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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN SERBIA**

**3<sup>rd</sup> monitoring cycle**

- A. Report of the Committee of Experts on the Charter**  
(adopted on 4 November 2015)
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Serbia**  
(adopted on 27 April 2016)

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in States Parties with a view to, where necessary, making recommendations for improving their legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under 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 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, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under 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 of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned. The periodical report shall be made public by the State in accordance with Article 15, paragraph 2.

The Committee of Experts' 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 of Experts gathers information from the respective authorities and from independent sources within the State, in order to obtain a fair and just overview of the real language situation. After a preliminary examination of a periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain 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 by a delegation of the Committee of Experts to the State in question. 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 of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. Once adopted by the Committee of Experts, this evaluation report is submitted to the authorities of the respective State Party for possible comments within a given deadline. Subsequently, the evaluation report is submitted to the Committee of Ministers, together with suggestions for recommendations that, once adopted by the latter, will be addressed to the State Party. The full report also contains the comments which the authorities of the State Party may have made.

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## **A. Report of the Committee of Experts on the application of the Charter in Serbia**

adopted by the Committee of Experts on 4 November 2015  
and presented to the Committee of Ministers of the Council of Europe  
in accordance with Article 16 of the Charter

### **Executive Summary**

1. Ratified at the beginning of 2006, the European Charter for Regional or Minority Languages (ECRML) entered into force in the Republic of Serbia as the successor to the State Union of Serbia and Montenegro on 1 June 2006. Ten out of 15 regional or minority languages have been given special protection under Part III of the Charter: Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romani, Romanian, Ruthenian, Slovak and Ukrainian. Five languages are only under the general protection of Part II of the Charter: Bunjevac, Czech, German, Macedonian and Vlach.
2. The protection of minority languages in Serbia is operationalised by a system of national minority councils. They enjoy a certain level of autonomy in the fields of education, media and official use of the respective minority language and its script.
3. According to the current legislation, the introduction of a minority language and its script into official use is compulsory if a national minority accounts for 15% of the population of a municipality. There are examples where municipalities have introduced minority languages into official use although these thresholds have not been met. Nevertheless, Bunjevac, German, Romani, Ukrainian and Vlach are currently not in official use in any of the municipalities or local communities in the Republic of Serbia. This situation has negative consequences for the funding of the national councils and limits the application of the Charter in Serbia.
4. Although Serbia has achieved significant progress in the implementation of the provisions under the Charter, several shortcomings and problems remain to be solved.
5. Progress is reflected by the presence of all languages in education. However, availability and quality is sometimes affected by a lack of teachers and adequate teaching materials. Moreover, there is no offer of adult or continuing education in any of the languages protected under the Charter.
6. The use of regional or minority languages before courts is allowed by the relevant legislation, but the practical use of this possibility is limited. The Law on the Official Use of Languages and Scripts provides for the administrative use of minority languages in the areas where they are official. There are, however, problems of practical implementation in that field.
7. Serbia has a very high level of regional or minority language presence in radio and television broadcasts. However, the planned privatisation of local broadcast media might negatively affect this situation.
8. Raising awareness and increasing tolerance vis-à-vis regional or minority languages and the cultures they represent continue to be supported through projects in the fields of media/internet and culture. As these activities are mainly concentrated in the Autonomous Province of Vojvodina, equivalent measures should also be taken in Central Serbia.

## Chapter 1 Background information

### 1.1. Ratification of the Charter by Serbia

9. The European Charter for Regional or Minority Languages (hereafter "the Charter") was signed by Serbia and Montenegro on 22 March 2005. The Assembly of Serbia and Montenegro adopted the Law on the Ratification of the Charter on 21 December 2005. After the ratification by Serbia and Montenegro, pursuant to Article 18 of the Charter, the instrument of ratification of Serbia and Montenegro was deposited with the Secretary General of the Council of Europe on 15 February 2006. The Charter entered into force for the Republic of Serbia as the successor to the State Union of Serbia and Montenegro on 1 June 2006.

10. Article 15 (1) of the Charter requires States Parties to present periodical reports at three-yearly intervals after the first report. The Serbian authorities presented their third periodical report to the Secretary General of the Council of Europe on 2 February 2015, mainly covering the reporting period 2010 to 2012.

### 1.2. The work of the Committee of Experts

11. This evaluation report is based on information obtained by the Committee of Experts from the third periodical report of Serbia as well as meetings with representatives of minority language speakers and the Serbian authorities during the on-the-spot visit (3-5 June 2015). Pursuant to Article 16 (2) of the Charter, the Committee of Experts has received written statements from the national councils of the Bosniak, Bunjevac, Croatian and German national minorities. The present report reflects the policies, legislation and practice prevailing around the time of the on-the-spot visit. Any later developments will be taken into account in the next report of the Committee of Experts in respect of Serbia.

12. The evaluation report contains detailed observations and recommendations which the Serbian authorities are encouraged to take into account in order to develop their policy on minority languages. The Committee of Experts has, on the basis of its evaluation, also established a list of proposals for recommendations to be addressed to Serbia by the Committee of Ministers, as provided in Article 16 (4) of the Charter.

13. The present report was adopted by the Committee of Experts on 4 November 2015.

### 1.3. General issues arising from the evaluation of the periodical report

#### 1.3.1 Territorial application of the Charter

14. At the deposition of its instrument of ratification on 15 February 2006, Serbia and Montenegro declared that it would apply the Charter in areas in which the regional or minority languages are in official use in line with the national legislation. Pursuant to the Law on the Protection of the Rights and Freedoms of National Minorities (Article 11), a minority language and its script can, irrespective of the number of speakers, be introduced into official use in a municipal territory where the national minority concerned has a traditional presence. Such a *voluntary* introduction of a minority language and its script into official use requires a change of the municipality's statute. The introduction of a minority language and its script into official use is, however, *compulsory* if a national minority accounts for 15% of the population of an (entire) *municipality (opština)*. In addition to education, media and culture, the official use of the minority language and its script is one of the four areas of competence of the national councils of national minorities (minority self-government bodies). According to the Law on the National Councils of the National Minorities (Article 22 (3)), the national councils shall propose the introduction of their minority languages and scripts into local official use.

15. In the first evaluation report, the Committee of Experts considered that the aforementioned threshold of 15% may prevent the Charter from being applied to those regional or minority languages that are not yet in official use but whose users are traditionally present in sufficient numbers in municipalities or local communities for the provisions of the Charter to be applied.<sup>1</sup> Furthermore, national councils of national minorities receive significantly less funding from the authorities if their minority language is not in local official use. The Committee of Experts therefore welcomed the fact that regional or minority languages had frequently been introduced into official use on a voluntary basis. This has happened even if the share of the minority population was very low locally (e.g. 0.5% in the case of the Slovak national minority in Bačka Topola) or in Serbia as a whole (Czech is in local official use although only 1,824 people belong to the Czech national minority in Serbia). Against this background, the Committee of Experts considered that the Serbian authorities should identify, in co-operation with eligible municipalities, the municipal territories where the users of the regional or minority languages are traditionally present in sufficient numbers for the application

<sup>1</sup> Cf also 1<sup>st</sup> Report of the Committee of Experts on Serbia, ECRML (2009) 2, paragraphs 28-30; 1<sup>st</sup> Report of the Committee of Experts on Slovakia, ECRML (2007) 1, paragraphs 44/47; 2<sup>nd</sup> Report of the Committee of Experts on Sweden, ECRML (2006) 4, paragraph 16.

of provisions of the Charter and where, if necessary, statutes could be supplemented. Following up on the recommendation made in its first evaluation report, the Committee of Experts, in its second evaluation report, urged the Serbian authorities to pursue steps to secure the implementation of the Charter in all municipal territories where the users of the regional or minority languages are traditionally present in sufficient numbers for the application of provisions of the Charter, including, where necessary, changes to statutes of municipalities.<sup>2</sup>

16. According to the third periodical report and information received from minority language speakers, the national councils of the German, Macedonian, Roma, Ukrainian and Vlach national minorities have consulted certain local authorities about the introduction of their languages into local official use and intend to initiate the related procedure in co-operation with some of these local authorities. The Serbian authorities have also announced that they would approach eligible municipalities with a view to introducing regional or minority languages into official use.

17. The Committee of Experts considers that the Serbian authorities should continue to identify, in co-operation with eligible municipalities, the municipal territories where the users of the regional or minority languages are traditionally present in sufficient numbers for the application of provisions of the Charter and where, if necessary, statutes could be supplemented.

### *1.3.2 Application of Part III of the Charter*

18. During the third and previous monitoring cycles, representatives of the speakers of the languages covered only by Part II have expressed an interest in Part III protection for their languages. In this context, the Serbian authorities have reiterated that they consider the implementation of the Charter as a process which can result in the specification of further Part III languages. The Committee of Experts welcomes the dynamic approach taken by the Serbian authorities to the instrument of ratification and encourages them to pursue the envisaged steps in co-operation with the speakers.

### *1.3.3 Census 2011*

19. The census conducted in 2011 provided new data concerning persons belonging to national minorities and speaking minority languages as their mother tongue<sup>3</sup>. Compared to the previous census of 2002, the numbers of some of the national minorities significantly changed. Due to a positive international climate, many more persons declared their Romani ethnicity and mother tongue. On the other hand, there is a strong decline among most of the other national minorities. Against this background, it seems necessary to strengthen the protection and promotion of minority languages and the related cultures.

<sup>2</sup> Cf also 2<sup>nd</sup> Report of the Committee of Experts on Serbia, ECRML (2013) 3, paragraph 11. The recommendations of the Committee of Experts from the previous monitoring cycle which appear in a box are quoted underlined.

<sup>3</sup> In the sense of Article 1, the Charter concerns not only the mother-tongue speakers of the regional or minority languages, but the users of these languages in general and irrespective of their ethnicity.

## **Chapter 2 Conclusions of the Committee of Experts on how the Serbian authorities have reacted to the recommendations of the Committee of Ministers**

### **Recommendation no. 1:**

*“strengthen teacher training and provide adequate teaching materials for all regional or minority languages;”*

20. As far as the languages covered only by Part II are concerned, the Serbian authorities have supported the publication of several textbooks in Bunjevac as well as a textbook for the new subject Vlach Speech with Elements of National Culture. Furthermore, seminars were organised for the training of teachers of this subject.

21. Regarding the Part III languages, continuous efforts have been made to keep up with the needs, in an economically difficult situation. Most of the languages concerned have been supplied, however, not on the level needed to satisfy the smooth functioning of the institutions. Insufficiencies have been observed in the supply of textbooks in general.

### **Recommendation no. 2:**

*“provide teaching of/in the Part II languages within the models of minority language education at all appropriate stages;”*

22. The subject Bunjevac Speech with Elements of National Culture continues to be taught at primary schools, but Bunjevac is not present at pre-school or secondary levels.

23. One of the models of minority language education, namely “teaching the minority language with elements of national culture”, has been applied to Czech and Macedonian, which constitutes a considerable improvement of the position of both languages in education. However, Czech and Macedonian are not yet used at pre-school or secondary levels.

24. German is used in bilingual pre-school and primary education in the City of Subotica, but not in secondary education. Apart from this local offer, German is only taught as a foreign language rather than as a minority language of Serbia.

25. A curriculum and syllabus have been adopted for the subject Vlach Speech with Elements of National Culture for grades 1-4 of primary school. In the school year 2013/2014, the subject was taught as a pilot project and in the school year 2014/2015 it was introduced as an optional subject into primary education. Vlach is not yet used at pre-school or secondary levels.

### **Recommendation no. 3:**

*“secure the implementation of Articles 9 and 10, in particular regarding Romani and Ukrainian;”*

26. Serious practical problems related to the use of regional or minority languages persist due to the lack of court staff having knowledge of minority languages as well as to a general lack of trained court interpreters. Furthermore, speakers of minority languages are reluctant to use their mother tongue as the use of the state/majority language shortens and simplifies the court proceedings. Another restrictive factor is the limited budget of the courts for translation and interpretation.

27. In appeal procedures, records and decisions in procedures can be prepared in Serbian only.

28. According to the statements submitted by representatives of the speakers, court staff is not motivated to encourage – or is even inclined to dissuade – parties from the use of minority languages and scripts.

29. No current regulation ensures adequate control by the state, including sanctions, with regard to the obligation of local authorities to publish their official documents in the official minority language. Legal provisions still do not ensure or actively encourage the recruitment of staff knowing the local minority languages.

30. No systematic use of minority languages is possible in communication with most of the provincial and local administrative authorities, according to the statements submitted by representatives of the speakers in the third monitoring cycle.

31. The same observation is also valid for communication with public enterprises (electricity, gas, water supply etc.). Information provided by public enterprises show that no user of these public services communicated with the provider in written form in any of the minority languages. However, most of the state-

owned public service enterprises employ a significant number of speakers of minority languages in ethnically mixed communities, enabling use of minority languages in oral communication.

32. Articles 9 and 10 are not implemented in practice for Romani or Ukrainian.

**Recommendation no. 4:**

*“take the necessary practical measures to ensure that personal names and place names in the regional or minority languages can be used officially in conformity with the tradition and orthography of the languages concerned;”*

33. Measures have been taken, in cooperation with the national councils, to establish traditional geographical names in the respective minority languages in areas where minority languages are in official use, for languages not yet covered by similar measures before: Albanian (in 2012) and Bulgarian (in 2013). Once established, and after official publication, these geographical names have become official place names, besides the designations in Serbian. However, the Committee of Experts has no information about the use of these names in practice.

34. As Romani and Ukrainian are not in official use, there are no official place names in these languages.

As far as the official use of personal names is concerned, the Committee of Experts has not been informed of any problems.

**Recommendation no. 5:**

*“continue to promote awareness and tolerance in Serbian society at large vis-à-vis the regional or minority languages and the cultures they represent.”*

35. Raising awareness and increasing tolerance for multilingualism continues to be supported through projects in the fields of media/internet and culture. These projects are co-financed by state and provincial authorities. During the reporting period the Serbian authorities co-financed around 1,200 multi- and intercultural programmes and projects with almost 655 million RSD (5,460,000 EUR). The projects were mostly implemented in Vojvodina. There is a need to carry out similar activities in Central Serbia.

## Chapter 3 The Committee of Experts' evaluation in respect of Part II and Part III of the Charter

### 3.1. Evaluation in respect of Part II of the Charter

#### Part II – Objectives and principles pursued in accordance with Article 2, paragraph 1

36. Part II of the Charter applies to all regional or minority languages used in Serbia, i.e. Albanian, Bosnian, Bulgarian, Bunjevac, Croatian, Czech, German, Hungarian, Macedonian, Romani, Romanian, Ruthenian, Slovak, Ukrainian and Vlach.

37. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new information which would have required a reassessment of its previous findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are: Articles 7 (1) a, b, e, 7 (2) and 7 (5).

#### 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:*

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

38. Resolute action to promote regional or minority languages in order to safeguard them covers several aspects, including the establishment of bodies which have responsibility in this field and the provision of adequate financial resources.<sup>4</sup> In Serbia, the relevant bodies are the national councils of national minorities.

39. Further to a similar recommendation in its first evaluation report, and against the background of additional cuts in the funding of national councils of national minorities, the Committee of Experts urged the Serbian authorities in its second report to secure adequate financial support that would allow national councils to effectively execute their tasks.

40. According to the third periodical report, the funds provided from the budgets of the Republic of Serbia and/or the Autonomous Province of Vojvodina for the operation of the national councils have been increased for several national minorities since 2010. However, the national councils of the Bunjevac, Croatian, German and Ukrainian speakers had to face a decrease in funding. One of the reasons put forward by the authorities to some of the national councils was that their languages are currently not in local official use. Representatives of national councils voiced concern that the financial constraints would hamper the effective execution of their tasks.

41. While acknowledging the economic difficulties of Serbia, the Committee of Experts strongly urges the Serbian authorities to secure adequate financial support that would allow national councils of national minorities to effectively execute their tasks.

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

##### *Bunjevac*

42. As announced in the second periodical report, Serbia for the first time included Bunjevac in the list of mother tongue options in the 2011 census, and 6,835 persons opted for it.

43. The process of standardisation of Bunjevac is in its final phase. A Bunjevac grammar was completed in 2014. The Serbian authorities and the National Council of the Bunjevac National Minority expect that standardisation will facilitate the use of Bunjevac in public life.

44. During the reporting period, the Serbian authorities continued to subsidise activities promoting the use of Bunjevac in the media and in cultural life. In addition to a radio and a television programme broadcast by public Radio Television Vojvodina, there are private radio programmes broadcast in Bunjevac (four hours per week). Printed media in Bunjevac include the monthly *Bunjevačke novine*, the monthly supplement for children *Tandrčak* distributed in schools, the youth magazine *Bocko* and the monthly magazine *Rič bunjevačke matice*. In addition, the Serbian authorities have continued to support the publication of several books in Bunjevac and cultural events.

<sup>4</sup> Cf. for example 2<sup>nd</sup> Report of the Committee of Experts on Germany, ECRML (2006) 1, paragraph 24; 2<sup>nd</sup> Report of the Committee of Experts on Sweden, ECRML (2006) 4, paragraph 28

45. During the on-the-spot visit, the National Council of the Bunjevac National Minority informed the Committee of Experts that topographic names in Bunjevac are not yet used in public.

#### *Czech*

46. Czech is an official language of Bela Crkva municipality. In the second evaluation report, the Committee of Experts asked the Serbian authorities to clarify whether there are Czech speakers among the staff of the local authority of Bela Crkva and at the courts which have jurisdiction of that municipality.

47. According to the third periodical report, Czech is not used by the local authorities of Bela Crkva. It is not possible to submit a request in Czech and to receive a reply in this language. Furthermore, there are no forms or other documents available in Czech, except during parliamentary and other elections. Due to the reorganisation of courts, the Basic Court in Bela Crkva has become a court unit of the Court in Vršac. As Czech is not in official use in Vršac, Czech speakers cannot use their language before the court in Vršac.

48. The Committee of Experts encourages the Serbian authorities to facilitate the use of Czech by the local authorities of Bela Crkva.

#### *Czech and German*

49. In the second monitoring cycle, the Serbian authorities announced the launch of radio and television programmes in Czech and German. Czech and German were the only regional or minority languages in Vojvodina that were not yet present at RTV Vojvodina.

50. According to the third periodical report, RTV Vojvodina does not yet broadcast any radio or television programmes in Czech or German. However, as in the previous monitoring cycle, the periodical report states that the national authorities and the authorities of Vojvodina have undertaken the obligation to create the technical preconditions for broadcasting programmes in Czech and German. The Committee of Experts notes that the launch of such programmes on the regional broadcaster RTV Vojvodina is particularly important as local radio stations and television channels cover only small territories and might no longer broadcast in minority languages after the planned privatisation of local broadcast media.

***The Committee of Experts urges the Serbian authorities to facilitate the broadcasting of radio and television programmes in Czech and German at RTV Vojvodina.***

#### *German*

51. In the second evaluation report, the Committee of Experts encouraged the Serbian authorities to support a news publication issued in German at regular intervals.

52. The Serbian authorities have provided financial support to the bilingual (German/Serbian) magazine *Fenster*. However, its last edition was issued in 2013. The National Council of the German National Minority considers that a news magazine published in German at regular intervals (e.g. every two weeks or monthly) and available in all the areas where the German speakers live would contribute effectively to the promotion of German. The Committee of Experts encourages the Serbian authorities to facilitate the creation of a publication issued in German at more regular intervals.

