

Strasbourg, 8 December 2010

ECRML (2010) 9

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN CROATIA

4th monitoring cycle

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

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

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

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

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

CONTENTS

A.	Report of the Committee of Experts on the application of the Charter in Croatia.....	4
	Chapter 1 - Background information	4
	1.1. The ratification of the Charter by Croatia.....	4
	1.2. Presentation of the regional or minority language situation in Croatia: update	4
	1.3. Particular issues arising in the evaluation of the application of the Charter in Croatia	5
	Chapter 2 - Conclusions of the Committee of Experts on how the State authorities have reacted to the recommendations of the Committee of Ministers (RecChL(2008)1)	8
	Chapter 3 - The Committee of Experts' evaluation in respect of Parts II and III of the Charter.....	11
	3.1. Evaluation in respect of Part II of the Charter.....	11
	3.2. Evaluation in respect of Part III of the Charter.....	17
	3.2.1. <i>Preliminary issue concerning the territorial scope of the undertakings entered into by Croatia under Part III</i>	17
	3.2.2. <i>Evaluation</i>	17
	Chapter 4 - Findings of the Committee of Experts in the fourth monitoring cycle	35
	Appendix I: Instrument of Ratification of the Republic of Croatia	37
	Appendix II: Comments by the Croatian authorities.....	39
B.	Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Croatia.....	45

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

adopted by the Committee of Experts on 2 June 2010
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1 Background information

1.1. The ratification of the Charter by Croatia

1. The Republic of Croatia signed and ratified the European Charter for Regional or Minority Languages (hereafter referred to as "the Charter") and deposited its instrument of ratification on 5 November 1997. The Charter entered into force for Croatia on 1 March 1998. The instrument of ratification of Croatia is set out in Appendix I of this report. Croatia declared at the time of ratification that the regional or minority languages protected under Part III of the Charter were Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.

2. The Croatian authorities presented their fourth periodical report to the Secretary General of the Council of Europe on 18 January 2010, three months after it was due. According to the Croatian authorities, the Council for National Minorities and umbrella organisations of the national minorities, including the Slovene minority, were invited to cooperate in preparing the report. The final report was also made accessible through the Council for National Minorities. No information was given as to whether the report was made public by the authorities.

3. This fourth evaluation report is based on the information obtained by the Committee of Experts from the fourth periodical report of Croatia and through meetings held with representatives of speakers of regional or minority languages in Croatia and the Croatian authorities during the on-the-spot visit, which took place from 13 to 15 April 2010.

4. The present report contains detailed observations which the Croatian authorities are urged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of general proposals for the preparation of a fourth set of recommendations to be addressed to Croatia by the Committee of Ministers, as provided in Article 16, paragraph 4 of the Charter (see Chapter 4.2. of this report).

5. This present fourth report was adopted by the Committee of Experts on 2 June 2010.

1.2. Presentation of the regional or minority language situation in Croatia: update

The Slovenian language

6. In its third evaluation report (paragraphs 43 – 47), the Committee of Experts came to the conclusion that Slovenian was a language that qualified for Part II protection under the Charter and requested further information from the Croatian authorities as to how they apply Part II of the Charter to Slovenian.

7. In their fourth periodical report (paragraphs 52 – 54), the Croatian authorities acknowledge the traditional existence of the Slovenian language in Croatia. According to the 2001 census, there are 11 872 Slovenian-speakers in Croatia. Most of the speakers in terms of total numbers reside in the Primorsko Goranska County and in Zagreb. The Slovene minority does not constitute more than one third of the local population in any area in Croatia and the language is not in equal and official use in any part of Croatia. Further evaluation on the application of the Charter with respect to Slovenian is detailed in the paragraphs under Part II below.

8. Before submitting the fourth periodical report, the Croatian authorities invited the Slovene minority in Croatia to comment on it. The statement given by the Union of Slovene Societies in the Republic of Croatia

is appended to the periodical report. According to this statement, historical and sociolinguistic evidence leads to the conclusion that Slovenian is a language that classifies as a regional or minority language and suggests it should be covered as such under the Charter.

The Istro-Romanian language

9. In the third evaluation report (paragraph 48) the Committee of Experts was made aware of a traditionally present small community of speakers of a language called Istro-Romanian in Istria, and asked the Croatian authorities to provide more information about this language in their next periodical report.

