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European Charter for Regional or Minority Languages

APPLICATION OF THE CHARTER IN CROATIA

3rd monitoring cycle

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Croatia**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of the regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15.1, an outline for the initial periodical report that a Party is required to submit to the Secretary General. The report should be made public by the State. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its Part II and in more precise terms all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee's first task is therefore to examine the information contained in the initial periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee's role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, so as to attempt to obtain a just and fair overview of the real language situation. After a preliminary examination of an initial periodical report, the Committee submits, if necessary, a number of questions to each Party to procure supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot visit" of a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee to better evaluate the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers together with suggestions for recommendations that the latter may decide to address to the State Party.

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A. Report of the Committee of Experts on the application of the Charter in Croatia

adopted by the Committee of Experts on 21 September 2007
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1 Background information

1.1. The ratification of the Charter by Croatia

1. The Republic of Croatia signed and ratified the European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) and deposited its instrument of ratification on 5 November 1997. The Charter entered into force for Croatia on 1 March 1998.
2. The instrument of ratification of Croatia is set out in Appendix I of this report. Croatia declared at the time of ratification that the regional or minority languages protected under Part III of the Charter were Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.
3. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers. The Croatian authorities presented their third periodical report to the Secretary General of the Council of Europe on 12 October 2006.
4. In its previous report (ECRML (2005) 3), the Committee of Experts of the Charter (hereafter referred to as “the Committee of Experts”) outlined particular areas where policies, legislation and practice could be improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted recommendations (RecChL (2005)2) which were addressed to the Croatian authorities. These recommendations were adopted on 7 September 2005.

1.2. The work of the Committee of Experts

5. The third evaluation report is based on the information obtained by the Committee of Experts from the 3rd periodical report of Croatia and the replies to an additional questionnaire submitted to the Croatian authorities in February 2007, as well as through interviews held with representatives of regional or minority languages in Croatia and government representatives during the on-the-spot visit, which took place from 2 to 4 May 2007. The Committee of Experts also received comments from bodies and associations legally established in Croatia, submitted pursuant to Article 16 paragraph 2 of the Charter.
6. In the present report, the Committee of Experts will firstly recall the outstanding issues raised in the 1st and 2nd monitoring cycles regarding Croatia’s compliance with the provisions of Part II and Part III of the Charter and then focus on the measures taken by the Croatian authorities to respond to its findings and to the recommendations addressed to the Croatian government by the Committee of Ministers. It will also highlight new issues detected during the 3rd monitoring cycle. The Committee of Experts will, however, not comment on the provisions which were fulfilled in the 1st and 2nd monitoring cycles and for which no changes were reported which include many undertakings with regard to Italian and Hungarian.
7. This present report is based on the political and legal situation prevailing at the time of the Committee of Experts’ third on-the-spot visit to Croatia, save as otherwise mentioned in the text of the report.
8. This present third report was adopted by the Committee of Experts on 21 September 2007.

1.3. Presentation of the regional or minority language situation in Croatia: up-date

9. Significant new positive developments since the previous report are
- the creation of education advisers for regional or minority languages;
 - the completion of the first term of the local minority councils;
 - and a 33% increase in the budget allocated to the needs of national minorities since 2004.
10. These matters are dealt with in more detail below in paras 67, 40 – 42 and 17 respectively.

1.4. Particular issues arising in the evaluation of the application of the Charter in Croatia

11. One of the most difficult issues in monitoring the implementation of the Charter in Croatia remains the territorial scope of its application. This issue is dealt with in detail in the 1st and 2nd evaluation reports (see paras 19 – 22 and 51 – 62 respectively). The Committee of Experts concluded that the declaration appended to the instrument of ratification "may produce consequences contrary to the spirit of the Charter and to the fundamental obligations deriving from the treaty." Unfortunately, despite the recommendation of the Committee of Ministers (see paras 49 - 56 below), there has been no change.

12. The basic problem with the declaration is that in effect it leaves it up to local authorities to decide upon the territorial application of the Charter. The Committee of Experts finds that the Croatian declaration does not lead to a valid limitation of Croatia's obligations under Parts II and III of the Charter. Accordingly, the Committee of Experts will evaluate the situation in areas where there is a traditional presence and a sufficient number of speakers of regional or minority languages covered by Part III.

13. The Committee of Experts looks forward to receiving more information in the next periodical report about areas in Croatia which meet the requirements of the Charter but are excluded by reason of the declaration.

14. The Committee of Experts emphasises that there is still nevertheless the need for the Croatian authorities to review the declaration appended to the instrument of ratification.

Chapter 2. The Committee's evaluation in respect of Part II and Part III of the Charter

2.1. The evaluation in respect of Part II of the Charter

Article 7 Objectives and principles

"Paragraph 1

In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

"b. the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;"

15. In its first and second evaluation reports (see paras 31 and 17 - 19 respectively), the Committee of Experts observed that the reorganisation of territorial administration in the early 1990s had not been to the benefit of the promotion of regional or minority languages. The Committee of Experts found that the division into smaller administrative units had resulted in a more fragmented introduction of the equal and official¹ use of the relevant regional or minority languages. Furthermore, this status was not applied to towns that were the main administrative centre of a region where a regional or minority language was spoken. This remains a problem and affects in particular the town of Daruvar with respect to the Czech language and the town of Beli Manastir with respect to the Hungarian language.

"c. the need for resolute action to promote regional or minority languages in order to safeguard them;"

16. In its 2nd evaluation report (see para 22), the Committee of Experts considered that the state funds for the promotion of regional or minority languages were insufficient, and that some regional or minority language speakers relied substantially on kin-state support. It therefore encouraged the Croatian authorities to increase the financial measures devoted to the fulfilment of the undertakings under the Charter.

17. The 3rd periodical report states that the state funds earmarked for the needs of national minorities rose by 33% from 2004 to 2005. This was welcomed by the regional or minority language speakers and the Committee of Experts commends the Croatian authorities for taking this resolute action.

"d. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;"

18. The Law on the Use of Language and Script of the National Minorities in the Republic of Croatia provides for the public use of regional or minority languages in certain contexts. However, in practice, even where that law applies, the use tends to be restricted to letterheads and public signs. Apart from this use, the languages are not very visible in public life. The authorities take a reactive rather than pro-active approach. They rely on an absence of complaints and requests from the speakers, whereas the implementation of the Charter requires the authorities to take positive measures to encourage and promote the use of regional or minority languages in public life.

19. Under Article 11 of the Charter, Croatia opted for undertakings for regional or minority languages which relate to publicly owned media only. The Committee of Experts notes the presence in privately owned media of certain regional or minority languages and commends the Croatian authorities for implementing a system that provides financial incentives for the use of regional or minority languages in private broadcasting.

"f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;"

20. This issue is dealt with under Article 8 (see paras 60 – 121 below).

¹ This phrase is taken from the Law on the Use of Language and Script of the National Minorities in the Republic of Croatia, and means in effect "co-official use" of the relevant regional or minority language.

“g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;”

21. In its 2nd evaluation report (see para. 32), the Committee of Experts found that, with the exception of the Italian language, no provisions existed enabling non-speakers to learn the regional or minority language and it encouraged the Croatian authorities to provide additional information regarding the possibility for non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire, including for languages other than Italian.

22. During the on-the-spot visit the Committee of Experts was informed that the ability to speak a particular regional or minority language is not a precondition to enrol for education in that language. For example, representatives of the Hungarian school in Osijek said that they had pupils of various backgrounds who graduate speaking Hungarian fluently.

23. In relation to adult education, the only response that the Committee of Experts received from the Croatian authorities was that the Council for National Minorities may launch initiatives together with local schools on the teaching of regional or minority languages to non-speakers, depending among other things on the resources available and the level of interest. It therefore seems that so far no practical steps have been taken in this direction.

24. The Committee of Experts finds that the present obligation is of great importance in the light of the continuing decrease of speakers of regional or minority languages in Croatia (see 2nd evaluation report, para 10), and is also relevant with a view to fostering mutual understanding (see Article 7 para 3 of the Charter and the first evaluation report with regard to Slovakia (ECRML (2007) 1, para 65).

25. The Committee of Experts encourages the Croatian authorities to provide facilities enabling adult non-speakers of a regional or minority language to learn it if they so desire.

“h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;”

26. This will be dealt with in more detail under Part III (see paras 104 - 110).

“i. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more states.”

27. In its 2nd evaluation report (see paras 34 – 36), the Committee of Experts was mainly concerned with transnational exchanges of the media with regard to the Italian language in Koper/ Capodistria in Slovenia. The Committee of Experts therefore encouraged the Croatian authorities to investigate the possibilities, in co-operation with Slovenia, of promoting the broadcasting of Italian-speaking television and radio channels located in Koper/ Capodistria to the whole Croatian part of Istria and to the city of Rijeka.

28. According to information received by representatives of Italian-speakers, although this issue was discussed with both the Slovenian and Croatian governments, it is as a result of funding from the Italian government that Italian radio and television from Koper/ Capadistria can now be received via satellite in Croatia.

29. With regard to the Ruthenian language, the Committee of Experts encouraged the Croatian authorities to provide information on transnational exchanges with those countries where Ruthenian is spoken, such as Hungary and Slovakia (see 2nd evaluation report, para 37). The Croatian authorities provided no such information.

30. A representative of the Ruthenian-speakers informed the Committee of Experts during its on-the-spot visit that exchanges with Vojvodina/ Serbia take place where there is a sizeable Ruthenian-speaking community, especially in the field of media and education. However, it is not clear to the Committee of Experts to what extent the Croatian authorities are involved in promoting and supporting these exchanges.

“Paragraph 3

The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.”

31. The Committee of Experts initially recalls, as it did in its previous report (see para 39 of the second evaluation report) that experience proves that the extent to which a minority language is protected or promoted is linked to how it is perceived by majority language speakers. Therefore, awareness-raising with the majorities is of the utmost importance, especially in those areas where the minority language is spoken. As indicated by the present undertaking, two fields are especially relevant in this respect: education and the media.

32. Although acknowledging that the attitude of the majority population towards regional or minority language speakers had improved over the past years, the Committee of Experts still detected less tolerance shown towards the Serbian minority, due to the recent war (see para 43 – 44 of the 2nd evaluation report). It was also unclear to the Committee of Experts, how awareness and tolerance of regional or minority languages is reflected in the school curriculum of Croatian-speaking pupils. It therefore encouraged the Croatian authorities to:

- include, in the general curriculum for Croatian pupils, the relevant element of the specific cultures expressed by the regional or minority languages spoken in Croatia as an integral part of the cultural heritage of Croatia, thereby creating a more positive attitude among pupils belonging to the Croatian-speaking majority;
- adopt a policy aimed at raising the media’s awareness of regional or minority languages and at discouraging intolerant or degrading speech.

33. Consequently, as a matter of priority, the Committee of Ministers recommended that the Croatian authorities **promote awareness and tolerance vis-à-vis the regional or minority languages and the culture they represent as an integral part of the cultural heritage of Croatia, both in the general curriculum at all stages of education and in the media [RecChL(2005)2, Recommendation 2].**

34. In the field of education, the Committee of Experts has unfortunately not received any concrete information from the Croatian authorities on measures taken to promote awareness and tolerance towards regional or minority languages, including whether the new curriculum addressed this issue. The Committee of Experts would welcome information in the next periodical report.

35. In the field of media, the Committee of Experts is aware that the Law on Electronic Media contains provisions aimed at promoting tolerance and understanding towards members of national minorities and the use of regional or minority languages.

36. Nevertheless, from the information obtained during the on-the-spot visit from representatives of almost all regional or minority language speakers, the situation does not seem to have improved on the ground. The representatives were especially upset with the private media which, they claim, tend only to cover sensational news on national minorities and portray them negatively. According to the Council for National Minorities, the attitude towards and the political interest in national minorities depends on the political situation in the respective neighbouring kin-states.

37. The Committee of Experts underlines the importance of promoting respect, understanding and tolerance in relation to regional or minority languages and observes that additional measures need to be taken in this field.

“Paragraph 4

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.”

38. At the state level, the Council for National Minorities advises the authorities in matters pertaining to regional or minority languages. No complaints were received from speakers and the Council appears to be functioning well.