53. As regards place names, the City of Novi Bečej has installed place name signs in Serbian, Hungarian and German. In the City of Kikinda, the names Heufeld and Mastort have been traditionally used also in Serbian to designate two localities in Novi Kozarci. Both names ceased to be in official use when these localities lost their status as administrative units. As they have no names in Serbian, the National Council of the German National Minority proposes that their German names remain official.

#### *Macedonian*

54. In the second evaluation report, the Committee of Experts acknowledged the good situation of Macedonian in the media in Vojvodina. Regarding the situation of Macedonian in Central Serbia, the Committee of Experts asked the Serbian authorities to provide information in the next periodical report.

55. According to the third periodical report, the presence of Macedonian in the media remains good. There exist radio and television programmes in Macedonian, *inter alia* at RTV Vojvodina. In addition, the Serbian authorities have supported a number of publications in Macedonian (the newspaper *Makedonska videlina*; the *Sunica* children's magazine; books in Macedonian, Serbian translations of books written by Macedonian authors and Macedonian translations of books written by Serbian authors).

56. However, the Committee of Experts still lacks more specific information regarding the situation of Macedonian in Central Serbia where most Macedonian speakers live and asks the Serbian authorities to provide such information in the next periodical report.

#### *Vlach*

57. In the second evaluation report, the Committee of Experts “encourage[d] the Serbian authorities to adopt a structured policy for the protection and promotion of Vlach and to strengthen its use in public life”. It furthermore asked for more detailed information about the use of Vlach in the media.

58. In the third periodical report, the Serbian authorities informed about the co-financing of five radio programmes broadcasting a total of 73 hours per month in Vlach and of two television programmes with 14 hours per month. Moreover, audio and video productions as well as cultural projects have been supported.

59. As far as administrative authorities are concerned, the third periodical report stated that the National Council of the Vlach National Minority would apply for the introduction of Vlach into official use in certain local self-government units. During the on-the-spot visit, representatives of the national council expressed a strong interest in publicly displaying topographic names in Vlach. The Committee of Experts encourages the Serbian authorities to support initiatives aiming at the adoption and use of place names in Vlach.

60. Despite positive initiatives in the fields of media and culture, the use and visibility of Vlach in the public life of Eastern Serbia still remains in an elementary stage. The Committee of Experts therefore asks the Serbian authorities to develop and implement a strategy for the promotion of Vlach in different fields of public life in cooperation with the speakers.

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

#### *Awareness-raising*

61. There are three models of minority language education at primary and secondary schools, which apply to Part II and Part III languages alike. With regard to Part III languages, they will be evaluated under the relevant provisions under Article 8. Teaching may be carried out in the minority language, bilingually, or in Serbian with the possibility of learning the minority language “with elements of national culture” (about two to four hours per week). At least 15 pupils or parents have to request the establishment of a minority language class. While this threshold is too high for the purposes of the Charter, minority language classes can also be set up at the request of less than 15 pupils or parents if the authorities approve it. The Serbian authorities have informed the Committee of Experts of numerous cases where classes have been set up with very few pupils (two pupils, for example). However, the Committee of Experts has also noted that very few representatives of the minority language speakers were aware of this possibility. In light of the above, the Committee of Experts urged the Serbian authorities in the second evaluation report to inform pupils and parents more actively of the possibility to set up minority language classes with less than 15 pupils and to encourage them to make use of it.

62. The Serbian authorities still do not have a standard procedure for informing parents and/or pupils of the possibility to set up minority language classes with less than 15 pupils. The Committee of Experts considers that more awareness-raising about the virtues of and opportunities for minority language education is needed as many parents are under the impression that such teaching would be cumbersome and counterproductive for the development of their children. Furthermore, the Committee of Experts reiterates that a threshold of 15 pupils is too high for the purposes of the Charter as the speakers of a number of minority languages in Serbia are unlikely to attain it. The Committee of Experts encourages the Serbian authorities to at least maintain the flexible approach to set up classes. Furthermore, it also urges the Serbian authorities to inform pupils and parents more actively of the possibility to set up minority language classes with less than 15 pupils.

#### *Bunjevac*

63. In the second evaluation report, the Committee of Experts encouraged the Serbian authorities to take appropriate measures so that the pupils who study the subject Bunjevac Speech with Elements of National Culture could continue this subject at secondary level, and to introduce Bunjevac in kindergarten.

64. According to the third periodical report and the National Council of the Bunjevac National Minority, the subject Bunjevac Speech with Elements of National Culture is taught at 16 primary schools in Subotica and Sombor (total number of pupils in 2015: 406). The introduction of Bunjevac at secondary level is planned for 2015. Moreover, the national council is investigating how Bunjevac could be used in regular pre-school education. Several textbooks have been published (Bunjevac reader for the first grades of primary school with a related teacher’s handbook, grammar textbook for the first four grades of primary school) or are under

preparation (textbook "History of the Bunjevci", Bunjevci dictionary, reader for the third and fourth grades of primary school).

#### *Czech*

65. In the second evaluation report, the Committee of Experts urged the Serbian authorities to provide for the teaching of/in Czech at all appropriate stages in Bela Crkva municipality and possibly other places where Czech is used (e.g. in Gaj, Kovin municipality, and Veliko Središte, City of Vršac).

66. According to the third periodical report, in 2012/2013, the subject Czech Language with Elements of National Culture was organised in four primary schools in Bela Crkva and Kovin for 56 pupils. The Committee of Experts welcomes that this educational model is now also applied to the Czech language. However, Czech is not yet used at pre-school or secondary levels.

67. The Committee of Experts encourages the Serbian authorities, in cooperation with the speakers, to take appropriate measures so that the pupils who currently learn Czech in primary school can continue learning Czech at secondary level, and to introduce Czech in kindergartens.

#### *German*

68. In the second evaluation report, the Committee of Experts encouraged the Serbian authorities to ensure that the children enrolled in German/Serbian and German/Hungarian kindergarten education in Subotica could continue their bilingual education at primary and secondary levels. Furthermore, the Committee of Experts encouraged the authorities to start bilingual education also in other places where German is used.

69. Regarding teaching in German, one pre-school in Subotica currently provides bilingual education in German and Hungarian. During the on-the-spot visit, representatives of the German speakers informed the Committee of Experts that there is also one primary school in Subotica providing bilingual education. The Committee of Experts asks the authorities to clarify this issue in the next periodical report. In order to ensure continuity, the National Council of the German National Minority advocates the introduction of secondary education in German. Since 2011, German has been used in a Serbian-language kindergarten in Novi Sad (2013: 109 children). There are plans to start bilingual kindergarten education in other cities of Vojvodina (e.g. Sombor). The subject German Language with Elements of National Culture does not yet exist.

70. The Committee of Experts encourages the Serbian authorities to facilitate the provision of bilingual education in German at pre-school, primary and secondary levels in Subotica, Novi Sad and other places where an interest in such education exists (e.g. Sombor, Odžaci, Apatin and Kikinda).

#### *Macedonian*

71. In the second evaluation report, the Committee of Experts encouraged the Serbian authorities to provide for the teaching of/in Macedonian at all appropriate stages.

72. The National Council of the Macedonian National Minority informed the Committee of Experts during the on-the-spot visit that the subject Macedonian Language with Elements of National Culture is taught in primary schools in the City of Pančevo. Macedonian is not used at pre-school or secondary levels. An initiative by the national council to introduce this subject also in the City of Leskovac (Central Serbia) was not successful.

73. The Committee of Experts welcomes that the subject Macedonian Language with Elements of National Culture has been introduced into the educational system in Vojvodina. However, there is still no teaching of/in Macedonian in Central Serbia where most Macedonian speakers are traditionally present.

74. The Committee of Experts encourages the Serbian authorities to provide for the teaching of/in Macedonian at all appropriate stages, in all places where speakers are traditionally present in sufficient numbers.

#### *Vlach*

75. In the second evaluation report, the Committee of Experts encouraged the Serbian authorities to carry out surveys at the beginning of each school year with a view to identifying pupils' (or parents') interest in the teaching of Vlach. The Committee of Experts also urged the Serbian authorities to introduce Vlach into education even before a possible standardisation was achieved.

76. In the third periodical report, the Serbian authorities state that Latin and Cyrillic scripts have been adopted for Vlach. Following this, a curriculum and syllabus were adopted by the national council in 2012 for the subject Vlach Speech with Elements of National Culture for grades 1-4 of primary school. Two seminars

were organised in 2013 for the training of teachers for this subject. Moreover, a textbook in Vlach (Cyrillic script) for the first grade of primary school and a Vlach-Serbian dictionary have been published.

77. In the school year 2013/2014, the subject Vlach Speech with Elements of National Culture was taught as pilot project to 131 pupils in seven municipalities (Boljevac, Bor, Majdanpek, Negotin, Petrovac na Mlavi, Žagubica and Zaječar). Subsequently, it was introduced as an optional subject into primary education in the school year 2014/2015. Vlach is currently taught in the municipalities of Bor, Žagubica and Zaječar to 125 pupils. The introduction of teaching Vlach in pre-school and secondary education is pending. The Committee of Experts welcomes the progress made since the last monitoring cycle.

78. The Committee of Experts encourages the Serbian authorities to take appropriate measures to enable pupils who currently study Vlach Speech with Elements of National Culture to continue this subject at secondary level, and to introduce Vlach in kindergartens.

*Romanian (Central Serbia)*

79. In the second evaluation report, the Committee of Experts noted that there was an interest among parts of the Vlach population of Eastern part of Central Serbia in teaching the subject Romanian with Elements of National Culture. It encouraged the Serbian authorities to carry out surveys at the beginning of each school year with a view to identifying pupils' and parents' interest in the teaching of Romanian.

80. The third periodical report states that, in the school year 2013/2014, Serbia introduced this subject into schools in Central Serbia. During the on-the-spot visit, representatives of the speakers specified that the subject is taught at primary and secondary levels in the Boljevac, Kladovo, Majdanpek and Zaječar municipalities. Despite demand, there is currently no offer of such teaching in Bor municipality. The speakers also stated that in some cases the wish of a relevant number of parents for the teaching of Romanian, as expressed in the surveys, has not led to the opening of such classes.

81. The Committee of Experts welcomes the teaching of the subject Romanian with Elements of National Culture in Eastern Serbia and asks the Serbian authorities to provide information about the number of pupils in the next periodical report. Furthermore, it encourages the Serbian authorities to carry out the surveys at the beginning of each school year in a way that enables pupils or parents to effectively choose Romanian.

**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;*

82. In the second evaluation report, the Committee of Experts encouraged the Serbian authorities to provide facilities enabling non-speakers of Czech, German, Macedonian and Vlach living in the area where these languages are used, to learn them if they so desire.

83. The teaching of/in Part II languages (see under paragraph 7 (1) f) is also accessible to non-speakers of these languages. However, the third periodical report does not provide any information about possibilities for adult non-speakers to learn these languages.

84. The Committee of Experts encourages the Serbian authorities to provide facilities enabling adult non-speakers to learn these languages.

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

85. The Committee of Experts will deal with the languages covered also by Part III in its examination of Part III.

86. In the second evaluation report, the Committee of Experts noted that this provision was not applied to Vlach. The third periodical report contains information about possibilities to study regional or minority languages, but it does not provide any specific information about research carried out at universities or equivalent institutions about the languages covered by the Charter. The Committee of Experts asks the Serbian authorities to provide information about relevant research projects in the next periodical report.

**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.*

87. In the second evaluation report, the Committee of Experts noted that this provision had not been applied to Czech, German or Vlach. The Committee of Experts encouraged the Serbian authorities to adopt, for each of these languages, a structured policy for the promotion of appropriate types of transnational exchanges in the fields covered by the Charter.

88. According to the third periodical report, a Treaty on Co-operation in the Field of Culture, Education, Science, Youth and Sports was concluded with the Czech Republic in 2005, but has not yet entered into

force. Article 14 of this treaty concerns the Czech national minority and the preservation of the Czech language. The Committee of Experts asks the Serbian authorities to provide more specific information on how the Czech language will be promoted in the fields covered by the Charter in the context of this treaty.

89. The Treaty on Cultural and Scientific Cooperation with the Federal Republic of Germany (1969) deals *inter alia* with co-operation between universities with a view to facilitating the study of German. Serbia and Germany intend to revise this treaty. The Committee of Experts encourages the Serbian authorities to use this opportunity to adopt a structured policy for the promotion of the German language in the fields covered by the Charter in the context of this treaty.

90. The third periodical report does not provide any information about the application of this provision to Vlach. During the on-the-spot visit, representatives of the National Council of the Vlach National Minority informed the Committee of Experts that they have transnational exchanges with Croatia, Bulgaria, Greece and "the Former Yugoslav Republic of Macedonia".

91. The Committee of Experts urges the Serbian authorities to adopt a structured policy for the promotion of transnational exchanges for Czech, German and Vlach in the fields covered by the Charter.

### 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.*

92. In the first monitoring cycle, the Committee of Experts had received complaints by national councils of national minorities that there were history textbooks presenting certain national minorities in a negative light. The Committee of Experts urged the Serbian authorities in the second evaluation report to continue their efforts to promote awareness and tolerance vis-à-vis minority languages and the cultures they represent as an integral part of the cultural heritage of Serbia, both in the general curriculum at all stages of education and in the media. Furthermore, the Committee of Ministers recommended that the authorities "**continue to promote awareness and tolerance in Serbian society at large vis-à-vis the regional or minority languages and the cultures they represent**"<sup>5</sup>.

93. According to the third periodical report, raising awareness and increasing tolerance for multilingualism continues to be supported through projects in the fields of media/internet and culture. During the reporting period, the Serbian Ministry of Culture and Information co-financed 47 projects with almost 15 million RSD (125,000 EUR). The Secretariat for Culture and Public Information of the Autonomous Province of Vojvodina co-financed 1,141 projects and events with almost 640 million RSD (5,330,000 EUR). The project Affirmation of Multiculturalism and Tolerance and the organisation of an Ethno Day by pupils (presentation of the history, culture and the languages of minorities) in Vojvodina are a major contribution to the development of a spirit of inter-ethnic tolerance. Since the beginning of the implementation of this project in 2005, more than 10,000 pupils have been involved.

94. The Committee of Experts encourages the Serbian authorities to continue their efforts to promote awareness and tolerance vis-à-vis regional or minority languages and the cultures they represent as an integral part of the cultural heritage of Serbia. As there is quite a big difference in the number of activities and in funding between the Autonomous Province of Vojvodina and Central Serbia, this encouragement particularly applies to activities in Central Serbia.

### 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.*

95. According to Serbian legislation, persons belonging to national minorities may elect national minority councils for the purpose of collectively exercising the right to self-governance in culture, education, information and official use of the language and script. National, regional and local authorities shall consult the relevant national minority council when deciding on issues in the fields mentioned above. All regional or minority languages covered by the Charter are represented by a national minority council. The Committee of Experts is of the view that national minority councils represent a particularly appropriate way of taking into consideration the needs and wishes expressed by the groups which use regional or minority languages.

96. The EU is currently financing the joint programme "Promoting Human Rights and Minority Protection in South East Europe" which also covers Serbia. It is the first EU programme which *inter alia* contributes to

<sup>5</sup> The recommendations of the Committee of Ministers from the previous monitoring cycle are quoted in bold.

the implementation of the Committee of Experts' monitoring recommendations. However, in practice, the activities implemented by the Serbian cities involved in the programme (Bosilegrad, Bujanovac/Bujanoc, Novi Pazar, Pančevo/Pancsova/Panciova, Petrovac na Mlavi, Subotica/Szabadka) do not deal with recommendations of the Charter's monitoring mechanism. Furthermore, several regional or minority languages (Bunjevac, Czech, German, Romani, Romanian, Ruthenian and Ukrainian) are excluded from projects being implemented in cities where these languages are traditionally spoken or from other programme activities. The Committee of Experts encourages the Serbian authorities to ensure the implementation of the Charter at local level, including through assistance activities, and to see to it that the needs and wishes of all regional or minority language groups are taken into consideration.

### 3.2. Evaluation in respect of Part III of the Charter

97. Part III of the Charter applies to Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romani, Romanian, Ruthenian, Slovak and Ukrainian.

#### 3.2.1 Albanian

98. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new information which would have required a reassessment of its previous findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 a (iii), a (iv), b (iv), c (iv), d, e (ii);  
 Article 9, paragraph 1 a (ii), (iii), b (ii); d; paragraph 2;  
 Article 10, paragraph 1 c, paragraph 2 b, d;  
 Article 11, paragraph 1 b (ii), c (ii), e (i), f (ii); paragraph 2;  
 Article 12, paragraph 1 a, f;  
 Article 13, paragraph 1 c.

### Article 8 – Education

#### 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:*

#### Adult education

*f ...*

*iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

99. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “urge[d] the Serbian authorities to take measures to favour and/or encourage the offering of all Part III languages as subjects of adult and continuing education”.

100. The third periodical report does not provide any specific information on the use of Albanian in adult education. It only mentions classes organised for adults who had no opportunity to finish school. These classes are taught only in Serbian. The Committee of Experts is not aware of any adult education taking place in minority languages.

101. The Committee of Experts still considers this undertaking not fulfilled.

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

102. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and asked the authorities to provide specific information in the next periodical report.

103. The third periodical report does not provide any specific information on this undertaking. However, from information received during the second monitoring cycle, the Committee of Experts is aware of the flexibility in the regular curricula that allows the teaching of the history and culture reflected by regional or minority languages. It is not clear to the Committee of Experts to what extent pupils of the majority population are taught about the history and culture of minority languages.

104. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled and asks the Serbian authorities to provide more specific information in the next periodical report.

### Article 9 – Judicial authorities

#### 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:*

*c in proceedings before courts concerning administrative matters:*

- 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; and/or*

*if necessary by the use of interpreters and translations;*

105. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

106. According to the third periodical report, there were no cases at the Administrative Court which required proceedings to be conducted with interpretation into/from Albanian. All claims were filed in Serbian.

107. The Committee of Experts considers this undertaking formally fulfilled. It asks the Serbian authorities to provide more concrete information regarding court procedures concerning administrative matters.

### **Paragraph 3**

*The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

108. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

109. According to the third periodical report, some national legal texts have been translated into Albanian.<sup>6</sup>

110. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Serbian authorities to make further significant legal texts available in Albanian.

## **Article 10 – Administrative authorities and public services**

### **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 ...*

- iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*

111. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It “urged the Serbian authorities to take the necessary measures to ensure that users of regional or minority languages may in practice submit oral or written applications in these languages to state authorities”.

112. According to the third periodical report, the Ministry of Human and Minority Rights collected data, in 2010, on the use of minority languages in districts, including those with Albanian speakers. According to the obtained data, no requests in minority languages were received in these districts.

113. The Committee of Experts considers this undertaking formally fulfilled.

### **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:*

- c the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

114. The Committee of Experts maintains its previous conclusion that this undertaking is at present not applicable for Albanian.

- 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.*

115. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and “urge[d] the Serbian authorities to take steps to ensure that officially designated place names in regional or

<sup>6</sup> See 3rd Periodical Report by Serbia, MIN-LANG (2015) PR 1, paragraph 311.

minority languages are used in practice, in conformity with the tradition and orthography of the languages concerned".

116. According to the third periodical report, the National Council of the Albanian National Minority established 138 traditional place names in the municipalities of Bujanovac/Bujanoc, Medveđa/Medvegja, and Preševo/Preshevë in 2012. The Committee of Experts welcomes this positive development and asks the Serbian authorities to provide further information concerning the practical implementation, in particular the use of Albanian place names in signage and official documents.

