



Strasbourg, 29 March 1999

MIN-LANG/PR (99) 3

THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**Initial Periodical Report
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter**

CROATIA

REPUBLIC OF CROATIA

GOVERNMENT OF THE REPUBLIC OF CROATIA

INITIAL REPORT

on the application of the

**EUROPEAN CHARTER FOR REGIONAL
AND MINORITY LANGUAGES**

In Zagreb, February 1999

INITIAL REPORT ON THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL AND MINORITY LANGUAGES

INTRODUCTION

Prior to the proclamation of its independence in 1991, the Republic of Croatia had throughout the history been a part of different states within which people moved. As a result, the territory of Croatia is today inhabited by members of other nations with which Croatia or some of its regions lived in the same state. Hence, Serbian, Italian, Hungarian, Czech, Slovak, German and Austrian minorities are living on the territory of the Republic of Croatia as autochthonous minorities. Apart from them, members of Ruthenian and Ukrainian minority live also in the territory of the Republic of Croatia. Furthermore, as an autochthonous minority with a traditional presence, there is also the Jewish community.

According to the 1991 census in the Republic of Croatia, citizens declared themselves as members of **23** different nationalities, but most of them do not have the status of a national minority. Members of some nationalities were moving to the territory of the Republic of Croatia as economic migrants or after the world wars (Russians, Bulgarians), while a part of autochthonous national minorities was leaving this area (Italians and Germans after the Second World War).

Except for some short periods when, as a consequence of war situation, particular minorities were exposed to intolerance (for example, intolerance towards Italians and Germans after the Second World War resulting in their emigration), members of minority groups exercised rights of considerable scope in the territory of the Republic of Croatia.

Thus, even before the proclamation of its independence, the Republic of Croatia guaranteed in its Constitution the protection of minority rights proclaiming equality between members of minorities and the majority nation, and introducing minority languages into official use.

Before the independence, in some municipalities of the Republic of Croatia Italian, Czech, Hungarian, Slovak, Ruthenian and Ukrainian languages had been in official use. Besides, that period also saw the education of members of minority groups in their mother tongue or the provision of additional language and culture courses, as well as encouragement of realisation of cultural autonomy.

After becoming an independent state, the Republic of Croatia protected the acquired minority rights.

The Declaration on the Establishment of the Sovereign and Independent Republic of Croatia, adopted on 25 June 1991 at the session of the Croatian National

Parliament guarantees to all national minorities in the territory of the Republic of Croatia the respect of all the human and civil rights, and particularly the freedom of expression and fostering of their national language and culture.

The stances contained in the aforesaid document of the Croatian National Parliament are elaborated in the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia (Official Gazette, Nos. 65/91 & 27/92). The provisions of this constitutional law prescribe the following:

Article 64

In compliance with article 134 of the Constitution of the Republic of Croatia and this Law, none of the rights which the Republic of Croatia has adopted directly, or as a legal successor of the former Yugoslavia, or is to adopt through international agreements (the Osimo Agreements and others), shall be altered, annulled or their realization obstructed.

Article 65

Subject to the principles codified in Articles 34 through 38 of the Vienna Convention on the Law of Contract of 1948, the provisions of this Constitutional Law shall be implemented and interpreted in compliance with the agreements made with the United Nations.

With reference to bilateral agreements, the Republic of Croatia took over the Osimo Accords concluded between the former Yugoslavia and the Republic of Italy which provide for the protection of position of the Italian minority. It also resorted to making bilateral arrangements for the purpose of regulation of minority rights. Accordingly, it has concluded special agreements with Italy and Hungary and has made efforts to regulate this issue also with other states whose minorities live in the territory of Croatia in the same way as the Croatian minority lives in those states.

The issue of Serbian minority was somehow problematic. Namely, in the former federal state the position of members of all nations whose states were particular federal units was equalised. With the independence of the Republic of Croatia there arose the issue of position of members of nations from the territory of the former state, with only some of them being autochthonous population in the territory of the Republic of Croatia.

The position guaranteed by the Constitution of the Republic of Croatia and in the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia enables them to receive education in their language or supplementary classes of minority language, history and culture, to establish minority associations having different purposes, publish newspapers, magazines, books in the minority language, as well as various forms of the usage of the minority language before judicial and administrative bodies.

With such a tradition and legal situation, the accession to the European Charter for Regional and Minority Languages did not bring about any essential changes in the position of minorities.

Certain deficiencies, like for example, the lack of a special law which would regulate official use of minority languages (the adoption of such law is expected since it is currently in parliamentary procedure) are due to objective problems faced in the process of building of democratic social system, and not to unwillingness to regulate these issues by law. In this regard, one should take into account the fact that independence of, and transition in Croatia required a complete amendment of the legislation and its adjustment to the new circumstances. Such a broad legislative activity which was needed in order to harmonise the overall legislation to the new circumstances, as well as the need to adapt the legislation to different forms of integrations to which Croatia aspires or which it has already joined, were the reasons for which it has not always been possible to make statutory regulation of all aspects of social life in an appropriate way in such a short period (i.e. in eight years which have passed since Croatia's independence). It, therefore, stands to reason that some issues are still not regulated in an appropriate way and that there is a gap between the practice and normative regulation of certain issues.

PART I.

1. In the year 1992, during determination of the final draft of the European Charter for Regional and Minority Languages, the Republic of Croatia expressed its intention to accede to it once it comes into force.

On its admission to the Council of Europe, the Republic of Croatia undertook to accede to the European Charter for Regional and Minority Languages within one year.

In October 1997 the Croatian National Parliament passed the Law on Ratification of the European Charter for Regional and Minority Languages by which the Republic of Croatia became the fifth state to ratify the Charter enabling, thus, its coming into force.

The European Charter for Regional and Minority Languages is in accordance with Article 12 of the Constitution of the Republic of Croatia which specifies that in some local units the language or script used by members of minority groups may be introduced into official use. It is also in accordance with the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia which elaborates such rights in Articles 7 and 8.

Furthermore, Article 15 of the Constitution of the Republic of Croatia guarantees to all members of minorities full equality, freedom to express their nationality, freedom to use their language and script and cultural autonomy.

In addition, Articles 5 to 17 of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the

Republic of Croatia guarantee to the members of minorities the protection of their cultural heritage, encouragement of cultural creativity, freedom to use their signs and symbols and education in their language.

We would like to point out that the Constitution of the Republic of Croatia and the above-mentioned Constitutional Law prescribe that the right to education in minority languages and the right to official use of mother tongue shall be regulated in accordance with a separate law.

Education in minority languages is still realised on the basis of the laws of the former Socialist Republic of Croatia adopted before the independence because the new legislation has not been passed yet.

The right to official use of minority languages was in the former state regulated by a regulation passed by the Executive Council of the Parliament (the body which in the former system of unity of powers would correspond to the Government in the system of separation of powers) and by a series of regulations governing proceedings conducted before judicial and administrative authorities.

Nowadays, the Civil Proceedings Act, the Criminal Proceedings Act and the General Administrative Proceedings Act are applied, while the new law which would regulate comprehensively and in one place all forms of official use of minority languages has still not been passed. This Bill is currently in legislative proceedings in the Croatian National Parliament.

The Constitution adopted in the year 1991 and the Local Self-Government and Administration Act, 1992 allowed for the establishment of a system of local self-government in which municipalities and cities were granted powers to regulate autonomously some issues in their area and to regulate the way of functioning of their authorities. Consequently, some municipalities and cities in which members of minority groups exercised their rights before, prescribed by their statutes the use of minority languages on their territories. However, a decision made by local authorities about the introduction of a minority language into official use does not apply to the procedures conducted by state administration bodies and courts. Such bodies apply the aforesaid procedural laws which ensure that members of minorities may use their languages while participating in all these proceedings.

In particular, we would like to emphasise that the Republic of Croatia has committed itself to making bilateral arrangements on the status of minorities with their motherlands. The agreements with Italy and Hungary have already been signed. Moreover, endeavours are made to regulate bilaterally the position of other minorities, especially because there are ethnic Croats in the majority of motherlands of some minorities (for example, the Czech Republic, the Slovak Republic, Austria).

2. In accordance with the Historical Foundations of the Constitution of the Republic of Croatia in which some of autochthonous minorities are explicitly stated, the Republic of Croatia undertook to apply the European Charter for Regional and Minority Languages to the Serbian, Italian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian languages. Such an obligation was made because these autochthonous minorities are concentrated in substantial numbers in particular areas.

For example, members of the Italian minority are concentrated **mostly** in the territory of the Istarska County, members of the Czech minority in the territory of the Bjelovarsko-bilogorska County, while members of the Hungarian, Slovak, Ruthenian and Ukrainian minority are concentrated in the Osjecko-baranjska County and the Vukovarsko-srijemska County. The Serbian minority lives mainly dispersed over the whole territory of the Republic of Croatia, while only its smaller was concentrated in some parts of a number of counties (Šibensko-kninska, Zadarska, Licko-senjska, Karlovačka and Sisacko-moslavacka Counties).

Such a situation was changed during the war in Croatia when members of non-Serbian minorities together with Croats were forced out of the occupied parts of the Bjelovarsko-bilogorska, Osjecko-baranjska and Vukovarsko-srijemska counties. It also changed after the war when members of the Serbian minority left the previously occupied areas and settled partly in the areas of the Osjecko-baranjska and Vukovarsko-srijemska counties which were under the administration of the UNTAES.

The number of members of a particular minority in the areas traditionally inhabited by such minority in the past will considerably depend on the implementation of the process of return of displaced persons in the said areas. Anyway, it is important to emphasise that the territorial distribution of minorities which has been subject to major changes will be known with certainty only after the new census is conducted, since the 1991 census (conducted before the war in Croatia) is in some parts no longer relevant for the above stated reasons.

3. For the purpose of Article 1, Paragraph (a) of the European Charter for Regional and Minority Languages, and in accordance with the 1991 census conducted in the territory of the Republic of Croatia, out of Croatia's total population (4.784.265) there were 652.396 members of other nations who exercised some of the rights related to the use of their own language.

In accordance with the 1991 census, national composition of members of minorities was the following:

Czechs	13.086	mother tongue-Czech	10.378
Hungarians	22.355	mother tongue-Hungarian	19.684
Germans	2.635	mother tongue	--
Ruthenians	3.253	mother tongue-Ruthenian	2.845
Slovaks	5.606	mother tongue-Slovak	5.265
Serbs	581.663	mother tongue-Serbian	207.300
Italians	21.303	mother tongue-Italian	26.580
Ukrainians	2.495	mother tongue-Ukrainian	1.430

It is pointed out that in the Republic of Croatia there are also some other national groups which, due to their small number and dispersion over the whole of the state territory, do not exercise special minority rights at the level of particular units of local self-government.

4. In the Republic of Croatia there are no territorial languages for the purpose of Article 1, Paragraph (c) of the European Charter for Regional and Minority Languages.

5. In the Republic of Croatia there is no special body which would deal exclusively with the special protection of minority languages, but such protection is provided by the bodies founded for the purpose of protection of human rights and rights of national minorities.

Namely, the Republic of Croatia makes special efforts to build the system of protection of human rights, which is separately elaborated in the reports on the application of particular international documents. As to the Council of Europe documents, we would like to refer you to the Report on the application of the Framework Convention for the Protection of National Minorities.