10. According to the information provided in the fourth periodical report (Chapter 3.5.) and obtained during the on-the-spot visit, Istro-Romanian is an Eastern Romance language, closely related to the Romanian language, and spoken by an estimated 200 – 250 mostly elderly speakers in about a dozen settlements in Istria. The speakers are divided between the northern group (in Žejane) and the southern group (in Kršan). The northern variety of Istro-Romanian is called *Žejanski*, the southern group call their language *Vlaški*, both varieties being mutually intelligible. The language is enlisted as a “seriously endangered” language in the Unesco Red Book on Endangered Languages.

11. Contrary to the other regional or minority language speakers of Croatia, the speakers of Istro-Romanian, also known as *Vlachs* or *Ćići*, do not consider themselves as belonging to a national minority. Governmental support for the Istro-Romanian language is not included in the earmarked state budget for national minorities.

12. The Croatian authorities state in their fourth periodical report that Istro-Romanian is listed in the Register of Cultural Goods of the Republic of Croatia and that measures are being taken for the preservation of the language through scientific research and documentation, awareness-raising and education.

13. During the on-the-spot visit, the Committee of Experts was informed by representatives of the Istro-Romanian-speakers that research work, including the creation of a language archive on the Istro-Romanian language, is being carried out, some of which is financially supported by Istria County. The Istro-Romanian-speakers have formed an association to preserve their language and carry out a project to preserve the language through cultural and awareness-raising activities, financed by Istrian and Primorsko-goranska Counties, and Kršan municipality. This year the project has also received some support from the Ministry of Culture. At the primary school in Kršan municipality, pupils receive an introduction to Istro-Romanian and participate in activities carried out together with the speakers. According to the representatives, the project has helped to create a more positive attitude towards the Istro-Romanian language.

14. The Committee of Experts is aware of the highly endangered situation of the Istro-Romanian language and commends the Croatian authorities for its support. It encourages the authorities to continue their support for the protection and preservation of Istro-Romanian, in co-operation with the speakers. The Committee of Experts looks forward to receiving further information on the situation of Istro-Romanian in the next periodical report.

Census

15. According to the fourth periodical report (paragraph 22), the next census in Croatia is envisaged for 2011. The Committee of Experts looks forward to receiving information on the outcome of this census with regard to the numbers of speakers of regional or minority languages and their geographical distribution.

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

16. An ongoing issue since the first monitoring round remains the territorial scope of the application of the Charter in Croatia. This issue has been dealt with in detail in the last three evaluation reports (see paragraphs 19 – 22 of the first report, 51 – 62 of the second report and 11 - 14 of the third report). Already in the second evaluation report, the Committee of Experts concluded that the declaration appended to the instrument of ratification “may produce consequences contrary to the spirit of the Charter and to the fundamental obligations deriving from the treaty.” The Committee of Ministers has repeatedly made a recommendation regarding this issue. The Committee of Experts requested in the third evaluation report more information in the next periodical report about areas in Croatia which meet the requirements of the

Charter but are excluded by reason of the declaration. Finally, the Committee of Experts emphasised the need for the Croatian authorities to review the declaration appended to the instrument of ratification.

17. On the basis of the observations made by the Committee of Experts in its third evaluation report, the Committee of Ministers adopted the recommendation addressed to the Croatian authorities, to **“provide information on the application of Part III of the Charter in those areas where a regional or minority language is not in "equal and official use" but where there is nevertheless a traditional presence and a sufficient number of speakers of that regional or minority language for the Charter to apply”** [RecChL(2008)1].

18. Responding to these issues in their fourth periodical report (Chapter 4.1.), the Croatian authorities state that the government held two expert meetings in August 2009 in order to review the declaration contained in the instrument of ratification. The outcome of the meetings was the view that there is currently no need to amend the domestic legislation that regulates the use of regional or minority languages, nor is there a need to change the declaration. In the opinion of the Croatian authorities, the existing legislative framework is at a satisfactory level and the territories covered by the undertakings under Part III of the Charter can be determined precisely and unequivocally.

19. The Committee of Experts recalls, as outlined in previous reports, that Croatia declared that Part III of the Charter applies to those territories in Croatia where the regional or minority language is in equal and official use on the basis of the fact that 1. members of a national minority reach over one third of the total population, 2. regional and local self-governments have the possibility of introducing the equal and official use in their respective units even if the national minorities in question do not reach the required threshold, or 3. through international/ bilateral agreements. In the past, the Committee of Experts criticised the fact that 1. the threshold was too high and 2. it was up to the individual self-government to determine whether the language would be in equal and official use.