117. The Committee of Experts considers this undertaking fulfilled.

### 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:*

*c to allow users of regional or minority languages to submit a request in these languages.*

118. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Serbian authorities to take organisational and practical measures to ensure the possibility for users of regional or minority languages to submit requests to public services in these languages.

119. According to the third periodical report, referring to information obtained from local administrations in Central Serbia, where most of the Albanian speakers live, such a possibility exists in certain public enterprises in Preševo/Preshevë.

120. The Committee of Experts considers this undertaking fulfilled.

### Paragraph 4

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

*c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

121. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking.

122. During the third monitoring cycle, the authorities have not provided any specific information on the implementation of this undertaking.

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

### Paragraph 5

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

124. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was formally fulfilled and "urge[d] the Serbian authorities to take the necessary measures to ensure the practical use or adoption of family names in the regional or minority languages".

125. The third periodical report does not provide any information on the practical use of the existing legal provisions by Albanian speakers.

126. The Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled.

## Article 11 – Media

### 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 to the extent that radio and television carry out a public service mission:*

*iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

127. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled concerning television. Concerning radio, the Committee of Experts asked the authorities to provide information on further developments in the next periodical report.

128. According to the third periodical report, three local or regional community radio stations broadcast 970 (240/10/720) hours/month in Albanian.

129. The Committee of Experts considers this undertaking fulfilled.

*d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

130. In the second evaluation report, the Committee of Experts was not in a position to conclude with respect to this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

131. According to the third periodical report, three applicants producing media content in Albanian received funding for six projects (in total 4 million RSD / 33.500 EUR) in the period from 2010 to 2012.

132. The Committee of Experts considers this undertaking fulfilled.

### 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.*

133. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled and “invite[d] the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies”.

134. According to the third periodical report, the Law on the National Councils of the National Minorities authorises national councils to represent the interests of the minority in different administrative and professional bodies at state level.

135. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled. However, it again encourages the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies.

## 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:*

*b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

136. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations from Albanian.

137. During the third monitoring cycle, the Serbian authorities have not provided the information requested.

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

*c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

139. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information about a support scheme for translations into Albanian.

140. The third periodical report mentions that 500,000 RSD (4.170 EUR) per year were used to fund cultural activities – publication of magazines, theatre productions, festivals – of the Albanian national minority in the

period from 2010 to 2012. However, this information does not specify if any support was given to translations into Albanian. The Committee of Experts asks the Serbian authorities to include such information in the next periodical report.

141. The Committee of Experts is still not in a position to conclude on the fulfillment of this undertaking.

## **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

142. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfillment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

143. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

## **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 or 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;*

145. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Serbian authorities to seek agreements with countries where Albanian is used in identical or similar form to foster contacts in the fields of culture, education, information, etc.

146. In the third periodical report, the authorities report that the Republic of Serbia is the successor of such an agreement concluded between the Republic of Albania and Yugoslavia in 1988. However, the Committee of Experts has not received any information on activities under this agreement.

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

*b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

148. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfillment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

149. During the third monitoring cycle, the Serbian authorities have not provided any specific information on the implementation of this undertaking.

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

### 3.2.2 Bosnian

151. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new information which would have required a reassessment of its previous findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 a (iii), a (iv), b (iv), e (ii);  
 Article 9, paragraph 1 a (ii), a (iii), b (ii); d; paragraph 2;  
 Article 10, paragraph 1 c, paragraph 2 d;  
 Article 11, paragraph 1 b (ii), c (ii), f (ii), paragraph 2;  
 Article 12, paragraph 1 a, f;  
 Article 13, paragraph 1 c.

## Article 8 – Education

### 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:*

#### **Secondary education**

- c**
  - i to make available secondary education in the relevant regional or minority languages; or*
  - ii to make available a substantial part of secondary education in the relevant regional or minority languages; or*
  - iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
  - 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;**

152. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled as there was no teaching in or of Bosnian at secondary level.

153. In the third periodical report, the Serbian authorities report that secondary education started for the first grade of secondary education in 2013-2014, but provided no further information.

154. Against this background, the Committee of Experts considers this undertaking fulfilled. However, it asks the Serbian authorities to provide detailed information about the further implementation in the next periodical report.

#### **Technical and vocational education**

- d**
  - i to make available technical and vocational education in the relevant regional or minority languages; or*
  - ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
  - 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*
  - 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;**

155. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled because one religious school in Novi Pazar offered education in Bosnian. Nevertheless, it urged the Serbian authorities to strengthen the use of Bosnian in technical and vocational education.

156. In the third periodical report, the Serbian authorities have not provided any information on technical or vocational education in Bosnian.

157. On this background, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Serbian authorities to provide relevant information in the next periodical report.

#### **Adult education**

- f** ...
  - iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;**

158. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “urge[d] the Serbian authorities to take measures to favour and/or encourage the offering of all Part III languages as subjects of adult and continuing education.”

159. The third periodical report does not provide any specific information on the use of Bosnian in adult education. It only mentions classes organised for adults who had no opportunity to finish school. These classes are taught only in Serbian. The Committee of Experts is not aware of any adult education taking place in minority languages.

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

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

161. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and asked the Serbian authorities to provide specific information in the next periodical report.

162. From information received during the second monitoring cycle, the Committee of Experts is aware of the flexibility in the regular curricula that allows the teaching of the history and culture reflected by regional or minority languages.

163. According to the third periodical report, the subject "Bosnian Language with Elements of the National Culture" is taught in 22 elementary schools in four local self-government units in the Sandjak region: Novi Pazar, Prijepolje, Sjenica and Tutin. It is not clear to the Committee of Experts to what extent pupils of the majority population are taught about the history and culture of minority languages.

164. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled and asks the Serbian authorities to provide more specific information in the next periodical report.

## **Article 9 – Judicial authorities**

### **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:*

*c in proceedings before courts concerning administrative matters:*

*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; and/or*

*if necessary by the use of interpreters and translations;*

165. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking. Therefore, it asked the Serbian authorities to provide further information in the next periodical report.

166. According to the third periodical report, there were no cases at the Administrative Court which required proceedings to be conducted with interpretation into/from Bosnian. All claims were filed in Serbian.

167. The Committee of Experts considers this undertaking formally fulfilled. It asks the Serbian authorities to provide more concrete information regarding court procedures concerning administrative matters.

### **Paragraph 3**

*The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

168. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

169. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

170. The Committee of Experts considers this undertaking not fulfilled and encourages the Serbian authorities to make the most important national statutory texts available in Bosnian.

## **Article 10 – Administrative authorities and public services**

## 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 ...*

*iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*

171. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It “urged the Serbian authorities to take the necessary measures to ensure that users of regional or minority languages may in practice submit oral or written applications in these languages to state authorities”.

172. According to the third periodical report, the Ministry of Human and Minority Rights collected data, in 2010, on the use of minority languages in districts, including those with Bosnian speakers. According to the obtained data, no requests in minority languages were received in these districts.

173. The Committee of Experts considers this undertaking formally fulfilled.

## 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:*

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

174. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled regarding local authorities and not applicable in the case of regional authorities. It asked the Serbian authorities to provide specific information in the next periodical report.

175. According to the third periodical report, recent surveys revealed that in three of the municipal administrations inhabited by speakers of Bosnian (Novi Pazar, Prijepolje and Tutin), most parties filed their applications in a minority language. In one municipal administration with speakers of Bosnian (Sjenica), written applications were only submitted in Serbian. There are no regional authorities in Central Serbia in the sense of this undertaking.

176. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled and not applicable in the case of regional authorities.

*c the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

177. The Committee of Experts maintains its previous conclusion that this undertaking is at present not applicable for Bosnian.

*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.*

178. In the second evaluation report the Committee of Experts considered this undertaking partly fulfilled, and “urged the Serbian authorities to take steps to ensure that officially designated place-names are used in practice, in conformity with the tradition and orthography of the languages concerned”.

179. The third periodical report does not provide any new information with regard to this undertaking.

180. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled.

## 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:*

*c to allow users of regional or minority languages to submit a request in these languages.*

181. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Serbian authorities to take measures to ensure that users of regional or minority languages may submit requests to public services in their language.

182. According to the third periodical report such a possibility exists for public enterprises in Prijepolje.

183. The Committee of Experts considers this undertaking fulfilled.

#### Paragraph 4

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

184. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking.

185. During the third monitoring cycle, the Serbian authorities have not provided any specific information on the implementation of this undertaking.

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

#### Paragraph 5

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

187. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking is formally fulfilled and “urge[d] the Serbian authorities to take the necessary measures to ensure the practical use or adoption of family names in the regional or minority languages”.

188. The third periodical report does not provide any information on the practical use of the existing legal provisions by Bosnian speakers. However, the Committee of Experts is not aware of any problems raised by the users.

189. The Committee of Experts considers this undertaking fulfilled.

### Article 11 – Media

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

190. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled for television and asked the Serbian authorities to provide information on radio in the next periodical report.

191. According to the third periodical report, there is one local or regional community broadcasting radio station (with a monthly 40-hour programme) and two television channels that have programmes in Bosnian.

192. The Committee of Experts considers this undertaking fulfilled.

- d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

193. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

194. According to the third periodical report, no applicant producing or distributing audio or audiovisual works in Bosnian benefitted from budget funds in the three-year period of 2010-2012.

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

- e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or*

196. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. However, it “invite[d] the Serbian authorities to encourage and/or facilitate the maintenance of the existing newspapers in regional or minority languages”.

197. According to the third periodical report, two weekly newspapers in Bosnian have been co-funded by the National Council of the Bosnian National Minority and the public budget of Serbia since 2010.

198. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled.

### 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.*

199. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled and “invite[d] the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies”.

200. According to the third periodical report, the Law on the National Councils of the National Minorities authorises national councils to represent the interests of the minority in different administrative and professional bodies at state level.

201. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled. However, it again encourages the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies.

## 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:*

*b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

202. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. Therefore, it asked the Serbian authorities to provide information on whether there was a support scheme for translations from Bosnian.

203. During the third monitoring cycle, the Serbian authorities have not provided the information requested.

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

*c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

205. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information about a support scheme for translations into Bosnian.

206. The third periodical report mentions that 1.800.000 RSD (15.000 EUR) per year were used to fund cultural activities – publication of magazines, theatre productions, festivals – of the Bosnian national minority in the period from 2010 to 2012. However, this information does not specify if any support was given to translations into Bosnian. The Committee of Experts asks the Serbian authorities to include such information in the next periodical report.

207. The Committee of Experts is still not in a position to conclude on the fulfillment of this undertaking.

### Paragraph 2

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

208. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

209. During the third monitoring cycle, no relevant information has been provided by the Serbian authorities with regard to this undertaking.

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

#### **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 or 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;*

211. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. Therefore, it encouraged the Serbian authorities to conclude agreements with states where Bosnian is used in identical or similar form, in such a way as to foster contacts between the users of this language in the fields of culture, education, information, etc..

212. According to the third periodical report, an Agreement was concluded in 2010 between the Government of the Republic of Serbia and the Council of Ministers of Bosnia and Herzegovina in the field of education, culture and sport. Article 3 of this Agreement stipulates that the contracting parties shall encourage mutual studying of the language and literature and for that purpose consider the possibility of exchanging teachers and experts for language and literature and of materials and information, as well as the organisation of relevant courses and seminars.

213. The Committee of Experts considers this undertaking fulfilled.

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

214. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

215. According to the third periodical report, the Municipality of Prijepolje has developed co-operations with municipalities in Bosnia and Herzegovina.

216. The Committee of Experts considers this undertaking fulfilled.

### 3.2.3 Bulgarian

217. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new information which would have required a reassessment of its previous findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 a (iii), a (iv), b (iv), c (iv), d (iv), e (ii);  
 Article 9, paragraph 1 d; paragraph 2;  
 Article 10, paragraph 1 c, paragraph 2 d;  
 Article 11, paragraph 1 f (ii), paragraph 2;  
 Article 12, paragraph 1 a, f;  
 Article 13, paragraph 1 c.  
 Article 14 b.

## Article 8 – Education

### 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:*

#### **Adult education**

f ...

*iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

218. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “urge[d] the Serbian authorities to take measures to favour and/or encourage the offering of all Part III languages as subjects of adult and continuing education.”

219. The third periodical report does not provide any specific information on the use of Bulgarian in adult education. It only mentions classes organised for adults who had no opportunity to finish school. These classes are taught only in Serbian. The Committee of Experts is not aware of any adult education taking place in minority languages.

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

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

221. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and asked the Serbian authorities to provide specific information in this respect in the next periodical report.

222. From information received during the second monitoring cycle, the Committee of Experts is aware of the flexibility in the regular curricula that allows the teaching of the history and culture reflected by regional or minority languages.

223. According to the third periodical report, the subject “Bulgarian Language with Elements of the National Culture” is studied in two primary schools, in two municipalities: Bosilegrad and Dimitrovgrad/Цариброд. The same subject is studied also in two vocational secondary schools in the same two municipalities. It is not clear to the Committee of Experts to what extent pupils of the majority population are taught about the history and culture of minority languages.

224. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled and asks the Serbian authorities to provide more specific information in the next periodical report.

## Article 9 – Judicial authorities

### 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:*

**a in criminal proceedings:**

**ii to guarantee the accused the right to use his/her regional or minority language; "**

**if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;**

225. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

226. According to the third periodical report, there is a Bulgarian-speaking judge in Dimitrovgrad/Цариброд, which is a court unit of the Basic Court of Pirot in Dimitrovgrad/Цариброд. However, the superior Higher Court in Vranje reported no requests to conduct proceedings in Bulgarian in that period.

227. The Committee of Experts considers this undertaking partly fulfilled and asks the Serbian authorities to provide information on the practical use of Bulgarian at court in the next periodical report.

**a in criminal proceedings:**

**iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or**

**if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;**

228. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

229. During the third monitoring cycle, the Serbian authorities have not provided any specific information on the implementation of this undertaking.

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

**b in civil proceedings:**

**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; and/or**

**if necessary by the use of interpreters and translations;**

231. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

232. According to the third periodical report, court reports include examples of the use of minority languages in civil proceedings. However, these reports do not provide any examples of the use of Bulgarian.

233. The Committee of Experts considers this undertaking formally fulfilled.

**c in proceedings before courts concerning administrative matters:**

**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; and/or**

**if necessary by the use of interpreters and translations;**

234. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information in the next periodical report about the application of this undertaking to Bulgarian.

235. According to the third periodical report, there were no cases at the Administrative Court which required proceedings to be conducted with interpretation into/from Bulgarian. All claims were filed in Serbian.

236. The Committee of Experts considers this undertaking formally fulfilled. It asks the Serbian authorities to provide more concrete information regarding court procedures concerning administrative matters.

### **Paragraph 3**

**The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.**

237. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

238. According to the third periodical report, some national legal texts were translated into Bulgarian.<sup>7</sup>

239. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Serbian authorities to make further significant legal texts available in Bulgarian.

## **Article 10 – Administrative authorities and public services**

### **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 ...*

*iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*

240. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It “urged the Serbian authorities to take the necessary measures to ensure that users of regional or minority languages may in practice submit oral or written applications in these languages to state authorities”.

241. According to the third periodical report, the Ministry of Human and Minority Rights collected data, in 2010, on the use of minority languages in districts, including those with Bulgarian speakers. According to the obtained data, no requests in minority languages were received in these districts.

242. The Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled.

### **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:*

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

243. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking with respect to local authorities. Regarding regional authorities, this undertaking was considered as not applicable.

244. According to the third periodical report, recent surveys revealed that in two of the municipal administrations inhabited by speakers of Bulgarian (Bosilegrad, Dimitrovgrad/Цариброд), parties communicated in written form in Bulgarian. There are no regional authorities in Central Serbia in the sense of this undertaking.

245. The Committee of Experts considers this undertaking fulfilled with respect to local authorities and maintains its previous conclusion that this undertaking is not applicable for regional authorities.

*c the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

246. The Committee of Experts considers this undertaking not applicable at present for Bulgarian.

*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.*

247. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and “urged the Serbian authorities to take steps to ensure that officially designated place-names are used in practice, in conformity with the tradition and orthography of the languages concerned”.

248. According to the third periodical report, in 2013, the National Council of the Bulgarian National Minority established traditional 80 place-names in the municipalities where the Bulgarian language is in official use. The Committee of Experts welcomes this positive development and asks the Serbian authorities to provide further

<sup>7</sup> See 3rd Periodical Report by Serbia, MIN-LANG (2015) PR 1, paragraph 311.

information concerning the practical implementation, in particular the use of Bulgarian place names in signage and official documents.

249. The Committee of Experts considers this undertaking fulfilled.

### 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:*

*c to allow users of regional or minority languages to submit a request in these languages.*

250. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Serbian authorities to take measures to ensure the possibility for users of regional or minority languages to submit requests to public services in their language.

251. According to the third periodical report, it is possible to submit a request in Bulgarian to certain public enterprises in Dimitrovgrad/Цариброд.

252. The Committee of Experts considers this undertaking fulfilled.

### Paragraph 4

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

*c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

253. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking.

254. During the third monitoring cycle, the Serbian authorities have not provided any specific information on the implementation of this undertaking.

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

### Paragraph 5

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

256. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was formally fulfilled and “urge[d] the Serbian authorities to take the necessary measures to ensure the practical use or adoption of family names in regional or minority languages”.

257. The third periodical report does not provide any information on this issue.

258. The Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled.

## Article 11 – Media

### 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 to the extent that radio and television carry out a public service mission:*

*iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

259. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled.

260. According to the third periodical report, there are two local or regional community radio stations (with a 510 and a 360 hour monthly programme, respectively) and one local or regional community television channel with programmes in Bulgarian. One public television station (Niška televizija) broadcasts regular news programmes also in Bulgarian.

261. The Committee of Experts considers this undertaking fulfilled.

**b** ...

**ii** *to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

262. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

263. According to the third periodical report, there are no private or civil sector stations broadcasting radio programmes in Bulgarian.

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

**c** ...

**ii** *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

265. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Serbian authorities to take measures to extend the broadcasting of private television programmes in Bulgarian.

266. During the third monitoring cycle, two commercial television channels broadcast programmes also in Bulgarian.

267. The Committee of Experts considers this undertaking fulfilled.

**d** *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

268. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

269. According to the third periodical report, in the three year period of 2010-2012, five applicants producing media content in Bulgarian applied successfully for state funds with five projects for which they received 2,6 million RSD (21.500 EUR) in total.

270. The Committee of Experts considers this undertaking fulfilled.

**e** **i** *to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or*

271. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. However, it "invite[d] the Serbian authorities to encourage and/or facilitate the maintenance of the existing newspapers in regional or minority languages".

272. According to the third periodical report, two weekly newspapers in Bulgarian have been co-funded by the National Council of the Bulgarian National Minority and the public budget of Serbia since 2010 (however, on a harshly decreasing financial basis, as for the part from the public budget of Serbia: 5,6 M RSD (46.670 EUR) in 2010, 4,7 M RSD (39.170 EUR) in 2011 and merely 80.000 RSD (670 EUR) in 2012).

273. The Committee of Experts maintains that this undertaking is fulfilled. However, it urges the Serbian authorities to ensure the maintenance of at least one newspaper in Bulgarian.

### **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.***

274. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled and "invite[d] the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies".

275. According to the third periodical report, the Law on the National Councils of the National Minorities authorises national councils to represent the interests of the minority in different administrative and professional bodies at state level.

276. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled. However, it again encourages the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies.

## **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:*

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

277. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. Therefore, it asked the Serbian authorities to provide information on whether there was a support scheme for translations from Bulgarian.

278. During the third monitoring cycle, the Serbian authorities have not provided the information requested.

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

- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

280. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations into Bulgarian.

281. According to examples in the third periodical report, from 2010 to 2012, 19 literary works were translated into Bulgarian with the support of state funds.

282. The Committee of Experts considers this undertaking fulfilled and encourages the Serbian authorities to also include information about dubbing and subtitling activities in the next periodical report.

### **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

283. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

284. The third periodical report does not provide any information on this undertaking with respect to Bulgarian.

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

## **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 or 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;*

286. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. Therefore, it encouraged the Serbian authorities to conclude agreements with states where Bulgarian is used in identical or similar form, in such a way as to foster contacts between the users of this language in the fields of culture, education, information etc.

287. In the third periodical report, the Serbian authorities state that the Republic of Serbia is the successor party of such agreements concluded between the Republic of Bulgaria and Yugoslavia in 1956. On the basis of this agreement, there is an ongoing co-operation in the fields of education, culture, sports, etc..

288. The Committee of Experts considers this undertaking fulfilled. However, it asks the Serbian authorities to provide information on the practical implementation of this agreement in the next periodical report.

### 3.2.4 Croatian

289. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new information which would have required a reassessment of its previous findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 9, paragraph 1 a (ii), a (iii), b (ii); d; paragraph 2;  
 Article 10, paragraph 1 c, paragraph 2 c, d;  
 Article 11, paragraph 1 d, f (ii); paragraph 2;  
 Article 12, paragraph 1 a, f;  
 Article 13, paragraph 1 c.

## Article 8 – Education

### 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*
  - ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
  - 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; or**
  - iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;**

290. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and urged the Serbian authorities to strengthen pre-school education for Croatian.

291. According to the third periodical report, pre-school education in Croatian has not significantly improved. It is provided in one municipality, in Subotica, in five schools, with 100 children participating.

292. Therefore, the Committee of Experts still considers this undertaking partly fulfilled. It urges the Serbian authorities to take all necessary measures to strengthen pre-school education in Croatian.

#### **Primary education**

- b**
  - i to make available primary education in the relevant regional or minority languages; or*
  - ii to make available a substantial part of primary education in the relevant regional or minority languages; or*
  - iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
  - 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;**

293. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. Nevertheless, it encouraged the Serbian authorities to strengthen primary education for Croatian, in co-operation with the speakers.

294. According to the third periodical report, in 2012/2013, primary education in Croatian was provided, in one municipality in six schools with 296 pupils participating.

295. In the school year 2012/2013, the subject “Croatian Language with Elements of the National Culture” was offered in 15 elementary schools, in six municipalities, with 407 to 480 pupils participating.

296. The Committee of Experts considers this undertaking fulfilled.

#### **Secondary education**

- c**
  - i to make available secondary education in the relevant regional or minority languages; or*
  - ii to make available a substantial part of secondary education in the relevant regional or minority languages; or*
  - iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
  - 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;**

297. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the authorities to take measures to strengthen the offer, within secondary education, of teaching in or of Croatian.

298. According to the third periodical report, secondary education in Croatian was provided, in 2012/2013, in one municipality in Serbia, in one school, with 94 pupils participating. The subject "Croatian Language with Elements of National Culture" has been offered since the school year 2012/2013 in one secondary school, the number of pupils participating was seven in 2012/2013.

299. The representatives of the speakers stated that there is no state financing for teaching materials for Croatian, and that there are problems with the approval of textbook translations as well as with the recruitment of qualified teachers. This situation especially hampers the teaching of Croatian at secondary level.

300. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled. It urges the Serbian authorities to strengthen the offer of teaching in or of Croatian in secondary education.

### **Technical and vocational education**

- d**
  - i* to make available technical and vocational education in the relevant regional or minority languages; or
  - ii* to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
  - 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
  - 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;

301. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It urged the Serbian authorities to strengthen technical and vocational education for Croatian.

302. According to the third periodical report, technical and vocational education in Croatian were provided, in 2012/2013, in one school, with 51 pupils participating.

303. The subject "Croatian Language with Elements of National Culture" has been studied since the school year 2012/2013 in four technical secondary schools in one municipality, with 29 pupils participating. The statement submitted by the National Council of the Croatian National Minority in the third monitoring cycle notes that the initiative of the national council to open a section in Croatian in a fifth technical secondary school has not obtained the approval of the competent ministry.

304. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled.

### **University and higher education**

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

305. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was fulfilled. However, it asked the Serbian authorities to provide information on the number of students studying Croatian as a higher education subject.

306. During the third monitoring cycle, the Serbian authorities provided no new information on the implementation of this undertaking.

307. Nevertheless, the Committee of Experts maintains its previous conclusion that this undertaking is fulfilled, and asks the authorities again to provide more specific information on the offer and on the number of students studying Croatian.

### **Adult education**

- f** ...
  - iii* if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

308. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It "urge[d] the Serbian authorities to take measures to favour and/or encourage the offering of all Part III languages as subjects of adult and continuing education."

309. The third periodical report does not provide any specific information on the use of Croatian in adult education. It only mentions classes organised for adults who had no opportunity to finish school. These classes are taught only in Serbian. The Committee of Experts is not aware of any adult education taking place in minority languages.

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

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

311. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and asked the Serbian authorities to provide specific information in the next periodical report.

312. Through information received during the second monitoring cycle, the Committee of Experts is aware of the flexibility in the regular curricula that allows the teaching of the history and culture reflected by regional or minority languages.

313. According to the third periodical report, studying of the subject "Croatian Language with Elements of the National Culture" was organised in 15 elementary schools in the school year 2012/2013, in six local self-government units. In two years, the number of pupils participating has increased from 407 to 480, the number of schools involved has increased from nine to 15, and the number of classes from 32 to 47. The same subject has been studied since the school year 2012/2013 also in a secondary school as well as in four technical secondary schools, with a total number of 36 pupils participating. It is not clear to the Committee of Experts to what extent pupils of the majority population are taught about the history and culture of minority languages.

314. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled and asks the Serbian authorities to provide more specific information in the next periodical report.

## **Article 9 – Judicial authorities**

### **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:*

*c in proceedings before courts concerning administrative matters:*

*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; and/or*

*if necessary by the use of interpreters and translations;*

315. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking. Therefore, it asked the Serbian authorities to provide further information in the next periodical report.

316. According to the third periodical report, there were no court cases at the Administrative Court which required proceedings to be conducted with interpretation into/from Croatian. All claims were filed in Serbian.

317. The Committee of Experts considers this undertaking formally fulfilled. It asks the Serbian authorities to provide more concrete information regarding court procedures concerning administrative matters.

### **Paragraph 3**

*The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

318. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was partly fulfilled.

319. According to the third periodical report, some national legal texts have been translated into Croatian.<sup>8</sup>

320. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled. It encourages the Serbian authorities to make further significant legal texts available in Croatian.

<sup>8</sup> See 3rd Periodical Report by Serbia, MIN-LANG (2015) PR 1, paragraph 311.

## Article 10 – Administrative authorities and public services

### 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 ...*

*iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*

321. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It “urged the Serbian authorities to take the necessary measures to ensure that users of regional or minority languages may in practice submit oral or written applications in these languages to state authorities”.

322. According to the third periodical report, the Ministry of Human and Minority Rights collected data, in 2010, on the use of minority languages in districts, including those with Croatian speakers. According to the obtained data, no requests in minority languages were received in these districts.

323. The Committee of Experts considers this undertaking formally fulfilled.

### 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:*

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

324. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled regarding local authorities and formally fulfilled regarding regional authorities. It asked the Serbian authorities to provide specific information concerning the application of this undertaking in practice in the next periodical report.

325. According to the third periodical report, Croatian has been used in oral as well as written communication in contact with municipality administrations. There is no information on the use of Croatian with regional administration.

326. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled regarding local authorities and formally fulfilled regarding regional authorities. It asks the Serbian authorities again to provide specific information concerning the application of this undertaking in practice in the next periodical report.

*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.*

327. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and “urged the Serbian authorities to take steps to ensure that officially designated place-names are used in practice, in conformity with the tradition and orthography of the languages concerned”.

328. The third periodical report does not provide any new specific information with regard to this undertaking. The representatives of the speakers pointed to problems in displaying the place-names in Croatian. The Committee of Experts invites the Serbian authorities to take measures to ensure that place-names are displayed in Croatian according to the undertaking and to report about the issue in the next periodical report.

329. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled.

### 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:*

*c to allow users of regional or minority languages to submit a request in these languages.*

330. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Serbian authorities to take organisational and practical measures to ensure the

possibility for users of regional or minority languages to submit requests to public services in these languages.

331. According to the third periodical report, the Provincial Secretariat of the Autonomous Province of Vojvodina prescribes the obligation, in the territories in which minority languages are in official use, for public service providers (electricity and gas supply, post and telegraph) to provide to the users the invoices, certificates and notifications in Serbian and in the language(s) of the national minorities in official use.

332. According to a report from 2012, there are indications that public service providers in Vojvodina use the minority languages to some extent.

333. The Committee of Experts considers this undertaking fulfilled.

#### **Paragraph 4**

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

334. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

335. During the third monitoring cycle, the Serbian authorities have not provided any specific information on the implementation of this undertaking.

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

#### **Paragraph 5**

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

337. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was formally fulfilled and "urged the Serbian authorities to take the necessary measures to ensure the practical use or adoption of family names in the regional or minority languages".

338. The third periodical report does not provide any information on the practical use of the existing legal provisions by Croatian speakers. However, the Committee of Experts is not aware of any problems raised by the users.

339. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled.

### **Article 11 – Media**

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

340. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled.

341. According to the third periodical report, the public broadcaster in Vojvodina offers television programmes in Croatian. Two stations of local or regional community radio broadcast programmes in Croatian (90 respectively eight hours monthly).

342. The Committee of Experts considers this undertaking fulfilled.

- b ...*

- ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

343. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled.

344. According to the third periodical report, state and provincial authorities provide co-financing for stations operated by national councils of minorities, by municipalities, commercial societies or NGOs and churches. The funding is organised mainly on the basis of annual competitions.

345. Four radio stations broadcast programmes in Croatian: one station is run by a municipality and one by the province; there is also one commercial station as well as one "civil sector" station operated by the Catholic Church. In 2010-2011, two programmes broadcasting in Croatian benefitted from funds of the central state budget to an amount of 500.000 RSD (4.200 EUR) in total, and three of them received funding from the budget of the Autonomous Province of Vojvodina (7.500.000 RSD / 62.500 EUR).

346. The Committee of Experts considers this undertaking fulfilled.

c ...

*ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

347. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Serbian authorities to take measures to extend the broadcasting of private TV programmes in Croatian.

348. According to the third periodical report, two commercial television stations broadcast monthly two hours each in Croatian. During the monitoring period, budget funds were allocated to one of the commercial stations: 6.884.000 RSD (57.400 EUR), by the Autonomous Province of Vojvodina. Information received from the speakers pointed to organisational problems which hamper the regularity of the programmes.

349. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled.

*e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or*

350. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled.

351. According to the third periodical report, there is one weekly newspaper in Croatian. However, the representatives of the speakers noted that with the adoption of new media laws, the financing would be cancelled and this newspaper might not be able to survive. The Committee of Experts invites the Serbian authorities to clarify this issue in the next periodical report.

352. Nevertheless, the Committee of Experts considers this undertaking still fulfilled at present. It urges the Serbian authorities to ensure the maintenance of at least one newspaper in Croatian.

### **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.*

353. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled and "invite[d] the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies".

354. According to the third periodical report, the Law on the National Councils of the National Minorities authorises national councils to represent the interests of the minority in different administrative and professional bodies at state level.

355. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled. However, it again encourages the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies.

## **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:*

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

356. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations from Croatian.

357. During the third monitoring cycle, the Serbian authorities have not provided the information requested.

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

- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

359. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations into Croatian.

360. During the third monitoring cycle, the authorities have not provided any relevant information.

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

## Paragraph 2

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

362. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

363. During the third monitoring cycle, the Serbian authorities have not provided any relevant information.

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

## 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 or 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;*

365. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was partly fulfilled. It encouraged the Serbian authorities to strengthen the application of the present undertaking with respect to Croatian.

366. According to the third periodical report, the bilateral agreement on the protection of the national minorities with Croatia provides for the promotion and development of the linguistic identity of minorities. Bilateral mixed commissions evaluate compliance with the obligations arising from this agreement.

367. However, during the third monitoring cycle, the Committee of Experts has not received any specific information about the practical implementation of this agreement.

368. The Committee of Experts concludes that this undertaking is formally fulfilled. It encourages the Serbian authorities to strengthen the application of the present undertaking.

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

369. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled.

370. According to the third periodical report, two municipalities in Vojvodina (Bačka Palanka and Subotica) established co-operation with municipalities in Croatia in the field of culture, education, preserving of cultural

heritage etc. In addition, the publishing company Forum and the Cultural Institute of the Croats of Vojvodina also signed agreements with relevant institutions in Croatia. These co-operations include participation at book fairs, exchange of artists and experts, organisation of workshops for young people, joint projects in the field of publishing, research in the field of culture, etc..

371. The Committee of Experts considers this undertaking fulfilled.

### 3.2.5 Hungarian

372. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new information which would have required a reassessment of its previous findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 a (iii), a (iv), b (iv), c (iv), d (iv), e (ii);  
 Article 9, paragraph 1 a (ii), a (iii), b (ii); d; paragraph 2;  
 Article 10, paragraph 1 c, paragraph 2 c, d;  
 Article 11, paragraph 1 a (iii), b (ii), c (ii), d, e (i), f (ii), paragraph 2;  
 Article 12, paragraph 1 a, f;  
 Article 13, paragraph 1 c.  
 Article 14 b.

## Article 8 – Education

### 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:*

#### **Adult education**

f ...

*iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

373. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “ask[ed] the authorities to provide specific information on the extent to which they favour and/or encourage the offering of Hungarian as a subject of adult and continuing education”.

374. The third periodical report does not provide any specific information on the use of Hungarian in adult education. It only mentions classes organised for adults who had no opportunity to finish school. These classes are taught only in Serbian. The Committee of Experts is not aware of any adult education taking place in minority languages.

375. Against this background, the Committee of Experts considers this undertaking not fulfilled. It encourages the Serbian authorities to set up adult and continuing education in Hungarian.

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

376. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was partly fulfilled, and asked the Serbian authorities to provide specific information in the next periodical report.

377. Through information received during the second monitoring cycle, the Committee of Experts is aware of the flexibility in the regular curricula that allows the teaching of the history and culture reflected by regional or minority languages. It is not clear to the Committee of Experts to what extent pupils of the majority population are taught about the history and culture of minority languages.

378. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled and asks the Serbian authorities to provide more specific information in the next periodical report.

## Article 9 – Judicial authorities

### 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:*

c *in proceedings before courts concerning administrative matters:*

*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; and/or*

*if necessary by the use of interpreters and translations;*

379. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

380. According to the third periodical report, there were no cases at the Administrative Court which required proceedings to be conducted with interpretation into/from Hungarian. All claims were filed in Serbian.

381. The Committee of Experts considers this undertaking formally fulfilled. It asks the Serbian authorities to provide more concrete information regarding court procedures concerning administrative matters.

### **Paragraph 3**

*The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

382. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

383. According to the third periodical report, some national legal texts were translated into Hungarian.<sup>9</sup>

384. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled. It encourages the Serbian authorities to make further significant legal texts available in Hungarian.

## **Article 10 – Administrative authorities and public services**

### **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 ...*

*iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*

385. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It “urged the Serbian authorities to take the necessary measures to ensure that users of regional or minority languages may in practice submit oral or written applications in these languages to state authorities”.

386. According to the third periodical report, the Ministry of Human and Minority Rights collected data, in 2010, on the use of minority languages in districts, including those with Hungarian speakers. According to the obtained data, no requests in minority languages were received in these districts. According to the representatives of the speakers, there have been problems with the submission of written applications in Hungarian in some cases. The Committee of Experts asks the authorities to comment on these problems in the next periodical report.

387. The Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled. It urges the Serbian authorities to ensure that users of Hungarian may submit oral or written applications in practice.

### **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:*

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

388. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled and asked the Serbian authorities to provide specific information in the next periodical report.

389. According to the third periodical report, recent surveys conducted in 39 municipalities with minority languages in official use, revealed that 14 legal remedies were filed in Hungarian against first instance decisions. The Committee of Experts invites the authorities to clarify whether this involves also regional authorities.

<sup>9</sup> See 3rd Periodical Report by Serbia, MIN-LANG (2015) PR 1, paragraph 311.

390. The Committee of Experts considers this undertaking fulfilled with regard to local authorities. Regarding regional authorities, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking.

*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.*

391. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and "urge[d] the Serbian authorities to take steps to ensure that officially designated place names in regional or minority languages are used in practice, in conformity with the tradition and orthography of the languages concerned".

392. The third periodical report does not provide any new specific information with regard to this undertaking. The proceedings of establishing officially recognized place names have been carried out during the previous monitoring cycles for Hungarian, with the participation of the National Council of the Hungarian speakers. However, there are shortcomings in the implementation of this undertaking with respect to road signs and the railway system. The Committee of Experts invites the Serbian authorities to clarify the situation with regard to this undertaking in the next periodical report.

393. Nevertheless, the Committee of Experts considers this undertaking partly fulfilled and asks the Serbian authorities to take steps to overcome the shortcomings.

### 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:*

*c to allow users of regional or minority languages to submit a request in these languages.*

394. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Serbian authorities to take measures to ensure the possibility for users of regional or minority languages to submit requests to public services in regional or minority languages.

395. According to the third periodical report, the Provincial Secretariat of the Autonomous Province of Vojvodina obliges public service providers to use invoices, certificates and notifications in Serbian and in the official minority languages.

396. According to a report on exercising the right to the official use of languages and scripts of national minorities in the Autonomous Province of Vojvodina (2012) and on the basis of data collected from municipalities (2013), it can be concluded that public service providers increased the number of invoices delivered in minority languages.

397. The Committee of Experts considers this undertaking fulfilled.

### Paragraph 4

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

*c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

398. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking.

399. In the third periodical report, the Serbian authorities do not provide any specific information on the implementation of this undertaking.

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

### Paragraph 5

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

401. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was formally fulfilled and “urge[d] the Serbian authorities to take the necessary measures to ensure the practical use or adoption of family names in the regional or minority languages”.

402. The third periodical report does not provide any information on the practical use of the existing legal provisions by Hungarian speakers.

403. The Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled.

## **Article 11 – Media**

### **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.*

404. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled and “invite[d] the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies”.

405. According to the third periodical report, the Law on the National Councils of the National Minorities authorises national councils to represent the interests of the minority in different administrative and professional bodies at state level.

406. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled. However, it again encourages the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies.

## **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:*

*b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

407. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations from Hungarian.

408. During the third monitoring cycle, the Serbian authorities have not provided the information requested.

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

*c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

410. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations into Hungarian.

411. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on a support scheme for translations into Hungarian.

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

### **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

413. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

414. During the third monitoring cycle, the Committee of Experts has not been provided with any information regarding this undertaking.

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

#### **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 or 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;*

416. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was partly fulfilled. It encouraged the Serbian authorities to strengthen the application of the present undertaking with respect to Hungarian.