It would be important to stress that within the state bodies there is the **Committee on Human Rights and Rights of National Minorities** of the Croatian National Parliament's House of Representatives with its **Subcommittee on Exercise of Minority Rights**, as well as the Government's Coordinating Body for Internal Policy and Human Rights which monitors the exercise of all minority rights, including the protection of minority languages.

Furthermore, there are 34 minority associations in Croatia gathering both the members of autochthonous minorities and members of other nations living nowadays in the territory of Croatia.

All these associations co-operate with the Government Office for National Minorities through which Government offers its support to the programmes of such associations and which provides for the co-operation with the state bodies regarding the exercise of particular minority rights (cultural autonomy, promotion of different forms of preservation of cultural singularities).

Moreover, minority rights are protected as the rights guaranteed by the Constitution through the Constitutional Court and the Ombudsman.

PART II.

1. With reference to the application of Article 7 of the Charter, on the ratification of the European Charter for Regional and Minority Languages the Republic of Croatia made reservation to Paragraph 5 of Article 7 since the Republic of Croatia does not apply it to non-territorial languages.

With respect to Paragraphs 1 to 4 of Article 7, we would like to point out that the above mentioned provisions of the Constitution of the Republic of Croatia and of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia ensure the freedom of private and public use of minority languages and cultural autonomy of members of minorities. In such a way, this aspect of minority rights is protected from institutional interference of any kind and it does not require any further statutory regulation.

However, for introduction of a minority language into official use the decision of the assembly of the local self-government unit is needed, but to be more specific, only in cases when members of such minority do not constitute majority of the whole population living in the territory of that local self-government unit.

If the members of a particular minority group are in majority in the territory of a local self-government unit, official use of the minority language is obligatory under Article 7 of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia

The decision of the assembly of a local self-government unit (city or municipality) binds all its bodies. The Draft Law on Official Use of the Language and Script Used by Members of Minorities in the Republic of Croatia provides that the decision of the assembly of a municipality or city which has introduced a minority language or script into official use is also obligatory for state administration bodies and courts having territorial jurisdiction for that municipality or city.

The said Constitutional Law promotes protection and preservation of cultural singularities of minorities either by providing them with the education in minority language, by ensuring the study of minority language and culture, as well as by encouraging their relations with their ethnic motherland. It particularly became prominent in agreements on protection of minorities concluded with Italy and Hungary.

Financing of cultural and other activities of minorities is provided through the Office for Minorities.

2. The Government of the Republic of Croatia intends to propose statutory regulation of education of persons belonging to minorities, and to go on with the efforts in the field of bilateral regulation of the position of members of minorities.

The adoption of the Official Use of Minority Languages Act is expected to take place soon and by such adoption the system of protection of minority languages will be rounded off.

Furthermore, special efforts are made in order to promote co-operation with minority associations, especially through the **Office** for Minorities of the Government of the Republic of Croatia. The State Budget provides funds by which the Government offers assistance and supports the activities of minority associations, publication of newspapers and other forms of minorities' cultural autonomy. For this purpose, 25,288,000.00 kunas have been allocated for different programmes of minority associations for the year 1999.

PART III.

In the introductory part of this Report it is stated that the Republic of Croatia accepted the same provisions for all minorities with respect to which it assumed obligation to apply the Charter. In this way all minorities are provided with the same level of rights, and individual minorities are not mentioned separately.

At the same time, Article 5 of the Law on Ratification of the European Charter for Regional and Minority Languages regulates that the Charter applies to the territory of those municipalities and cities which have introduced minority languages into official use in accordance with Article 12 of the Constitution of the Republic of Croatia and with Articles 7 and 8 of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia.

In practice, other rights (apart from the right to official use of a minority language) are applied in any area in which a particular need of members of minorities is articulated (supplementary classes of minority language, cultural activities, and the like).

Article 8 – Education

a) Chosen provisions

Paragraph 1 Subparagraph (a) Item (iii)
 Subparagraph (b) Item (iv)
 Subparagraph (c) Item (iv)
 Subparagraph (d) Item (iv)
 Subparagraph (e) Item (ii)
 Subparagraph (f) Item (ii)
 Subparagraph (g)
 Subparagraph (h)

b) Measures undertaken for the implementation of the chosen provisions

Having respect for general human principles and values of education as an intercultural and civilizational activity among nations, considering that bilingualism and multilingualism are indispensable and desirable social phenomena in the

strengthening of European integrations, and considering that realisation of minority rights, achieved by promotion of tolerance, human rights and civil education, is the task which is most naturally accomplishable by means of education, the Republic of Croatia proclaimed that the right to education which involves studying the script, history and culture in a regional and minority language is a key component of its educational system aimed at the preservation of identity and existence of a national or ethnic community or minority in the whole territory of the Republic of Croatia. By means of observance of the right to one's own language, history and culture which is a fundamental human right, the above education contributes to the maintenance and development of European wealth and tradition, and it is particularly realised by the following constitutional and legal provisions:

1. The Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia
1. The Law on Upbringing and Education in Languages of Minorities

It stems from the above listed legal documents that in the Republic of Croatia regional and minority languages are governed by:

- The Law on Upbringing and Education in Languages of Nationalities from 1979, which is an integral part of the constitutional right in accordance with Article 64 of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia and which is derived from Article 134 of the Constitution of the Republic of Croatia stating that none of the rights which have been taken over by the Republic of Croatia directly or as a legal successor of the former SFRY, or which will be taken over by international agreements (for example, Osimo Accords), can be amended or abolished, nor can their exercise be restricted;

- programmes of educational co-operation with foreign countries (Republic of Hungary, Republic of Austria);
- protocols of educational and cultural co-operation (Federal Republic of Germany, etc.)
- the Law on European Charter for Regional and Minority Languages. It has been adopted and it ratified the Charter. Consequently, the Charter, having been an international agreement concluded, ratified and published in accordance with the Constitution must, in accordance with Article 134 of the Constitution of the Republic of Croatia, be considered a part of the Republic of Croatia's internal legal order being above law in terms of legal effects.

In distinction from officially recognised minorities, members of nations which constituted the former Yugoslavia (SFRY) and who lived in the Republic of Croatia did not have the status of regional and national minorities (nationalities), and therefore did not have neither special organisations nor special schools in their language. However, those students whose national script was the Cyrillic script and which were in majority in some schools were taught Cyrillic script in the first place as an initial script, while the Latin script was introduced in the 3rd grade, and vice versa.

The basic legal regulation by virtue of which the European Charter for Regional and Minority Languages is applied is the Law on the Upbringing and Education in Languages of Nationalities (Official Gazette No. 25 of 9 June 1979).

Areas of application:

1. Istarska County-Italian
2. Primorsko-goranska County-Italian
3. Bjelovarsko-bilogorska County-Czech
4. Osječko-baranjska County-Serbian, Hungarian, Slovak
5. Vukovarsko-srijemska County-Serbian, Ruthenian, Ukrainian

Number of speakers of regional and minority languages

It is not possible to indicate the number of persons speaking a particular regional or minority language. The criterion for the definition of “persons speaking a regional or minority language” in the Republic of Croatia would still be the statistical data from the 1991 census. Although official, these data are not authoritative because they do not take into account the new demographic situation created after the Homeland War in the Republic of Croatia.

Other languages-German, Hebrew, Roma

By Article 4 of the Law on Ratification of the European Charter for Regional and Minority Languages, the Republic of Croatia made, in accordance with Article 21 Paragraph 1 of the Charter, reservation with respect to application of Paragraph 5 of Article 7 of the Charter (relating to non-territorial languages).

However, the Republic of Croatia, i.e. the Ministry of Education and Sports, in compliance with the obligations arising from bilateral international agreements (FR Germany, Austria) and following the initiatives from the practice taken either autonomously (Jews) or in co-operation with, or through the Office for National Minorities of the Government of the Republic of Croatia (Roma), provides, both in administrative terms and financially, for speakers and associations of speakers of the above languages, and it also facilitates the realisation of their needs.

In the territory of the Republic of Croatia there are following publishing institutions which publish books and publications in minority languages:

- Newspaper publishing house “Jednota”
- “Edit” –newspaper publishing house
- Serbian Cultural Society “Prosvjeta”

All relevant factors involved in the application of the European Charter for Regional and Minority Languages have been informed about the adoption of the Law on Ratification of the European Charter for Regional and Minority Languages. There were no initiatives nor needs for formulation of special guidelines intended for educational institutions with respect to the implementation and application of the Charter in practice because its application is unobstructed and under control of the

local self-governemnt authorities. Moreover, just through the application of the Charter, all interested parties in the Croatian Danubian Region contributed, by giving examples of good practice, to the integration processes in the educational system of the Republic of Croatia.

The expected decentralisation at all levels in the Republic of Croatia will undoubtedly have positive effects on the local self-government and the educational system of Croatia, because it will enable the establishment of information mechanisms and the appointing of persons responsible for systematic follow-up and implementation of the Charter in accordance with the internationally accepted obligations of the Republic of Croatia.

The solutions made in accordance with the objectives and principles of the Charter are built in and implemented in the educational system and especially in different school regulations and curricula, as well as at the level of organisation and work of schools in minority languages.

Although the new “Law on Education in Minority Languages” has still not been adopted in Croatia, there are laws which cover these issues, and particularly the Law on the Upbringing and Education in Languages of Nationalities from 1979 and the Constitutional Law on Human Rights and Freedoms and of the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia, 1991. These laws regulate in detail the following: rights to education, establishment of schools and classes in which instruction is held in a minority language and the rights to minority-related components in educational programmes. Besides, the Republic of Croatia applies the European Charter for Regional and Minority Languages which also regulates the use of minority and regional languages.

a) A minority language is, in all school environments in which it is used, treated as an expression of cultural wealth and an advantage for general progress.

b) The integrity of the geographical area of a regional or minority language is not an issue to be dealt with by schools and that is why we do not mention it in school reports. Most geographical areas (settlements) in Croatia in which the education in minority languages has been introduced in general or by formation of separate minority language classes has actually the Croatian majority. However, this fact does not prevent the school institutions from making possible to all interested children to be educated in their language, even in case of languages which are not covered by the Charter.

c) Minority languages are promoted in the school system as a linguistic and cultural phenomenon, and there are no problems with this. However, some problems arise at another level (political level) when in some environments (especially in the borderline areas) a minority language is treated as an instrument of political mobilisation and separatism with a view to achieving autonomy of school institutions on the basis of language, which is not in accordance with the European Charter for Regional and Minority Languages nor with the existing regulations governing the establishment of school institutions in the Republic of Croatia. The same applies to cultural links with other groups.

d) The education and instruction in minority languages is organised at all levels of the educational system when some basic requirements have been satisfied. The most important ones are sufficient number of interested persons and of members of staff. Such requirements exist in pre-school, primary and secondary education and at all these levels education in a minority language is organised, provided that the said requirements are fulfilled.

e) We have no information about official links between the groups which use minority or regional languages. However, state administration services encourage the examples of good practice, for example, self-initiated organisation of the “non-territorial” German language in the territory of the Osječko-baranjska County or a high level of publishing activities in the Italian minority language in the Istarska County.

f) The internal organisation of all bodies and activities in the state administration is subject to changes arising from international obligations of the Republic of Croatia, as well as from the forthcoming European integrations.

g) For the above listed reasons, and especially because of the feelings of the population brought about by the aggression against Croatia, Croatia has not had the opportunity to provide facilities enabling non-speakers of minority language to go to schools in particular minority languages. However, in some Croatian schools persons who do not employ a minority language are offered possibility to take that language as an optional subject in school.