20. In the fourth periodical report (Chapter 4.1.), the Croatian authorities list the municipalities where the regional or minority languages are in equal and official use and the regulation on which this is based. According to this information, regional or minority languages are in equal and official use in 27 towns and municipalities on the basis of the fact that the national minority in question reaches at least one third of the total population of that unit. In another 30 towns and municipalities, the self-governments have introduced the equal and official use through their statutes. It does not seem that the equal and official use has been introduced in any self-government unit on the basis of international agreements. The Serbian language is currently in equal and official use in 24 territorial units (i.e. municipalities, towns and cities), Italian in 21 units, Hungarian in 6 units, and finally Ruthenian, Slovak and Czech in 2 units each. Ukrainian is not in equal and official use in any territorial unit.

21. The Committee of Experts notes the relatively high number of self-government units where the equal and official use has been introduced through a statute, meaning that wide use is being made of the possibility to apply equal and official use in municipalities where the numbers of speakers are lower than one third of the total population. The Committee of Experts welcomes this and commends the pragmatic approach taken by the Croatian authorities. The application of these regulations comes closer to the requirements of the Charter (i.e. “the number of residents who are users of regional or minority languages justifies the measures”).

22. Notwithstanding this positive development, the Committee of Experts still observes remaining issues that need to be addressed. The Committee of Experts cannot exclude the possibility that there still may be areas where there is a sufficient number of regional or minority language-speakers but where the language is not in equal and official use. Furthermore, it is still up to the individual authority to decide on changing its statute. In some units where the language is in equal and official use, the statute has still not been harmonised with the Constitutional Act on the Rights of National Minorities despite supervision carried out by the central authorities. There is also a lack of implementation of the equal and official use in some self-government units.

23. The Committee of Experts therefore encourages the Croatian authorities to:

- look into whether there are still areas where a regional or minority language is not in equal and official use but there is nevertheless a territorial presence and a sufficient number of speakers of that regional or minority language for Part III of the Charter to apply, for example by using the census 2011 data;

- address those towns and municipalities to which the previous paragraph applies and encourage them to introduce the equal and official use of regional or minority languages through their statutes, in accordance with the Act on the Use of the Languages and Scripts of National Minorities;
- these measures should be carried out by the competent central government body or bodies, in close co-operation with the towns and municipalities and national minority representatives in question;
- continue efforts to harmonise/ supervise statutes;
- continue efforts to ensure the implementation of statutes (if necessary with financial assistance).

Chapter 2. Conclusions of the Committee of Experts on how the State authorities have reacted to the recommendations of the Committee of Ministers (RecChL(2008)1)

Recommendation No.1:

“Provide information on the application of Part III of the Charter in those areas where a regional or minority language is not in "equal and official use" but there is nevertheless a traditional presence and a sufficient number of speakers of that regional or minority language for the Charter to apply”;

24. The Croatian authorities do not report on the application of Part III of the Charter in those areas where the regional or minority language is not in equal and official use. However, in the fourth periodical report, the Croatian authorities provide information on 30 towns and municipalities where the regional or minority languages are in equal and official use on the basis of the self-governments having introduced the equal and official use through their statutes.

25. The Committee of Experts notes the relatively high number of self-government units where the equal and official use has been introduced through a statute (compared to 27 towns and municipalities in which the language is in equal and official use on the basis of the fact that the national minority makes up at least one third of the population), meaning that wide use is being made of the possibility to apply equal and official use in municipalities where the numbers of speakers are lower than one third of the total population. The application of this regulation comes closer to the requirements of the Charter (i.e. “the number of residents who are users of regional or minority languages justifies the measures”).

26. Notwithstanding this positive development, the Committee of Experts still observes remaining issues that need to be addressed, one of them being the possibility that there may still be areas where there is a sufficient number of regional or minority language-speakers but where the language is not in equal and official use.

Recommendation No.2:

“Take practical steps to promote awareness and tolerance vis-à-vis the regional or minority languages and the cultures they represent as an integral part of the cultural heritage of Croatia, both in the general curriculum at all stages of education and in the media”;

27. The *Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities* adopted on 26 June 2008 envisages several measures aimed at promoting mutual understanding, notably in the fields of education and in the media.