417. According to the third periodical report, the bilateral agreement on the protection of the national minorities with Hungary provides for the promotion and development of the linguistic identity of minorities. Bilateral mixed commissions evaluate compliance with the obligations arising from this agreement.

418. However, during the third monitoring cycle, the Committee of Experts received no specific information about the practical implementation of this agreement.

419. The Committee of Experts concludes that this undertaking is formally fulfilled. It encourages the Serbian authorities to strengthen the application of the present undertaking.

### 3.2.6 Romani

420. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new information which would have required a reassessment of its previous findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 9 paragraph 1 d ;  
 Article 11, paragraph 1 a (iii), b (ii), c (ii), d, f (ii), paragraph 2;  
 Article 12, paragraph 1 a, f;  
 Article 13, paragraph 1 c.

421. According to the third periodical report, Romani is not in official use in any of the municipalities or local settlements in the Republic of Serbia. Minority languages are introduced in official use if the speakers make up 15% of the population. On the basis of the census results of 2011, members of the Roma minority did not reach the legally determined percentage in any of the municipalities or local settlements.

## Article 8 – Education

### 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*
  - ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
  - 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; or**
  - iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;*

422. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It urged the Serbian authorities to strengthen pre-school education for Romani in Central Serbia.

423. According to the third periodical report, bilingual Serbian and Romani pre-school education was offered from 2010 to 2012 in two municipalities in Central Serbia (Kruševac and Vranje) at six schools for 205 children. Since the end of the project in Vranje, at the end of the school year 2011/2012, Romani pre-school education has only been offered in Kruševac for 55 children in the school year 2012/2013.

424. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled.

#### **Primary education**

- b**
  - i to make available primary education in the relevant regional or minority languages; or*
  - ii to make available a substantial part of primary education in the relevant regional or minority languages; or*
  - iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
  - 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;**

425. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the authorities to take measures to promote Romani primary education in Central Serbia.

426. In the third monitoring round, the Committee of Experts was informed that primary education using Romani was offered in nine municipalities in the Autonomous Province of Vojvodina at 18 schools with 534 pupils in total in the school year 2012/2013. In Central Serbia, no school offered primary education using Romani.

427. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled.

#### **Secondary education**

- c**
  - i to make available secondary education in the relevant regional or minority languages; or*
  - ii to make available a substantial part of secondary education in the relevant regional or minority languages; or*
  - iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
  - 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;**

428. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the authorities to take measures, including awareness raising measures and financial measures, to provide, within secondary education, at least for the teaching of Romani, as an integral part of the curriculum to those pupils who so wish in a number considered sufficient”.

429. According to the third periodical report, no secondary education was offered in Romani during the reporting period.

430. The Committee of Experts maintains its previous conclusion that this undertaking is not fulfilled.

### **Technical and vocational education**

- d i to make available technical and vocational education in the relevant regional or minority languages; or*
- ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- 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*
- 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;*

431. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It urged the Serbian authorities to take measures to ensure the application of this undertaking for Romani.

432. According to the third periodical report, no technical and vocational education was offered in Romani during the reporting period.

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

***The Committee of Experts urges the Serbian authorities to take measures to promote Romani at all levels of education.***

### **University and higher education**

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

434. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled in a general way for all Part III languages.

435. According to the third periodical report, there are lectures on Romani at the Higher School of Vocational Studies in Vršac. The national council has launched an initiative to establish Romani studies at the University of Belgrade.

436. In view of this development, the Committee of Experts considers this undertaking partly fulfilled and encourages the Serbian authorities to continue their efforts to establish Romani studies at university level.

### **Adult education**

- f ...*
- iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

437. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested further information in the next periodical report. It “urge[d] the Serbian authorities to take measures to favour and/or encourage the offering of all Part III languages as subjects of adult and continuing education.”

438. The third periodical report does not provide any specific information on the use of Romani in adult education. It only mentions classes organised for adults who had no opportunity to finish school. These classes are taught only in Serbian. The Committee of Experts is not aware of any adult education taking place in minority languages.

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

- g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language*

440. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and asked the authorities to provide specific information in the next periodical report.

441. The third periodical report does not provide any specific information. However, through information received during the second monitoring cycle, the Committee of Experts is aware of the flexibility in the regular curricula that allows the teaching of the history and culture reflected by regional or minority languages. It is not clear to the Committee of Experts to what extent pupils of the majority population are taught about the history and culture of minority languages.

442. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled and asks the Serbian authorities to provide more specific information in the next periodical report.

## **Article 9 – Judicial authorities**

### **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:*

*a in criminal proceedings:*

*ii to guarantee the accused the right to use his/her regional or minority language;*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

443. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

444. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

*a ...*

*iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

446. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

447. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

*b in civil proceedings:*

*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; and/or*

*if necessary by the use of interpreters and translations;*

449. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

450. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

*c in proceedings before courts concerning administrative matters:*

*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; and/or*

*if necessary by the use of interpreters and translations;*

452. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking. Therefore, it asked the Serbian authorities to provide relevant information in the next periodical report.

453. According to the third periodical report, there were no cases at the Administrative Court which required proceedings to be conducted with interpretation into/from Romani. All claims were filed in Serbian.

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

## Paragraph 2

*The Parties undertake:*

*a not to deny the validity of legal documents drawn up within the state solely because they are drafted in a regional or minority language; or*

455. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled in a general way for all Part III languages.

456. However, the third periodical report does not contain any information about this undertaking.

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

## Paragraph 3

*The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

458. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

459. According to the third periodical report, some national legal texts were translated into Romani.<sup>10</sup>

460. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Serbian authorities to make further significant legal texts available in Romani.

## Article 10 – Administrative authorities and public services

### 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 ...*

*iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*

461. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “urged the Serbian authorities to take the necessary measures to ensure that users of regional or minority languages may in practice submit oral or written applications in these languages to state authorities”.

462. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

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

464. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking is fulfilled (with regard to regional or minority languages in general), but asked the Serbian

<sup>10</sup> See 3rd Periodical Report by Serbia, MIN-LANG (2015) PR 1, paragraph 311.

authorities to provide further information on documents drafted in regional or minority languages by administrative authorities in the next periodical report.

465. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

## 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:*

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

467. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled with regard to local authorities. Regarding regional authorities, this undertaking is not applicable for Romani. The Committee of Experts asked the Serbian authorities to provide information in the next periodical report.

468. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

469. The Committee of Experts maintains its previous conclusion that this undertaking is not fulfilled with regard to local and regional authorities.

*c the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

470. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Serbian authorities to take measures to ensure the publication of official documents by regional authorities in Romani.

471. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

*d the publication by local authorities of their official documents also in the relevant regional or minority languages;*

473. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide specific information in the next periodical report.

474. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

*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.*

476. The Committee of Experts maintains its previous conclusion that this undertaking is at present not applicable for Romani.

## 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:*

*c to allow users of regional or minority languages to submit a request in these languages.*

477. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Serbian authorities to take organisational and practical measures to ensure the possibility for users of regional or minority languages to submit requests to public services in these languages.

478. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

#### Paragraph 4

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

480. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking.

481. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

#### Paragraph 5

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

483. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was formally fulfilled and "urge[d] the Serbian authorities to take the necessary measures to ensure the practical use or adoption of family names in the regional or minority languages".

484. The third periodical report does not provide any information on the practical use of the existing legal provisions by Romani speakers. However, the Committee of Experts is not aware of any problems raised by the users.

485. The Committee of Experts considers this undertaking fulfilled.

### Article 11 – Media

#### 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:*

- e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or*

486. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It invited the Serbian authorities to encourage and/or facilitate the creation of at least one newspaper in Romani and the maintenance of the existing newspapers in regional or minority languages.

487. According to the third periodical report, one fortnightly is published in Romani, and three bilingual monthlies are published in Serbian and Romani (one of them containing also pages in Hungarian and Romanian).

488. The Committee of Experts considers this undertaking not fulfilled. It encourages the Serbian authorities to continue and strengthen their efforts to support the publication of newspapers and journals in Romani.

#### 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.*

489. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled and "invite[d] the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies".

490. According to the third periodical report, the Law on the National Councils of the National Minorities authorises national councils to represent the interests of the minority in different administrative and professional bodies at state level.

491. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled. However, it again encourages the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies.

## **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:*

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

492. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations from Romani.

493. During the third monitoring cycle, the Serbian authorities have not provided the information requested.

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

- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

495. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations into Romani.

496. The third periodical report mentions that 11,465,000 RSD (95,000 EUR) were used to fund cultural activities – publication of books and of a magazine, theatre productions, festivals – of the Roma minority in the period from 2010 to 2012. However, this information does not specify if any support was given to translations into Romani. The Committee of Experts asks the Serbian authorities to include such information in the next periodical report.

497. The Committee of Experts is still not in a position to conclude on the fulfillment of this undertaking.

### **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

498. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

499. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

## **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 or 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;*

501. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. Therefore, it encouraged the Serbian authorities to conclude agreements with states where Romani is used in identical or similar form, in such a way as to foster contacts between the users of this language in the fields of culture, education, information, etc..

502. During the third monitoring cycle, the authorities have not provided any relevant information on the implementation of this undertaking.

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

*b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

504. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

505. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

### 3.2.7 Romanian

507. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new information which would have required a reassessment of its previous findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 e (ii);  
 Article 9, paragraph 1 a (ii), a (iii), b (ii), d; paragraph 2;  
 Article 10, paragraph 1 c, paragraph 2 c, d;  
 Article 11, paragraph 1 a (iii), b (ii), c (ii), e (i), f (ii), paragraph 2;  
 Article 12, paragraph 1 a, f;  
 Article 13, paragraph 1 c;  
 Article 14 b.

## Article 8 – Education

### 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*
  - ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
  - 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; or*
  - iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;*

508. In the second evaluation report, the Committee of Experts concluded that this undertaking was partly fulfilled. It urged the Serbian authorities to strengthen pre-school education for Romanian.

509. According to the third periodical report, pre-school education in Romanian was provided in eight municipalities in nine schools for 131-138 children during the three school years of the period. Bilingual pre-school education in Serbian and Romanian was offered in four municipalities in five schools for 106-116 children in the same period.

510. In view of the almost unchanged situation compared to the second monitoring cycle, the Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled. It urges the Serbian authorities to strengthen pre-school education for Romanian.

#### **Primary education**

- b**
  - i to make available primary education in the relevant regional or minority languages; or*
  - ii to make available a substantial part of primary education in the relevant regional or minority languages; or*
  - iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
  - 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;*

511. In the second evaluation report, the Committee of Experts concluded that this undertaking was fulfilled. Nevertheless, it again encouraged the Serbian authorities to strengthen primary education for Romanian, in co-operation with the speakers.

512. According to the third periodical report, primary education in Romanian was provided in ten municipalities at 19 schools in 118 classes for 1079 pupils in 2012/2013. The subject “Romanian Language with Elements of the National Culture” was offered in ten municipalities in primary schools for 267 pupils during the same year.

513. The Committee of Experts considers this undertaking fulfilled.

#### **Secondary education**

- c**
  - i to make available secondary education in the relevant regional or minority languages; or*
  - ii to make available a substantial part of secondary education in the relevant regional or minority languages; or*
  - iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
  - 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;*

514. In the second evaluation report, the Committee of Experts concluded that this undertaking was partly fulfilled.

515. According to the third periodical report, secondary education in Romanian was provided in one school in four classes for 104 pupils in the school year 2012/2013. The subject "Romanian Language with Elements of the National Culture" was studied by 36 pupils at two secondary schools of two municipalities during the same school year.

516. In view of the unchanged situation compared to the second monitoring cycle, the Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled.

### **Technical and vocational education**

- d**
  - i* to make available technical and vocational education in the relevant regional or minority languages; or
  - ii* to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
  - 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
  - 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;

517. In the second evaluation report, the Committee of Experts concluded that this undertaking was partly fulfilled. It urged the Serbian authorities to strengthen technical and vocational education for Romanian.

518. According to the third periodical report, one school provided technical and vocational education during this three year period.

519. In view of the almost unchanged situation compared to the second monitoring cycle, the Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled.

### **Adult education**

- f** ...
  - iii* if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

520. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It "urge[d] the Serbian authorities to take measures to favour and/or encourage the offering of all Part III languages as subjects of adult and continuing education".

521. The third periodical report does not provide any specific information on the use of Romanian in adult education. It only mentions classes organised for adults who had no opportunity to finish school. These classes are taught only in Serbian. The Committee of Experts is not aware of any adult education taking place in minority languages.

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

- g** to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language

523. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and asked the Serbian authorities to provide specific information in the next periodical report.

524. Through information received during the second monitoring cycle, the Committee of Experts is aware of the flexibility in the regular curricula that allows the teaching of the history and culture reflected by regional or minority languages. It is not clear to the Committee of Experts to what extent pupils of the majority population are taught about the history and culture of minority languages.

525. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled and asks the Serbian authorities to provide more specific information in the next periodical report.

## **Article 9 – Judicial authorities**

### **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:*

- c in proceedings before courts concerning administrative matters:*
    - 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; and/or*
- if necessary by the use of interpreters and translations;*

526. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

527. According to the third periodical report, there were no cases at the Administrative Court which required proceedings to be conducted with interpretation into/from in Romanian. All claims were filed in Serbian.

528. The Committee of Experts considers this undertaking formally fulfilled. It asks the Serbian authorities to provide more concrete information regarding court procedures concerning administrative matters.

### **Paragraph 3**

*The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

529. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was partly fulfilled.

530. According to the third periodical report, some national legal texts were translated into Romanian.<sup>11</sup>

531. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled. It encourages the Serbian authorities to make further significant legal texts available in Romanian.

## **Article 10 – Administrative authorities and public services**

### **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 ...*
  - iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*

532. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It “urged the Serbian authorities to take the necessary measures to ensure that users of regional or minority languages may in practice submit oral or written applications in these languages to state authorities”.

533. According to the third periodical report, the Ministry of Human and Minority Rights collected data, in 2010, on the use of minority languages in districts, including those with Romanian speakers. According to the obtained data, no requests in minority languages were received in these districts.

534. The Committee of Experts considers this undertaking formally fulfilled.

### **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:*

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

535. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled regarding local authorities and formally fulfilled regarding regional authorities. It asked the Serbian authorities to provide information in the next periodical report.

<sup>11</sup> See 3rd Periodical Report by Serbia, MIN-LANG (2015) PR 1, paragraph 311.

536. According to the third periodical report, recent surveys revealed that in municipalities with Romanian in official use, oral and written applications have been filed to local administrative bodies in Romanian.

537. Regarding local authorities, the Committee of Experts considers this undertaking fulfilled. Regarding regional authorities, the Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled. It encourages the Serbian authorities to ensure that the possibility to submit oral or written applications in Romanian is guaranteed.

*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.*

538. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and “urge[d] the Serbian authorities to take steps to ensure that officially designated place-names in regional or minority languages are used in practice, in conformity with the tradition and orthography of the languages concerned”.

539. According to the third periodical report, the proceedings of establishing officially recognised place names have been carried out during the previous monitoring cycles for Romanian, with the participation of the National Council of the Romanian Minority.

540. The Committee of Experts considers this undertaking fulfilled.

### 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:*

*c to allow users of regional or minority languages to submit a request in these languages.*

541. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Serbian authorities to ensure the possibility for users of regional or minority languages to submit requests to public services in their language.

542. According to the third periodical report, the Provincial Secretariat of the Autonomous Province of Vojvodina obliges public service providers to use invoice forms, certificates and notifications in Serbian and in the official minority languages.

543. According to a report on exercising the right to the official use of languages and scripts of national minorities in the Autonomous Province of Vojvodina (2012) and on the basis of data collected from municipalities (2013), it can be concluded that public service providers increased the number of invoices delivered in minority languages.

544. The Committee of Experts considers this undertaking fulfilled.

### Paragraph 4

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

*c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

545. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking.

546. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

### Paragraph 5

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

548. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking is formally fulfilled and “urge[d] the Serbian authorities to take the necessary measures to ensure the practical use or adoption of family names in the regional or minority languages”.

549. The third periodical report does not provide any information on the practical use of the existing legal provisions by Romanian speakers.

550. The Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled.

## **Article 11 – Media**

### **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:*

- d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

551. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Serbian authorities to increase support for Romanian.

552. According to the third periodical report, one applicant producing media content in Romanian applied successfully for state funds with one project during the three-year period from 2010 to 2012.

553. The Committee of Experts considers this undertaking fulfilled.

### **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.*

554. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled and “invite[d] the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies”.

555. According to the third periodical report, the Law on the National Councils of the National Minorities authorises national councils to represent the interests of the minority in different administrative and professional bodies at state level.

556. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled. However, it again encourages the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies.

## **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:*

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

557. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations from Romanian.

558. During the third monitoring cycle, the Serbian authorities have not provided the information requested.

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

- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

560. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations into Romanian.

561. The third periodical report mentions that 44,770,000 RSD (373,100 EUR) were used to fund cultural activities – publication of books and magazines, theatre productions, festivals – of the Romanian national minority in the period from 2010 to 2012. However, this information does not specify if any support was given to translations into Romanian. The Committee of Experts asks the Serbian authorities to include such information in the next periodical report.

562. The Committee of Experts is still not in a position to conclude on the fulfillment of this undertaking.

## **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

563. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfillment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

564. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

## **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 or 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;*

566. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was partly fulfilled. It encouraged the Serbian authorities to strengthen the application of the present undertaking with respect to Romanian.

567. According to the third periodical report, the bilateral agreement on the protection of national minorities with Romania provides for the promotion and development of the linguistic identity of minorities. Bilateral mixed commissions evaluate compliance with the obligations arising from this agreement.

568. However, during the third monitoring cycle, the Committee of Experts has not received any specific information about the practical implementation of this agreement.

569. The Committee of Experts concludes that this undertaking is formally fulfilled. It encourages the Serbian authorities to strengthen the application of the present undertaking.

### 3.2.8 Ruthenian

570. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new information which would have required a reassessment of its previous findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 a (iii), a (iv), b (iv), c (iv), e (ii);  
 Article 9, paragraph 1 a (iii), d; paragraph 2;  
 Article 10, paragraph 1 c, paragraph 2 c, d;  
 Article 11, paragraph 1 a (iii), b (ii), c (ii), e (i), f (ii), paragraph 2;  
 Article 12, paragraph 1 a, f;  
 Article 13, paragraph 1 c.

## Article 8 – Education

### Paragraph 1

#### **Technical and vocational education**

- d**
  - i* to make available technical and vocational education in the relevant regional or minority languages; or
  - ii* to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
  - 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
  - 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;**

571. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It urged the Serbian authorities to strengthen technical and vocational education for Ruthenian.

572. According to information received during the third monitoring cycle, there is no technical or vocational education in Ruthenian at present in Serbia.

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

#### **Adult education**

- f** ...
  - iii* **if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;**

574. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “urge[d] the Serbian authorities to take measures to favour and/or encourage the offering of all Part III languages as subjects of adult and continuing education.”

575. The third periodical report does not provide any relevant information on the use of Ruthenian in adult education. It only mentions classes organised for adults who had no opportunity to finish school. These classes are taught only in Serbian. The Committee of Experts is not aware of any adult education taking place in minority languages.

576. During the on-the-spot visit, the Committee of Experts was informed that the Serbian authorities currently do not collect any specific data on the use of regional or minority languages as subjects of adult or continuing education.

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

- g** **to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language**

578. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and asked the Serbian authorities to provide specific information in the next periodical report.