In the educational system the principle of equality of all persons is respected and applied, regardless of the language (majority or minority) in which they receive education (equivalence of school certificates-diplomas, undisturbed transfer to other schools, national representativeness of the staff, relations between students, bilingual inscriptions wherever the law requires so and the like).

The basic principle in Croatian educational system is the principle which implies that all educational institutions in the Republic of Croatia are Croatian schools in which, in accordance with constitutional provisions, instruction is given in the official Croatian standard language. The principle of voluntariness and freedom of choice is applied by means of special rights arising from the constitutional principles and from special laws adopted by the Republic of Croatia relating to the introduction of instruction in minority language and formation of classes to receive such instruction, as well as to the introduction of special components in education for speakers of minority or regional languages. There is no administrative coercion, nor ghettoisation. Each minority group having appropriate number of students who wish to receive instruction and follow programmes in their (minority) language can realise their interests within the existing schools system. The appropriate number of students is determined after consultation with the minority community and it relates to the number of students in one class, which in practice may be even three times less than the number established for regular classes of schools in which education is held in the Croatian language.

In the Republic of Croatia there are examples of good practice when non-governmental organisations or associations of speakers of minority or regional

languages express their needs or give their comments or make requests to all state institutions, from the local self-government bodies and local and state administration bodies to the Croatian National Parliament in which national minorities have their elected representatives. There is also a special office with the Government of the Republic of Croatia through which all concerned state administration bodies must resolve all issues relating to a particular regional or minority language.

2. Application of the Charter in the Croatian Danubian Region
- Separate assessment of the Osječko-baranjska County

All schools in the Croatian Danubian Region in the Osječko-baranjska County bilingual have plates containing text in the Croatian and Serbian languages, as well as in the Croatian and Hungarian languages, and in the localities of Jelisavac and Josipovac Punitovacki in the Croatian and Slovak languages. In this way the Republic of Croatia has respected the highest interests of the national minorities residing there.

After the re-establishment of the Croatian authorities' rule in the whole territory of the Republic of Croatia, and in accordance with the Agreement between the Government of the Republic of Croatia and the UNTAES, for the schools in the Osječko-baranjska County in the school year 1997/98 all necessary bilingual pedagogical and students' documentation was printed.

In accordance with all agreements concluded between the Government of the Republic of Croatia and the UNTAES, and on the basis of the existing legal regulations, all activities have been carried out for the purpose of safeguarding the interests of minorities in the field of education. Parents, local and state administration authorities have not reported any case of discrimination, which means that students have been enabled to enrol in the classes and programmes in the minority languages carried out by teachers who belong to the national minority concerned. After the end of the school year students receive documents which are equivalent to the documents received by the students of the Croatian nationality.

On several occasions the state authorities had to intervene in cases of discrimination against the students of the Croatian nationality. Their rights were violated when teachers giving instruction in the Serbian language denied their right to use the Croatian language and the Latin script, or when bilingual inscription plates were broken (Primary School "Jagodnjak" and Primary School "Dalj"). Chauvinist behaviour exhibited against the Croatian population was reported in the Primary School "Tenja", Primary School "Draž" and Primary School "Beli Manastir".

One of the measures taken by the Republic of Croatia in order to maintain stability and facilitate re-integration process in the above-mentioned region is the maintenance of employment status of teachers of Serbian nationality although they have become redundant. In this way, 35 such teachers receive salary without working even one hour a week, while 65 of them work on a reduced work norm.

Within the framework of the existing curriculum of the Republic of Croatia it was made possible for the speakers of minority or regional languages to modify the curriculum in the part relating to subjects with national elements. Apart from

receiving instruction in their mother tongue, students have been enabled to attend supplementary classes of mother tongue and to foster their national culture.

Laws and regulations specify the minimum number of students in one class. However, in case of formation of classes for students belonging to minorities it was decided to apply much lower minimum than the regulations specify. This was done for the purpose of protecting the broadest interests of members of minority groups and it, undoubtedly, makes realisation of educational process much more expensive.

The Ministry of Education and Sports has provided for the translation of current school books for the group of subjects with national elements into the language of particular minority, while the printing of school books for other subjects is under way.

Primary schools students receive, according to the criteria established by the Ministry of Education and Sports, school books free of charge. However, there is a problem with secondary school students in the Croatian Danubian Region who can not buy school books, and only about 30% of them have proper books (with 70% of them attending classes without school books).

The level of participation of qualified staff in education in regional or minority languages is relatively good both in primary and secondary schools.

With respect to some subjects (foreign language, arts, technical subjects in secondary school), the education is not covered by qualified staff. However, this situation is not characteristic only of the Danubian Region, it applies to overall education in the Republic of Croatia.

Paragraph 1:

Subparagraph (a), Item (iii). - It was implemented in all places where it was necessary to do so.

Organisation of pre-school-education falls within the competence of local self-government authorities. Education and training are carried out in accordance with the Pre-School Education and Training Act (Official Gazette, No. 10/97).

Pre-school education in minority languages is provided in the following counties:

County	Language	No. of students
Bjelovarsko-bilogorska County	Czech	143
City of Zagreb	Hungarian	11
	Hebrew	40
	Roma	109
Istarska County	Italian	582
Osječko-baranjska County	Serbian	118
	Hungarian	25
Primorsko-goranska County	Italian	147

Subparagraph (b), Item (iv) – was implemented in all places where it was necessary to do so.

Integral primary school education in minority languages has been provided in the following counties:

County	Language	No. of students
Bjelovarsko-bilogorska County	Czech	408
City of Zagreb	Hungarian	9
Istarska County	Italian	1638
Osječko-baranjska County	Serbian	1379
	Hungarian	282
	German	49
Primorsko-goranska County	Italian	601
Vukovarsko-srijemska County	Serbian	2925

Supplementary primary school education in minority languages and fostering of minority languages have been provided in the following counties:

County	Language	No. of students
Bjelovarsko-bilogorska County	Czech	345
Istarska County	Italian	9834
City of Zagreb	Hungarian	8
Osječko-baranjska County	Serbian	28
	Hungarian	503
	Slovak	434
Požeško-slavonska County	Serbian	24
Primorsko-goranska County	Serbian	77

Subparagraph (c), Item (iv): was implemented in all places where it was necessary to do so.

Integral secondary school education in minority languages has been provided in the following counties:

County	Language	No. of students
Istarska County	Italian	628
Osjecko-baranjska County	Serbian	329
	Hungarian	64
Primorsko-goranska County	Italian	188
Vukovarsko-srijemska County	Serbian	1705

Supplementary secondary school education in minority languages and fostering of minority languages have been provided in the following counties:

County	Language	No. of students
City of Zagreb	Hungarian	8

Subparagraph (d), Item (iv):

Integrated technical and vocational education in minority languages is provided in the Osjecko-baranjska County in two secondary vocational schools in which it was necessary to organise education in the Hungarian language (see Table 4 on the following page).

Subparagraph (e), Item (ii):

University and other post-secondary education does not fall within the competence of the Ministry of Education and Sports.

[B1]

Subparagraph (f), Item (ii):

There have been no requests for such type of education.

Subparagraph (g):

With respect to all interested communities, history and culture of their minority has been incorporated in educational programmes in minority languages.

Subparagraph (h):

The Republic of Croatia has, through its system of state administration, provided for monitoring needs of professional upgrading of all teachers in the school system in the Republic of Croatia, including the teachers of minority and regional languages.

Apart from regular expert workshops, in the year 1998 workshops have also been organised for the purpose of training assistants in the process of integration of Roma population in the educational system of the Republic of Croatia.

USE OF REGIONAL OR MINORITY LANGUAGES IN THE EDUCATIONAL SYSTEM OF
THE REPUBLIC OF CROATIA BY NUMBER OF STUDENTS IN THE SCHOOL YEAR 1998/99

LEGEND: EC – education in Croatian; SC/F – supplementary classes /fostering of minority language; EM – education in a minority language

	Pre-school			Primary school			Secondary school			Total
	EC	SC/F	EM	EC	SC/F	EM	EC	SC/F	EM	
MINORITY										
Italian			729	9863	9834	2239	6	0	816	13653
Serbian			118	345	161	7229	1761	0	2034	11487
Hungarian			36	631	512	282	12	8	64	1033
Czech			143	364	345	408	6			921
Slovak				435	434					435
Ruthenian							18			18
Ukrainian				12						12
others										
German				1		49				50
Hebrew			40							40
Roma	36		109	832						889

Note: This table is the result of a survey conducted in the county offices responsible for education in the Republic of Croatia and it is based on the situation in the education system in the school year 1998/99.

**USE OF REGIONAL OR MINORITY LANGUAGES BY COUNTIES
OF THE REPUBLIC OF CROATIA IN THE SCHOOL YEAR 1998/99**

A. Official minority languages

1. Bjelovarsko-bilogorska County

	Pre-school			Primary school			Secondary school			Total
	EC	SC/F	EM	EC	SC/F	EM	EC	SC/F	EM	
Czech			143		345	408				896

General comment:

- Educational plan and programme in the Czech language is realised without major difficulties.
- The biggest problems with which teachers are faced are problems related with the availability of appropriate school books. Namely, there are still no new schoolbooks (some reading books date back to the 70-ies) which would cover the changes that took place in the Republic of Croatia.
- In the school year 1998/99 18 hours a week in the class-based instruction are not covered by qualified staff. The primary school in Dežanovac has four times announced job vacancy, but no qualified teachers applied.
- The Ministry of Education and Sports has given its consent for arrival of a Czech teacher fully supported by the Czech Republic.

2. Istarska County

	Pre-school			Primary school			Secondary school			Total
	EC	SC/F	EM	EC	SC/F	EM	EC	SC/F	EM	
Italian			582	9834	9834	1638			628	12682

3. Osječko-baranjska County

	Pre-school			Primary school			Secondary school			Total
	EC	SC/F	EM	EC	SC/F	EM	EC	SC/F	EM	
Serbian			118	85	28	1379			329	1911
Hungarian			25	544	503	282			64	915
Slovak				434	434					434

4. Primorsko-goranska County

	Pre-school			Primary school			Secondary school			Total
	EC	SC/F	EM	EC	SC/F	EM	EC	SC/F	EM	
Italian			147			601			188	936

5. Vukovarsko-srijemska County

	Pre-school			Primary school			Secondary school			Total
	EC	SC/F	EM	EC	SC/F	EM	EC	SC/F	EM	
Serbian						2925			1705	4630
Ruthenian							18			18
Ukrainian										0

B. Fostering of minority languages in the Republic of Croatia by counties

1. City of Zagreb

	Pre-school			Primary school			Secondary school			Total
	EC	SC/F	EM	EC	SC/F	EM	EC	SC/F	EM	
MINORITY										
Hungarian			11		8	9		8		36

others										
Hebrew			40							40
Roma			109							109

2. Karlovačka County

- Branch schools Drežnica, Jasenak and Musulinski Potok: fostering of the Serbian language and culture; number of students is not available.

3. Koprivničko-križevačka County

- Primary school in Veliki Poganac: supplementary classes in the Serbian language for 32 students declared as members of the Serbian minority.