39. There is also a Parliamentary Committee on Human and National Minority Rights which takes an active interest in regional or minority languages.

40. In addition, the system of local national minority councils and national minority representatives (in place since 2003) is designed in part to ensure that the needs and wishes of the regional or minority language speakers are taken into account at the local level. Also, Croatia has many well-established and active NGOs which promote regional or minority languages. Many of these NGOs maintain a dialogue with the authorities.

41. During the on-the-spot visit the Committee of Experts received certain indications that not all local minority councils are effective in fulfilling this role. The reasons include: lack of understanding of the role of the councils on the part of the local authorities and the local minority councils, insufficient resources and inadequate training.

42. The Committee of Experts bears in mind that this is a relatively recent development and is pleased to note that early difficulties of communication and training are being addressed. The Committee of Experts looks forward to receiving more information about the functioning of the local minority councils in the next periodical report.

2.1.1 The situation concerning the Slovenian language

43. In the second evaluation report (paras 48 – 50), the Committee of Experts reported that it had information at its disposal indicating a traditional presence of the Slovene language in Croatia as a territorial language and encouraged the Croatian authorities to clarify the issue of the traditional presence of the Slovenian language in Croatia in co-operation with the speakers. The Committee of Ministers made the same recommendation [**RecChL(2005)2, Recommendation 8**].

44. In their third periodical report (page 12), the Croatian authorities argue that the Slovenian national minority does not constitute 1/3 of the population in any town, municipality or region which is required to introduce equal and official use of the language. However, it is the traditional and territorial presence of the Slovenian language in Croatia which determines the application of the Charter to the language, not the status of the Slovenian language under Croatian law.

45. In their replies to an additional questionnaire, the Croatian authorities confirmed that there is a traditional settlement of people belonging to the Slovene national minority in some concentrated areas along the border with Slovenia. During the on-the-spot visit, the Committee of Experts received evidence that the community uses the Slovenian language. Consequently, the Committee of Experts concludes that Slovenian is a language that qualifies for protection under Part II of the Charter.

46. From the information available to the Committee of Experts, Slovenian benefits from the system of national minority councils and representatives. There is also teaching of Slovenian in schools, although the Committee of Experts does not have any details.

47. Bearing in mind the above finding (see para 45), the Committee of Experts looks forward to receiving further information from the Croatian authorities as to how they apply Part II of the Charter to Slovenian in Croatia.

2.1.2 Istro-Romanian

48. There is evidence of a traditionally present small community of speakers of a language called Istro-Romanian in Istria. The Committee of Experts would welcome information about this language in the next periodical report.

2.2. The evaluation in respect of Part III of the Charter

2.2.1. Preliminary issue concerning the territorial scope of the undertakings entered into by Croatia under Part III

49. In its last evaluation report (see paras 51 – 62), the Committee of Experts once again raised the problematical issue of the declaration accompanying the instrument of ratification and new legislative provisions determining the territorial scope of application of the Charter in Croatia. It identified two major difficulties arising from the Croatian ratification: firstly, the Committee of Experts could not identify the areas covered by Part III, and secondly, in those areas where the automatic criteria did not apply (i.e. 1/3 threshold, international agreements), it was left to the local and regional authorities to decide whether Part III of the Charter would apply. This raised problems for example in towns such as Daruvar for Czech, Beli Manastir for Hungarian and Rijeka for Italian.

50. The Committee of Experts encouraged the Croatian authorities:
- to review the declaration appended to the instrument of ratification in the light of the recent legislation and of the obstacles it appears to pose to an effective application of the Charter;
 - to identify the areas where the languages covered by the Charter have significant and traditional presence, to which Part III undertakings should apply;
 - to adapt the domestic legal framework in order to ensure the effective implementation of the Charter, especially in those cases where languages that have a significant and traditional presence do not benefit from the equal and official use status.

51. Consequently, the Committee of Ministers adopted the following recommendation: **“in the light of the situation in the field and of the observations made by the Committee of Experts in its report, specify, in the third State periodical report, the municipal territories which are concerned by the application of Part III of the Charter and review the declaration appended to the instrument of ratification;”** [RecChL(2005)2 Recommendation 1].

52. The Government's reply to the Committee of Ministers' recommendation is unsatisfactory (see page 9). It is clear that no steps have been taken to review the declaration nor to specify the municipal territories concerned by Part III of the Charter.

53. Apart from repeating the information given in the 2nd periodical report, the Government states in its 3rd report that “the languages used by national minorities in the Republic of Croatia are non-territorial languages”. This statement is contradictory to the reservation contained in the instrument of ratification, namely that the provisions of Article 7.5 of the Charter shall not apply, therefore excluding non-territorial languages from Part II of the Charter. Furthermore it is evidently incorrect to state that (for instance) Italian is a non-territorial language in Istria.

54. Finally the Government declared that it would reconsider the territory of application and would provide an opinion in the next periodical report.

55. The declaration appended to the instrument of ratification and the implementation in practice of the domestic law continues to create unnecessary barriers to the full implementation of the Charter. From the perspective of regional or minority language speakers this can lead to confusion and frustration in attempts to use their language in communications with the courts and administrative authorities (Articles 9 and 10).

56. Bearing in mind the recommendation of the Committee of Ministers, the Committee of Experts expresses its disappointment that the authorities in Croatia have not addressed this fundamental issue and looks forward to receiving the opinion promised by the authorities.

2.2.2. Evaluation of the specific undertakings entered into by Croatia under Part III of the Charter

Introductory remarks concerning the approach of the Committee of Experts in the third evaluation report

57. The Committee of Experts has examined in more detail the existing protection of the languages that have been identified under the protection mechanism of Part III of the Charter. The languages in question are Czech, Hungarian, Italian, Serbian, Slovak, Ruthenian and Ukrainian.

58. Following the focused approach which was explained above (see para 6), the Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first and/or second reports, and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. These provisions are the following:

- Article 9, paragraph 1.c. iii;
- Article 9, paragraph 1.d;
- Article 9, paragraph 2;
- Article 10, paragraph 1.a.iv;
- Article 10, paragraphs 3.b and c;
- Article 10, paragraph 5;
- Article 11, paragraph 2;
- Article 12, paragraph 1.f;
- Article 13, paragraph 1.a and b;
- Article 14, paragraph b.

59. The Committee of Experts therefore refers to the conclusions reached in the previous reports but reserves the right to evaluate the situation again at a later stage.

Article 8 – Education

General issues:

Minimum number of pupils -

60. In its 1st and 2nd evaluation reports, the Committee of Experts lacked information as to whether a minimum number of pupils was required to set up a pre-school unit and to set up a primary school class and whether this gave rise to an enforceable right.

61. According to the information provided by the Croatian authorities, since the 2000 Act on Education in the Languages and Scripts of National Minorities was passed, there is no minimum threshold to establish classes in pre-schools, primary and secondary schools, or technical and vocational education. According to the information received during the on-the-spot visit, however, this regulation varies in practice. The threshold in Osijek-Baranja County varies between 1-3 pupils. In Rijeka, for instance, 5 pupils are required to set up an Italian class and in some cases, if there are less pupils, classes can be combined.

62. There are three basic models of education:

- model A provides that all lessons take place in the language and script of the national minority with compulsory teaching of the Croatian language; as a rule this model is used in separate institutions but it may also be used in special departments of mainly Croatian-speaking schools;
- model B is a bilingual one, whereby natural sciences are taught in Croatian whilst social science subjects as well as those relating to the minority are taught in separate classes in the minority language and script;
- model C consists of a special teaching programme of in principle five hours per week in addition to the normal Croatian curriculum and covers language instruction, as well as the literature, history, geography, music and art relating to the minority language in question (but see paras 82 - 91 below).

Textbooks

63. In the 2nd evaluation report (see paras 68 – 71), the Committee of Experts expressed its concern over the lack of appropriate teaching materials, which affected all languages covered by Part III. The Committee of Experts took the view that the Croatian authorities should take measures to support the

provision of original teaching materials more systematically, strengthen co-operation with kin-states in order to import teaching materials and finally to invest more resources for adequate translations of Croatian teaching materials.

64. Based on this observation, the Committee of Ministers called upon the Croatian authorities to “[...] **provide adequate teaching materials for minority language education**” [RecChL(2005)2; **Recommendation 4**].

65. The Committee of Experts understands that the difficulties in obtaining adequate teaching materials was related to the large variety of officially approved textbooks and the practical difficulty of translating them all. Representatives of the Ministry of Education informed the Committee of Experts during the on-the-spot visit that it has been decided, with effect from September 2007, to reduce the variety of textbooks available. These will be provided free of charge, including versions in regional or minority languages. If this is done for all Part III languages, it would comply with the recommendation of the Committee of Ministers.

66. The Committee of Experts looks forward to receiving confirmation in the next periodical report that this decision has been implemented.

Expert advisers

67. The 3rd Periodical Report contains information on the appointment of expert educational advisers for regional or minority languages in September 2005. There is one adviser each for the Serbian, Italian, Hungarian, Slovak and Czech languages. They advise teachers on teaching methods in minority language classes. They organise seminars for teachers, develop new curricula, some co-operate with their respective kin-state. Another task is to monitor the progress in pre-schools, primary and secondary schools. The Ministry of Education informed the Committee of Experts that the expert advisers are each required to draw up an annual report on the situation of their respective regional or minority language in education and present it to the Ministry of Education.

68. There are no advisers for the Ukrainian and Ruthenian languages, although a Ruthenian interlocutor informed the Committee of Experts that this was currently being negotiated with the Croatian authorities.

69. The Committee of Experts is pleased about the establishment of the expert advisers and finds it a vital and important educational support structure. In view of the multiple tasks the advisers take on, some advisers complained that they were overburdened with the work, especially with regard to those languages that have comparatively more speakers and more schools. It would therefore be necessary to extend the position of some advisers to a full-time job and hire more advisers for some languages (i.e. Hungarian, Italian). The Committee of Experts was informed that a step in this direction was already being negotiated with regard to Italian education.

70. The Committee of Experts encourages the authorities to appoint one or more advisers for the Ruthenian and Ukrainian languages (see also paras 116 – 121 on teacher training). It also encourages the authorities to ensure that there are sufficient resources and personnel to enable the advisers to fulfil their roles effectively.

Proactive measures

71. Finally, the Committee of Experts would like to stress that undertakings entered into by Croatia under Article 8 regarding all stages of education require a pro-active approach from the authorities (see also 2nd evaluation report on Sweden, para. 79 - 81). It does not appear that the local self-governments and schools are fully aware of their obligations with regard to regional or minority language education. Also, there seems to be a lack of awareness among some language communities of the benefits of bilingual education. The Committee of Experts believes that the educational advisers and the local minority councils could play a crucial role as mediators in this respect.

72. In the third periodical report (see p. 10), the Croatian authorities state that school principals are obliged to offer a questionnaire to parents who are to enrol their children into school that will inform them about different education models. The Committee of Experts welcomes this initiative as a way of raising awareness and looks forward to receiving more information about this in the next periodical report.

“Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:”

Pre-school education:

- a.i. to make available pre-school education in the relevant regional or minority languages; or*
- a.ii. to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
- a.iii. to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient.”**

73. In its second evaluation report (see para. 75), the Committee of Experts noted that there was no proper form of pre-school education with regard to Ruthenian and Ukrainian and concluded that this undertaking was not fulfilled for the Ruthenian and Ukrainian languages. It encouraged the Croatian authorities to extend the current provision of pre-school education also to the Ruthenian and Ukrainian languages. On the basis of this observation, the Committee of Ministers addressed the following recommendation to the Croatian government: **“offer pre-school education in Ruthenian and Ukrainian [...]” [RecChL(2005)2, Recommendation 3].**

74. Responding to this recommendation in the third periodical report (see page 10), the Croatian authorities point out that pre-school education falls within the competence of the local self-government, and in the additional information they point out that pre-school education in Ruthenian and Ukrainian is not provided due to a lack of interest from the speakers.

75. The Committee of Experts emphasises that often in relation to regional or minority languages there is a need to make arrangements for the provision of education even where no demand has been made. The availability of an offering frequently stimulates a demand. In other words, if people know that it is there, they will ask for it.