579. Through information received during the second monitoring cycle, the Committee of Experts is aware of the flexibility in the regular curricula that allows the teaching of the history and culture reflected by regional or minority languages.

580. In the school year 2012/2013, studying of the subject “Ruthenian Language with Elements of the

National Culture” was organised in 28 primary schools, in eight municipalities. In the same school year, this subject was studied in two secondary schools, in two municipalities. It is not clear to the Committee of Experts to what extent pupils of the majority population are taught about the history and culture of minority languages.

581. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled and asks the Serbian authorities to provide more specific information in the next periodical report.

## **Article 9 – Judicial authorities**

### **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:*

*a in criminal proceedings:*

*ii to guarantee the accused the right to use his/her regional or minority language;*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

582. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

583. During the third monitoring cycle, the Serbian authorities have not provided any specific information regarding the implementation of this undertaking.

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

*b in civil proceedings:*

*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; and/or*

*if necessary by the use of interpreters and translations;*

585. According to the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking, and asked the authorities to provide further information in the next periodical report.

586. During the third monitoring cycle, the Serbian authorities have not provided any relevant information regarding the implementation of this undertaking.

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

*c in proceedings before courts concerning administrative matters:*

*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; and/or*

*if necessary by the use of interpreters and translations;*

588. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking. Therefore, it asked the Serbian authorities to provide further information in the next periodical report.

589. According to the third periodical report, there were no cases at the Administrative Court which required proceedings to be conducted with interpretation into/from Ruthenian. All claims were filed in Serbian.

590. The Committee of Experts considers this undertaking formally fulfilled. It asks the Serbian authorities to provide more concrete information regarding court procedures concerning administrative matters.

### **Paragraph 3**

*The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

591. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was partly fulfilled.

592. According to the third periodical report, some national legal texts were translated into Ruthenian.<sup>12</sup>

593. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Serbian authorities to make further significant legal texts available in Ruthenian.

## **Article 10 – Administrative authorities and public services**

### **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 ...*

*iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*

594. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It “urged the Serbian authorities to take the necessary measures to ensure that users of regional or minority languages may in practice submit oral or written applications in these languages to state authorities”.

595. According to the third periodical report, the Ministry of Human and Minority Rights collected data, in 2010, on the use of minority languages in administrative districts, including those with Ruthenian speakers. According to the obtained data, no requests in minority languages were received in these districts. According to the statement submitted by the National Council of the Ruthenian National Minority, due to the lack of municipal and public service employees speaking Ruthenian, there are still practical problems in communication with the authorities.

596. The Committee of Experts considers this undertaking formally fulfilled.

### **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:*

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

597. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled regarding local authorities and formally fulfilled regarding regional authorities. It asked the Serbian authorities to provide information in the next periodical report.

598. According to the third periodical report, recent surveys revealed that in municipalities with Ruthenian in official use oral and written applications have been filed to local administrative bodies. There is no information on the use of Ruthenian with regional administration.

599. Regarding local authorities, the Committee of Experts considers this undertaking fulfilled. Regarding regional authorities, the Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled. It encourages the Serbian authorities to ensure that the possibility to submit oral or written applications in Ruthenian is guaranteed.

*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.*

600. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and “urged the Serbian authorities to take steps to ensure that officially designated place-names in regional or minority languages are used in practice, in conformity with the tradition and orthography of the languages concerned”.

601. According to the third periodical report, officially recognised place-names in Ruthenian have been established during the previous monitoring cycles. The Committee of Experts welcomes this positive development and asks the Serbian authorities to provide further information concerning the practical implementation, in particular the use of Ruthenian place names in signage and official documents.

602. The Committee of Experts considers this undertaking partly fulfilled.

<sup>12</sup> See 3rd Periodical Report by Serbia, MIN-LANG (2015) PR 1, paragraph 311.

### 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:*

- c to allow users of regional or minority languages to submit a request in these languages.*

603. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Serbian authorities to ensure the possibility for users of regional or minority languages to submit requests to public services in their language.

604. According to the third periodical report, the Provincial Secretariat of the Autonomous Province of Vojvodina obliges public service providers to use invoice forms, certificates and notifications in Serbian and in the official minority languages.

605. According to a report on exercising the right to the official use of languages and scripts of national minorities in the Autonomous Province of Vojvodina (2012) and on the basis of data collected from municipalities (2013), it can be concluded that public service providers increased the number of invoices delivered in minority languages.

606. The Committee of Experts considers this undertaking fulfilled.

### Paragraph 4

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

607. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

608. In the third periodical report, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

### Paragraph 5

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

610. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was formally fulfilled. It asked the Serbian authorities to provide specific information in the next periodical report. The Committee of Experts also “urged the Serbian authorities to take the necessary measures to ensure the practical use or adoption of family names in the regional or minority languages”.

611. The third periodical report does not provide any information on the practical use of the existing legal provisions by Ruthenian speakers.

612. The Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled.

## Article 11 – Media

### 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:*

- d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

613. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Serbian authorities to increase support for Ruthenian.

614. According to the third periodical report, one applicant producing media content in Ruthenian applied successfully for state funds with one project during the three-year period from 2010 to 2012.

615. The Committee of Experts considers this undertaking fulfilled.

### 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.*

616. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled and “invite[d] the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies”.

617. According to the third periodical report, the Law on the National Councils of the National Minorities authorises national councils to represent the interests of the minority in different administrative and professional bodies at state level.

618. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled. However, it again encourages the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies.

## 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:*

*b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

619. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations from Ruthenian.

620. During the third monitoring cycle, the Serbian authorities have not provided the information requested.

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

*c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

622. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations into Ruthenian.

623. The third periodical report mentions that 34.700.000 RSD (290.000 EUR) were used to fund cultural activities – publication of books and magazines, theatre productions, festivals – of the Ruthenian national minority in the period from 2010 to 2012. However, this information does not specify if any support was given to translations into Ruthenian. The Committee of Experts asks the Serbian authorities to include such information in the next periodical report.

624. The Committee of Experts is still not in a position to conclude on the fulfillment of this undertaking.

### Paragraph 2

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

625. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

626. During the third monitoring cycle, the authorities have not provided any relevant information on the implementation of this undertaking.

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

#### **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 or 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;*

628. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. Therefore, it encouraged the Serbian authorities to conclude agreements with states where Ruthenian is used in identical or similar form, in such a way as to foster contacts between the users of this language in the fields of culture, education, information, etc..

629. During the third monitoring cycle, the Serbian authorities have not provided any relevant information with regard to this undertaking.

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

- b** *for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

631. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

632. According to the third periodical report, the publishing company Forum and the Cultural Institute of the Ruthenians of Vojvodina signed agreements with relevant institutions in the neighbouring countries. These co-operations include participation at book fairs, exchange of artists and experts, organisation of workshops for young people, joint projects in the field of publishing, research in the field of culture, etc.

633. The Committee of Experts considers this undertaking partly fulfilled. It asks the Serbian authorities to provide relevant information on co-operations across borders between regional or local authorities in the next periodical report.

### 3.2.9 Slovak

634. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new information which would have required a reassessment of its previous findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 a (iii), a (iv), b (iv), c (iv), e (ii);  
 Article 9, paragraph 1 a (ii), a (iii), b (ii), d; paragraph 2;  
 Article 10, paragraph 1 c, paragraph 2 c, d;  
 Article 11, paragraph 1 a (iii), b (ii), c (ii), e (i), f (ii), paragraph 2;  
 Article 12, paragraph 1 a, f;  
 Article 13, paragraph 1 c  
 Article 14 b.

## Article 8 – Education

### 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:*

#### **Technical and vocational education**

- d** *i to make available technical and vocational education in the relevant regional or minority languages; or*
- ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- 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*
- 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;**

635. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It urged the Serbian authorities to strengthen technical and vocational education for Slovak.

636. According to the third periodical report, technical and vocational education in Slovak was offered in Novi Sad at one school in two classes for 57 pupils participating in total during the school year 2012/2013. The subject “Slovak Language with Elements of National Culture” was offered in two municipalities, at three schools for 53 pupils during the same school year.

637. In view of the very limited offer of Slovak in technical and vocational education, the Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled.

#### **Adult education**

- f** *... iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

638. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “urge[d] the Serbian authorities to take measures to favour and/or encourage the offering of all Part III languages as subjects of adult and continuing education.”

639. The third periodical report does not provide any specific information on the use of Slovak in adult education. It only mentions classes organised for adults who had no opportunity to finish school. These classes are taught only in Serbian. The Committee of Experts is not aware of any adult education taking place in minority languages.

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

- g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language**

641. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and asked the Serbian authorities to provide specific information in the next periodical report.

642. Through information received during the second monitoring cycle, the Committee of Experts is aware of the flexibility in the regular curricula that allows the teaching of the history and culture reflected by regional or minority languages.

643. According to the third periodical report, the subject “Slovak Language with Elements of the National Culture” was offered in 39 primary schools for 490 pupils, in five secondary schools for 207 pupils, and in three technical schools for 53 pupils during the school year 2012/2013. It is not clear to the Committee of Experts to what extent pupils of the majority population are taught about the history and culture of minority languages.

644. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled and asks the Serbian authorities to provide more specific information in the next periodical report.

## **Article 9 – Judicial authorities**

### **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:*

- c in proceedings before courts concerning administrative matters:*
    - 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; and/or*
- if necessary by the use of interpreters and translations;*

645. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking. Therefore, it asked the Serbian authorities to provide further information in this respect in the next periodical report.

646. According to the third periodical report, there were no cases at the Administrative Court which required proceedings to be conducted with interpretation into/from Slovak. All claims were filed in Serbian.

647. The Committee of Experts considers this undertaking formally fulfilled. It asks the Serbian authorities to provide more concrete information regarding court procedures concerning administrative matters.

### **Paragraph 3**

*The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

648. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

649. According to the third periodical report, some national legal texts were translated into Slovak.<sup>13</sup>

650. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled. It encourages the Serbian authorities to make further significant legal texts available in Slovak.

## **Article 10 – Administrative authorities and public services**

### **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 ...*
  - iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*

651. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It “urged the Serbian authorities to take the necessary measures to ensure that users of regional or minority languages may in practice submit oral or written applications in these languages to state authorities”.

652. According to the third periodical report, the Ministry of Human and Minority Rights collected data, in 2010, on the use of minority languages in administrative districts, including those with Slovak speakers. According to the obtained data, no requests in minority languages were received in these districts.

653. The Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled.

<sup>13</sup> See 3rd Periodical Report by Serbia, MIN-LANG (2015) PR 1, paragraph 311.

## 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:*

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

654. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled in relation to local authorities. It asked the Serbian authorities to provide specific information with respect to all languages in the next periodical report. In relation to regional authorities, the Committee of Experts considered this undertaking formally fulfilled. It asked the authorities to provide specific information concerning the application of this undertaking in practice in Vojvodina in the next periodical report.

655. According to the third periodical report, surveys conducted in 39 municipalities on whose territory minority languages are in official use, revealed that on the territory of the Autonomous Province of Vojvodina legal remedy communicated in Slovak against first instance decisions was filed in one case. There is no information on the use of Slovak with regional administration.

656. In relation to local authorities, the Committee of Experts considers this undertaking fulfilled.

657. In relation to regional authorities, the Committee of Experts considers this undertaking formally fulfilled and encourages the Serbian authorities to ensure that the possibility for users of regional or minority languages to submit oral or written applications in Slovak is guaranteed.

*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.*

658. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and "urge[d] the Serbian authorities to take steps to ensure that officially designated place names in regional or minority languages are used in practice, in conformity with the tradition and orthography of the languages concerned".

659. The third periodical report does not provide any new specific information with regard to this undertaking. According to the third periodical report, the proceedings of establishing officially recognised place names have been carried out during the previous monitoring cycles for Slovak, with the participation of the National Council of the Slovak National Minority.

660. The Committee of Experts considers this undertaking fulfilled.

## 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:*

*c to allow users of regional or minority languages to submit a request in these languages.*

661. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Serbian authorities to ensure the possibility for users of regional or minority languages to submit requests to public services in their language.

662. According to the third periodical report, the Provincial Secretariat of the Autonomous Province of Vojvodina obliges public service providers to use invoices, certificates and notifications in Serbian and in the official minority languages.

663. According to a report on exercising the right to the official use of languages and scripts of national minorities in the Autonomous Province of Vojvodina (2012) and on the basis of data collected from municipalities (2013), it can be concluded that public service providers increased the number of invoices delivered in minority languages.

664. The Committee of Experts considers this undertaking fulfilled.

## Paragraph 4

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

665. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking.

666. In the third periodical report, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

## **Paragraph 5**

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

668. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was formally fulfilled and “urge[d] the Serbian authorities to take the necessary measures to ensure the practical use or adoption of family names in the regional or minority languages”.

669. The third periodical report does not provide any information on the practical use of the existing legal provisions by Slovak speakers.

670. The Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled.

## **Article 11 – Media**

### **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:*

- d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

671. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Serbian authorities to increase support for Slovak.

672. According to the third periodical report, in the three-year period of 2010-2012, one applicant producing media content in Slovak applied successfully for state funds with one project.

673. The Committee of Experts considers this undertaking fulfilled.

### **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.*

674. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled and “invite[d] the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies”.

675. According to the third periodical report, the Law on the National Councils of the National Minorities authorises national councils to represent the interests of the minority in different administrative and professional bodies at state level.

676. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled. However, it again encourages the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies.

## **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:*

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

677. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations from Slovak.

678. During the third monitoring cycle, the Serbian authorities have not provided the information requested.

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

- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

680. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations into Slovak.

681. According the third periodical report, in the three-year period, one literary work was translated into Slovak with the support of state funds. Furthermore, the report mentions that 46,600,000 RSD (390,000 EUR) were used to fund cultural activities – publication of books and magazines, theatre productions, festivals – of the Slovak national minority in the period from 2010 to 2012.

682. The Committee of Experts considers this undertaking partly fulfilled.

## **Paragraph 2**

***In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.***

683. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

684. During the third monitoring cycle, the Committee of Experts has not been provided with any specific information with regard to this undertaking for Slovak.

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

## **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 or 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;***

686. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was partly fulfilled. The Committee of Experts encouraged the Serbian authorities to strengthen the application of the present undertaking with respect to Slovak.

687. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

688. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled.

### 3.2.10 Ukrainian

689. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new information which would have required a reassessment of its previous findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 b (iv), e (ii);  
 Article 9, paragraph 1 d; paragraph 2;  
 Article 11, paragraph 1 a (iii), b (ii), f (ii), paragraph 2;  
 Article 12, paragraph 1 a, f;  
 Article 13, paragraph 1 c.

690. According to the third periodical report, Ukrainian is not in official use in any of the municipalities or local settlements in the Republic of Serbia, since, for minority languages to be newly introduced in official use by the Statute of a municipality or local settlement, it is necessary that the members of the minority reach 15% of the population in the municipality or local settlement. On the basis of the census results of 2011, members of the Ukrainian national minority did not reach the legally determined percentage in any of the municipalities or local communities in Serbia.

## Article 8 – Education

### 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*
- ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
- 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; or*
- iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;*

691. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It urged the Serbian authorities to offer pre-school education in Ukrainian.

692. According to the third periodical report, no pre-school education was offered in Ukrainian or bilingually in Serbian and Ukrainian; reasons include lack of interest and insufficient number of children.

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

#### **Secondary education**

- c i to make available secondary education in the relevant regional or minority languages; or*
- ii to make available a substantial part of secondary education in the relevant regional or minority languages; or*
- iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- 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;*

694. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Serbian authorities to take measures for the teaching of Ukrainian, as an integral part of the curriculum to those pupils who so wish in a number considered sufficient.

695. According to the third periodical report, neither secondary education in Ukrainian nor the subject Ukrainian Language with Elements of National Culture were offered; reasons include lack of teachers and insufficient number of pupils.

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

***The Committee of Experts urges the Serbian authorities to take measures to promote pre-school and secondary education in Ukrainian.***

#### **Technical and vocational education**

- d i to make available technical and vocational education in the relevant regional or minority languages; or*

- ii *to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- 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*
- 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;*

697. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It urged the Serbian authorities to take measures to ensure the application of this undertaking for Ukrainian.

698. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

699. The Committee of Experts maintains its previous conclusion that this undertaking is not fulfilled. It urges the Serbian authorities to take measures to provide technical and vocational education in Ukrainian.

### **Adult education**

f ...

- iii *if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

700. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It "urge[d] the Serbian authorities to take measures to favour and/or encourage the offering of all Part III languages as subjects of adult and continuing education."

701. The third periodical report does not provide any specific information on the use of Ukrainian in adult education. It only mentions classes organised for adults who had no opportunity to finish school. These classes are taught only in Serbian. The Committee of Experts is not aware of any adult education taking place in minority languages.

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

- g *to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language*

703. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and asked the Serbian authorities to provide specific information in the next periodical report.

704. The third periodical report does not provide any specific information on this undertaking. However, through information received during the second monitoring cycle, the Committee of Experts is aware of the flexibility in the regular curricula that allows the teaching of the history and culture reflected by regional or minority languages. It is not clear to the Committee of Experts to what extent pupils of the majority population are taught about the history and culture of minority languages.

705. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled and asks the Serbian authorities to provide more specific information in the next periodical report.

## **Article 9 – Judicial authorities**

### **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:*

a *in criminal proceedings:*

- ii *to guarantee the accused the right to use his/her regional or minority language;*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

706. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

707. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

a ...

*iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

709. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

710. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

b *in civil proceedings:*

*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; and/or*

*if necessary by the use of interpreters and translations;*

712. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

713. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

c *in proceedings before courts concerning administrative matters:*

*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; and/or*

*if necessary by the use of interpreters and translations;*

715. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking. Therefore, it asked the Serbian authorities to provide further information in the next periodical report.

716. According to the third periodical report, there were no cases at the Administrative Court which required proceedings to be conducted with interpretation into/from Ukrainian. All claims were filed in Serbian.

717. The Committee of Experts considers this undertaking formally fulfilled. It asks the Serbian authorities to provide more concrete information regarding court procedures concerning administrative matters.

### **Paragraph 3**

*The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

718. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

719. According to the third periodical report, Ukrainian is not present among the languages into which translations of relevant texts have been provided so far.

720. The Committee of Experts considers this undertaking not fulfilled and encourages the Serbian authorities to make the most important national statutory texts available in Ukrainian.

## **Article 10 – Administrative authorities and public services**

### **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 ...*

*iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*

721. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It "urged the Serbian authorities to take the necessary measures to ensure that users of regional or minority languages may in practice submit oral or written applications in these languages to state authorities".

722. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

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

724. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was fulfilled with regard to regional or minority languages in general, but asked the Serbian authorities to provide further information on documents drafted in regional or minority languages by administrative authorities in the next periodical report.

725. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

## **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:*

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

727. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled and asked the Serbian authorities to provide specific information in the next periodical report.

728. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

729. The Committee of Experts maintains its previous conclusion that this undertaking is not fulfilled.

*c the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

730. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Serbian authorities to take measures to ensure the publication by regional authorities of their official documents also in Ukrainian.

731. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

732. The Committee of Experts maintains that this undertaking is not fulfilled.

*d the publication by local authorities of their official documents also in the relevant regional or minority languages;*

733. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled.

734. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

735. The Committee of Experts maintains that this undertaking is not fulfilled.

*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.*

736. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and “urge[d] the Serbian authorities to take steps to ensure that officially designated place names in regional or minority languages are used in practice, in conformity with the tradition and orthography of the languages concerned”. The Committee of Experts also asked the Serbian authorities “to clarify in the next periodical report whether the Ukrainian language has traditional names for places inhabited by Ukrainian speakers in relevant numbers.”

737. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

### 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:*

- c to allow users of regional or minority languages to submit a request in these languages.*

739. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Serbian authorities to ensure the possibility for users of regional or minority languages to submit requests to public services in their language.

740. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

### Paragraph 4

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

742. In the second evaluation report, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking.

743. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

### Paragraph 5

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

745. In the second evaluation report, the Committee of Experts maintained its previous conclusion that this undertaking was formally fulfilled and “urge[d] the Serbian authorities to take the necessary measures to ensure the practical use or adoption of family names in the regional or minority languages”.

746. The third periodical report does not provide any information on the practical use of the existing legal provisions by Ukrainian speakers.

747. The Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled.

## Article 11 – Media

### 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:*

- c ...*

*ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

748. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It invited the Serbian authorities to encourage and/or facilitate the broadcasting of television programmes in Ukrainian on a regular basis.

749. According to the third periodical report, there is no private television broadcasting in Ukrainian.

750. The Committee of Experts maintains its previous conclusion that this undertaking is not fulfilled. It urges the Serbian authorities to encourage and/or facilitate the broadcasting of television programmes in Ukrainian on a regular basis.

*d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

751. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It invited the Serbian authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in Ukrainian.

752. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

753. The Committee of Experts maintains its previous conclusion that this undertaking is not fulfilled.

*e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or*

754. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It invited the Serbian authorities to encourage and/or facilitate the creation of at least one newspaper in Ukrainian and the maintenance of the existing newspapers in regional or minority languages.

755. According to the third periodical report, one monthly journal and two magazines (one of them for children) are published in Ukrainian. The monthly has been co-funded by the Ukrainian National Council and by the public budget of the Autonomous Province of Vojvodina since 2010.

756. However, as none of these publications qualify as a newspaper, the Committee of Experts maintains its previous conclusion and considers this undertaking not fulfilled.

### **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.*

757. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled and “invite[d] the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies”.

758. According to the third periodical report, the Law on the National Councils of the National Minorities authorises national councils to represent the interests of the minority in different administrative and professional bodies at state level.

759. The Committee of Experts maintains its previous conclusion that this undertaking is fulfilled. However, it again encourages the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies.

## **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:*

*b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

760. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations from Ukrainian.

761. During the third monitoring cycle, the Serbian authorities have not provided the information requested.

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

- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

763. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide information on whether there was a support scheme for translations into Ukrainian.

764. According to the third periodical report, six literary works, written by Serbian authors, have been translated into Ukrainian with the support of state funds in the period from 2010 to 2012. Furthermore, the report mentions that 1,675,000 RSD (13,960 EUR) were used to fund cultural activities – publication of a book and a magazine, theatre productions, festivals – of the Ukrainian national minority in the period from 2010 to 2012.

765. The Committee of Experts considers this undertaking fulfilled.

## Paragraph 2

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

766. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Serbian authorities to provide further information in the next periodical report.

767. During the third monitoring cycle, the Committee of Experts has not been provided with any relevant information with regard to this undertaking.

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

## 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 or 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;*

769. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. Therefore, it encouraged the Serbian authorities to strengthen the application of the present undertaking with respect to Ukrainian.

770. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

771. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled.

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

772. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking, and asked the Serbian authorities to provide information with respect to this undertaking in the next periodical report.

773. During the third monitoring cycle, the Serbian authorities have not provided any relevant information on the implementation of this undertaking.

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

## Chapter 4 Findings of the Committee of Experts in the third monitoring round

- A. The Committee of Experts wishes to express its gratitude to the Serbian authorities for the active and fruitful co-operation it has enjoyed. The co-operation with the authorities and with those national minority councils that the Committee of Experts met during the on-the-spot visit was very good.
- B. Serbia enjoys a rich linguistic diversity with 15 regional or minority languages, ten of which have been given special protection under Part III of the Charter: Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romani, Romanian, Ruthenian, Slovak and Ukrainian. The five other languages are covered by Part II only: Bunjevac, Czech, German, Macedonian and Vlach.
- C. If a national minority constitutes at least 15% of the population of a municipality, its minority language must be introduced into official use. In addition, in Vojvodina, a minority language can be in official use if 25% of the population in a local community within a municipality belong to this minority. However, the Committee of Experts underlines that a language may be protected under the Charter even if the number of persons belonging to the given minority is below these thresholds. There are concrete examples where municipalities have introduced regional or minority languages in official use even though the thresholds have not been met. A more systematic use of this possibility would improve the situation of the regional or minority languages and thus strengthen the application of the Charter in Serbia. This would be particularly important for those minorities not attaining the 15% threshold in any municipality.
- D. The protection of minorities and their languages enjoys a high level of recognition in Serbia. One example is the system of national minority councils which grants minorities a certain level of autonomy in the fields of education, information, culture and the official use of language and script. Reliable financial support for the national councils is hence of great importance.
- E. Serbia has a long-established system of regional or minority language education. Progress made during the last monitoring period is reflected by the fact that now all languages are present in primary education. The legal threshold of 15 pupils is too high for the requirements of the Charter, but the authorities in some cases allow classes even for very few pupils. However, the availability and quality of such education is affected by a lack of qualified teachers and of adequate teaching materials. Furthermore, there is no offer of adult education in any of the languages protected under the Charter.
- F. The use of regional or minority languages before courts is allowed by the relevant legislation, but the practical use of this possibility is limited. As regards administrative authorities, the Law on the Official Use of Languages and Scripts provides that persons belonging to a national minority may use their language in the areas where it is in official use with state and local authorities and are entitled to receive a reply in their language. There are, however, problems of practical implementation in that field.
- G. Serbia traditionally has a very high level of regional or minority language presence in radio and television broadcasts. Furthermore, the Serbian authorities support print media in all languages. There is also a substantial offer of cultural activities and facilities, which are supported by the Serbian authorities.

### Overview of the situation of the regional or minority languages

- H. The situation of *Albanian* in education and in the media remains on the whole good. There are shortcomings hampering the effective use of Albanian in administration and at courts.
- I. The situation of *Bosnian* in the media remains satisfactory. Secondary education in Bosnian started with the schoolyear 2013/2014.
- J. The situation of *Bulgarian*-language education remains good. There is some use in oral communication with local authorities, but practically no use in relation with state administration or at courts. Bulgarian is present on public television and radio.
- K. *Bunjevac* is taught in some primary schools within the models of minority-language education, but not at pre-school or secondary levels. There is some presence of Bunjevac on radio, television and in the print media. It has not yet been introduced in official use in any municipality.

- L. The presence of *Croatian* in education has improved, but there are still problems with the supply of textbooks and the availability of qualified teachers. There are television and radio programmes as well as print media in Croatian.
- M. The situation of *Czech* in education has improved. It is now taught at primary level. However, it is still not used in administration or at courts. There are no radio or television programmes in Czech.
- N. *German* continues to have a weak presence in public life. Apart from one bilingual kindergarten and primary school it is not taught within the models of minority-language education. There is only one weekly local radio programme in German, but the allocation of television broadcasting time at RTV Vojvodina is still pending. There is also no newspaper in German.
- O. In respect of *Hungarian*, almost all undertakings of Serbia under the Charter are fulfilled or partly fulfilled. However, this achievement is partly due to the fact that these undertakings, in particular those in education and the media, do not adequately reflect the strong position of Hungarian. The Committee of Experts finds that higher-level undertakings could be applied.
- P. The subject “*Macedonian Language with Elements of National Culture*” has been introduced in primary education. Macedonian continues to have a good presence on television, on radio and in the print media.
- Q. *Romani* is present on private radio and television. As the language lacks official status at local level, Articles 9 and 10 of the Charter are not applied to Romani in practice. More efforts are needed in education, particularly in Central Serbia.
- R. *Romanian* language education is present at all levels in Vojvodina, but the number of pupils remains low considering the size of the Romanian language group. There is a broad range of radio and television programmes in Romanian. The subject “*Romanian Language with Elements of National Culture*” has also been introduced in Central Serbia. Romanian is also present in the media of Central Serbia.
- S. The level of protection of *Ruthenian* remains high, which is reflected by its official status in municipalities and courts of the Autonomous Province of Vojvodina. The situation of Ruthenian in education as well as in the media is good.
- T. The overall situation of *Slovak* is good. Slovak language education is present at all levels. It is used in communication with administrative and judicial authorities. Slovak has also a good presence in the media.
- U. *Ukrainian* is still not used in pre-school, secondary or vocational education. Articles 9 and 10 of the Charter are not applied in practice to Ukrainian as the language lacks official status at local level. Ukrainian is present on radio and in television.
- V. There have been considerable improvements concerning *Vlach*. The subject “*Vlach Language with Elements of National Culture*” has been introduced in primary education. There is some presence in the media and in cultural life. Furthermore, the first books in Vlach have been published.

The Serbian 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 Serbia. At the same time it emphasised the need for the Serbian authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1254<sup>th</sup> meeting on 27 April 2016, the Committee of Ministers adopted its Recommendation addressed to Serbia, which is set out in Part B of this document.

## Appendix 1 Instrument of ratification



Serbia:

**Declaration contained in the instrument of ratification deposited on 15 February 2006 - Or. Engl. - and updated by a letter from the Permanent Representative of Serbia, dated 20 July 2006, registered at the Secretariat General on 20 July 2006 - Or. angl.**

In accordance with Article 2, paragraph 2, of the Charter, Serbia and Montenegro has accepted that the following provisions be applied:

- in the Republic of Serbia, for the Albanian, Bosnian, Bulgarian, Hungarian, Romany, Romanian, Ruthenian, Slovakian, Ukrainian and Croatian languages:

Article 8, paragraph 1 a (iii), a (iv), b (iv), c (iv), d (iv), e (ii), f (iii), g;

Article 9, paragraph 1 a (ii), a (iii), b (ii), c (ii), d, paragraph 2 a, b, c, paragraph 3;

Article 10, paragraph 1 a (iv), a (v), c, paragraph 2 b, c, d, g, paragraph 3 c, paragraph 4 c, paragraph 5;

Article 11, paragraph 1 a (iii), b (ii), c (ii), d, e (i), f (ii), paragraph 2, paragraph 3;

Article 12, paragraph 1 a, b, c, f, paragraph 2;

Article 13, paragraph 1 c;

Article 14 a, b.

**Period covered: 1/6/2006 -**

The preceding statement concerns Article(s): 1

**Reservation contained in the instrument of ratification deposited on 15 February 2006 - Or. Engl.**

As to Article 1.b of the Charter, Serbia and Montenegro declares that the term "territory in which the regional or minority languages is used" will refer to areas in which regional and minority languages are in official use in line with the national legislation.

**Period covered: 1/6/2006 -**

The preceding statement concerns Article(s) : 2

## Appendix 2 Comments from the Serbian authorities

### I. Introduction

The Committee of Experts, founded in accordance with Article 17 of the European Charter for Regional or Minority Languages (hereinafter: the Charter) adopted the Third Report on application of the Charter in Serbia (hereinafter: the Third Report) at its session of 4 November 2015. The Report includes proposals for recommendations the Committee of Ministers of the Council of Europe will address to Serbia. Pursuant to Article 16 paragraph 3 of the Charter, the Serbian Government was granted an opportunity to make comments on the contents of this Report.

Serbia appreciates activities of the Committee of Experts in the process of monitoring the Charter application very much and it welcomes the cooperation it achieved with the Committee of Experts during preparation of the Third Report, as reflected by the visit of the Committee of Experts delegation to Serbia from 3 to 5 June 2015.

Serbia considers fulfilment of the obligations undertaken under the Charter very important, as preservation of language diversity is one of the most precious elements of its cultural heritage, contributing to maintenance and development of the European cultural wealth and tradition. That is why Serbia joins Europe in preservation and promotion of use of regional or minority languages, as one of the basic postulates of integration of the European area. Preservation and development of minority language as an element of identity of members of a national minority, speakers of a minority language, are also a part of the minority policy continuously implemented by the authorities. Having in mind the abovementioned, Serbia is sincerely dedicated to fulfilment of undertakings pursuant to the Charter.

The third periodic report on application of the Charter is the base for monitoring and it was drafted and founded fully on the principles of transparency. It is published on the Office for Human and Minority Rights web site and available at: [www.ljudskaprava.gov.rs](http://www.ljudskaprava.gov.rs), thus fulfilling the undertaking from Article 2 of the Charter. Upon completion of the third monitoring cycle, the Office for Human and Minority Rights will publish the Third Report of the Committee of Experts, together with the Comments of the Republic of Serbia on the Report and Recommendations of the Committee of Ministers of the Council of Europe.

Serbia believes that open and constructive dialogue with the bodies responsible for monitoring the Charter implementation is extremely important for Charter application. To that end, Serbia finds that the Third Report of the Committee of Experts is founded on the expert analysis of regulations, policies and practice which apply to minority languages in Serbia.

Serbian comments on the Third Report of the Committee of Experts have been prepared at the Office for Human and Minority Rights. Competent state and provincial authorities were consulted in the process of drafting of comments.

Having in mind the positive nature of the Third Report, and in order to additionally clarify findings of the Committee of Experts, the Serbian Government makes the following comments:

### II. Comments on Executive Summary of the Third Report

#### Paragraph 3

**According to the current legislation, the introduction of a minority language and its script into official use is compulsory if a national minority accounts for 15% of the population of a municipality. There are examples where municipalities have introduced minority languages into official use although these thresholds have not been met. Nevertheless, Bunjevac, German, Romani, Ukrainian and Vlach are currently not in official use in any of the municipalities or local communities in the Republic of Serbia. This situation has negative consequences for the funding of the national councils and limits the application of the Charter in Serbia.**

Bunjevac, German, Romani and Ukrainian are not in official use in any of the local government units, nor there is a legislative obligation for that since, as the Committee of Experts states, the 15% "threshold" has not been met. It is true that minority languages are in official use in certain local government units, although the thresholds have not been met, but practice in that sense is not uniform, and these are mostly local government units in which the minority language has been in official use before the adoption of the Law on Protection of Rights and Freedoms of National Minorities. The mentioned Law includes a separate provision according to which a minority language remains in official use in the local government unit if it was in official use at the moment of adoption of the Law. That provision provides for Charter application, as municipalities and towns cannot narrow the existing circle of the languages in official use. Each local government unit in

which minority languages do not meet the threshold is fully autonomous in deciding on introducing a minority language in official use. Introduction of a language in official use in each specific case depends on a number of factors, such as the number of members of a national minority and speakers of a minority language, professional, administrative and financial capacities of a local government, etc.

Generally speaking, the fact that the mentioned languages are not in official use in any of the local government units does not mean threatening, exclusion, limiting or unfavourable treatment regarding the use of these language, nor its purpose is to discourage or question its maintenance and development, in terms of Article 7 paragraph 2 of the Charter. Moreover, as it was explained in the First State Report on application of the Charter, certain elements of the official use of languages exist irrespective of introduction of a language in official use in a local government unit, which is the case with official use of minority languages in school administration for the languages present in the educational process, that is fulfilled for Ukrainian.

For some of the mentioned languages, specifically for German, the objective need for introduction of measure of official use of that language in certain local government units needs to be considered, too. According to the results of the last Census, share of members of the German national minority with regards to the total number of population in local government units is the highest in Novi Sad (0.12%) and Sombor (0.57%). Considering the small number of representatives of that national minority and the fact that they do not have to be speakers of German at the same time, the question is whether in practice certain types of official use of German language and script in local government units would be applicable at all, and that could additional open an issue whether such an arrangement is in the spirit of Charter (for example, validity of publishing the local official papers in that language, provision of interpreters/translators, etc).

Threshold value of 15% has been met for Vlach in certain local government units, but the fact that the process of its standardization is ongoing should be considered, as the conditions for its introduction in official use have not been created yet. Serbian authorities would like to point out the fact that the standardization of Vlach is being performed under the umbrella of the National Council as a body established in line with Article 7 paragraph 4 to deal with advising the authorities on all the issues concerning minority languages.

Serbian authorities would like to draw special attention to the fact that the national councils of those minorities, as bodies dealing with advising the authorities on all issues concerning these languages, and having the right to initiate introduction of minority languages in official use in local government units, in line with the Law on National Councils, have never formally requested introduction of those languages in official use in certain local government units, according to data obtained from the local government units.

Although the mentioned languages are not in official use, we could not agree with the statement that “this situation has negative consequences for the funding of the national councils”.

Official use of minority languages is not the only criterion for funding of national councils by all three levels of government, nor the failure of the mentioned national councils to meet that criterion threatens their funding. Funds allocated for activities of Bunjevac, German, Roma, Ukrainian and Vlach National Councils from the republic and provincial budgets have increased after the reporting period, influenced by criteria from other areas of social life in which these bodies exercise their powers. Apart from official use of language and script, another criterion for funding of national councils by budgets of local government units is that a national minority represented by the national council in a local government unit reaches at least 10% of the total population. Funding of national councils from the local budgets is therefore not conditioned, and it does not depend on only whether a minority language was introduced in official use, but councils may obtain funding if the number of members of the minority they represent reaches the threshold of 10%. There is a positive example in the Municipality of Kula that allocated funds for operations of national councils of German and Ukrainian national minorities in 2014, although it was not legally bound to fund those bodies.

Serbian authorities propose taking into account the stated comment also when considering the paragraph C of the Conclusion of the Committee of Experts and leaving that conclusion out from wording of recommendations by the Committee of Ministers.

#### **Paragraph 5**

**Progress is reflected by the presence of all languages in education. However, availability and quality is sometimes affected by a lack of teachers and adequate teaching materials. Moreover, there is no offer of adult or continuing education in any of the languages protected under the Charter.**

Availability and quality of education in a minority language is sometimes affected by a lack of teachers and adequate teaching materials. After the reporting period, the Republic of Serbia undertook the measures to eliminate these shortcomings. In 2015, the Ministry of Education, Science and Technological Development initiated drafting of special memoranda of understanding regarding education of members of national minorities who have a complete education in their mother tongues with six countries of origin (Albania,

Bulgaria, Hungary, Romania, Slovakia and Croatia). The purpose of these memoranda is promotion of the initial education of teachers, professional training of teachers and review of textbook translations, particularly treated by these memoranda.

The new Law on Textbooks of 2015, the solutions of which will be presented in the next state report, stipulates the obligation of the Institute for Textbook Publishing to provide all the textbooks in minority languages.

The course of Romani for acquiring the **“Romani Language Teacher” certificate was organized in 2015 and 2016, in cooperation between the Ministry of Education, Science and Technological Development and the Centre for Professional Training and Evaluation of the University of Belgrade, Faculty of Philology.** The aim of such training sessions is to motivate the representatives of the Roma national minority to get involved in the educational processes and to promote learning of Romani language. The final outcome of this programme is to hire its participants as teachers of Romani language.

Regarding the Committee of Experts finding that “there is no offer of adult or continuing education in any of the languages protected under the Charter” we would like to point out that in paragraph 260 of the Third Periodic Report, data on the number of adult learners who attend primary education in the Hungarian language in three institutions in Sombor, Senta and Subotica are presented. Having in mind that adult education takes place in Hungarian, and not in Serbian, we believe that the finding that there is no adult education in any of the minority languages is not correct. Of course, we would like to point to the fact that there were no request for other languages by adult learners to be educated in those languages. Serbian authorities ask for this comment to be taken into account and for the findings of the Committee of Experts from paragraphs 374 and 375 to be left out from wording of recommendations by the Committee of Ministers.