4. Međimurska County

	Pre-school			Primary school			Secondary school			Total
	EC	SC/F	EM	EC	SC/F	EM	EC	SC/F	EM	
others										
Roma	36			744			38			818

5. Osječko-baranjska County

	Pre-school			Primary school			Secondary school			Total
	EC	SC/F	EM	EC	SC/F	EM	EC	SC/F	EM	
others										
German						49				49

6. Požeško-slavonska County

	Pre-school			Primary school			Secondary school			Total
	EC	SC/F	EM	EC	SC/F	EM	EC	SC/F	EM	
MINORITY										
Italian				29			6			35
Serbian				228	24		56			284
Hungarian				6			4			10
Czech				19			6			25
Slovak				1						1

others										
German				1						1

7. Primorsko-goranska County

	Pre-school			Primary school			Secondary school			Total
	EC	SC/F	EM	EC	SC/F	EM	EC	SC/F	EM	
others										
Serbian				77	77					77

8. Sisacko-moslavačka County

- Primary school "Josip Kozarac" in Lipovljani: 12 Ukrainian students
- Primary school Novska: 13 Roma students

9. Varaždinska County

- Primary school Petrijanec: 74 Roma students from the 1st to 5th grade
- V. Primary school Varaždin: 1 Roma pupil in the 3rd grade

10. Viroviticko-podravska County

- Primary school "Ivana Brlic-Mažuranić" in Virovitica: 36 students declared themselves as members of the Hungarian minority
- Primary school "Gradina" in Gradina: 37 students declared themselves as members of the Hungarian minority

Note: The above data are the result of the survey on application of the European Charter for Regional and Minority Languages in the whole territory of the Republic of Croatia conducted by the Ministry of Education and Sports for the purpose of this Report.

OSJECKO-BARANJSKA COUNTY
SECONDARY SCHOOLS

NUMBER OF STUDENTS AND CLASSES IN SECONDARY SCHOOLS IN THE SCHOOL YEAR 1998/99.
 ACCORDING TO THE PROGRAMME OF PUBLIC NEEDS
- HUNGARIAN LANGUAGE -

Ord. no.	School - programme	Code	I. Year		II. Year		III. Year		IV. Year		Total	
			No. of students	No. of classes								
1	III. GRAMMAR SCHOOL OSIJEK Centre for the Hungarian Minority (foundation of the Centre is under way) in Osijek BILINGUAL – classes in the Croatian and Hungarian language		10	1	0	0	0	0	0	0	10	1
2	GRAMMAR SCHOOL BELI MANASTIR – general grammar school – classes in the Hungarian language	320104	0	0	6	1	0	0	0	0	6	1
3	I. SECONDARY SCHOOL BELI MANASTIR – occupation:	14233	6	1	8	1	0	0	0	0	14	2

	car mechanic – classes in the Hungarian language											
	- occupation: engine fitter – classes in the Hungarian language	13533	4	0	0	0	0	0	0	0	4	0
4	II. SECONDARY SCHOOL BELI MANASTIR – occupation: salesperson – classes in the Hungarian language	61103	0	0	8	1	22	1	0	0	30	2
	TOTAL:		20	2	22	3	22	1	0	0	64	6

Article 9 - Judicial authorities

a) Chosen provisions

Paragraph 1 Subparagraph (a), Items (ii) and (iv)
 Subparagraph (b), Items (ii) and (iii)
 Subparagraph (c), Items (ii) and (iii)
 Subparagraph (d)

b) Measures undertaken for the implementation of the chosen provisions

Laws regulating civil and criminal proceedings provide for the protection of the right of persons belonging to minorities to use their language before the court. These issues are governed by the following legal provisions:

The Law on Civil Procedure

Article 6

The civil proceedings shall be conducted in the Croatian language and with the use of the Latin script, unless for particular courts the use of another language or script is provided by the law.

Article 102

Parties and participants in the proceedings shall be entitled to use their own language when participating in the hearings and when undertaking other procedural actions orally. If particular proceedings are not conducted in the language of a party or of another participant in the proceedings, arrangements shall be made in order to ensure that everything stated at the hearing, as well as all documents used at the hearing as evidence, are interpreted to such persons into their language.

Parties and other participants in the proceedings shall be informed about their right to follow the oral proceedings before the court in their own language, with the assistance of an interpreter. They may waive the right to interpretation if they speak the language in which the proceedings are conducted.

In the minutes it shall be recorded that such information was given to a party or participant. The minutes shall also contain the party's or participant's statement about it.

Interpretation shall be performed by certified interpreters.

Article 103

Writs of summons, rulings and other writings delivered to the parties and other participants in the proceedings shall be in the Croatian language and in the Latin script.

If another language or script is also in official use, the court shall submit court writings in such language or script to those parties and participants who use them in the proceedings. Parties and other participants in the proceedings may require that court writings be submitted to them in the language in which the proceedings are conducted.

Article 105

The costs of interpretation into a minority language incurred because of the application of the Constitution of the Republic of Croatia or of this Act, as well as of any other law governing the right of members of minority groups to use their language, shall be borne by the court.

The Law on Criminal Procedure

Article 7

In the criminal proceedings the Croatian language and the Latin script shall be used, unless also another language or script has been introduced for some judicial areas by law.

Parties, witnesses and other participants in the proceedings shall be entitled to use their own language. If a procedural action is not conducted in the language of such a person, provision shall be made for interpretation of his/her or other person's statements as well as of documents and other written materials of evidence. Interpretation shall be done by a certified interpreter.

The person referred to in Paragraph 2 of this Article shall be informed about the right to interpretation and he/she can waive this right in case he/she speaks the language in which the proceedings are conducted. It shall be recorded in the minutes that such information was given. The participant's statement shall also be recorded in the minutes.

Writs of summons and decisions shall be delivered in the Croatian language and in the Latin script. Motions, appeals and other submissions shall be forwarded to the court in the Croatian language and in the Latin script. If in a particular judicial area also another language or script has been introduced into official use by law, submissions may be forwarded to the court in that language too. After the commencement of the trial, the person who has forwarded submission may not revoke his/her decision about the language he/she will use in the proceedings without the permission of the court.

To an arrested person, to an accused person who is in custody and to a person serving his/her sentence, writs of summons, decision and other writings shall be delivered in the language he/she uses in the proceedings.

A foreigner in custody may, during the trial, forward to the court submissions in his/her own language. As to the period before or after the trial, such submissions shall be made only under the condition of reciprocity.

Article 367, Subparagraph 3

A substantial violation of the provisions of criminal procedure shall be established:

3) if the trial was conducted without the presence of a person whose presence at the trial is obligatory by law, or if an accused person, defence attorney, injured party appearing as plaintiff or plaintiff have, contrary to their request, been denied the right to use their own language at the trial and to follow the course of the hearing in that language.

Court's Rules of Practice

Article 88, Paragraph 2

Originals of all court decisions, settlements and other acts shall be kept in a respective court file. Such documents shall be delivered to the parties in a certified copy or certified translation, if the request for issuing of a decision in a minority language of a national minority is based on the law or international agreement.

Regulations governing the work of courts do not provide for separate recording of the number of cases in which the above provisions were applied. For the purpose of this Report, we have gathered information about the use of particular minority languages in the court proceedings in the year 1997, since the information for the year 1998 is still not available. We would like to point out that such data refer mostly to the period before the Law on Ratification of the European Charter for Regional and Minority Languages entered into force and that in the Croatian Danubian Region (parts of the Osjecko-baranjska County and of the Vukovarsko-srijemska County) the process of peaceful re-integration and of re-establishment of the legal system of the Republic of Croatia was under way at that time.

- Italian language

Istarska County:

County Court in Pula	-	the Italian language was used in 19 proceedings
Municipality Court in Pula	-	the Italian language was used in 5 proceedings
Municipality Court in Buje	-	the Italian language was used in 14 proceedings

At the Municipal Courts in Rovinj and Buje the knowledge of the Italian language is taken into account when employing new staff. The President of the Municipality Court in Rovinj and one judge at that court are members of the Italian minority.

- Hungarian language

Osječko-baranjska County:

At the Municipality Court in Beli Manastir one judge and five court clerks are members of the Hungarian minority. It is emphasised that the area falling within the jurisdiction of this court was an occupied territory and relevant information will, therefore, be available only for the future reports.

In particular, we would like to stress that members of minorities have had no objections regarding the use of their language in court proceedings.

Article 10 - Administrative authorities and public services

a) Chosen provisions

Paragraph 1 Subparagraph (a), Items (iii) and (iv)
 Subparagraph (b)
 Subparagraph (c)

Paragraph 2 Subparagraph (a)
 Subparagraph (b)
 Subparagraph (c)
 Subparagraph (d)
 Subparagraph (g)

Paragraph 3 Subparagraph (a)
 Subparagraph (b)
 Subparagraph (c)

Paragraph 5

b) Measures undertaken for the implementation of the chosen provisions

Paragraph 1, Subparagraphs (a) and (c)

As it has already been mentioned, the Croatian National Parliament is currently conducting a procedure for the the adoption of a special law which would regulate in an integral manner the official use of minority languages in the proceedings before state authorities, including administrative authorities. The following regulations are applied now:

Constitution of the Republic of Croatia

Article 12

The Croatian language and the Latin script shall be in official use in the Republic of Croatia.

In individual local units another language and the Cyrillic or some other script may be introduced into official use along with the Croatian language and with the Latin script, under conditions specified by law.

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

Article 7

Members of all ethnic and national communities or minorities in the Republic of Croatia shall be entitled to free use of their language and script in private and public life.

In the municipalities where members of an ethnic and national community or minority are in majority with respect to the total population, the language and script of that ethnic and national community or minority shall, along with the Croatian language and Latin script, be in official use.

Article 8

Units of local self-government may prescribe that two or more languages and scripts are in official use, due account being taken of the number of members and interests of ethnic and national communities or minorities.

The Law on General Administrative Procedure

Article 15

(1) Administrative proceedings shall be conducted in the language and script being in the official use by the authority before which such proceedings are conducted.

(2) Members of all minorities shall be guaranteed the freedom to use their own language and script in the administrative proceedings, under the conditions determined by a separate law.

It is separately pointed out that the use of a minority language is to be borne by the authority before which the proceedings in the minority language are conducted.

These provisions provide for full application of the chosen provisions (from the Charter) when a member of minority appears as a party before a municipality or city authority in those municipalities and cities which have introduced a particular minority language into official use.

- Paragraph (a)

Until the aforesaid law is adopted, the situation with respect to the state administration authorities will be somewhat different.

In the areas covered by bilateral agreements (this refers mostly to the members of the Italian minority in the Istarska County in the cities of Buje and Umag, as well as in the municipalities of Brtonigla, Grožnjan, Novigrad) state administration authorities use either the Croatian or the Italian language, according to the choice of the party (on the basis of the Osimo Accords concluded between the Italy and the former Yugoslavia and afterwards adopted by the Republic of Croatia, as well as on the basis of the Agreement on Minority Rights concluded between the Republic of Croatia and the Republic of Italy).

In other areas and with respect to other minorities, a party may participate in the proceedings using his/her own language, with the assistance of an interpreter, and receive answer in translation if he/she requests so. Members of minorities may exercise these rights in the following areas in a way established by the statutes of the local self-government units:

ITALIAN MINORITY

Istarska County

TOWN OF BUJE

- freedom to use language and script is guaranteed,
- all regulations, public inscriptions, advertisements and forms issued by physical and legal persons are made both in the Croatian and in the Italian language,
- courts, companies and institutions use stamps containing text in the Croatian and in the Italian language.