76. In any event, during the on-the-spot visit the Committee of Experts was informed by representatives of the Ruthenian and Ukrainian-speakers that a request was made to establish a trilingual pre-school in the village of Petrovci, Vukovar-Srijem County, following Model C. The Committee of Experts understands that this is a start, and looks forward to receiving more information in the next periodical report.

77. Comparing the statistics on the number of children passing through Model A pre-school education (= teaching in the regional or minority language) in the second and third periodical reports, the number of children in Hungarian pre-schools has risen from 63 in 2001 to 150 in 2006, whereas for Czech and Italian the number remains relatively stable. There is a decline of pupils in Serbian education, whose numbers have decreased from 410 in 2001 to 326 in 2006.

78. The Committee of Experts was informed by representatives of speakers of a growing demand for Hungarian and Italian pre-school education. However, in the case of Hungarian there were difficulties in providing space. In the case of Italian, according to the speakers negotiations on establishing a new pre-school in Zadar have been lengthy.

79. The Committee of Experts encourages the Croatian authorities to take concrete measures to meet the growing demand for pre-school education in Hungarian and Italian.

80. With regard to pre-school education in Slovak, the Committee of Experts in the previous monitoring round found that the undertaking was fulfilled. However, in this monitoring round, the Committee of Experts has received information which suggests that there may no longer be any pupils receiving pre-school education in Slovak. The Committee of Experts does not know whether this is because the offer has ceased to exist or because there is no demand. The Committee of Experts is therefore unable to conclude on this undertaking with respect to Slovak and asks for further clarification in the next periodical report.

81. The Committee of Experts nevertheless considers that this undertaking is fulfilled with regard to the Italian, Hungarian, Czech and Serbian languages, but currently not fulfilled for Ruthenian and Ukrainian.

Primary education

- b.i. to make available primary education in the relevant regional or minority languages; or*
- b.ii. to make available a substantial part of primary education in the relevant regional or minority languages; or*
- b.iii. to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- b.iv. to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient”**

82. The statement of the Croatian authorities in their 3rd periodical report gives no further clarification on this recommendation. It merely states that Model C is a separate teaching programme comprising five lessons a week on the language and culture of the national minority concerned. Model C is applied to several languages, but Slovak, Ruthenian and Ukrainian only use this Model whereas other models are also applied for the other languages.

83. The government informed the Committee of Experts in the additional information that Model C education is provided in a flexible manner, depending on the human, spatial and other capacities available and is decided by each individual school, although the objective was to keep it within normal school hours. This means that it can vary whether classes take place within or outside the normal curriculum and that the number of classes also varies and can be as few as 2 lessons a week.

84. In practice, however, based on the evidence received, it seems that Model C classes almost always take place in addition to the regular curriculum. According to the Croatian authorities, one of the reasons for this is that most schools in Croatia outside small settlements operate in two shifts. This means that there is limited capacity to organise the additional regional or minority language classes within the timetable of either shift.

85. The Committee of Experts was informed during the on-the-spot visit that two new schools in two villages recently introduced Model C education for Slovak, for a total of 20 pupils. According to the authorities, there are altogether 7 schools using Model C for Slovak, with 505 pupils.

86. Model C is applied for a total of 80 Ruthenian pupils in two schools, and for about 30 Ukrainian pupils in one school. The Committee of Experts was informed during the on-the-spot visit by representatives of the relevant municipalities that there was a problem with school transport. Due to the general war-inflicted decline of population, buses ran less frequently. Plans are being made to establish a new school in Carkovci for the pupils from all 5 settlements but it is not clear how this will help solve the problem.

87. The Committee of Experts considers that Model C is capable of satisfying this undertaking provided certain conditions are met, namely:

- that there is sufficient teaching of the language;
- that it is an integral part of the curriculum.

88. Where the above conditions are met, Model C in fact goes beyond the minimum requirements of this undertaking. This is because it involves teaching other subjects through the medium of the regional or minority language.

89. In practice, however, the implementation of Model C varies considerably from language to language and place to place. In certain cases, it is not clear how much teaching of the language takes place. There is also evidence of a number of instances where the offering is "additional" rather than an integral part of the curriculum. The Committee of Experts considers that a planned and structured approach is needed.

90. With regard to Serbian, on the whole the picture is good, Model A being available where the language is traditionally spoken. However, the Committee of Experts was informed by a Serbian representative during the on-the-spot visit that the Serbian community has been facing serious difficulties in other territories introducing Serbian as Model C into some schools and has been greeted by the schools with hostility. Large towns and cities seem to be exceptionally hostile, apart from Rijeka. According to the representative, the speakers have been attempting to introduce Model C in a school in Knin for several years. The authorities report that this has now been successfully done.

91. The Committee of Experts maintains its previous conclusion of partial fulfilment with regard to Slovak, Ruthenian and Ukrainian.

The Committee of Experts encourages the authorities in Croatia to develop a planned and structured approach to the implementation of Model C in practice so that it meets the requirements of the Charter for this undertaking.

Secondary education

- c.i. to make available secondary education in the relevant regional or minority languages; or*
- c.ii. to make available a substantial part of secondary education in the relevant regional or minority languages; or*
- c.iii. to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- c.iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient.”***

92. In its 2nd evaluation report (see paras 81 - 84), the Committee of Experts considered that the undertaking was not fulfilled with regard to the Slovak, Ruthenian and Ukrainian languages because there was no secondary school education offering these languages. The Committee of Experts encouraged the authorities to at least introduce the teaching of Slovak, Ruthenian and Ukrainian within secondary education. On the basis of this observation, the Committee of Ministers addressed the following recommendation to the Croatian government: **“offer [...] regarding [primary and] secondary education, at least the teaching of Ruthenian, Slovak and Ukrainian within regular school hours in the territories in which such languages are used;” [RecChL(2005)2, Recommendation 3].**

93. The 3rd Periodical Report contains no concrete information on secondary education. From the information received during the on-the-spot visit, however, it is clear that no changes have occurred since the last monitoring cycle with regard to Slovak, Ruthenian and Ukrainian. There is no offering which meets the requirement of this undertaking.

94. Commenting on the 3rd Periodical Report, the Union of Slovaks said that they would welcome the introduction of optional Slovak language classes at secondary schools in Ilok and Našice to those pupils interested (see page 4). This is especially important in view of the seemingly increasing number of pupils receiving Slovak lessons in primary schools.

95. The Committee of Experts was informed by Ukrainian and Ruthenian representatives during the on-the-spot visit that there is an annual 10-day summer school for primary and secondary school children with two hours of Ruthenian and Ukrainian language lessons every day. About 100 children participate in this. The Committee of Experts finds that such a summer school is a good initiative. However, it is not sufficient to meet the requirements under this undertaking.

96. With regard to the Hungarian language, obstacles in establishing a student residence for secondary school pupils in the above-mentioned Educational Centre in Osijek were reported to the Committee of Experts during the on-the-spot visit. The existing building does not have the capacity to accommodate the number of pupils who would use the student residence.

97. Bearing in mind that access to education is fundamental (see the first evaluation report on the UK with regard to Welsh (ECRML (2004) 1, paras 96 - 100)), and that the prospective pupils for Hungarian-medium education in Osijek come from a very wide catchment area which makes school transport problematic, residential accommodation is the only practical alternative. The Committee of Experts encourages the authorities to engage with the Hungarian-speakers with a view to improving access to Hungarian secondary education in Croatia.

98. The Croatian authorities, both at the central and local level, seemed to be very receptive to responding to any demand for secondary education in regional or minority languages. However, a more resolute and pro-active approach is needed. Although there seems to be a fair degree of awareness amongst the speakers of the possibility to request minority language education, there is a fear among some parents that this kind of education at secondary level would be harmful for their children's language proficiency in Croatian. An educationalist from the Hungarian language community informed the Committee of Experts that all pupils that follow Hungarian-medium education are perfectly bilingual (Hungarian/

Croatian) by the time they graduate from school, no matter how their language skills were to begin with. This could be taken as a good example to speakers of other regional or minority languages in Croatia.

99. The Committee of Experts finds that parents need to be shown the benefits of education in regional and minority languages and that it does not impair language performance in Croatian.

100. The Committee of Experts considers that the undertaking is fulfilled with regard to the Italian, Hungarian, Serbian and Czech languages, and not fulfilled with regard to the Slovak, Ruthenian and Ukrainian languages.

The Committee of Experts urges the Croatian authorities to at least introduce the teaching of the Slovak, Ruthenian and Ukrainian languages within secondary education.

Technical and vocational education

- d.i. to make available technical and vocational education in the relevant regional or minority languages; or*
- d.ii. to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- d.iii. to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- d.iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient.”***

101. In its 2nd evaluation report (see paras 85 – 88), the Committee of Experts considered that this undertaking was not fulfilled with regard to Slovak, Ruthenian and Ukrainian because technical and vocational education did not seem to exist in these languages. The Committee of Experts was not in a position to conclude with regard to the Czech language. It encouraged the Croatian authorities to at least introduce the teaching of the Slovak, Ruthenian and Ukrainian languages within technical and vocational education and to clarify the situation as regards the Czech language.

102. The 3rd Periodical Report lists the subjects and languages in technical and vocational education in Attachment 2, but the Czech, Slovak, Ruthenian and Ukrainian languages are not included in the tables. According to additional information provided by the Croatian authorities, there is no teaching of Czech, Slovak, Ruthenian and Ukrainian in technical and vocational education, due to the lack of demand from the speakers and because the students are dispersed in different vocational programmes.

103. The Committee of Experts considers the undertaking is not fulfilled with regard to Slovak, Ruthenian, Ukrainian and Czech.

University and higher education

- “e.ii. to provide facilities for the study of these languages as university and higher education subjects.”***

104. The Committee of Experts has previously concluded that this undertaking is fulfilled for Italian, Czech and Slovak. In its 2nd evaluation report (see paras 89 – 93), the Committee of Experts detected shortcomings with regard to some languages. It therefore considered this undertaking to be still only partly fulfilled and encouraged the authorities to:

- accelerate the re-establishment of university studies for the Hungarian language;
- strengthen the provision of university studies for the Serbian language;
- take immediate steps to introduce university and higher education level studies for the Ruthenian language;
- report to the Committee of Experts, in the next periodical report, on the measures taken to improve facilities for the study of the Ukrainian language at university and higher education levels;
- investigate the possibilities of simplifying and accelerating the procedure for the recognition of university diplomas obtained in third-party States, particularly those obtained in Italy.

105. In its last evaluation report (see para 33), the Committee of Experts expressed particular concern over the Ruthenian language and the need for its study and research at university, with a view to improving the teaching of the Ruthenian language. It encouraged the Croatian authorities to take measures to promote study and research on Ruthenian at universities or equivalent institutions.

106. A representative of the Ruthenian-speakers informed the Committee of Experts during its on-the-spot visit that negotiations were underway with the University of Zagreb on opening a chair for Ruthenian. No information was provided by the authorities. The Committee of Experts reiterates its previous recommendation to the Croatian authorities and welcomes more information on the developments in the next periodical report.

107. Representatives of the Hungarian-speakers informed the Committee of Experts that Hungarian is offered at the Faculty of Philosophy at the University in Osijek. According to the information provided on its website, from the academic year 2007/2008, the university will offer Hungarian language and literature as a subject together with either Croatian, German or English. The University of Zagreb has a Chair for Hungarian studies.

108. There is a chair for Serbian and Montenegrin literature at the University of Zagreb. There is also a department for Ukrainian language and literature.

109. With regard to the recommendation on the recognition of university diplomas obtained outside Croatia, the Committee of Experts understands that in 2003, the Law on Recognition of Foreign Educational Qualifications was adopted and that a new agency has been established for the purpose of recognising university diplomas obtained outside Croatia.

110. While welcoming positive developments in relation to Ruthenian, the Committee of Experts considers this undertaking still not fulfilled for Ruthenian. It appears now to be fulfilled for Ukrainian, Hungarian and Serbian.

Adult and continuing education

“f.ii. to offer such languages as subjects of adult and continuing education”

111. In its 2nd evaluation report (see paras 94 – 97), the Committee of Experts considered that the undertaking was not fulfilled and encouraged the Croatian authorities to take measures in the field of adult and continuing education and to report on them in the next periodical report.