28. With regard to education, the Action Plan foresees the teaching of human rights and national minority rights in primary and secondary schools, and the organisation of an expert discussion on topics relating to the identity and culture of national minorities into the school curricula.

29. With regard to the media, the Action Plan foresees the organisation of seminars for journalists and editors of local, regional and national media on the objective coverage of topics and events related to national minorities and their interests. The Action Plan underlines that programmes covering news on national minorities should be made in an objective manner, without seeking for sensational news. The interest of local radio stations in minority issues should be particularly promoted.

30. Finally, a separate chapter in the Action Plan is devoted to “Developing Tolerance to Diversity and Suppressing Discrimination” mainly through public events and discussions, and an analysis of incidents motivated by national or religious hatred or intolerance. It also includes carrying out campaigns and creating brochures in order to combat prejudice and stereotypes, and discrimination against national minorities, passing an act on suppressing discrimination and adopting a National Plan for the Suppression of All Forms of Discrimination.

31. While commending the Croatian authorities for establishing an exemplary combination of planned measures with regard to promoting mutual understanding and tolerance, the Committee of Experts has unfortunately not received any information on the extent to which any of these measures have been implemented.

32. Also, regarding Serbian, some problems still persist especially in the war affected areas. It seems that additional efforts are needed to promote tolerance with regard to the use of different linguistic expressions and the Cyrillic script in education, on place-name signs and within the local administration, at least in some parts of Croatia.

Recommendation No.3:

“Develop a planned and structured approach to the implementation of regional or minority language teaching (Model C) so that it meets the requirements of the Charter as outlined by the Committee of Experts”;

33. Despite several measures taken by the Croatian authorities to improve and strengthen regional or minority language education, and despite amendments to the relevant legislation, Model C still does not meet the requirements of the Charter as outlined by the Committee of Experts, as it is not taught as an integral part of the curriculum.

34. According to Article 30 of the amended Primary and Secondary Education Act, in Model C pupils follow regular classes in Croatian and the additional five lessons are taught in the minority language. The Committee of Experts understands that is difficult to organise Model C education within the current primary school education framework which is divided into two shifts. This means that there is limited capacity to organise the additional regional or minority language classes within the timetable of either shift. Model C classes should nevertheless be offered in a way that makes them attractive for children and in a way that it meets the requirements of the Charter.

35. Furthermore, the introduction of Model C for Ukrainian and Ruthenian is hampered by a lack of qualified teachers. With regard to Serbian, the introduction of Model C classes is hampered due to continuing resistance of some schools to offer Model C classes. The schools perceive this as an additional burden, especially of a logistical, financial and organisational nature.

Recommendation No.4:

“Introduce the teaching of Slovak, Ruthenian and Ukrainian in secondary education”;

36. According to the Croatian authorities, Model C classes in Slovak have been repeatedly offered at the secondary schools in Ilok and Našice, however without any interest from pupils or their parents. Model C classes for Ruthenian and Ukrainian do not exist, nor does any other kind of teaching of these languages at secondary school level.

Recommendation No.5:

“Take measures to ensure that speakers can use in practice their regional or minority languages in relations with the relevant branches of the State administration”;

37. In response to this recommendation, the Croatian authorities state in their fourth periodical report (paragraph 19) that the government adopted an *Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities* on 26 June 2008, which includes *inter alia* measures for improving the exercise of the right of national minority members to use their language and script in relations with the relevant branches of the state administration (see Section 2.2. of the fourth periodical report).

38. However, as was the case during the third monitoring round, it does not seem that any steps have been taken so far to redress the lack of practical implementation of the equal and official use of regional or minority languages in relations with the relevant branches of the State administration. While regional and minority languages are used more at the local level, in some cases it seems to be on an ad-hoc basis.

Recommendation No.6:

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

39. The response of the Croatian authorities in their fourth periodical report is that the Croatian public broadcaster *Hrvatska radiotelevizija* (HRT) is planning to introduce and finance additional programmes for the minorities, subject in particular to its financial capacities. The Croatian authorities also state in the fourth periodical report (paragraphs 267 and 289) that a “cycle of TV programmes in minority languages is soon to be launched” by HRT. The authorities further state that for 2009 a cycle entitled *Manjinski mozaik* (Minority mosaic) will be launched. According to the information at the disposal of the Committee of Experts, the programme was launched shortly after the Committee of Experts’ on-the-spot visit.