TOWN OF BUZET

- members of the Italian minority are, by the town's statute, granted the right to use their language and script.

TOWN OF LABIN

- freedom to use the Italian language in the public life,

- freedom to use the Italian language before the town authorities, at the assemblies, referenda and election procedures in printing information, proclamation and the like; at the request of the members of the Italian minority, the issuance of rulings, certificates and forms issued by the town administration authorities in the Italian language is provided.

TOWN OF PAZIN

- freedom to use their language and script is guaranteed to the members of the Italian minority.

TOWN OF POREC

- freedom to use their language and script is guaranteed to the members of the Italian minority.

TOWN OF PULA

- freedom to use their language and script is guaranteed to the members of the Italian minority.

TOWN OF ROVINJ

- freedom to use their language and script is guaranteed to the members of the Italian minority,
- right to education in the Italian language,
- use of the Croatian and the Italian language is prescribed at the sessions of the town assembly and of the town council,
- in schools the Italian language is taught along with the Croatian language,
- bilingual inscription plates and stamps,
- bilingual promulgation of normative regulations and all written correspondence with the citizens,
- issuing of bilingual personal documents is prescribed.

TOWN OF UMAG

- official use of the Croatian and the Italian language is regulated,
- written correspondence with citizens is bilingual,
- bodies of state and local administration use bilingual stamps,
- in schools studying of the Italian language is compulsory,
- obligation to employ citizens with the knowledge of the Italian language is specified.

MUNICIPALITY OF BALE

- freedom to use the Italian language is guaranteed,
- all public signs are also written in the Italian language,

- bilingual stamps are used.

MUNICIPALITY OF BRTONIGLA

- freedom to use the Italian language is guaranteed,
- public signs are bilingual,
- bodies of state administration issue bilingual rulings and use bilingual forms,
- bilingual stamps are used.

MUNICIPALITY OF GROŽNJAN

- freedom to use the Italian language is guaranteed,
- public signs are bilingual,
- bilingual stamps are used.

MUNICIPALITY OF KAROJBA

- freedom to use the Italian language is guaranteed.

MUNICIPALITY OF KAŠTELIR-LABINCI

- freedom to use the Italian language is guaranteed,
- provision of the free translation services when members of the Italian minority require so,
- possibility of concluding marriage in the Italian minority language, or in another language of an ethnic minority,
- public signs and announcements must be in the Italian language too,
- for the Italian minority education in the Italian language is guaranteed, with the obligation to study the Croatian language.

MUNICIPALITY OF OPRTALJ

- freedom to use the Italian language is guaranteed,
- bilingual signs and stamps are used.

MUNICIPALITY OF PICIN

- freedom to use the Italian language is guaranteed.

MUNICIPALITY OF VIŠNJAN

- freedom to use the Italian language is guaranteed,
- public invitations, regulations and other communications contain the Italian text along with the Croatian text.

MUNICIPALITY OF VODNJAN

- freedom to use the Italian language is guaranteed,
- public invitations, regulations and other communications contain the Italian text along with the Croatian text,
- bilingual stamps are used.

MUNICIPALITY OF VRSAR

- freedom to use the Italian language is guaranteed,
- public invitations, regulations and other communications contain the Italian text along with the Croatian text.

Note: The statutes of the Municipalities of Kršan, Tinijan, Gracišce, Sv. Petar u Šumi, Cerovlje, Lupoglav, Sv. Lovrc, Žminj, Kanfanar, Sv. Nedjelja, Medulin, Raša, Motovun, Ližnjan, Barban, Marcana and Vižinada provide for the freedom to use the Italian language without such provision being further elaborated.

CZECH MINORITY

BJELOVARSKO-BILOGORSKA COUNTY

TOWN OF DARUVAR

- the free use of language and script is guaranteed to the Czech minority,
- the cultural autonomy is guaranteed,
- educational and cultural activity in their own language is guaranteed, as well as
- protection of equal participation in public activities according to the Constitution, laws and regulations.

MUNICIPALITY OF DEŽANOVAC

- the free use of language and script is ensured for the Czech minority,
- the cultural autonomy is guaranteed,
- educational and cultural activity in their own language is guaranteed
- and protection of equal participation in public activities according to the Constitution, laws and regulations.

MUNICIPALITY OF KONCANICA

- the free use of language and script is guaranteed for the Czech minority,
- the cultural autonomy is guaranteed,
- educational and cultural activity in their own language is guaranteed

- and protection of equal participation in public affairs according to the Constitution, laws and regulations.

OSJECKO-BARANJSKA COUNTY

SERBIAN MINORITY

TOWN OF BELI MANASTIR:

- the Serbian language and the Cyrillic script are officially used,
- public inscriptions, advertisements on bulletin boards and publications of legal acts of the local self-government bodies, as well as regulations issued by town bodies are written in the Serbian language and in the Cyrillic script,
- seals and stamps in three languages are to be used,
- a certain number of employees who use both the Serbian and the Croatian language will be employed,
- their language and script can be publicly used,
- their national and cultural identity can be preserved,
- autonomous, cultural and other societies can be established,
- education can be in their language and script,
- learning of the Serbian language will be organised in all schools if there is interest,
- pre-school institutions will be organised with a special programme in Serbian,
- members of the Serbian ethnic community, as well as of other ethnic and national communities, their organisations and associations, in the interest of their national culture, language and script and their national tradition can freely co-operate with institutions and organisations within the Republic of Croatia and in foreign countries,
- freedom of displaying national flags and symbols is guaranteed,
- they can freely own local radio and TV stations and carry out publishing activities in their language and script.

MUNICIPALITY OF ŠODOLOVCI

- in the municipality, apart from the Croatian language, the Serbian language is also used, as well as the Cyrillic script,
- right to self-organising and forming associations for the purpose of realisation of their own interests and other interests is guaranteed,
- they can freely own local radio and television stations and publishing houses in their language and script,
- education of members of national communities or minorities is performed in the language of the minority, if they opt for it,
- pre-school institutions are established with the special programme which includes history, culture and customs, if they opt for it,

MUNICIPALITY OF DARDA

- the right to the public use of their language and script,
- the right to preserve national and cultural identity,
- the right to establish autonomous, cultural and other associations,

- the right to education in their own language and script,
- in all schools in town the learning of the Serbian language will be organised if there is enough interest in it,
- pre-school institutions are established with the special programme in Serbian
- members of the Serbian ethnic community, as well as of all other ethnic and national communities, their organisations and associations, can freely co-operate with institutions and organisations within the Republic of Croatia and in foreign countries, in the interest of their national culture, language and script and their national tradition,
- freedom of displaying national flags and symbols is guaranteed,
- they can freely own local radio and TV stations and publishing houses in their language and script,
- the right to being represented in bodies of local self-government according to their share in the total population of the municipality is guaranteed,
- members of the Serbian national community or minority of the municipality have the right, according to the regulations on peaceful reintegration, to organise with other members of the Serbian community from municipalities and towns in Eastern Slavonia, Baranja and Western Srijem the Joint Council of Municipalities of the Serbian National Community and the Serbian National Council in the Republic of Croatia,

MUNICIPALITY OF JAGODNJAK

- members of the Serbian minority have the right to public use of their language and script
- freedom of displaying national flags and symbols,
- in schools with Croatian programme the Serbian language is taught,
- pre-school institutions in the Serbian language can be organised,
- members of the Serbian national community or minority have the right, according to the regulations on peaceful reintegration, to organise with other members of Serbian community from municipalities and towns from Eastern Slavonia, Baranja and Western Srijem the Joint Council of Municipalities of Serbian National Community and the Serbian National Council in the Republic of Croatia

HUNGARIAN MINORITY

TOWN OF BELI MANASTIR

- the Hungarian language is officially used
- public signs, advertisements on bulletin boards and publications of legal acts of the local self-government bodies, as well as acts published by town bodies are written in the Hungarian language,
- seals and stamps in three languages are to be used,
- a certain number of employees who use both the Hungarian and the Croatian language will be employed,
- their language and script can be publicly used,
- their national and cultural identity can be preserved,
- autonomous, cultural and other societies can be established,
- education can be in their language and script,
- learning of the Hungarian language will be organised in all schools if there is interest,
- pre-school institutions will be organised with a special programme in Hungarian,

- members of the Hungarian ethnic community, as well as of other ethnic and national communities, their organisations and associations can freely co-operate with institutions and organisations within the Republic of Croatia and in foreign countries, in the interest of their national culture, language and script and their national tradition
- freedom of displaying national flags and symbols is guaranteed,
- they can freely own local radio and TV stations and publishing houses in their language and script.

MUNICIPALITY OF DARDA

- the right to the public use of their language and script,
- the right to preserve national and cultural identity,
- the right to establish autonomous, cultural and other associations,
- the right to education in their own language and script,
- in all schools in town the learning of the Hungarian language will be organised if there is interest for that,
- pre-school institutions are established with the special programme in Hungarian
- members of the Hungarian ethnic community, as well as all of all other ethnic and national communities, their organisations and associations, can freely co-operate with institutions and organisations within the Republic of Croatia and in foreign countries, in the interest of their national culture, language and script and their national tradition,
- freedom of displaying national flags and symbols is guaranteed,
- they can freely own local radio and TV stations and publishing houses in their language and script,
- the right to being represented in bodies of local self-government according to their share in the total population of the municipality is guaranteed,

MUNICIPALITY OF JAGODNJAK

- the members of the Hungarian minority have the right to public use of their language and script,
- freedom of displaying national flags and symbols is guaranteed,
- in schools with Croatian programme the Hungarian language is taught,
- pre-school institutions in the Hungarian language can be organised.

MUNICIPALITY OF BILJE

- members of ethnic and national communities or minorities have the freedom to express nationality, the freedom of use their language and script within the cultural autonomy, the right to protection of equal participation in public activities according to the Constitution, law, Statute and individual acts of municipal bodies.

VUKOVARSKO-SRIJEMSKA COUNTY

THE SERBIAN MINORITY

MUNICIPALITY OF BOROVO

- the Serbian language and the Cyrillic script are officially used,
- they can freely own local radio and TV stations and publishing houses in their language and script,
- the right to preserve national and cultural identity
- the right to education in their language and script.

MUNICIPALITY OF NEGOSLAVCI

- the Serbian language and the Cyrillic script are officially used.

RIGHTS OF MINORITIES, IN GENERAL, WITHOUT INDICATION OF SPECIFIC MINORITIES

MUNICIPALITY OF NIJEMCI

-
- there is the right to use the language of the minority on the area of the whole municipality or settlement, i.e. a part of the settlement in a procedure before bodies of local self-government, according to provisions which regulate the official use of the language and script of members of ethnical communities or minorities.

TOWN OF VINKOVCI

- members of ethnic and national communities or minorities who make more than 8% of the town population have the right to the cultural autonomy.

Subparagraph (b)

Units of local self-government – towns and municipalities – which have introduced a language of the minority for the official use, publish their official publications in two languages and also give other information to citizens in two languages.

Paragraph 2

As already mentioned, in towns or municipalities which have introduced the language or script of a minority for the official use, bodies of local self-government proceed upon the request of the party in the language of the minority or by the use of an interpreter at the charge of the body which conducts the procedure.

The same situation applies when bodies of local government use the language of the minority according to the bilateral agreement.