112. No relevant information was provided in the third periodical report.

113. The Committee of Experts considers that the undertaking remains unfulfilled and urges the authorities to offer regional or minority languages as subjects of adult and continuing education and to report on them in the next periodical report.

Teaching of history and culture

“g. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language.”

114. In its 2nd evaluation report (see paras 98 – 101), the Committee of Experts noted that, in accordance with legislation, 30% of the curriculum of minority education is designed to include specific elements of the history and culture which is reflected by the regional or minority languages. However, the Committee of Experts pointed out that the present undertaking also concerned the mainstream national curriculum for Croatian-speaking pupils or at least the curriculum within the territories concerned, for which it had received no information. It was therefore not in a position to conclude on this undertaking.

115. The Committee of Experts considers that this undertaking is fulfilled with regard to minority education. As no information was provided in the third periodical report concerning the mainstream national curriculum, the Committee of Experts must assume that this undertaking is not fulfilled in that respect.

Basic and further training of teachers

“h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party”

116. In its 2nd evaluation report (see paras 102 – 107), the Committee of Experts noted several different problems with regard to teacher training for every language, with the exception of Italian. It found there was a lack of structural measures for teacher training and a need for accurate planning, even when kin-state support was available. It considered that the undertaking was only partly fulfilled and encouraged the authorities to urgently devise a long-term and structured strategy in the field of teacher training.

117. Following the Committee of Experts' recommendation, the Committee of Ministers asked the Croatian authorities to **“develop a coherent strategy in the field of teacher training [...]”** [Recommendation RecChL(2005)2 - Recommendation 4].

118. The Croatian authorities responded in their 3rd Periodical Report that teacher training was implemented by the Institute for Education, without however, making any specific reference to minority languages (see page 11). The report further states that in September 2005, expert educational advisers were appointed by the Ministry of Education with regard to all Part III languages except Ukrainian and Ruthenian. According to additional information provided by the Croatian authorities a long-term structured policy on education and training for teachers as a whole is incorporated in the National Strategy: The Plan for Development of the Educational System for the Period 2005 – 2010. It is not clear to the Committee of Experts to what extent the specific needs of teacher training with regard to regional or minority languages are catered for and in which way this is connected to a coherent strategy.

119. The Committee of Experts finds that the introduction of educational advisers is a good step towards improving the support structure of teacher training. However, based on evidence received from some advisers the Committee of Experts met during the on-the-spot visit, their role seems to cover several aspects of education and, at least with regard to Hungarian and Italian, needs to be given more resources (see also para 69 above).

120. With regard to Ukrainian and Ruthenian, the Committee of Experts was informed that teachers obtained their diploma in Vojvodina/ Serbia and that teacher training was also available for Ukrainian at Zagreb University. In relation to Italian, the faculty in Pula offers teacher training courses, some of which are financed by the Italian government through the Italian Association. State examinations for a teaching diploma are conducted through the medium of Croatian, including giving a class in Croatian. The representatives of the Italian-speakers expressed the view that this should be in Italian.

121. The Committee of Experts commends the steps taken by the Croatian government. However, the impression gained by the Committee of Experts is that there is no coherent strategy for regional or minority languages teacher training as such, and due to the absence of sufficient information on this point, the Committee of Experts is not in a position to conclude on this undertaking and asks for more precise information in the next periodical report.

Article 9 – Judicial authorities

122. In its 2nd evaluation report (see paras. 108 - 122), the Committee of Experts found that, with the exception of the Italian language in Istarska County, there was no practical implementation of the undertakings chosen under Article 9. The 3rd periodical report states that the lack of use of regional or minority languages in court proceedings is also due to the fact that the lawyers representing the speakers rarely speak the regional or minority language themselves, apart from Italian in Istarska County and possibly Hungarian in Beli Manastir (see page 21).

123. The Croatian authorities report a negative trend with regard to the use of regional or minority languages in court proceedings, even with regard to the Italian language (see page 21 of the 3rd Periodical Report).

“Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

in criminal proceedings:

“a.ii. to guarantee the accused the right to use his/her regional or minority language.”

“a.iv. to produce, on request, documents connected with legal proceedings in the relevant regional or minority language – if necessary by the use of interpreters and translations involving no extra expense for the persons concerned.”

in civil proceedings:

“b.ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense – if necessary by the use of interpreters and translations.”

“b.iii. to allow documents and evidence to be produced in the regional or minority language – if necessary by the use of interpreters and translations.”

in proceedings before courts concerning administrative matters

“c.ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense – if necessary by the use of interpreters and translations – if necessary by the use of interpreters and translations.”

“d. to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expenses for the persons concerned.”

124. In respect of all undertakings under Article 9, the position remains the same. The Committee of Experts was not made aware of any new steps taken to publicise the right to use regional or minority languages in court proceedings of any kind, and it seems that there is no practical use of regional or minority languages other than Italian and possibly Hungarian.

125. The Committee of Experts concludes that the undertakings are formally fulfilled with regard to all languages, but only fulfilled in practice in relation to Italian. The Committee of Experts encourages the authorities to take measures to ensure that these undertakings are implemented in practice for all other regional or minority languages.

Article 10 – Administrative authorities and public services

126. Each regional or minority language, except for Slovak and Ukrainian, is in equal and official use in at least one municipality. The application of the Charter is of course not confined to those areas, but covers all areas where there is a traditional presence of the language and a sufficient number of speakers.

127. According to the Croatian law, speakers of regional or minority languages must be employed in administrative and public bodies in those areas where the language is in equal and official use. Although Article 22 of the Constitutional Law requires a representation of members of national minorities in regional and local self-governments, the person who is employed does not necessarily speak the regional or minority language.

128. During the on-the-spot visit, for example, it was reported to the Committee of Experts that there were municipalities where no Hungarian-speakers were employed despite Hungarian being in equal and official

use. The representatives of certain smaller municipalities drew the Committee of Experts' attention to the fact that in smaller municipalities the total number of employees can be as low as five. This factor, together with budgetary constraints made it difficult in practice to comply with the law.

129. According to additional information provided by the authorities, it is a matter for each local self-government unit to decide on prescribing in its general acts whether language skills in the regional or minority language is a prerequisite for certain jobs in administration. The Croatian authorities gave the examples of the municipalities of Grožnjan and Brtonigla where knowledge of the Italian language was a job qualification. The Committee of Experts was not made aware of any other cases.

130. In its 2nd evaluation report (123 – 134), the Committee of Experts observed several shortcomings with regard to Article 10. paragraph 1. Based on these observations, the Committee of Ministers recommended that the Croatian authorities “**take the necessary measures to ensure that the legal possibility for the speakers to use their regional or minority languages in relation with the relevant branches of the State administration is fully implemented in practice**” [RecChL(2005)2, Recommendation 5].

131. A general observation by the Committee of Experts is that implementation of Article 10 tends to be on a varied and ad-hoc basis. This will be dealt with in more detail below. The Committee of Experts encourages the Croatian authorities to adopt a structured and planned approach to the implementation of the Charter.

State authorities

“Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

a.iii. to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages.”

132. In its 2nd evaluation report (see paras 123 – 127), the Committee of Experts noted that, according to the Croatian authorities, following the legal framework, the undertaking applied to those areas where the language was in equal and official use. However, in practice the Committee of Experts detected some shortcomings. It therefore considered that this undertaking was only partly fulfilled and encouraged the authorities to take the necessary measures to ensure that users of regional or minority languages may submit oral and written applications to the State authorities and receive a reply in these languages.

133. The Committee of Experts was informed that practical implementation of this undertaking has increased with regard to the Italian language, but not (except as mentioned below) in respect of other regional or minority languages. Conflicting accounts were given on the extent to which the county administration uses regional or minority languages when fulfilling state functions. No concrete examples were given to the Committee of Experts to demonstrate the use of regional or minority languages in this context, and there was evidence from at least one local authority where Hungarian is spoken, that Croatian only is used in this context.

134. In the 3rd periodical report (pages 23 and 37) the authorities state that the Croatian Institute for Pension Insurance and the police are obliged to use regional or minority languages in areas where they are in equal and official use. The only concrete examples given however are of emblematic use in letterheads and stamps. This is not enough to comply with this undertaking.

135. The Committee of Experts therefore concludes that this undertaking is fulfilled for Italian and formally fulfilled for other languages, but only in respect of those areas where they are in equal and official use at the local government level. There is some evidence of practical implementation in those areas. In other areas where there is a traditional presence of regional and minority languages and a sufficient number of speakers for the Charter to be applicable (as in Daruvar and Beli Manastir), it seems not to be fulfilled, but the Committee of Experts lacks information to draw a conclusion.

“b. to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions.”

136. In its 2nd evaluation report (see paras 128 – 131), the Committee of Experts noted that, although the legal framework had been developed, there were shortcomings in the practical implementation. It therefore considered that the undertaking was only partly fulfilled and encouraged the authorities to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions.

137. The Committee of Experts has not been made aware of any administrative documents of state administration being made available in the relevant regional or minority languages on a systematic basis. The Committee of Experts considers that the undertaking is still only partly fulfilled.

“c. to allow the administrative authorities to draft documents in a regional or minority language.”

138. In its 2nd evaluation report (see paras 132 – 134), the Committee of Experts was unable to draw a conclusion on this undertaking, since there was a lack of concrete examples on the drafting of documents in areas other than identity cards.

139. The 3rd periodical report states that "a number of bilingual certificates were issued on the facts about which the Ministry of the Interior keeps official records." Furthermore, identity cards can be issued in regional or minority languages, pursuant to Art 9 of the Constitutional Act, regardless of whether the language is in equal and official use. The report further states that in the year 2005, altogether 2864 identity cards were issued in Serbian, Italian and Hungarian. Of these, 15 were issued outside those areas where the relevant language is in equal and official use. This information was confirmed during the on-the-spot visit. It was reported to the Committee of Experts by a representative of a human rights organisation however, that clerks in some cases had turned down requests for bilingual identity cards on the grounds that they could only be issued in areas where the respective language was in equal and official use. And even in those areas where the language was in equal and official use, it seemed that some state officials employed at a local level were reluctant to follow such a request. The Committee of Experts was also informed of recent incidents when members of the Serb minority were not allowed to sign their identity cards in the Cyrillic script. The Committee of Experts considers that such incidents are contrary to the spirit of the Charter.

140. Finally, it was reported that many speakers of regional or minority languages were not aware of their right to request bilingual identity cards. In the view of the Committee of Experts, there is an obvious need to inform persons within the regional and local state administrations and the public at large of the possibility to issue documents in regional or minority languages, including in the case of Serbian, the Cyrillic script. The Committee of Experts encourages the authorities to carry through such information.

141. The Committee of Experts considers the undertaking partly fulfilled. The Committee of Experts requests the authorities to provide precise information in the next periodical report as to what documents are available in regional or minority languages, and on what measures have been taken to inform the State administration and the public at large about the possibility to receive documents in the respective regional or minority languages including in the case of Serbian, in the Cyrillic script.

Local and regional authorities

“Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:”

“a. the use of regional or minority languages within the framework of the regional or local authority.”

142. In its 2nd evaluation report (see paras 135 – 139), the Committee of Experts noted that, although the legal framework had improved considerably, hardly any use of the Slovak, Ruthenian and Ukrainian languages was made within local or regional self-government units. The Committee of Experts considered that this undertaking was only partly fulfilled.

143. Article 8 of the Constitutional Law prescribes that in those areas where the regional or minority language is in equal and official use, the work of the councils, administrations and assemblies shall be conducted in Croatian as well as in the respective regional or minority language.

144. From the evidence received from several representatives of regional or minority language speakers as well as by the mayors of municipalities and towns where the regional or minority language is in equal and official use, the regional or minority language seems to be used internally only in those cases where the speakers constitute a large majority of the staff.

145. The only municipality where members of the Slovak national minority make up more than 1/3 of the population (indeed they constitute a majority in the municipal council) is in Punitovci in Osijek-Baranja County. Slovak is not in equal and official use in Punitovci because the municipal council has decided otherwise. Therefore Slovak is not used in internal administration anywhere in Croatia.

146. Although the highest concentration of Ukrainian-speakers is in the municipality of Bogdanovci in Vukovar Srijem County, Ukrainian is not used in any internal communication of the regional or local authority, since it is not in equal and official use in any part of Croatia.