40. Regarding radio broadcasting, the Committee of Experts has been informed that all regional or minority languages covered by the Charter have a presence on regional radio stations.

Chapter 3. The Committee of Experts' evaluation in respect of Parts II and III of the Charter

3.1. Evaluation in respect of Part II of the Charter

41. The Committee of Experts will not comment on those provisions of Part II for which no major issues were raised in the third evaluation report and for which the Committee of Experts has not received any new significant information. Under Part II, this concerns Article 7, paragraph 1. e and paragraph 2. The Committee of Experts reserves, however, the right to evaluate the implementation of these provisions again at a later stage.

Article 7 Objectives and principles

42. In respect of Istro-Romanian, the Committee of Experts refers to its remarks under paragraphs 9 - 14 above and looks forward to receiving more information from the Croatian authorities on this language under Part II in the next periodical report.

Paragraph 1

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

- a. *the recognition of the regional or minority languages as an expression of cultural wealth;*

43. In its fourth periodical report (Chapter 4.1.), the Croatian authorities recognise Slovenian as a language spoken traditionally in Croatia. The Slovene minority is one of the 22 recognised minorities in Croatia and language rights and other rights are guaranteed under the Constitutional Act on the Rights of National Minorities. State funds for the activities of the Slovene associations are granted, as is the case with the other associations of regional or minority languages protected under the Charter.

44. During the on-the-spot visit, the Committee of Experts held meetings in the City of Rijeka with representatives of several national minority associations and councils and with the city authorities. The Committee of Experts was informed that in Rijeka there are 14 national minorities with 24 associations that carry out cultural and educational activities, with the support of the city authorities. The Italian national minority is recognised in the statute of Rijeka since 1993 as an autochthonous minority. The Italian language can be used in the City Council.

45. The Committee of Experts gained a positive impression of the position and support of the Rijeka authorities towards national minorities and their languages and commends the authorities for this.

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

46. In all its three previous evaluation reports, the Committee of Experts observed that the reorganisation of territorial administration in the early 1990s had not been to the benefit of the promotion of regional or minority languages. The Committee of Experts found that the division into smaller administrative units had resulted in a more fragmented introduction of the equal and official¹ use of the relevant regional or minority languages. Furthermore, this status was not applied to towns that were the main administrative centre of a region where a regional or minority language was spoken. The problem affected in particular the Town of Daruvar with respect to the Czech language and the Town of Beli Manastir with respect to the Hungarian language.

47. As mentioned in paragraphs 16 - 23 above, since the previous monitoring round, several towns and municipalities in which national minority members do not reach at least one third of the total population, have

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

introduced the equal and official use of a minority language through their statute. The Committee of Experts welcomes this information.

48. According to the fourth periodical report (paragraph 25), the Town of Daruvar adopted a new statute on 1 September 2009, leading to the official and equal use of the Czech language in those areas of the Town of Daruvar where the Czech-speakers live. The Committee of Experts welcomes this development and looks forward to receiving information from the Croatian authorities on the practical implementation of the new statute with regard to the equal and official use of the Czech language in their next periodical report.

49. The Committee of Experts has not received any new information with regard to the situation in Beli Manastir and looks forward to receiving information in the next periodical report on any changes or further developments with regard to the situation of Hungarian in the Town of Beli Manastir.

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

50. According to the figures provided in the fourth periodical report (paragraph 26), there has been a constant increase in the allocation of state budget funds through the Council for National Minorities for 19 national minorities², including for the Slovene minority, since the previous monitoring cycle. These funds finance programmes and activities of the national minority associations, including activities relating to the promotion and protection of regional or minority languages, for example regarding publications and cultural events.

51. As stated in paragraph 9 of the fourth periodical report, the Government of the Republic of Croatia adopted an *Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities* (hereafter referred to as the "Action Plan") in June 2008 with a view to continuing the promotion and exercise of national minority rights enshrined in the Constitutional Act in Croatia. It contains eleven chapters, out of which the following are directly or indirectly relevant with regard to furthering the protection and promotion of regional or minority languages under the Charter:

Directly relevant to the Charter undertakings:

Chapter 1: Official and public use of national minority languages and scripts;

Chapter 2: Education in national minority languages and scripts.