### **III. Comments on Chapters 1 and 2 of the Third Report**

#### **Paragraph 19**

**The census conducted in 2011 provided new data concerning persons belonging to national minorities and speaking minority languages as their mother tongue<sup>14</sup>. Compared to the previous census of 2002, the numbers of some of the national minorities significantly changed. Due to a positive international climate, many more persons declared their Romani ethnicity and mother tongue. On the other hand, there is a strong decline among most of the other national minorities. Against this background, it seems necessary to strengthen the protection and promotion of minority languages and the related cultures.**

The Republic of Serbia continuously undertakes measures aimed at protection and promotion of minority languages and cultures. However, it should be noted that the total population of Serbia, including most of national minorities, is decreasing. The primary reason for this is insufficient number of births in a longer period, and the accelerated process of ageing (disturbances in age structure, negative population growth, high average age, etc.)

The Statistical Office of the Republic of Serbia made special efforts to collect as objective data on number and basic characteristics of Roma in Serbia as possible during the Census in 2011. All the activities in the phase of Census preparations and implementation were organized together with the National Council of Roma National Minority, other institutions and associations dealing with Roma issues. A special test Census was organized in 2009 in the so-called Roma settlements, during which Roma have been engaged in all phases (preparation, mapping of Roma settlements, field activities, data entry), all in order to promote the Census and strengthen trust of Roma community in the activities of official statistics. During the Census 2011, more than 600 Roma coordinators and additional enumerators have been additionally hired for enumeration in the so-called Roma settlements, and Roma representatives have been hired as associate members of Roma census committees tasked with monitoring all the stages of Census implementation in local government units. Significant funds have also been invested in the media campaign in Romani language, and the Census has been promoted at the meetings organized by Roma associations. Having in mind the aforementioned, we could not agree with the viewpoint that only “due to a positive international climate, many more persons declared their Romani ethnicity and mother tongue”, but, rather, that by undertaking a significant number of activities, Serbia itself has contributed to the fact that a greater number of persons freely self-identified with the Roma national belonging and language.

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<sup>14</sup> In terms of Article 1, the Charter applies not only to speakers of regional or minority languages as a mother tongue, but to users of those languages irrespective of their ethnic background as well.

**Paragraph 27****In appeal procedures, records and decisions in procedures can be prepared in Serbian only.**

In appeal procedures, or procedures of second instance, records and decisions can be prepared not only in Serbian, but a minority language as well. According to the Law on Official Use of Language and Script, only the first instance procedure (judicial and administrative) is fully conducted in the language of a national minority if: the language of the national minority is in official use in the authority conducting the procedure and if there is a request of a party to conduct the procedure in that language. Unlike that of the first instance, the second instance procedure is always conducted in Serbian, but the order, decision, records of second instance and other written documents in that procedure and regarding that procedure are translated in language, or languages in which the procedure of first instance was conducted, by the body or organization of first instance. Parties in the second instance procedure are entitled, among other, to submit appeals, claims and other filings in their own languages, and have engrossments of decisions, orders and other acts regarding their rights and duties delivered to them in their languages, upon their request. Having in mind the aforementioned, Serbian authorities insist on leaving out this Committee of Experts finding from wording of recommendations by the Committee of Ministers.

**Paragraph 30****No systematic use of minority languages is possible in communication with most of the provincial and local administrative authorities, according to the statements submitted by representatives of the speakers in the third monitoring cycle.**

Serbian authorities cannot agree with the statement that “no systematic use of minority languages is possible in communication with most of the provincial and local administrative authorities”. Hungarian, Romanian, Ruthenian, Slovak and Croatian languages and scripts are in the official use in the work of the provincial bodies. All filings, applications to competitions and all types of appeals may be filed in any of these languages to provincial authorities, and they are treated equally. Parties receive replies in the language and script in which the filling was submitted. If a staff member does not understand the minority language, then the services of the Department of Translation and Interpretation are used.

Minority languages are also used in communication with the local authorities. Moreover, in certain local government units in which representatives of a minority and speakers of a minority language represent a vast majority of population, such as municipalities of Senta, Kanjiža, Preševo, Bosilegrad, Novi Pazar, etc. the systematic communication between the citizens and local authorities actually takes place in minority languages. In the Third Report, the results of the questionnaire conducted in LGU administrations in Central Serbia and AP Vojvodina are presented, and based on those results it is stated that the speakers of minority languages have an opportunity to use their languages in communication with local authorities and that they use this opportunity in practice.

**Paragraph 34****As Romani and Ukrainian are not in official use, there are no official place names in these languages.**

According to the Law on National Councils of National Minorities, the traditional names of the local government units, populated places and other geographical names in minority languages become, along with the names in Serbian, official names of populated places in those languages, in the areas in which those languages are in official use. Romani and Ukrainian are not in official use, but the fact is that there are no traditional names in Romani and Ukrainian as place names, strictly speaking, that could, upon introduction of those languages in official use become “official place names in these languages”.

Paragraph 268 of the Second and paragraph 340 of the Third Periodic Report on Charter application state reasons for non-existence of traditional place names in Romani and Ukrainian. Moreover, according to the Law on National Councils of National Minorities, these bodies can propose establishing a minority language as an official language and script in a local government unit and establish traditional place names, and national councils of Roma and Ukrainian national minorities have not used those legal options.

**Paragraph 35**

**Raising awareness and increasing tolerance for multilingualism continues to be supported through projects in the fields of media/internet and culture. These projects are co-financed by state and provincial authorities. During the reporting period the Serbian authorities co-financed around 1,200 multi- and intercultural programmes and projects with almost 655 million RSD (5,460,000 EUR). The projects were mostly implemented in Vojvodina. There is a need to carry out similar activities in Central Serbia.**

The Republic of Serbia carries out numerous activities aimed at raising awareness and increasing tolerance for multilingualism in Central Serbia as well. Apart from the calls for applications carried out by the Ministry of Culture and Information, the Coordination Body's Office for Preševo, Bujanovac and Medvedja annually allocates the funds for projects and initiatives of civil society aimed at promoting inter-ethnic cooperation and multilingualism.

In 2011, the Coordination Body's Office for Preševo, Bujanovac and Medvedja announced three tenders for the allocation of funds for civil society projects, granted RSD 14,151,027,00 and supported 28 projects of the associations. In 2012, three tenders were called for the funds to support civil society projects and the media, RSD 7,789,880.00 was granted and 22 projects were supported. In 2013, RSD 698,500.00 was granted and two projects were supported. With the support of the funds received at tenders, the associations have organized theatre performances and workshops, training of journalists, study visits and many other activities aimed at raising awareness and promoting tolerance for multilingualism in Preševo, Bujanovac and Medvedja.

Every year, local government units in which the representatives of national minorities are present co-finance projects in the field of culture and information, promoting multilingualism. For example, in 2015, the City of Novi Pazar co-financed 5 projects in the field of information with RSD 10,000,000, aimed at, among other, development of culture of all the citizens with promotion of mutual tolerance; Municipality of Dimitrovgrad is co-financing 10 projects with RSD 16,200,000 in 2016; Municipality of Bujanovac announced a call for applications in the field of culture, to be supported by RSD 1,700,000 etc.

#### **IV. Comments on Chapter 3 of the Third Report**

##### **Paragraph 40**

**According to the third periodical report, the funds provided from the budgets of the Republic of Serbia and/or the Autonomous Province of Vojvodina for the operation of the national councils have been increased for several national minorities since 2010. However, the national councils of the Bunjevac, Croatian, German and Ukrainian speakers had to face a decrease in funding. One of the reasons put forward by the authorities to some of the national councils was that their languages are currently not in local official use. Representatives of national councils voiced concern that the financial constraints would hamper the effective execution of their tasks.**

Funding for functioning of national councils of speakers of Bunjevac, Croatian, German and Ukrainian has been increasing in the years following the reporting period, although some of the languages are not in official use, suggesting that introduction of a language in official use is not essential for decrease or increase of funds provided from the budgets of the Republic or the Autonomous Province, but increase in total amounts of funds for national council operating, as well as increased level of activities of national councils in other areas of social life in which they exercise the cultural autonomy are essential.

At the local level, funds for operations of national councils are provided according to two criteria: that the minority language is in official use or that the number of members of the minority represented by the council is above the threshold of 10%. Generally speaking, the decrease of funds for national councils whose languages are not in official use in local government units may happen, not due to the fact that a language is not in official use, but only if the number of members falls below the legislative threshold of 10%. Even in case of noncompliance with the stipulated criteria, certain local government units fund operations of national councils, like the Municipality of Kula that allocated funds for operations of national councils of German and Ukrainian national minorities in 2014.

##### **Paragraph 45**

**During the on-the-spot visit, the National Council of the Bunjevac National Minority informed the Committee of Experts that topographic names in Bunjevac are not yet used in public.**

Members of the Bunjevac national minority have the right to use Bunjevac in private and public communication and for topographic names as well. However, in case of signage of topographic names in Bunjevac, the legal order knows only the official use of language and script. The Committee of Experts is aware that topographic names in Bunjevac are not written, or used in public, since Bunjevac is not in official use in any of the local government units, and therefore the legal conditions for writing of these names have not been met.

**Paragraph 53**

**As regards place names, the City of Novi Bečej has installed place name signs in Serbian, Hungarian and German. In the City of Kikinda, the names Heufeld and Mastorhave been traditionally used also in Serbian to designate two localities in Novi Kozarci. Both names ceased to be in official use when these localities lost their status as administrative units. As they have no names in Serbian, the National Council of the German National Minority proposes that their German names remain official.**

According to the Law on National Councils of National Minorities, the national councils may propose to the competent authority to post the names of local government units, populated localities and other geographical names in a language of a national minority, and the National Council of the German national minority has not used this legal option, nor it has proposed the names of those localities in German to be posted. We would like to point to the fact that in practice, irrespective of whether a minority language is in official use or not, it is not usual to officially post the names of parts of populated places in any language. However, this does not at all prevent citizens, including minority language speakers, to use names in German in written and verbal communication for parts of this populated place.

**Paragraph 94**

**The Committee of Experts encourages the Serbian authorities to continue their efforts to promote awareness and tolerance vis-à-vis regional or minority languages and the cultures they represent as an integral part of the cultural heritage of Serbia. As there is quite a big difference in the number of activities and in funding between the Autonomous Province of Vojvodina and Central Serbia, this encouragement particularly applies to activities in Central Serbia.**

The difference in the number of activities and in funding between the AP Vojvodina and Central Serbia exists as the largest number of minority languages and cultures is concentrated on the territory of AP Vojvodina, so it is logical that the largest number of activities focusing on these languages and the cultures they represent takes place on the territory of AP Vojvodina. This surely does not mean that the Republic of Serbia is not making any efforts to promote the level of awareness and tolerance about minority languages and cultures outside the territory of AP Vojvodina. The call for applications carried out by the Ministry of Culture and Information applies to the whole territory of the Republic of Serbia, emphasizing decentralization and paying particular attention to those minorities with fewer sources of funding, which is the case with minorities not living on the territory of AP Vojvodina.

**Paragraph 263**

**According to the third periodical report, there are no private or civil sector stations broadcasting radio programmes in Bulgarian.**

**Paragraph 264**

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

In the reporting period there have been no private broadcasting radio programmes in Bulgarian, but we cannot agree that the undertaking to encourage and/or facilitate broadcasting of radio programmes in Bulgarian on a regular basis is not fulfilled.

The point of the mentioned undertaking is for the state to provide regular broadcasting of radio programmes in Bulgarian to the extent that, indirectly or directly, it has competences, power or it plays a certain role in this field, while complying with the principle of independence and autonomy of media, as explicitly deriving from Article 11 paragraph 1 of the Charter. By legislative solutions that apply to private radio stations, the state made it possible for civil society organizations to establish radio stations, in order to protect and promote Bulgarian language and culture. Apart from that, the state co-finances the project in the field of public information in languages of national minorities, and the private radio stations can apply for those funds. It is the extent to which the state has competence, power or role regarding private radio stations, meaning that it cannot influence their establishment, nor it may interfere with their editorial policy. As the public authorities had competence over two local stations broadcasting radio programme in Bulgarian on a regular basis, the Serbian authorities consider this undertaking fulfilled and ask for the finding of the Committee of Experts from paragraph 264 to be left out from wording of recommendations by the Committee of Ministers.

**Paragraph 389**

**According to the third periodical report, recent surveys conducted in 39 municipalities with minority languages in official use, revealed that 14 legal remedies were filed in Hungarian against first instance decisions. The Committee of Experts invites the authorities to clarify whether this involves also regional authorities.**

In the reporting period, 14 legal remedies were filed in Hungarian against first instance decisions in administrative proceedings conducted by the local authorities. During the same period, there were no legal remedies filed in minority languages against first instance decisions in administrative procedures conducted by the provincial authorities, although such an option exists.

**Paragraph 487**

**According to the third periodical report, one fortnightly is published in Romani, and three bilingual monthlies are published in Serbian and Romani (one of them containing also pages in Hungarian and Romanian).**

**Paragraph 488**

**The Committee of Experts considers this undertaking not fulfilled. It encourages the Serbian authorities to continue and strengthen their efforts to support the publication of newspapers and journals in Romani.**

The point of the mentioned undertaking is for the state to encourage foundation and maintenance of at least one newspaper in Romani, in accordance with the situation of that language and to the extent that, indirectly or directly, it has competences, power or it plays a certain role in this field, while complying with the principle of independence and autonomy of media, as explicitly deriving from Article 11 paragraph 1 of the Charter. With its legislation and financial resources, the Republic of Serbia enabled publishing of at least one newspaper in Romani. In every democratic society, frequency of newspaper publishing depends on the will of the founder, and the Republic of Serbia, in this respect, complies with the principle of independence and autonomy of media. Having in mind the aforementioned, as well as the fact that the Charter does not define the term "newspapers", nor the Article 11 paragraph 1 of the Charter states that a "newspaper" has to be published at least once a week, we consider this undertaking fulfilled and urge the Committee of Ministers not to take the into account the finding of the Committee of Experts referred to in paragraph 488.

**Paragraph 749**

**According to the third periodical report, there is no private television broadcasting in Ukrainian.**

**Paragraph 750**

**The Committee of Experts maintains its previous conclusion that this undertaking is not fulfilled. It urges the Serbian authorities to encourage and/or facilitate the broadcasting of television programmes in Ukrainian on a regular basis.**

The point of the mentioned undertaking is for the state to provide broadcasting of television programmes in Ukrainian on a regular basis to the extent that, indirectly or directly, it has competences, power or it plays a certain role in this field, while complying with the principle of independence and autonomy of media, as explicitly deriving from Article 11 paragraph 1 of the Charter. By its legislation, the Republic of Serbia enabled founding of private television stations that can broadcast programmes in Ukrainian, and public authorities regularly conduct calls for applications in the filed of information in minority languages to which private television stations with a project/programme pertaining to Ukrainian language may apply. It is the extent to which the state has competence, power or role regarding private radio stations, meaning that it cannot influence their establishment, nor it may interfere with their editorial policy. It is also the only form of encouraging and/or facilitating the broadcasting of television programmes in Ukrainian. Apart from providing legislative conditions for smooth broadcasting and providing funds for calls for applications, the Serbian authorities do not see any other way to encourage and/or facilitate broadcasting of television programmes in Ukrainian on a regular basis, that would at the same time not influence establishing of private television stations, or interfere with their editorial policy. As the public authorities have competence with regard to the provincial public service Radio-television Vojvodina broadcasting programmes in Ukrainian on a regular basis, we consider this undertaking fulfilled and urge the Committee of Ministers to disregard the finding of the Committee of Experts referred to in paragraph 750.

**Paragraph 755**

According to the third periodical report, one monthly journal and two magazines (one of them for children) are published in Ukrainian. The monthly has been co-funded by the Ukrainian National Council and by the public budget of the Autonomous Province of Vojvodina since 2010.

**Paragraph 756**

However, as none of these publications qualify as a newspaper, the Committee of Experts maintains its previous conclusion and considers this undertaking not fulfilled.

The point of the mentioned undertaking is for the state to encourage and/or facilitate initiating and maintenance of at least one newspaper in Ukrainian, in accordance with the situation of that language and to the extent that, indirectly or directly, it has competences, power or it plays a certain role in this field, while complying with the principle of independence and autonomy of media, as explicitly deriving from Article 11 paragraph 1 of the Charter. The decision on providing a part of funds from the AP Vojvodina budget for publishing of newspapers of provincial significance, applicable in the reporting period, stipulates that *Рідне слово* and *Соловейко* in Ukrainian are the newspapers of provincial importance the publishing of which is funded by the AP Vojvodina budget. More than RSD 4 million is allocated for this newspaper from the provincial budget every year. Having in mind all the aforementioned, as well as the fact that the Charter does not define the term “newspaper”, we consider this undertaking completely fulfilled and urge the Committee of Ministers not to take into account the finding of the Committee of Experts referred to in paragraph 756.

**V. Comments on Chapter 4 of the Third Report**

**E. Serbia has a long-established system of regional or minority language education. Progress made during the last monitoring period is reflected by the fact that now all languages are present in primary education. The legal threshold of 15 pupils is too high for the requirements of the Charter, but the authorities in some cases allow classes even for very few pupils. However, the availability and quality of such education is affected by a lack of qualified teachers and of adequate teaching materials. Furthermore, there is no offer of adult education in any of the languages protected under the Charter.**

Although the legal threshold of 15 pupils is defined by the Law on Primary Education in accordance with the economic capacities of the country, authorities organize classes for groups of less than 15 pupils for the 14 languages protected under the Charter. Therefore, the legal threshold of 15 pupils does not essentially influence application of Charter, and there is an open question whether it could be regarded as too high for the Charter requirements, as the Republic of Serbia mostly accepted those undertakings from Article 8 of the Charter pertaining to those pupils whose families want the undertaken measures to be applied and **whose number is considered sufficient**. As the Charter does not stipulate that number, States Parties are authorized to define that number in accordance with their economic potential and the situation of every language. Data from the Ministry of Education, Science and Technological Development on the number of classes with less than 15 pupils, for the schoolyear 2015/2016, are provided in the following Table.

<b>Minority language</b>	<b>Classes with less than 15 pupils</b>
Albanian	27
Bosnian	48
Bulgarian	74
Bunjevac	11
Vlach	10
Hungarian	132
Macedonian	1
Romani	47
Romanian	16
Ruthenian	44
Slovak	87
Ukrainian	8
Croatian	21
Czech	2

## **B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Serbia**

### **Recommendation CM/RecChL(2016)3 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Serbia**

*(Adopted by the Committee of Ministers on 27 April 2016 at the 1254th 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 Serbia on 15 February 2006;

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

Bearing in mind that this evaluation is based on information submitted by Serbia in its national report, supplementary information provided by the Serbian authorities, information submitted by bodies and associations legally established in Serbia and information obtained by the Committee of Experts during its on-the-spot visit;

Having taken note of the comments made by the Serbian authorities on the contents of the Committee of Experts' report,

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

1. strengthen teacher training and provide adequate teaching materials for all regional or minority languages;
2. provide teaching of/in languages covered only by Part II of the Charter at all appropriate levels;
3. establish an adequate offer of Romani in education;
4. strengthen the use of all regional or minority languages in administration;
5. continue to promote awareness and tolerance in Serbian society at large vis-à-vis the regional or minority languages and the cultures they represent.