. These questions deserve attention. What they do not deserve is the use of rhetorical escalation in lieu of evidentiary argument, or the misreading of cautiously worded European Commission reports as confirmation of conclusions those reports decline to reach. The path to accountability runs through documentation, legal reasoning and institutional pressure — not through the performance of outrage.