Indirectly relevant to the Charter undertakings:

Chapter 4: Cultural Autonomy;

Chapter 6: Access to mass media;

Chapter 7: Self-organisation and grouping in an effort to promote common interests;

Chapter 8: Representation of national minority members in state administration bodies; judicial authorities and the bodies of local and regional self-government units;

Chapter 9: Participation of national minority members in public life through national minority councils and representatives;

Chapter 10: Developing tolerance to diversity and suppressing discrimination.

52. The Action Plan includes a detailed outline of actions to be taken by the competent governmental bodies to implement the Constitutional Act. The actions were to be carried out within a defined time frame, i.e. by the end of 2009 at the latest, and earmarked funds are allocated to some of the measures. The Committee of Experts will mention specific aspects of the Action Plan in more detail under the relevant undertakings below.

53. While welcoming the adoption of this comprehensive and ambitious Action Plan, the Committee of Experts has become aware of some problems surrounding its implementation. First of all, as stated by the Croatian authorities themselves in their fourth periodical report (Chapter 2.2.), a number of activities were not carried out or implemented within the given time frame and some of them have been postponed to 2010.

² The Republic of Croatia recognises 22 national minorities out of which 19 are organised in associations.

54. Secondly, during the on-the-spot visit, the Committee of Experts was informed by representatives of several regional or minority languages that they had not been informed of the Action Plan, nor were they aware of any activities carried out under the Action Plan. In a meeting with the Committee of Experts during the on-the-spot visit, the authorities explained that the Action Plan was designed to be a confidential government document until it had been officially approved and for that reason the minority associations had not been informed about it. In the drafting process all relevant ministries and state institutions and members of Parliament were consulted, as well as the Council for National Minorities. The Action Plan was then submitted to the European Commission.

55. The Committee of Experts considers that an opportunity has been missed by not informing the public about the Action Plan. Furthermore, the Action Plan could have been more effectively formulated in co-operation with the minority associations. Public debate on the Action Plan also could have more effectively led to one of its main aims, namely to raise awareness about minorities and their language rights. The Croatian authorities informed the Committee of Experts during its on-the-spot visit about plans to revise the Action Plan.

56. The Committee of Experts encourages the Croatian authorities to pursue the activities envisaged under the Action Plan, where relevant in co-operation with the speakers, and to provide information on its implementation in their next periodical report.

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

57. In their fourth periodical report (paragraph 28), the Croatian authorities refer to measures envisaged under the Action Plan as a whole, aiming at promoting the use of minority languages in public life, in both written and spoken form.

58. With regard to the Slovenian language, according to the fourth periodical report (paragraph 59) and information received during the on-the-spot visit, Slovenian associations publish several magazines in Slovenian. Radio programmes in Slovenian are not produced. Television programmes from Slovenia can be received in Croatia.

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

59. Teaching and study of Part III languages will be examined in detail in the next section.

60. The Slovenian language is taught as a Model C subject at the Štrigova primary school in Međimurska County. According to the fourth periodical report (paragraph 57 and Annex 1), there are plans to make the extracurricular Slovenian classes which have been taught since 2006 at the Pećine primary school in Rijeka (where there are approximately 1500 speakers) an optional subject.

61. The Committee of Experts would welcome information on the extent of the teaching and studying of Slovenian at other educational levels in the next periodical report.

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

62. In its third evaluation report (paragraphs 21 – 25), the Committee of Experts found that the present provision was of great importance in the light of the continuing decline in the number of speakers of regional or minority languages in Croatia, and also relevant with a view to fostering mutual understanding. It therefore encouraged the Croatian authorities to provide facilities enabling adult non-speakers of a regional or minority language to learn it if they so desire.

63. The Croatian authorities state in their fourth periodical report (paragraphs 31 - 38) that national minority associations offer courses in minority languages for adults, both for those learners with prior knowledge of the language and for non-speakers. It seems that currently no courses are offered for Ukrainian or Ruthenian.

64. According to the Slovenian-speakers whom the Committee of Experts met during its on-the-spot visit, the Slovenian association in Rijeka offers a Slovenian language course twice a week in Rijeka, financed by the Slovenian Ministry of Education and Sport.