Subparagraph (a), (b), c) and (d):

In the Istarska County in which bodies of the government administration issue documents in two languages, the situation in 1998 is as follows:

DATA ON DOCUMENTS ISSUED FROM THE STATE REGISTERS FOR THE ISTARSKA COUNTY

Pazin

- 1678 birth certificates have been issued in the Croatian language which is also the total number of issued documents,
- 680 marriage certificates have been issued in the Croatian language which is also the total number of issued documents,
- 237 death certificates have been issued in the Croatian language which is also the total number of issued documents,
- the total number of documents issued from the state registers in the Croatian language is 2595, and none in two languages.

Buje

- 719 birth certificates have been issued in two languages which is also the total number of issued documents,
- 281 marriage certificates have been issued in two languages which is also the total number of issued documents,
- 48 death certificates have been issued in two languages which is also the total number of issued documents,
- the total number of documents issued from the state registers in two languages is 1048 and none in the Croatian language.

Umag

- 972 birth certificates have been issued in two languages which is also the total number of issued documents,
- 328 marriage certificates have been issued in two languages which is also the total number of issued documents,
- 224 death certificates have been issued in two languages which is also the total number of issued documents,
- the total number of documents issued from the state registers in two languages is 1524, and none in the Croatian language.

Novigrad

- 246 birth certificates have been issued in two languages which is also the total number of issued documents,
- 198 marriage certificates have been issued in two languages which is also the total number of issued documents,

- 121 death certificates have been issued in two languages which is also the total number of issued documents,
- the total number of documents issued in two languages is 565, and none in the Croatian language.

Buzet

- 688 birth certificates have been issued in the Croatian language which is also the total number of issued documents,
- 384 marriage certificates have been issued in the Croatian language which is also the total number of issued documents,
- 139 death certificates have been issued in the Croatian language which is also the total number of issued documents,
- the total number of documents issued in the Croatian language is 1211 and none in two languages,

Labin

- 2110 birth certificates have been issued in the Croatian language which is also the total number of issued documents,
- 964 marriage certificates have been issued in the Croatian language which is also the total number of issued documents,
- 395 death certificates have been issued in the Croatian language which is also the total number of issued documents,
- the total number of documents issued in the Croatian language is 3469, and none in two languages,

Podpican

- 358 birth certificates have been issued in the Croatian language which is also the total number of issued documents,
- 256 marriage certificates have been issued in the Croatian language which is also the total number of issued documents,
- 56 death certificates have been issued in the Croatian language which is also the total number of issued documents,
- the total number of documents issued in the Croatian language is 670, and none in two languages.

Porec

- 1996 birth certificates have been issued in the Croatian language which is also the total number of issued documents,
- 570 marriage certificates have been issued in the Croatian language which is also the total number of issued documents,
- 278 death certificates have been issued in the Croatian language which is also the total number of issued documents,
- the total number of documents issued in the Croatian language is 2844, and none one in two languages.

Pula

- 15560 birth certificates have been issued in the Croatian language which is also the total number of issued documents,

- 1807 marriage certificates have been issued in the Croatian language which is also the total number of issued documents,
- 1597 death certificates have been issued in the Croatian language which is also the total number of issued documents,
- the total number of documents issued in the Croatian language is 18694, and none in two languages.

Vodnjan

- 307 birth certificates have been issued in the Croatian language which is also the total number of issued documents,
- 242 marriage certificates have been issued in the Croatian language which is also the total number of issued documents,
- 61 death certificates have been issued in the Croatian language which is also the total number of issued documents,
- the total number of documents issued in the Croatian language is 610, and none in two languages.

Rovinj

- 23535 birth certificates have been issued in the Croatian language and 2287 in two languages,
- 5552 marriage certificates have been issued in the Croatian language and 1167 in two languages,
- 3081 death certificates have been issued in the Croatian language and 563 in two languages,
- the total number of documents issued in the Croatian language is 1805, and 4017 in two languages.

The total number of issued documents in the Istarska County is:

BIRTH CERTIFICATES:

23535 documents in the Croatian language
2287 documents in two languages
Total 25822 documents

MARRIAGE CERTIFICATES

5552 documents in the Croatian language
1167 documents in two languages
Total 6719 documents

DEATH CERTIFICATES

3081 documents in the Croatian language
567 documents in two languages
Total 3648 documents

TOTAL NUMBER OF CERTIFICATES FROM STATE REGISTERS

32168 documents in the Croatian language
4017 documents in two languages
The total number of issued documents is 36185

IDENTITY CARDS:

According to the data of the Ministry of the Interior on the territory of the Istarska County, the total number of issued identity cards in two languages is 15 097 and this number also includes the number of identity cards replaced by a person due to the change of data (expiry, the change of name, the change of residence, etc.)

Subparagraph g)

In all municipalities and towns which introduced the official use of the language of the minority for the whole area, all names of settlements, streets, squares, geographical names etc. are written in two languages.

If the language of the minority is officially used for only a part of a settlement as members of the minority are concentrated only in that area, there is a possibility of the official use of the language of the minority only for the area of that settlement.

At the moment there are no special regulations which determine this, but such solutions were the result of the long tradition of the use of the languages of the minority.

Paragraph 3, Subparagraphs (a), (b) and (c)

Regarding public services, most of them were organised by units of local self-government. In these cases, the above mentioned is applied to the units of local self-government, i.e. bodies of government administration.

Paragraph 5

Personal Name Act

Article 6

Every person has the right to change his name.

The request for the change of the name has to mention reasons for the change of the name and the suggestion of the new name must justify that request.

The competent general administration body in the place of residence of the applicant decides on the request of the change of the name.

Article 8

The change of the name will be approved when the request is considered to be justified after the body has determined that the new name does not oppose social rules and customs of the environment in which the person lives.

The Personal Name Act regulates the procedure for determining names of Croatian citizens.

According to the regulations of the mentioned law a child has the surname of one or both parents and parents have chosen the whole personal name (name and surname) by consent. However, the mentioned law determines the right of citizens to change their name.

Article 6 of the mentioned law determines that every person has the right to change his/her personal name.

The competent general administration body in the place of residence of the applicant decides on the request of the change of the name.

Article 8 of the mentioned law regulates that the change of the personal name will be approved when the request is considered to be justified after the body has determined that the new name does not oppose social rules and customs of the environment in which the person lives.

It is true that the mentioned law does not specially regulate the realisation of the right to the change of the personal name or determination of the name for members of the national minority. However, in everyday life the names are changed according to the nationality, which is particularly evident in decisions on the change of personal names. Requests for the change of the personal name are explained by the fact that they want to have the name typical for the nationality they belong to, i.e. they want their name to be written in its original form. As an example, we mention changes of names of members of Hungarian minority (Stjepan – Ištvan; Horvat – Horvath, Laslo – Laszlo, Kovac – Kovacs) and the more frequent is the change of personal name for members of Italian national minority, who usually want their name to be written in Italian. There were also cases when members of the German national minority changed their name according to the surname of their ancestors. For example, Vuk – Wolf; Glumac – Schauspiller; Heinzl, etc.

There is no data that any member of the national minority was denied the change of the personal name according to nationality.

Article 11 - Media

a) Chosen provisions:

Paragraph 1, Subparagraph (a), Item (iii),
Subparagraph (d),
Subparagraph (e), Item (ii),
Paragraph 2,
Paragraph 3,

b) Measures undertaken for the implementation of the chosen provisions

Telecommunications Act

Article 13, Paragraph 1

(1) The Council for Telecommunications shall be competent for granting concessions for performing activities in public telecommunications.

Article 14, Paragraphs 1,4, 5 and 8

(1) The Council for Telecommunications shall publicly collect offers or announce a competition for granting concessions for performing activities in public telecommunications. The concession can be given upon the request of the interested legal or individual person for performing activities from Article 12, Paragraph 8 of this Act.

(4) The offer or the application from Paragraph 1 of this Article, due to granting concession for performing activities of radio, television and cable television and for the production of programme for cable television has to include a detailed programme scheme or a detailed plan of the distribution of programme according to conditions published by the Council for Telecommunications.

(5) The concession can be given to a legal person who proves in its offer that it can meet programme-related, technical, technological, spatial, financial and personnel requirements for performing public telecommunications; and for performing radio and television activities it shall be proved that the offered domestic programme will satisfy the public interest in the best possible way .

(8) According to the decision of the Council for Telecommunications on concession, the Ministry concludes a contract on the realisation of the concession if the technical examination determines that the concessionaire fulfilled conditions from Paragraph 5 of this Article. The contract for the realisation of the radio and television concession shall also include the offered programme scheme from Paragraph 4 of this Article, which is also the condition according to which the concession is realised.

Article 55, Paragraph 1

(1) A radio and television concessionaire shall be the company, in which one member, a legal or physical person can not have more than 25% share in the capital of concessionaire, in a way that one physical person shall not participate with more than 25% in the capital of the concessionaire. If there are family members among members of the association who have the obligation of mutual support according to the Marriage and Family Relations Act, then all of them can not own more than 25% of the capital of the concessionaire. One legal or individual person can participate in the capital of only one concessionaire at the state level or not more than one radio and one television concessionaire at the local level, but on different, not neighbouring areas of concession.

Article 56

(1) The radio and television programme of a concessionaire shall in particular:

1. respect human dignity and basic human rights and contribute to respect of other opinions and beliefs,
2. contribute to free forming of opinion, universal and objective informing of listeners and viewers, as well as to their education and entertainment,
3. promote Croatian cultural achievements and stimulate listeners and viewers to participate in cultural life,
4. promote mutual understanding and public feeling for justice, defend democratic freedom, help in protection of environment, fight for equality between women and men and publish the truth,
5. promote understanding for members of ethnic and national communities or minorities.

(2) Total offer of the programme should not serve the purpose of a certain party, interest or point of view.

Article 57

The programme of the radio and television concessionaire shall satisfy the following conditions:

1. events shall be faithfully presented and the difference of attitudes and opinions shall be adequately present,
2. news shall truthfully and correctly present facts and events, they shall be impartial and professionally correct and shall stimulate adequate forming of opinion,
3. opinions and comments shall be easily recognisable as an opinion or a comment and it shall be clear whose opinion or comment is broadcast.

Article 58

(1) State bodies and its representatives shall not influence the radio and television concessionaire regarding the creation of the programme.

(2) Not a single provision of this Article can be interpreted in a way to allow censorship or limitation of freedom of speech and expression of opinion.

Article 59

(1) Programmes which are harmful for defence and security of the state and constitutional order shall not be allowed.

(2) The programme of the radio and television concessionaire shall not be vulgar and shall not show pornography, shall not emphasise settlement or provoke racial, religious or national hatred and shall not abuse credulousness of listeners and viewers.

(3) The radio and television concessionaire shall not broadcast a programme which could have a bad influence on physical, spiritual or moral development of children and people younger than 18.

(4) The programme of the radio and television concessionaire shall not include a technical editing of a picture or sound which could, in short duration or any other way, transmit messages or influence the opinion of listeners and viewers, who are not aware of that, or are not completely aware of that.

Article 60

(1) The radio and television concessionaire shall freely, due to the protection of public interest, immediately and without delay broadcast warnings and other information of competent state authority or police.