147. In the two villages where Ruthenian is in equal and official use, there seems to be a degree of internal use of Ruthenian within the framework of the village councils.

148. The Committee of Experts considers the undertaking not fulfilled with regard to the Ukrainian and Slovak languages, but partly fulfilled in respect of the other regional or minority languages in the areas where they are in equal and official use. In other territories where regional or minority languages have traditionally been used and are therefore protected under the Charter, it appears to be not fulfilled but the Committee of Experts lacks information to draw a conclusion.

“b. the possibility for users of regional or minority languages to submit oral or written applications in these languages”

149. In its 2nd evaluation report (see paras 140 – 144), the Committee of Experts considered that the undertaking was only partly fulfilled. It encouraged the Croatian authorities to take the necessary measures to fully implement the undertakings relating to the use of regional or minority languages within the framework of the regional or local authorities and to the possibility to submit oral or written applications in the regional or minority languages to the latter.

150. In relation to the Italian language, the Committee of Experts received new information from both the authorities and the Italian-speakers of regular dealings in Italian with regional and local authorities, at least in those areas where there is equal and official use of Italian.

151. From evidence received during the on-the-spot visit from representatives of the Hungarian-speakers, the possibility to submit requests in Hungarian existed.

152. According to additional information provided by the Croatian authorities, where the equal and official use is only applied to parts of a municipality, it happens in practice that people will use Croatian when corresponding with the administrative bodies of the municipality. This affects most of all Ruthenian and Czech, and to a certain extent Hungarian.

153. Since the Ukrainian and Slovak languages are not in equal and official use anywhere in Croatia, there is no possibility to submit applications in these languages.

154. With regard to Serbian, from the evidence received during the on-the-spot visit by a representative of the Serbian-speakers, members of the Serbian minority would often refrain from communicating with administrative bodies in the Cyrillic script as it is still often perceived as a provocation.

155. The Committee of Experts notes that the practical implementation of this undertaking varies considerably from language to language and from area to area. There are examples of good practice and also of total absence of implementation. The Committee of Experts encourages the Croatian authorities to work towards creating an environment where people are encouraged to use regional or minority languages in their dealings with local and regional authorities if they so desire.

156. The Committee of Experts has evidence of some fulfilment of this undertaking at least in relation to oral applications in some areas where there was no co-official use.

157. The Committee of Experts considers that this undertaking is fulfilled with regard to Italian, not fulfilled with regard to Ukrainian and Slovak and partly fulfilled in relation to the other regional or minority languages.

“c. the publication by regional authorities of their official documents also in the relevant regional or minority languages.”

158. In its 2nd evaluation report (see paras 145 -147), the Committee of Experts was unable to conclude on this undertaking as it was not clear to what extent official documents were actually published in regional or minority languages by regional authorities. It encouraged the Croatian authorities to clarify the situation in their next periodical report.

159. The 3rd periodical report contains no information on this matter. According to additional information provided by the Croatian authorities, no county is obliged to introduce equal and official use of a regional or minority language because no national minority represents more than one third of the total population of any county. Therefore there is no practical implementation of this undertaking except with regard to the Italian language in Istarska County, although representatives of the Italian-speakers pointed out that the level of bilingualism was not always satisfactory.

160. The Committee of Experts concludes that the undertaking is fulfilled with regard to Italian and not fulfilled with regard to the other languages.

“d. the publication by local authorities of their official documents also in the relevant regional or minority language.”

161. In its 2nd evaluation report (see paras 148 -150), the Committee of Experts considered that this undertaking was only partly fulfilled due to problems of practical implementation in some of the municipalities where the regional or minority language is in equal and official use.

162. The 3rd periodical report refers mainly to the emblematic use of regional or minority languages in official documents, for example in letterheads, seals and stamps. Although this is welcomed by the Committee of Experts, the present undertaking goes beyond such an emblematic use and refers to the language of the main content of the document. Following further information contained in the report, and on the basis of the evidence received during the on-the-spot visit, the publication of documents by local authorities in the languages that are in equal and official use, is only done upon request, and such requests are seldom made.

163. On the whole, the position of the Italian language seems satisfactory.

164. The Committee of Experts was made aware of a fair degree of publication of at least some documents in Serbian (Cyrillic script), and in Hungarian in the municipality of Kneževi Vinogradi. It seems also to be the case for the Serbian language (Cyrillic Script) in some municipalities in Vukovar-Srijem County.

165. The Committee of Experts notes that the practical implementation of this undertaking varies considerably from language to language and from area to area. There are examples of good practice and also of total absence of implementation. The Committee of Experts encourages the Croatian authorities to work towards creating an environment where local authorities are encouraged to publish official documents in regional or minority languages.

166. The Committee of Experts considers this undertaking fulfilled for Italian, not fulfilled for Ukrainian and Slovak and partly fulfilled in respect of the other languages.

“g. the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.”

167. In its 2nd evaluation report (see paras 151 – 152), the Committee of Experts observed that problems persisted with regard to the implementation of this undertaking, including those areas where the regional or minority language was in equal and official use, in particular Eastern Slavonia. The Committee of Experts

therefore considered that this undertaking was only partly fulfilled and encouraged the authorities to take immediate steps to promote the use of bilingual place-names.

168. Following the Committee of Experts' recommendation, the Committee of Ministers asked the Croatian authorities to **"take immediate action to implement the use of bilingual place-names in all relevant cases" [Recommendation RecChL(2005)2 - Recommendation 6].**

169. In the 3rd periodical report (see page 11), the Croatian authorities state that they will entrust the competent authorities to monitor the application of bilingual place-names. However, the additional information provided by the Croatian authorities at a later stage only speaks of a possible supervision of the competent bodies, without stating any concrete plan of action. Further it states that the adoption and installation of place-names falls within the competence of the local authorities. Even so, this does not exempt the Croatian authorities from their responsibility to ensure the implementation of this undertaking.

170. The situation with regard to the Italian language seems satisfactory.

171. In relation to other languages, Croatian law requires place-names in languages other than Croatian to be used only where there is equal and official use of the languages in question. It seems from evidence gathered during the on-the-spot visit that in these areas the issue has generally been addressed by the municipalities, and that there is a fair degree of practical implementation of this undertaking. It was explained to the Committee of Experts by representatives of the regional or minority languages concerned (i.e. Serbian and (in Punitovci) Slovak) that in certain instances the speakers did not want place-names in their languages or script. In relation to the Cyrillic script this included municipalities where Serbian-speakers form a large majority of the population.

172. In relation to Slovak in Punitovci the local council which consists of a majority of Slovaks has decided not to have bilingual signs. This was not raised as a problem by the representatives of the Slovak-speakers during the on-the-spot visit. The Committee of Experts lacks information as to the position in other areas where Slovak is spoken.

173. The Committee of Experts considers this undertaking fulfilled for Italian and partly fulfilled in respect of the other languages. It makes no conclusion for Slovak. The Committee of Experts encourages the Croatian authorities to initiate a consultation process with the regional or minority language speakers concerned on the local level on the use of bilingual place-names.

Public services

"Paragraph 3

With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:"

"a. to ensure that the regional or minority languages are used in the provision of the service."

174. This undertaking concerns the use of regional or minority languages in relations with bodies providing public services, which could include, for example, postal services, telecommunication services, electricity, public transport, hospitals, etc. (see para. 210 of 2nd evaluation report in respect of Germany, ECRML (2006)1).

175. In its 2nd evaluation report (see paras 155 – 158), the Committee of Experts considered that this undertaking was not fulfilled, since, on the basis of the information received, there had been no indication that regional or minority languages were used in public services. It encouraged the authorities to take immediate steps to ensure that the regional or minority languages were used in the provision of public services and asked them to provide comprehensive information in the next periodical report.

176. According to the 3rd Periodical Report (see page 37), the Croatian Employment Office uses the Italian language in some local offices, however, it is not clear whether this goes beyond the emblematic use

(at least Art. 18 of the Law on the Use of Language and Script of the National Minorities provides for symbolic use).

177. The Committee of Experts notes the slight improvement in relation to the actual use of regional or minority languages in the context of this undertaking, but considers that this is not enough to amount to fulfilment. The Committee of Experts encourages the Croatian authorities to establish a structured approach to the implementation of this undertaking, so as to ensure that the regional or minority languages are used in the provision of these services.

Article 11 - Media

178. The 3rd periodical report contains information on the legal framework relevant to the use of regional or minority languages in the media. These are Article 18 of the Constitutional Law on the Rights of National Minorities, the Media Act, the act on the Electronic Media, the Act on Croatian Radio and Television, the Act on the Croatian News Agency and the Act on the Ratification of the European Convention on Transfrontier Television.

“Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- a. iii. to the extent that radio and television carry out a public service mission: to make adequate provision so that broadcasters offer programmes in the regional or minority languages.”***

179. In its 2nd evaluation report (see paras 159 – 168), the Committee of Experts considered that this undertaking was not fulfilled with regard to television programmes. Several speakers complained about the only television programme for minorities “Prizma”, which portrayed an inadequate folkloric image.

180. Concerning radio programmes the undertaking was fulfilled with regard to Italian, Hungarian, Czech and Slovak and no conclusion could be drawn for Serbian, Ruthenian and Hungarian due to lack of information. The Committee of Experts encouraged the authorities to take necessary measures, in co-operation with the speakers, in order to:

- develop television programmes for each language
- introduce an offer of radio programmes in Serbian, Ruthenian and Ukrainian, following the models used for other languages, if this was not the case at that time.

181. On the basis of this observation, the Committee of Ministers adopted the recommendation addressed to the Croatian government to **“grant speakers a language-specific presence on public television and develop a presence on the regional radio stations also for those languages that do not yet benefit from it;” [RecChL(2005)2, Recommendation 7].**

182. The response given by the Croatian authorities in their 3rd periodical report to the Committee of Ministers’ recommendation (see p. 12) seems to indicate that so far in practice the situation with regard to the provision of television and radio programmes has not altered since the last monitoring cycle.

183. With regard to the first part of the recommendation, the 3rd periodical report mentions three television programmes on national minorities (see page 38), however, it seems that still only the programme “Prizma” is broadcast in the regional or minority languages. During the on-the-spot visit, the speakers of all regional or minority languages expressed once more their dissatisfaction with regard to this programme which in their view was inadequate in terms of broadcast length and content.

184. In relation to national television, the representatives of almost all regional or minority languages requested that the provision of television programmes be restored to the format similar to the one that existed before 1991, when there were separate programmes dedicated to each national minority. Especially representatives of the Hungarian and Slovak-speakers expressed the wish for a separate television

programme. Representatives of the Hungarian-speakers informed the Committee of Experts during its on-the-spot visit of a bilateral agreement that the Croatian Parliament concluded with Hungary in 1995 on, among other things, restoring the independent television studio in Osijek. However, the Committee of Experts has not been informed of any progress in this matter. The Committee of Experts would welcome further information on this matter in the next periodical report.

185. The Committee of Experts was informed that according to the new Act on Electronic Media, subsidies are available to those electronic media which use minority languages in their programmes. In 2006, 16 broadcasters applied for those subsidies.

186. According to information received during the on-the-spot visit since 2002, a weekly 30 minute Hungarian programme is broadcast on TV Osijek which is a public broadcasting channel. While welcoming the Hungarian programme on TV Osijek, the Committee of Experts is disappointed to note that the recommendation of the Committee of Ministers has not otherwise been implemented.

187. With regard to the second part of the Committee of Ministers' recommendation, the Committee of Experts was informed by representatives of the Serbian minority, that Serbian is used on several local radio stations in Slavonia, but none of them are public stations.

188. The situation for the Ruthenian and Ukrainian languages appears to be similar. There is a weekly programme of 10 minutes in each language on a private radio station in Vukovar, but there are no programmes on public radio stations.

189. In relation to television programmes, the Committee of Experts concludes that the undertaking remains not fulfilled, except in relation to Hungarian for which it is considered to be fulfilled. As far as radio is concerned, the Committee of Experts considers that this undertaking remains not fulfilled with regard to Serbian, Ukrainian and Ruthenian.

The Committee of Experts encourages the Croatian authorities to introduce a language-specific and more significant presence for regional or minority languages on public television.