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

65. This provision will be dealt with in more detail under Part III.

66. As regards the Slovenian language, the Committee of Experts has not received any information on the possibility to carry out study and research on the Slovenian language in Croatia at higher education institutions and asks the Croatian authorities to provide such information in their next periodical report.

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

67. In its last evaluation report (paragraph 30), the Committee of Experts asked the Croatian authorities to clarify to what extent they were involved in promoting and supporting exchanges between Ruthenian-speakers in Croatia and in Vojvodina/ Serbia.

68. No concrete information in this respect is provided by the Croatian authorities in their fourth periodical report. The Committee of Experts asks the Croatian authorities again to clarify this in their next periodical report.

69. The Croatian authorities however do report (paragraphs 325 – 327) on two events that were co-organised by the Government Office for National Minorities in 2006 and 2008 respectively that gathered among others national minority associations from Croatia and from relevant kin-state countries with a view to improving cross-border co-operation in the field of culture, education and media.

70. The Committee of Experts welcomes this and looks forward to receiving information in the next periodical report on any follow-up to these events and on concrete examples of other types of transnational exchanges.

Paragraph 3

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

71. In its third evaluation report (paragraphs 31 – 37), the Committee of Experts asked the Croatian authorities to report on measures taken in the field of education to promote awareness and tolerance towards regional or minority languages, including whether the new curriculum addressed this issue. In relation to the media, the private media in particular seemed to convey a negative stereotype of members of national minorities. The Committee of Experts observed that additional measures needed to be taken with regard to promoting respect, understanding and tolerance in relation to regional or minority languages. On the basis of the observations made by the Committee of Experts in its third evaluation report, the Committee of Ministers adopted the recommendation addressed to the Croatian authorities to **“take practical steps to promote awareness and tolerance vis-à-vis regional or minority languages and the cultures they represent as an integral part of the cultural heritage of Croatia, both in the general curriculum at all stages of education and in the media”** [RecChL(2008)1].

72. In response to the Committee of Experts’ request, the Croatian authorities report (paragraph 41) about a public debate which was held in 2009 on the National Framework Curriculum. The underlying principles of this draft curriculum are multiculturalism, tolerance and respect for diversity. The Committee of Experts has also been made aware that according to the New Electronic Media Act which has been in force since December 2009, radio and television broadcasting must, among other things, promote understanding in relation to members of national minorities.

73. The Action Plan envisages several measures aimed at promoting mutual understanding, notably in the fields of education and in the media.

74. With regard to education, the teaching of human rights and national minority rights in primary and secondary schools is carried out, and the inclusion of an expert discussion on topics relating to the identity and culture of national minorities in the school curricula is foreseen.

75. With regard to the media, the Action Plan foresees the organisation of seminars for journalists and editors of local, regional and national media on the objective coverage of topics and events related to

national minorities and their interests. The Action Plan underlines that programmes covering news on national minorities should be carried out in an objective manner, without seeking sensational news. The interest of local radio stations in minority issues should be particularly promoted.

76. Finally, a separate chapter in the Action Plan is devoted to “Developing Tolerance to Diversity and Suppressing Discrimination” mainly through public events and discussions, and through an analysis of incidents motivated by national or religious hatred or intolerance. It also includes carrying out campaigns and creating brochures in order to combat prejudice and discrimination against national minorities, passing an act on suppressing discrimination and adopting a National Plan for the Suppression of All Forms of Discrimination.

77. While commending the Croatian authorities on establishing an exemplary combination of planned measures with regard to promoting mutual understanding and tolerance, the Committee of Experts has unfortunately not received any information on the extent to which any of these measures have been implemented, and looks forward to receiving such information in the next periodical report.

78. According to representatives of the Serbian-speakers that the Committee of Experts met during its on-the-spot visit, the situation has not changed since the previous monitoring rounds. According to them, derogatory comments still occur. It was also pointed out that more efforts need to be made to promote tolerance with regard to the use of different linguistic expressions and the use of the Cyrillic script, at least in some parts of Croatia.

79. During the on-the-spot visit, the Committee of Experts was made aware of a motion by some members of the city council in Vukovar to abolish the use of Cyrillic signage and the teaching of Serbian at schools in that region, despite the fact that the use and teaching of Serbian is in line with the law. Such actions and statements are in the view of the Committee of Experts adverse to the aim of creating mutual understanding, respect and tolerance towards the speakers of regional or minority languages in Croatia.