(2) If the radio and television concessionaire at the local level lease only for them the right to broadcast programme on the event which is of the interest to the population of the whole state, or to the population in areas of other concessionaires, it shall relinquish this right to other interested radio and television concessionaires or HRT (Croatian Radio and Television), under equal conditions with the compensation of actual costs.

Article 61

(1) The radio concessionaire at the state and county level and of the town of Zagreb, shall broadcast at least 12 hours of programme daily and the radio concessionaire at a lower level to the county level shall broadcast at least 6 hours of programme daily.

(2) The television concessionaire at the state level shall broadcast at least 6 hours of programme daily and 48 hours of programmes weekly, and the television concessionaire at the local level shall broadcast at least 2 hours of programme daily and 16 hours of programmes weekly.

(3) Regarding the provision of Paragraph 2 of this Article, shows that repeat cyclically or those that consist of motionless pictures are not considered programmes.

(4) The radio and television concessionaire shall broadcast the same programme on the whole area of concession.

(5) The radio and television concessionaire shall keep reports on inspection of shows and shall keep recorded material of shows at least three months after their broadcasting and in case of objections or dispute, a recorded material has to be kept till the end of dispute.

Article 62

- (1) The radio and television concessionaire at the local level shall dedicate at least 20% of the programme weekly to local news and information about local events on the area of concession, excluding commercials.
- (2) The radio and television concessionaire at the state level shall broadcast news every day.
- (3) The radio and television concessionaire shall not broadcast (simultaneously or postponed) foreign programme, except if it elaborated it according to provisions of Articles 56 to 59 of this Act.
- (4) As an exception to the provision of Paragraph 3 of this Article, the radio concessionaire can, together with its programme, broadcast regularly or from time to time as a whole, some shows of the foreign programme with the consent of the Council for Telecommunications.
- (5) The radio and television concessionaire can take some shows of another concessionaire or HRT according to the contract.
- (6) As an exception to provision of Paragraph 5 of this Article, a radio or television concessionaire at the local level can retransmit, without contract, an informative show of HRT as a whole, under the condition not to broadcast its commercials 15 minutes before and 15 minutes after the retransmitted show.
- (7) The provision of Paragraph 2 of this Article does not refer to the concessionaire whose content of the show is thematic.

Article 65

- (1) A commercial shall be fair and honourable, and shall not be misleading and against the interest of the buyer.
- (2) Commercials for children or commercials in which children participate shall not be harmful to their interests and children's sensibility shall be taken into account.
- (3) The ordering party of the commercial shall not influence the content and the creation of the programme in a way which would decrease the independence of the concessionaire and his responsibility regarding the show.
- (4) Commercials should not last longer than 15% of the broadcast in each hour and 10% of the total daily duration of the programme broadcast at the state level and 25% of the programme in each hour and 20% of the total daily programme broadcast at the local level.
- (5) The radio and television commercial shall be recognised in a programme as a commercial and shall be separated from the rest of the broadcast by easily recognisable sound or visual means.

(6) Persons who regularly participate in news or daily event shows shall not participate in television commercials.

(7) Transmission of religious events, news or similar shows shall not be interrupted with commercials, as well as documentaries and religious and children shows which last less than 30 minutes.

(8) Commercials for medical treatments and medicines which can be obtained only with a prescription are not allowed.

1. In applying these provisions of the European Charter for Regional and Minority Languages in the Telecommunications Act (“Official Gazette”, No. 53/94) there is a possibility that radio stations which broadcast radio or television programme, can under certain conditions, broadcast a programme in the language of the ethnic and national community or minority (Article 64 of the Telecommunications Act).

It has to be indicated that the Telecommunication Act provides for a possibility for legal persons (companies) with headquarters in the Republic of Croatia to perform radio and television activities upon obtaining concession of the Council for Telecommunications, with such possibility being actually implemented in practice.

The mentioned law enables radio and television activities at the state and the local level (the level of town, county, town of Zagreb or group of counties).

The Council for Telecommunications announces competitions for granting concessions for performing radio and television activities after technical conditions are met (Article 13, Paragraph 1 and Article 14, Paragraph 1 of the Act).

The concession can be given to a legal person who proves in her offer that can realise programme, technical, technological, spatial, financial and personnel conditions and that the offered domestic programme will satisfy public interest in the best possible way (Article 14, Paragraph 5 of the Act).

Respecting the provision of the Article 11, Paragraph 1 of the European Charter “the principle of the independence and autonomy of the media”, the Telecommunications Act regulates programme-related criteria, special programme conditions, which do not limit the freedom of speech or of expressing opinion in any way (Articles 56 – 66 of the Telecommunications Act).

Moreover, the provision of Article 58 of the Telecommunications Act says that state bodies and their representatives must not influence the radio and television concessionaire regarding the creation of the programme and that not a single provision of that law can be interpreted in a way to enable a censorship or limitation of the right to speech and expressing opinion.

Regarding the provision on the use of the language, the Telecommunications Act regulates only the obligation of broadcasting radio and television programme in the Croatian

language, with the exception regarding broadcasting of programmes in Croatian language dialects or in the language of the ethnic community or minority.

The mentioned exception is only a possibility, not an obligation (Article 64 of the Telecommunications Act).

While considering offers for granting radio and television concessions regarding the given programme, the Council for Telecommunications need not consider them regarding the representation of programmes in the languages of national communities or minorities and need not require data on it in announcements.

That is why we do not have data on the representation of languages of national communities or minorities in the programmes of radio and television concessionaires and this body of state authority is not authorised to ask for these data.

In order to understand better the provisions of the Telecommunications Act which regulate radio and television activities, we would like to indicate that these activities can only be performed by companies and that this activity represents the economic activity which is done on a commercial basis, which means that such companies must ensure that their programmes make a profit, so that they can ensure as high as possible income after all financial obligations have been fulfilled.

On the other hand, a radio and television concession can be performed by a company whose owners, according to the Telecommunications Act, must be at least four legal or individual persons. Among them there are certainly members of national minorities, although there are no data on it, as all citizens are equal according to this Act, regardless of their nationality.

We would like to stress that today 110 companies perform radio activities and 10 of them perform television activities and we think that it is the best proof of the most immediate involvement and influence of a large number of individual and legal persons (and also representatives of national communities and minorities) in the creation of radio and television programme, both at the state and at the local level.

So, the owners of companies, radio concessionaires are over 347 legal and over 3.001 individuals, while the owners of companies, television concessionaires are 60 legal and 59 individual persons.

Therefore, we think that the provision of Article 11, Paragraph 1 of the European Charter is carried out in the previously mentioned provision of the Telecommunications Act. The following is an overview of the programme for minorities on the national television:

Croatian Radio Television: produces and broadcasts a programme intended for providing information to national minorities in Croatia which is broadcasted mostly on the First and Second Programme of the Croatian Radio Television in the form of special shows and news stories. Among others, the following programmes are involved in the production: the Information Programme, the Religious Culture Programme and partly the Entertainment Programme. However, all programmes of the Croatian Television, although having specific orientation, refer to and cover minority-related topics when such topics come to the centre of public attention.

Information Programme: A special programme for national minorities is broadcasted by the multi-national newsmagazine “Prizma” (“The Prism”). The duration of this programme is 50 minutes, and in the year 1998, 40 broadcasts are planned, resulting in 2.000 minutes of programme. The table below contains information about the “Prizma” newsmagazine for the period from autumn 1997 to 28 November 1998.

<u>National minority</u>	<u>Number of news stories</u>	<u>Duration (min)</u>
Albanians	14	49,30
Austrians	11	37,00
Montenegrins	9	21,45
Czechs	60	181,23
Hungarians	59	183,30
Macedonians	31	97,50
Muslims-Bosniacs	23	102,30
Germans	25	63,35
Roma	24	86,30
Ruthenians	14	43
Slovaks	38	143,20
Slovenians	33	105,30
Serbs	84	354,20
Italians	78	234,53
Ukrainians	20	71,05
Jews	49	127,17

Besides, 32 studio interviews with members of national minorities have been broadcasted. The broadcast lasts for 50 minutes and in the reporting period a total of 45 broadcasts was made.

Within its programme scheme for the year 1999, the Croatian television will, at the proposal of the Committee for Human Rights and the Rights of National Minorities of the Croatian National Parliament’s Chamber of Deputies, as well as at the proposal of the representatives of national minorities, broadcast autonomous TV “kornik” of national minorities which they will create by themselves and edit with the assistance of television experts.

Daily information programme: short news, as well as news stories about national minorities are, when they are included in the informative and daily shows, broadcasted in “Dnevnik” (“Daily News”), “Motrišta” (“Standpoint”), “Vijesti” (“News”) and “Hrvatska danas” (“Croatia Today”).

The regional programme is broadcasted in the show “Županijska panorama” (“The County Panorama”) from Zagreb, Bjelovar, Varaždin, Rijeka, Osijek and Split. Throughout the whole year it provides information of regional relevance, thematically different, informing the public about 2.120, which makes about 53.160 minutes of programme. In late 1997 the “Televizija Dunav” (“Danube Television”) started from Television Centres Vukovar and Beli Manastir to broadcast one-hour Saturday and Sunday programmes and half-an-hour news programmes five days a week in the Serbian language. In 1998 these media received support from the State Budget for their activities.

2. Regarding Article 11, Paragraph 2 of the European Charter which refers to the “reception of radio and television broadcasts from neighbouring countries in a minority or regional language”, it is indicated that the Telecommunications Act determines that the radio concessionaire can, together with its programme, regularly or from time to time as a whole, broadcast certain shows of a foreign programme with the consent of the Council for Telecommunications,

This possibility has not been used by radio and television concessionaires, so there were no cases of asking the mentioned consent.

Only in one case, a radio concessionaire submitted a request for daily broadcasting in the Czech language for Czech tourists during tourist season, according to the provision of Article 64, Paragraph 3 of the Telecommunications Act, which was approved.

Article 12 – Cultural Activities and Facilities

a) Chosen provisions:

Paragraph 1, Subparagraph (a),
Subparagraph (f),
Subparagraph (g),

b) Measures undertaken for the implementation of the chosen provisions

Subparagraph (a), Paragraph 1 of Article 12 of the Law on Ratification of the European Charter For Regional and Minority Languages, is applied by means of activities of ten central libraries of the minorities in the Republic of Croatia.

Subparagraph (f) is applied out, as we have mentioned in the previous report, by establishing institutions of national minorities, for which legal provisions are relevant which are included upon your request, translated into English.

Institutions Act

Article 5

“An institution can be established by a domestic and foreign physical and legal persons, if it is not differently determined by law for performing certain activities or for certain institutions.”

Libraries Act

Article 5, Paragraph 2

“Independent libraries can also be established by other domestic legal and physical persons.”

Museums Act

Article 16, Paragraph 2

“Museums as institutions can be established by domestic legal and physical persons.”

Archive Material and Archives Act

Article 49, Paragraph 5

“Domestic legal and individual persons can establish specialised and private archives.”

Theatres Act

Article 4.

“Private theatres and theatre companies are established as institutions, companies or art organisations and can be owned by domestic legal and physical persons.”

Rights of Independent Artists and Promotion of Cultural and Artistic Creative Work Act

Article 11, Paragraph 2

“Artistic organisations shall be established by artists.”