“d. to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages.”

190. In the absence of any measures in this area, the Committee of Experts considered in the 2nd evaluation report (see paras 169 – 171) that the undertaking was not fulfilled and urged the authorities to introduce measures to facilitate the funding of production of audio and audiovisual works.

191. The 3rd periodical report (see page 42) contains information on a state funded audio CD called “National Heritage of National Minorities in Croatia” (HRK 30 000). Apart from this, no audio or audiovisual works were made known to the Committee of Experts, nor was the existence of any specific funds or programmes targeted at producing such work. Although national minorities can apply within the general funding scheme, there are no funds allocated specifically for the kind of productions envisaged under this undertaking.

192. Although the Charter does not specify what form the measures of encouragement and/ or facilitation should take, they could, for example, include technical support, direct or indirect financial support (such as acquisition of works in regional or minority languages by schools, public libraries, cultural institutions or public broadcasters), etc.. (see para. 436 of 2nd evaluation report in respect of Germany ECRML (2006)1).

193. The Committee of Experts considers the undertaking not fulfilled.

“e.ii to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis.”

194. In the 2nd evaluation report (see paras 172 – 177), the Committee of Experts considered that the undertaking was fulfilled with regard to the Hungarian language. It appeared to be fulfilled for Italian, although it was reported that financial support to one newspaper had been substantially reduced. The Committee of Experts considered the undertaking not fulfilled with regard to Serbian, Slovak, Ruthenian and Ukrainian. With regard to the Czech language it could not reach a conclusion. It encouraged the authorities

to take the necessary measures to encourage and/or facilitate the publication, on a regular basis, of newspaper articles in the Serbian, Slovak, Ruthenian and Ukrainian languages and asked for further information about the situation in relation to Czech.

195. In its 3rd periodical report, the Croatian authorities list the amount of earmarked state funds for newspaper and magazine publications in regional or minority languages in the year 2005 (see pages 46 - 48). With regard to Czech there is a weekly "Jednota" and for Serbian the weekly "Novosti".

196. The Committee of Experts considers that the following factors lead to the conclusion that the undertaking is fulfilled in relation to Czech and Serbian:

- There is weekly publication of a journal entirely in the regional or minority language
- And there are news articles in these journals

197. State funds have also been earmarked for publications in Slovak, Ruthenian and Ukrainian. However, since these are monthly magazines, the Committee of Experts concludes that the undertaking is not fulfilled for these languages.

"Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media."

198. In its last evaluation report (see para 179), the Committee of Experts noted that a member of the Council for National Minorities from one minority sat on the Radio and Television Council, but that it was not clear whether this member represented the interests of regional or minority language speakers or whether there was an adequate system to ensure that the interests of the speakers were represented.

199. During the on-the-spot visit the Committee of Experts was informed by government representatives that the regulatory body responsible for the media is now the Electronic Media Council. There are no laws or systems ensuring that the interests of users of regional or minority languages are represented in this Council.

200. The Committee of Experts considers this undertaking not fulfilled.

Article 12 Cultural activities and facilities

"Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a. to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages."***

201. As mentioned in the 1st evaluation report (see para. 101), cultural activities relating to regional or minority languages are funded by the Government Office for National Minorities (see also Art 7, para 1.d of this report). During the on-the-spot visit to Croatia, the representatives of regional or minority languages were in general satisfied with the funding system that supports cultural autonomy. Some activities are financed over tenders, such as publications, cultural projects and events. Other funding comes from the local government.

202. While the Committee of Experts also received some complaints, especially with regard to the application for government funding, on the whole the support given by the Croatian authorities is commendably strong. Amongst the comments made by representatives of certain languages were: a lack of

long-term funding which hampered some projects and unclear application criteria. The authorities have responded to the latter comment by providing training and assistance in filling application forms.

203. The Committee of Experts considers this undertaking fulfilled.

“g. to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages.”

204. In its 2nd evaluation report (see paras 184 – 186), the Committee of Experts considered that this undertaking was fulfilled in respect of written publications but not fulfilled as far as audio and audiovisual works were concerned, which could be seen in relation to the absence of audio and audiovisual productions (see also Art. 11.d.).

205. The Croatian authorities informed the Committee of Experts in its additional information in March 2007 that the Government put forward a proposal to the Parliament for the establishment of a Croatian Audiovisual Center. As part of its manifold activities, the Center is to foster values and promote measures for, among others, the protection of national minorities and also promoting activities involving the protection of audiovisual heritage.

206. Taken together, these would appear to enable the audiovisual centre to act as a body responsible for works produced in regional or minority languages as envisaged within this undertaking. At present, however, it does not appear to fulfil that role. The Committee of Experts looks forward to receiving further information about this in the next periodical report. In the meantime however, the Committee of Experts considers that the undertaking is still not fulfilled with respect to audio-visual works.

Article 13 – Economic and social life

“Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

“c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities.”

207. In its 2nd evaluation report (see paras 191 – 193), the Committee of Experts reported that it had not detected any practices of the type referred to in the present provision. However, the Committee of Experts did not conclude on this undertaking because it was not aware of the existence of measures aimed at discouraging practices opposed to the use of regional or minority languages.

208. The Committee of Experts has not received any new information with regard to this undertaking, other than that there was a reluctance among speakers of certain regional or minority languages to use their languages in certain contexts because of fear of hostility from others. The Committee of Experts takes the view that in order to fulfil this undertaking, some positive action is required by the authorities, such as awareness-raising and promotion of tolerance of regional or minority languages. The Committee of Experts would welcome further information in the next periodical report about any such action taken by the Croatian authorities and will conclude in the light of that information.

Article 14 – Transfrontier exchanges

“The Parties undertake :

- a. *To apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical and similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education.”*

209. The 3rd periodical report (see page 49) mentions an agreement between the Republic of Croatia and Serbia and Montenegro of November 2004 on the protection of the rights of the Croatian minority in Serbia and Montenegro and of the Serbian minority in Croatia.

210. Further information provided by the Croatian authorities mentions bilateral agreements with Hungary and Italy on minority rights (see also 1st evaluation report, para 108). There are also agreements with, among others, Slovakia, the Czech Republic and Ukraine on co-operation in the fields of culture and education. According to additional information provided by the Croatian authorities, these agreements contain provisions relating to the cultural activities of national minorities.

211. The Committee of Experts considers that this undertaking remains fulfilled.

Chapter 3 Conclusions

3.1. Conclusions of the Committee of Experts on how the Croatian authorities have reacted to the recommendations of the Committee of Ministers

212. The Committee of Experts is aware of the relatively short time between the adoption of the Committee of Ministers' recommendations and the on-the-spot visit. The following evaluation should be read in that light.

Recommendation no. 1:

"In the light of the situation in the field and of the observations made by the Committee of Experts in its report, specify, in the third State periodical report, the municipal territories which are concerned by the application of Part III of the Charter and review the declaration appended to the instrument of ratification;"

213. The 3rd periodical report does not contain any concrete information on the municipal territories which are concerned by the application of Part III of the Charter. The lack of such information continues to hamper the monitoring of the implementation of the Charter, along with the fact that so far no steps have been taken to review the declaration appended to the instrument of ratification. The Croatian authorities have declared that they would reconsider the issue and provide an opinion in the 4th periodical report.

Recommendation no. 2

"Promote awareness and tolerance vis-à-vis the regional or minority languages and the culture they represent as an integral part of the cultural heritage of Croatia, both in the general curriculum at all stages of education and in the media;"

214. In the field of education, the Croatian authorities have not provided any concrete information on measures taken to promote awareness and tolerance towards regional or minority languages, including whether this issue is included in the new curriculum that is to be introduced as from the school year 2007/08.

215. In the field of media, although the Law on Electronic Media contains provisions aimed at promoting tolerance and understanding towards members of national minorities and the use of regional or minority languages, the situation on the ground appears to remain unchanged. Regional or minority language speakers are especially upset with the private media which, they claim, tend to cover sensational news on national minorities and portray them negatively.

216. Although the Croatian authorities are aware of the need to conduct awareness-raising campaigns and additional training in this respect, there is no information as to whether any such initiatives have yet been launched.

Recommendation no. 3

"Offer pre-school education in the Ruthenian and Ukrainian languages and, regarding primary and secondary education, at least the teaching of Ruthenian, Slovak and Ukrainian within regular school hours in the territories in which such languages are used;"

217. The Croatian authorities point out that pre-school education falls within the competence of the local self-government, and that pre-school education in Ruthenian and Ukrainian is not provided due to a lack of interest from the speakers. However, evidence received during the on-the-spot visit contradicts this, since Ukrainian and Ruthenian-speakers plan to open a trilingual pre-school.

218. The Committee of Experts has received no information with regard to Slovak pre-school education, and it therefore seems that no form of pre-school education is provided for Slovak.

219. With regard to the teaching of or in the Ruthenian, Ukrainian and Slovak languages within regular school hours, only Model C is applied to these languages. According to the Croatian authorities, Model C is a separate teaching programme comprising five lessons per week on the language and culture of the national minority concerned. However, the extent to which the relevant language is taught under Model C is unclear.

220. In addition, Model C education is provided in a flexible manner, depending on the human, spatial and other capacities available and is decided by each individual school. This means that it can vary whether classes take place within or outside the normal curriculum and that the number of classes also varies and may be as few as 2 lessons a week. In practice it seems that Model C classes almost always take place in addition to the regular curriculum.

221. Concerning secondary education, no changes have occurred since the last monitoring cycle with regard to Slovak, Ruthenian and Ukrainian, although the wish for such education has been expressed by some representatives of the speakers.

222. In general, the Croatian authorities, both at the central and local level, seemed to be very receptive to responding to any demand for secondary education in regional or minority languages. Although there seems to be a fair degree of awareness amongst the speakers of the possibility to request minority language education, there is a fear among some parents that this kind of education at secondary level would be harmful for their children's language proficiency in Croatian. Therefore, a more resolute and pro-active approach is needed and parents need to be shown the benefits of regional and minority language education, highlighting that it does not impair language performance in Croatian.

Recommendation no. 4

“Develop a coherent strategy in the field of teacher training and provide adequate teaching materials for minority language education;”

223. According to the Croatian authorities, a long-term structured policy on education and training for teachers as a whole is incorporated in the National Strategy: The Plan for Development of the Educational System for the Period 2005 – 2010. It is not clear, however, to what extent the specific needs of teacher training with regard to regional or minority languages are catered for and in which way this is connected to a coherent strategy.

224. In 2005, expert educational advisers were appointed by the Ministry of Education with regard to all Part III languages except Ukrainian and Ruthenian. This seems to be a good step towards improving the support structure of teacher training. Their role seems to cover several aspects of education and, with regard to some languages, the advisers need to be given more resources.

225. With regard to teaching materials, the difficulties in obtaining adequate teaching materials seem to have been related to the large variety of officially approved textbooks and the practical difficulty of translating them all. According to the Croatian authorities, it has been decided to reduce the number of officially approved textbooks with effect from September 2007. The officially approved textbooks will be provided free of charge, including versions in regional or minority languages. If this is done for all regional or minority languages covered under Part III, it would comply with this recommendation.

Recommendation no. 5

“Take the necessary measures to ensure that the legal possibility for the speakers to use their regional or minority languages in relations with the relevant branches of the State administration is fully implemented in practice;”

226. It does not seem that any steps have been taken so far to redress the lack of practical implementation of the equal and official use of regional or minority languages in relations with the relevant branches of the State administration. There are indications that regional or minority languages are used in some cases on an ad-hoc basis at the local level.

227. The Croatian authorities claim that the problems that have occurred in the implementation of this law have now been solved through direct contacts between the competent bodies and the representatives of the

speakers. With the exception of one example in relation to the Italian language given in the 3rd periodical report, it is not clear how the problems have been solved in practice.

Recommendation no. 6

“Take immediate action to implement the use of bilingual place-names in all relevant cases;”

228. The Croatian authorities say there will be a possible supervision of the competent bodies, without however stating any concrete plan of action. They further claim that the adoption and installation of place-names falls within the competence of the local authorities. This however does not exempt the Croatian authorities at a central level from their responsibility of ensuring the implementation of this undertaking.