Subparagraph (a), Paragraph 1 of Article 12 of the Law quoted in the introduction is implemented out within the library system of the Republic of Croatia and in almost all libraries there are funds with books in languages of national minorities. Within library activities in 1998, the Ministry of Culture has supported suggestions of the Town Library in Karlovac and the Town Library in Našice for hiring a librarian for keeping a special collection of books printed in the Republic of Slovenia. In the publishing by the competition of the Ministry of culture for buying books, which was open till the end of 1998, there were also suggestions for buying books printed by national communities or minorities, which are given to libraries in the Republic of Croatia.

In the Republic of Croatia, there are ten central libraries of minorities, which are all financially supported by the Republic of Croatia.

Radio stations in the Republic of Croatia and particularly the local ones pay a significant attention to national minorities and broadcast many informative and other shows in languages of national minorities.

Subparagraph (f) was implemented during 1998 within the regular report of the programme, by financing a part of the programme of ethnic and national minorities, as follows:

Cultural society Šalom Freiburger, Zagreb	
- the activity of the society	30.000,00
- the concert of musical artists	3.500,00
- the magazine	20.000,00
The society of Hungarian scientists and artists, Zagreb	
- collection of papers	11.000,00
- Z. Gabor "Telling"	5.000,00
- visit of chamber choir from Subotica	10.000,00
- the appearance of M.V. Kimpf from Pecuh	7.000,00
The Croatian Israeli society, Zagreb	
- the exhibition in the Šalom gallery	10.000,00
The Jewish commune Zagreb	
- the exhibition in the gallery "M. and I. Steiner"	20.000,00
- buying back of monuments	20.000,00
- the exhibition Jewish artists in Croatia	10.000,00
- the exhibition Zagreb sinagogue	10.000,00
- the J. Agam exhibition	50.000,00
The Romany club of Croatia, Zagreb	
- the cultural week of the Romany of Croatia	10.000,00
The Association of Czechs in the Republic of Croatia, Zagreb	
- a programme of cultural activities	10.000,00
Cultural and performing society the Romany heart, Zagreb	
- a visit to Italy	1.220,50
Serbian orthodox monastery Gomirje	
- the renewal of the St. Nikola church in Karlovac	70.000,00
- the renewal of the monastery in Gomirje	100.000,00
Serbian orthodox commune Pula	
- the renewal of the St. Nikola church in Pula	40.000,00
The Croatian restoration institution, Zagreb	
- icons	25.000,00
- icons of Serbian orthodox church V. Poljanec	20.000,00

According to the Decision of the Government of the Republic of Croatia of 24 September, 1998 another 1.323.000,00 kunas were granted for investment programmes, financial reorganisation and reconstruction of buildings of national minorities.

During 1998, a part of the programme of national minorities was financed from the budget resources, within the regular registration of the programme for museum, gallery, library and publishing activities, for example:

The association of Hungarian scientists and artists in Croatia (2 programmes in museum and gallery activities), the Croatian Israeli association (1 programme in museum and gallery activities), the National association of Montenegrins of Croatia (1 programme in museum gallery activities), Jewish commune Zagreb (5 programmes, museum-gallery activities). The work of Baranja art colony in Batina was also financed in 1998, where representatives of national minorities also took part.

The Ministry of culture encourages direct participation of representatives of certain regional and minority languages in planning cultural activities by part-financing national reviews and folk art. Within the programme of these events (Đakovo, Vinkovci, Petrijevci, Nova Gradiška, Slavonski Brod, Zagreb, Porec and others) minority groups and their cultural-artistic associations always take part, including folklore, instrumental or singing ensembles.

During 1997 and 1998 in the cultural sphere the Libraries Act, the Archives Act, the Theatres (Modifications and Supplements) Act and the Museums Act were adopted. These laws regulate questions of establishing and organisation of cultural institutions (public and private) and the way of performing their activities. According to their provisions, members of national minorities can establish institutions for cultural activities they are interested in, in order to achieve their cultural autonomy and to express their national and cultural identity.

By virtue of laws governing cultural issues, members of national minorities enjoy full equality with other citizens of the Republic of Croatia and there are no special provision which would specifically be related to them.

Subparagraph (g) is applied by ensuring publishing activities in languages of minorities – by means of existence of big publishing houses of particular national minorities like e.g., “Edit” Rijeka, “Jednota” Daruvar, “Prosvjeta” Zagreb, “Magyar Kepes Ujsag” Osijek etc. which are financially supported by the Republic of Croatia and competent counties, towns and municipalities.

Article 13 – Economic and Social Life

a) Chosen provisions:

Paragraph 1, Subparagraph (a),
Subparagraph (b),
Subparagraph (c),

b) Measures undertaken for the implementation of the chosen provisions

INTRODUCTORY COMMENTARY:

Laws from the sphere of economy primarily regulate relations from industry, shipbuilding, commerce, power supply, mining industry, craftsmanship, co-operative

movement and are based on economic rights of property, entrepreneurship and market freedom guaranteed by the Constitution, the guarantee of equal legal position on the market, the prohibition of the monopoly and encouraging of economic progress and development of all the areas.

Matters regulated by provisions from the economic sphere, as well as measures taken and carried out in that area have no direct connection with the question of protection and promotion of languages of minorities which are regulated by the European Charter for Regional and Minority Languages.

Issues regulated by the European Charter for Regional and Minority Languages, as well as obligations contained in it, primarily refer to the right to use a regional or minority language in private and public life of national minorities, i.e. to human rights, whose protection can be identified in the application of regulations and measures dealing with employment contracts, as well as with technical documents like instructions for the use of a device, i.e. safety instructions. The said issues require adoption of a special law on the official use of languages of minorities.

The right for the use of regional and minority languages within economy is exercised by the realisation of social and cultural rights.

Paragraph 1, Subparagraphs (a) and (c):

In laws and by-laws from the economic spheres there is not a single provision which prohibits or limits without a justifiable reason the use of the language of the minority, in documents which refer to the economic life. As the documents here mentioned (employment contracts, technical documents, instructions for the use of devices) are regulated by laws and regulations on work and social welfare, for which, as already mentioned, a special law on the official use of languages of minorities has to be adopted and its adoption is expected.

Regarding economic activity, only provisions which regulate conditions of performing economic activities are mentioned here.

In two basic laws which regulate performing economic activities (Companies Act and Craftsmanship Act) there is not a single provision which opposes obligations from Subparagraph (a) and (c) of this Paragraph, i.e. which would condition performing of economic activities by prohibition or limitation of the use of the language of the minority.

Craftsmanship Act

Article 3.

“An individual person can practice a craft if he fulfils the following conditions:

1. if he is a citizen of the Republic of Croatia
2. if he is of age and is not partially or completely lacking legal capacity,
3. if he meets general health conditions and special health conditions if determined by the law

4. if safety measures or a protective measure on the prohibition of practising craft during this measure is not pronounced by a final sentence or decision on violation.”

Companies Act

Article 1, Paragraph 1

“If not determined differently by this law, a merchant is a legal or individual person who independently permanently performs the economic activity for the realisation of profit by production, trade turnover or offering services at the market.”

Co-operatives Act

Article 1, Paragraph 2

“(2) According to this Act, a co-operative member is an individual person who completely or partially sells his products or uses services necessary for performing his activities or in any other way directly participates in the achievement of his aims for which the co-operative society was established.”

The Companies Act in provisions on the name of a company in Article 20, Paragraph 3 regulates that a name can be registered in a register of companies also by translating it into one or several foreign languages.

The mentioned provision includes languages of minorities.

Provisions on the name of the Companies Act are adequately applied to the name of a craft company, as well as to the name of a co-operative.

Paragraph 2, Subparagraph (b):

The same as Paragraph 1, Subparagraphs (a) and (c)

Subparagraph (e)

When adopting certain regulations - as for example the Protection of Consumers Act which is planned for adoption - measures will be taken for providing information about the rights of consumers, for which the competent public authority in languages of minorities takes care about.

Paragraph 2, Subparagraph (b):

In cases of performance of economic activities in a form of a craft, the competent state administration body, in accordance to the Craftsmanship Act, gives professional opinion regarding adequate qualifications (professions) as a special condition for performing activities. In cases when a member of national minority wants an opinion and provides a certificate as a proof of his qualification in a language of minority, this certificate is accepted as a valid document.

Regarding the scope of work and social care, it is indicated that special laws which regulate this sphere do not include provisions on the use of languages of minorities, but these questions will also be regulated by the future law on the official use of a language and script which are used by members of minorities in the Republic of Croatia.

Article 14 – Transfrontier Exchanges

b) Measures undertaken for the implementation of the chosen provisions

Constitutional law on human rights and freedom and on the rights of ethnic and national communities and minorities in the Republic of Croatia

Article 4.

The Republic of Croatia shall assist the development of the relations between national and ethnic communities and minorities with the nationality in their parent country in order to promote their national, cultural and linguistic development.

Ethnic and national communities or minorities shall have the right to self-organisation and association in order to realize their national and other rights in compliance with the Constitution and this Law.

Article 59

The Republic of Croatia shall co-operate with and seek counsel, directly or through mixed committees, from governments and other institutions of interested states for the full realisation of human rights and rights of national and ethnic communities or minorities.

The Republic of Croatia promotes and supports co-operation of members of minorities with their ethnic motherlands. Special measures of promotion of such co-operation refer to exemption from duties and tax for literature and equipment donated by ethnic motherlands to members of their minority, which is regulated by bilateral agreements with individual countries. Programmes of cultural and other exchanges are also stimulated and ethnic motherlands are enabled to support members of their minority.

Data sources:

- State Bureau of Statistics
- Census from 1991
- Office for Minorities of the Government of the Republic of Croatia
- Ministry of the Interior
- Ministry of Justice
- Ministry of Education and Sports
- Ministry of Culture
- Ministry of Maritime Affairs, Transport and Communications
- Ministry of Public Administration

- Ministry of Economy
- Counties – Prefect’s Offices
- Courts
- County offices
- Constitution of the Republic of Croatia (“Official Gazette”, No. 8/98)
- Constitutional Law on Human Rights and Freedoms and of the Rights of Ethnic and National Communities and Minorities in the Republic of Croatia (“Official Gazette”, Nos. 65/61 and 27/92)
- Law on Ratification of the European Charter for Regional and Minority Languages (“Official Gazette”, No. 18/97)
- Civil Proceedings Act (“Official Gazette”, No. 53/91)
- General Administrative Proceedings Act (“Official Gazette”, No. 103/96)
- Criminal Proceedings Act (“Official Gazette”, No. 110/91)
- Education in Minority Languages Act (“Official Gazette”, No. 25/79)
- Political Parties Act (“Official Gazette”, Nos. 76/93 and 111/96)
- Associations Act (“Official Gazette”, No. 70/97)
- Pre-School Education Act (“Official Gazette”, No. 10/97)
- Personal Name Act (“Official Gazette”, Nos. 69/92 and 26/93)
- Telecommunications Act (“Official Gazette”, No 53/94)
- Institutions Act (“Official Gazette”, Nos. 76/93 and 26/97)
- Libraries Act (“Official Gazette”, No. 105/97)
- Theatres Act (“Official Gazette”, No. 61/97 and 13/97)
- Rights of Independent Artists and Promotion of Cultural and Artistic Creative Work Act (“Official Gazette”, Nos. 43/96 and 44/96)
- Companies Act (“Official Gazette”, No. 111/93)
- Museums Act (“Official Gazette”, No. 142/98)
- Craftsmanship Act (“Official Gazette”, Nos. 77/93 and 90/96)
- Co-operatives Act (“Official Gazette”, No. 36/95)