229. From the evidence gathered during the on-the-spot visit, it seems that the issue has generally been addressed by the municipalities in those areas where the regional or minority language is in equal and official use, and that there is a fair degree of practical implementation of this undertaking.

Recommendation no. 7

“Grant the speakers a language-specific and more significant presence on public television and develop a presence on the regional radio stations also for those languages that do not yet benefit from it;”

230. The response given by the Croatian authorities in their 3rd periodical report to the Committee of Ministers' recommendation (see p. 12) seems to indicate that, despite good intentions, so far in practice the situation with regard to the provision of television and radio programmes has not altered since the last monitoring cycle.

231. With regard to public television, the programme “Prizma” is broadcast in regional or minority languages. However, speakers of all regional or minority languages expressed once more their dissatisfaction with regard to the programme which in their view was inadequate in terms of broadcast length and content.

232. According to information received during the on-the-spot visit a weekly 30 minute Hungarian programme has been broadcast since 2002 on TV Osijek which is a public broadcasting channel. The Committee of Experts has not been made aware of any other programmes on public television in the regional or minority languages.

233. With regard to regional radio stations, the recommendation concerns the Serbian, Ruthenian and Ukrainian languages. From the information obtained during the on-the-spot visit, all three languages are used on local radio stations to a greater or lesser extent. However, none of these stations are public.

234. The Committee of Experts was informed that according to the new Act on Electronic Media, subsidies are available to those electronic media which use minority languages in their programmes.

Recommendation no. 8

“Clarify the nature of the traditional presence of the Slovenian language in Croatia in co-operation with the speakers.”

235. The Croatian authorities confirm that there is a traditional settlement of people belonging to the Slovene national minority in some concentrated areas along the border with Slovenia. Consequently the Committee of Experts finds that Slovenian is a language that qualifies for protection under Part II of the Charter.

3.2. Findings of the Committee of Experts in the third monitoring round

A. The Committee of Experts appreciates the good co-operation it enjoyed with the Croatian authorities, in particular with regard to the organisation of the third on-the-spot visit and information provided during the visit, where an open and honest dialogue took place, continuing the trend of improved communication with the Croatian authorities since the last monitoring round. Also, the information contained in Croatia's 3rd periodical report was more comprehensive than in the previous reports. This improved communication reflects an improved climate for regional or minority language protection in Croatia, as a result of the Croatian authorities' long-term policy.

B. However, the Committee of Experts regrets the fact that, on the whole, Croatia's report does not respond to many requests for specific information made in the second evaluation report, nor do the Croatian authorities seem to have acted upon most of the Committee of Experts' and Committee of Ministers' recommendations. The lack of requested information with regard to many undertakings reduces the efficiency of the monitoring mechanism and makes it difficult for the Committee of Experts to assess whether any changes or progress have been made on the ground. It was therefore not able to evaluate the implementation of a number of undertakings or had to rely exclusively on information provided during the on-the-spot visit.

C. The Croatian authorities have nevertheless shown in several respects that they take the protection and promotion of regional or minority languages seriously, and there have been a number of particularly positive developments. Co-ordination between central and local governments seems to have improved, as well as consultation with representatives of the regional or minority language speakers on the local and national levels. This has been made possible through the establishment of the system of national minority councils. Although problems still persist in terms of acceptance of the councils in some local governments, and although there is a lack of resources and training, it seems that the government is already addressing some of these issues. The budget allocated to the needs of national minorities, and therefore also regional or minority languages has been increased by over 30%, although the speakers still seem to rely on kin-state support in certain contexts.

D. In general the Croatian authorities seem to be very receptive to the needs and wishes of the regional or minority language speakers. As mentioned in the two previous evaluation reports, the existing legislation gives a good basis to do this. However, the Charter implementation demands from the state parties a pro-active approach to each undertaking they entered into, whereas the Croatian authorities often content themselves with the fact that there have neither been requests nor complaints on behalf of the regional or minority language speakers. Although many regional or minority language speakers seem to be fairly well informed about their rights, the government needs to encourage in a more pro-active manner the use of these languages in certain domains of public life, including those where there may not have been such practice in the past. This is all the more important against the background of a decreasing number of regional or minority language speakers, a tendency of assimilation and decreasing use of regional or minority languages in administration. A good recent initiative of the government has been to inform parents systematically of the possibility to receive education in the regional or minority languages.

E. The territorial scope of application of the Charter and the declaration appended to the instrument of ratification remain a matter of concern for the Committee of Experts, as already mentioned in the last evaluation reports. The resulting fundamental difficulties in evaluating implementation of the Charter remain (see paras 49 - 56 above).

F. With regard to the Italian language, the situation in general remains good, its position remains relatively strong.

G. The Hungarian language is also in a relatively strong position. The situation in the field of education is on the whole well developed, although there are some practical difficulties. Improvements have been made at university level where it is now possible to study Hungarian as a subject. Hungarian-speakers seem less satisfied about the patchy implementation of the Equal and Official Use Law and the fact that the language is still not in co-official use in Beli Manastir, the main administrative centre in the area where most Hungarian-speakers live.

H. The situation of the Czech language remains good in the field of education. In the field of courts and administration, however, the use of Czech remains very poor. In the city of Daruvar the lack of co-official status is hampering the application of the Charter.

I. The less widely used regional or minority languages Slovak, Ruthenian, and Ukrainian are still in a vulnerable situation, due to the dwindling number of speakers. The situation has slightly improved with regard to Slovak education. There is no pre-school education in any of these languages. Model C primary school education is available. There is still no secondary education in Slovak, Ukrainian or Ruthenian. In addition, there is a need to inform parents about the benefit of bilingual education. All three languages are relatively invisible in public life – neither Slovak nor Ukrainian are in equal and official use in any part of Croatia.

J. Due to the close linguistic affinity between Croatian and Serbian, there are no difficulties in oral communications in public life. On the other hand, however, despite positive developments, Serbian-speakers often refrain from using their language and script in dealings with public bodies, because of fear of resentment and because such an approach could be perceived by the Croatian population as a provocation. The ongoing rather negative portrayal of Serbia in the Croatian media has a backlash on the attitude towards the Serbian-speakers in Croatia.

K. With regard to the Slovenian language, the Croatian authorities have confirmed that there are areas along the border with Slovenia where there is a traditional presence of the Slovenian language. Slovenian therefore qualifies as a language to be protected under Part II of the Charter.

L. The appointment of expert educational advisers for regional or minority languages creates an important educational support structure as well as a way of improving communication between the speakers and the authorities in the field of education. Due to their many responsibilities and the multiple tasks they carry out, more resources and personnel are needed. The overall situation in the field of education remains good with regard to Italian, Serbian and Hungarian, and has improved for Czech, but remains weak for Slovak, Ruthenian and Ukrainian.

M. The declaration referred to in Finding E above continues to create unnecessary barriers to the full implementation especially in the fields of courts and administration. Also, even in those areas where the languages are in equal and official use, there is often little or no use of the languages in practice. The use of regional or minority languages in dealings with the courts seems to be absent, with the exception of Italian and, it seems, in some instances Hungarian. The use in administration is strongest in those areas where the speakers constitute a large majority of the population. In other areas, the language seems to be reduced to an emblematic use and is only used upon request of the speakers, which seems to happen very rarely.

N. Concerning the media, the situation in relation to television remains on the whole unsatisfactory. The format of television programming in regional or minority languages is inadequate in terms of broadcast length and content. In addition, in certain private media in particular there is a tendency to portray national minorities in a negative light.

The Croatian government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Croatia. At the same time it emphasised the need for the Croatian authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1021st meeting on 12 March 2008, the Committee of Ministers adopted its Recommendation addressed to Croatia, which is set out in Part B of this document.

Appendix I: Instrument of Ratification of the Republic of Croatia



Croatia :

Reservation contained in the instrument of ratification, deposited on 5 November 1997 - Or. Cro./Engl.

The Republic of Croatia declares, in pursuance of Article 21 of the European Charter for Regional of Minority Languages, that in respect of the Republic of Croatia the provisions of Article 7, paragraph 5, of the Charter shall not apply.

Period covered: 01/03/98 -

The preceding statement concerns Article(s): 7

Declaration contained in the instrument of ratification, deposited on 5 November 1997 - Or. Cro./Engl.

The Republic of Croatia declares that, in accordance with Article 2, paragraph 2, and Article 3, paragraph 1, of the European Charter for Regional of Minority Languages, it shall apply to Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian languages the following paragraphs of the Charter:

- In Article 8:
paragraph 1, sub-paragraphs a (iii), b (iv), c (iv), d (iv), e (ii), f (ii), g, h;

- In Article 9:
paragraph 1, sub-paragraphs a (ii), a (iv), b (ii), b (iii), c (ii), c (iii), d;
paragraph 2, sub-paragraph a;

- In Article 10:
paragraph 1, sub-paragraphs a (iii), a (iv) b, c;
paragraph 2, sub-paragraphs a, b, c, d, g;
paragraph 3, sub-paragraphs a, b, c;
paragraph 5;

- In Article 11:
paragraph 1, sub-paragraphs a (iii), d, e (ii);
paragraph 2;
paragraph 3;

- In Article 12:
paragraph 1, sub-paragraphs a, f, g;

- In Article 13:
paragraph 1, sub-paragraphs a, b, c;

- Article 14.

Period covered: 01/03/98 -

The preceding statement concerns Article(s): 10, 11, 12, 13, 14, 2, 3, 8, 9

Declaration contained in the instrument of ratification, deposited on 5 November 1997 - Or. Cro./Engl.

The Republic of Croatia declares, with regard to Article 1, paragraph b., of the Charter, that pursuant to Croatian legislature, the term "territory in which the regional or minority languages is used" shall refer to those areas in which the official use of minority language is introduced by the by-laws passed by the local self-government units, pursuant to Article 12 of the Constitution of the Republic of Croatia and Articles 7 and

8 of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities on the Republic of Croatia.

Period covered: 01/03/98 -

The preceding statement concerns Article(s): 1

Appendix II: Comments by the Croatian authorities

Comments of the Republic of Croatia in respect of III Periodical Report on the application of the European Charter for Regional or Minority Languages by Croatia

As the body responsible for drafting the Report on the Application of the European Charter on Regional or Minority Languages, the Ministry of Justice considered the evaluations of the situation and recommendations of the Committee of Experts contained in its III Periodical Report. The authorities welcome that the Committee has noticed the positive developments in the application of Charter in Croatia in many areas. However, the authorities do not find some of the assessments contained in the Report accurate and would like to express concern over some of the conclusions and recommendations. The following comments are provided with the aim to further clarify these issues.

Firstly, it is assessed that the evaluation of the situation and recommendations start from a position which diverts from the practice so far and does not take fully into account the progress in the realization of the rights of national minorities achieved since the submission of the II periodical report.

1.) In the part in which comments are given on the recommendations presented on the basis of Report II, Report III expressly states that the only relevant recommendation which is not considered, and which will be considered before the submission of Report IV is the recommendation concerning the definition of the scope of application of the Charter and the alleged problem relating to the declaration accompanying the instrument of ratification.

In this respect the Croatian authorities reiterate their readiness to reconsider this issue within the 4th reporting cycle. As the issue at stake requires careful preparation, this process could not have advanced significantly in the limited time between the adoption of the recommendation of the 2nd cycle in the Committee of Ministers (September 2005) and the deadline for the submission of the 3rd report (September 2006). This fact was recognized by the Committee itself in para 212 of the Report. The government regrets that these circumstances have been disregarded when evaluating authorities' response to this issue in the present report (see paras 49 to 59 and 212 – 213 respectively).

2.) In relation to the evaluation related to the pre-school education in minority languages we are giving the following observations: children who are members of national minorities in the Republic of Croatia may be included in the programs of preschool education and co-financed in the group of programs of public needs in preschool education at several levels, by:

- a) founding of kindergartens for children who are members of national minorities;
- b) organisation of special educational groups for children who are members of a national minority within the already existing kindergarten, if there is a minimum of seven children who would attend the preschool program in the language of a national minority;
- c) organisation of bilingual programs for children who are members of a national minority in the areas where bilingualism is regulated by law;
- d) inclusion of children who are members of national minorities in regular educational groups with the possibility of fostering language, culture and customs of the national minority.

So far nobody has addressed the Ministry of Science, Education and Sport or showed any interest in organising a preschool educational program for children who are members of Slovene, Ruthenian and Ukrainian national minorities. If the need arises for these programs, of which the Ministry of Science, Education and Sport should be informed, there will be no obstacle to organising them.

In respect of paras 43 to 47 and 235 of the Report relating to the situation of Slovenian language, the authorities of Croatia hold unfounded the conclusion of the Committee of Experts that the Slovenian language qualifies for the protection under Part II of the Charter based on the evidence of its traditional and territorial presence in Croatia. While traditional use of Slovenian in Croatia is not disputed, the Croatian authorities has so far repeatedly and consistently stated that speakers of Slovenian language are not concentrated in particular areas of the country, thus not fulfilling the requirement of territorial presence.

However, the Committee in para 45 of the Report claims that

'In their replies to an additional questionnaire, the Croatian authorities confirmed that there is a traditional settlement of people belonging to the Slovene national minority in some concentrated areas along the border with Slovenia.'

The real content of the quoted response contains however significantly different statement and reads as follows: 'Although members of the Slovene community live all over Croatia, their presence is stronger in the territory of Istria, Kvarner, Gorski Kotar and Međimurje, but they are mostly concentrated in towns – Zagreb, Rijeka, Pula, Split, Šibenik and Dubrovnik.'

This statement can not be considered as a conformation of territorial character of Slovenian language in Croatia by anyone remotely familiar with the Croatian geography. It also very clearly stipulates that most of the speakers of Slovenian live in the major Croatian cities all across the country.

In the light of this explanation, the Croatian authorities call the Committee to reconsider its conclusions in respect of the position of the Slovenian language in Croatia.

To that end, we reiterate the following arguments:

Starting from the definition contained in Paragraph 1, Point c of the Charter, the area inhabited by the members of Slovene national minority indicates that in the case of the Slovene language it is not a territorial language, since most members of the Slovene national minority live in other parts of the Republic of Croatia, not in the area along the border with Slovenia, as deemed by the Committee. The specific forms of speech in this area are common for the Croatian and Slovene population as common spoken forms of the Croatian language and cannot be considered to represent a body of Slovene language. This is supported by the fact that the Ministry of Culture, in its decisions of July 2007, protected the form of speech in the territory of the municipality of Hum na Sutli and municipality of Bednja, which border with Slovenia, as material cultural heritage of the Republic of Croatia.

By going into the process of establishing whether a language is territorial or not, the Committee should carefully consider whether its conclusions may result in introduction of an unnecessary political dimension into an issue of exclusively scientific nature – in this case, on the character of individual forms of speech and whether they may be classified as languages. This is even more so, since on the territory of the Republic of Croatia there are no problems regarding the position of the Slovene language.

That this is true can be also seen from the observations of the Council of the Slovene national minority, from which it stems that teaching of the Slovene language is organised in all other areas, except in the mentioned border areas, since the Slovene language, as a non territorial language, appears among many more speakers in other areas. In addition to this, the circle of languages to which the Republic of Croatia obliged itself to apply the Charter to, is based on Article 3, paragraph 1 of the Charter, which sets no limitations on the occasion when a declaration is made on the range of languages to which the Charter is to be applied. However, as is shown in all Reports so far, the Republic of Croatia is fully open in its support and affirmation of individual minority languages. This is also indicated by the financing of various forms of preservation of minority languages by the state, and support for teaching minority languages whenever the slightest interest for it is expressed and the fact that the Republic of Croatia supports the cultural activities of members of national minorities, which in this manner also constitutes support, and encouragement of the use of minority languages. It stems from Report IV on the application of the Constitutional Act on the Rights of National Minorities and Spending of the Funds from the State Budget, that in 2006, through the Ministry of Culture, financial support was provided for the work of literary publications and booklets of the Slovene cultural society "Istra" in Pula, as well as financing the booklet I.G. Kovačić in Karlovac. Funds in the amount of 150,000.00 kunas were provided for members of Slovene national minority in the State Budget of the Republic of Croatia in 2006, through two associations, for printing a monthly informative bulletin, the monthly "Planika" and the four monthly "Novi odmev" in the Slovene language. On the basis of the existing practice in relation to the affirmation of minority languages, we believe that the conditions for various uses of minority languages have been fulfilled in the Republic of Croatia.

As regards the Slovene language, it has been pointed out on several occasions that no request has ever been made to the competent bodies, and that no will has been expressed for any form of official use of Slovene language. Therefore, it cannot be expected that central or local authorities would impose the use of the Slovene language on the persons who have declared themselves to be Slovenes, if they do not show an interest in this. On the other hand, any form of preservation of national culture finds support, both in terms of

activities of associations or through other cultural activities. This attitude of preservation of cultural characteristics is expressed in relation to all groups who have the need to preserve their cultural identity.

3.) In relation to the proposed recommendation of the Committee of Experts on providing information by the Croatian authorities on the application of Article 3 of the Charter in the areas where regional or minority languages are not in official use, but the traditional presence of a sufficient number of speakers determines the application of the Charter, as pointed out by means of the introduction, the Government of the Republic of Croatia will review in the forthcoming period the declaration given in relation to the scope of application of the Charter, despite the fact that it considers that the scope of the application of minority languages is defined to a sufficient extent, and it will state its position in Report IV.

4.) In relation to the proposed recommendation which relates to awareness-raising and promotion of tolerance of regional or minority languages in the general curricula, at all levels of education and in the media, it is necessary to emphasize that the Government of the Republic of Croatia has recognized the need to carry out a public campaign in the media, and also through additional training of all professional staff on the significance of the realization of rights of national minorities as an integral part of Croatian society.

5.) In relation to the proposed recommendation which relates to the development of the planned and structured approach to the implementation of teaching in minority languages (Model C), the following should be pointed out: members of national minorities in the Republic of Croatia are entitled to education in the language and script of their national minority on the basis of the Constitution, the Constitutional Act on the Rights of National Minorities and the Act on the Education in the Language and Script of National Minorities. In the existing legislative framework, members of national minorities exercise the right to education in one of the three models (A, B or C). The teaching is carried out following the curriculum of the Croatian Educational System. All teaching in the language and script of national minorities is an integral part of the school system, in that the specific characteristics of the minority are realized through teaching the mother tongue and culture, that is additional content in subjects language and literature, history, geography, music and art. In all models, members of national minorities have, along with their language, a mandatory program of Croatian language and script for the same number of hours as the mother tongue.

Children members of the Ruthenian and Ukrainian national minorities realize the right to education according to Model C (fostering of language and culture), on the territory of the Brodsko-posavska County. For members of minorities who do not have any institutionally organised forms of teaching, the language and script and characteristics of the minority are fostered by organisation of summer and winter schools or as long distance consultative classes.

Summer schools whose work is financially supported by the Ministry of Science, Education and Sport from the State Budget are regularly organised for members of the Ruthenian and Ukrainian national minorities. The summer school organized in 2007 by the Alliance of Ruthenians and Ukrainians of the Republic of Croatia for the total of 145 pupils was co financed by the Ministry with the sum of 145,000.00 kn.

The Directorate for Joint Programs of the Ministry of Science, Education and Sport responsible for matters related to minorities in the Republic of Croatia has not received any request from the Alliance of Slovene Societies in the Republic of Croatia requesting the Ministry to organise classes fostering the Slovene language and culture for pupils who are members of the Slovene national minority in the Republic of Croatia. If a need for this program arises, there will be no obstacles to organising it.

6.) In relation to the recommendation relating to taking the necessary measures to provide the speakers with the possibility of using their minority language in communication with the bodies of state administration, we would like to point out that the Government of the Republic of Croatia takes special account that competent bodies of state administration undertake all the necessary steps from its scope of competence in order to enable speakers of minority languages full realisation of the right to equal official use of their language in accordance with the law.

7.) In relation to the recommendation which encourages more significant representation of speakers in their language on public television, and the development of the existence of regional radio satiations for those languages which do not use this possibility yet, we would like to point out here that activities that have begun to adapt the programs for national minorities are being continued through the system of monitoring of the work of public television, in accordance with the standards set in the Charter, namely in the following way:

The application of Article 18 of the Constitutional Act which regulates the realization of the rights of national minorities in respect of the media, is realized on the basis of Articles 5 and 11 of the Media Act, Articles 9, 10, 12 and 57 of the Electronic Media Act and Article 5 of the Croatian Radio Television Act. Members of national minorities may, in accordance with the Electronic Media Act and the Media Act, found radio and television companies, and they may receive subsidies for the production of content envisaged in the legislation mentioned.

Articles 56 and 57 of the Electronic Media Act founded the Fund for the Encouragement of Pluralism and Diversity of the Media, by instruments which, *inter alia*, encourage the production and publication of content in the electronic media at local and regional levels, which are of public interest, and are particularly important for national minorities in the Republic of Croatia. The decision on the allocation of money from the Fund is rendered by the Council for Electronic Media. The resources from the Fund started to be allocated in 2005.

Article 5 of the Electronic Media Act also envisages support for encouraging the production and publication of programs in the media, which relate to the exercise of the right to public information and informing members of national minorities in the Republic of Croatia, and launching new printed media, in particular local not-for-profit media and minority associations. This support is allocated from the state budget.

Croatian Radio and Television, also pursuant to Article 5 of the Croatian Radio and Television Act must produce and/or broadcast programs intended for informing members of national minorities in the Republic of Croatia. The Croatian Radio and Television processed topics on national minorities in the program "Prizma", as in almost all parts of the program in accordance with the program contents and types of individual programs (for example, a documentary film – Documentary Program, a concert – Entertainment Program, news – daily programs of the Informative Program, historical calendar of events – TV Calendar, customs and cultural characteristics of national minorities – programs of the editorial board of popular and traditional culture within the Cultural Program etc.) „City Folk“ (*gradski ljudi*) is a new show on inhabitants of European cities where one third of the inhabitants consider their origin a minority origin. The show of the Music Program "Život uživo" once a week deals with the problems of national minorities in the Republic of Croatia.

The Croatian radio program for national minorities is broadcast on the First Channel of the Croatian Radio and regional radio stations (Rijeka, Pula and Osijek), and it financially supports the program for Czech national minority on Radio Daruvar (a radio station outside the system of Croatian Radio). Also, the International Program of Croatian Radio "Glas Hrvatske" broadcasts several shows intended for minorities in Croatia, namely on medium and short wave, and through satellites and the Internet.

8.) As regards the Istro-Romanian language we have the pleasure to inform you that in September 2007 the Ministry of Culture rendered a decision by which the Istro-Romanian language was given the status of non-material cultural wealth, and as such is registered in the Register of Cultural Wealth of the Republic of Croatia – the List of Protected Cultural Wealth. In this way too care has been demonstrated by which the RoC approaches the protection of all cultural diversities, including the protection of minority languages.

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Croatia

COUNCIL OF EUROPE COMMITTEE OF MINISTERS

Recommendation RecChL(2008)1 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Croatia

*(Adopted by the Committee of Ministers on 12 March 2008
at the 1021st meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Croatia on 5 November 1997;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Croatia;

Having taken note of the comments made by the Croatian authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by Croatia in its third periodical report, supplementary information given by the Croatian authorities, information submitted by bodies and associations legally established in Croatia and the information obtained by the Committee of Experts during its on-the-spot visit,

Recommends that the Croatian authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

1. provide information on the application of Part III of the Charter in those areas where a regional or minority language is not in "equal and official use" but there is nevertheless a traditional presence and a sufficient number of speakers of that regional or minority language for the Charter to apply;
2. take practical steps to promote awareness and tolerance vis-à-vis the regional or minority languages and the cultures they represent as an integral part of the cultural heritage of Croatia, both in the general curriculum at all stages of education and in the media;
3. develop a planned and structured approach to the implementation of regional or minority language teaching (Model C) so that it meets the requirements of the Charter as outlined by the Committee of Experts;
4. introduce the teaching of Slovak, Ruthenian and Ukrainian in secondary education;
5. take measures to ensure that speakers can use in practice their regional or minority languages in relations with the relevant branches of the State administration;
6. introduce a language-specific and more significant presence for regional or minority languages on public television and develop a presence on the regional radio stations also for those languages that do not yet benefit from it.