80. The Committee of Experts encourages the Croatian authorities to continue their efforts in promoting awareness and tolerance towards regional or minority languages and the cultures they represent, especially with regard to the use of Serbian and the Cyrillic script.

Paragraph 4

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

81. In its third evaluation report (paragraphs 38 – 42), the Committee of Experts observed that, in addition to the institutional representation of national minorities at national level through the advisory Council for National Minorities and the Parliamentary Committee on Human and National Minority Rights, a system of local national minority councils was set up in 2003. Some local minority councils were facing difficulties in effectively fulfilling their role. The Committee of Experts therefore asked the Croatian authorities to provide more information about the functioning of the local minority councils in the next periodical report.

82. In their fourth periodical report (paragraphs 43 – 51), the Croatian authorities have acknowledged certain difficulties of some national minority councils in effectively fulfilling their role, and the strengthening of their role appears as a separate Chapter under the Action Plan. The main ways of strengthening the role of the minority councils are on the one hand through financial support for logistical aspects where necessary, and on the other through the organisation of training seminars for local minority councils and local authorities on the role of the former. These activities are mainly to be carried out by the Central State Office for Administration and the Office for National Minorities in cooperation with the Council for National Minorities.

83. The Committee of Experts was informed during the on-the-spot visit that 23 seminars on the functioning of national minority councils had been organised by the Government Office for National Minorities.

84. According to some representatives of the Serbian-speakers whom the Committee of Experts met during its on-the-spot visit, the Serbian national minority councils are still not functioning well in the post conflict regions in Croatia. The Committee of Experts encourages the Croatian authorities to continue their efforts to strengthen the roles of the national minority councils.

Paragraph 5

The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

85. In its Reservation appended to the Instrument of Ratification of 5 November 1997, the Republic of Croatia declared, in pursuance of Article 21 of the Charter, that Article 7, paragraph 5 of the Charter shall not apply (see the Committee of Experts' first evaluation report with respect to Croatia ECRML (2001) 2, paragraph 46). This reservation leads in effect to the exclusion of the Roma languages from benefiting from protection under the Charter, unless there are definable areas where the Roma languages have a traditional presence. In this monitoring round, as well as in previous monitoring rounds, the Committee of Experts has been made aware of measures carried out by the Croatian authorities aiming at the protection of the Roma minority, including the Roma languages. For example, during the on-the-spot visit, the representative of the Government Office for National Minorities informed the Committee of Experts of the National Programme for the Roma and the Action Plan for the Decade of Roma Inclusion 2005 – 2015, which is also mentioned in the fourth periodical report.

86. In the light of the fact that Roma are a recognised national minority in Croatia and are therefore afforded a certain degree of protection, including their language, the Committee of Experts invites the Croatian authorities to consider applying Part II of the Charter to the Roma languages.

The Committee of Experts invites the Croatian authorities to consider applying Part II of the Charter to the Roma languages.

3.2. Evaluation in respect of Part III of the Charter

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

87. In its third evaluation report (paragraphs 49 – 56), the Committee of Experts expressed its disappointment that the Croatian authorities had not reacted to the Committee of Experts' and the Committee of Ministers' recommendations to specify the municipal territories which are concerned by the application of Part III of the Charter and to review the declaration appended to the instrument of ratification. The Croatian authorities declared that it would reconsider the territory of application and would provide an opinion in the next periodical report.

88. In the fourth periodical report, the Croatian authorities list the number of municipalities where regional or minority languages are in equal and official use and on the basis of which regulation. According to this information, regional or minority languages are in equal and official use in 27 towns and municipalities on the basis of the fact that the national minority in question reaches at least one third of the total population of that unit. In another 30 towns and municipalities, the self-governments have introduced the equal and official use through their statutes. The Committee of Experts welcomes this information and refers to paragraphs 16 - 23 above.

89. The Slovak, Ukrainian and Ruthenian languages still do not benefit from the application of many of the Part III undertakings in practice, especially with regard to Articles 9 and 10 of the Charter.

3.2.2. Evaluation

90. In this section, the Committee of Experts will focus on problematic areas and new developments in the protection and promotion of Czech, Hungarian, Italian, Serbian, Slovak, Ruthenian and Ukrainian. It will therefore not assess the implementation of provisions which were fulfilled in the first, second and/ or third monitoring cycle(s), apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

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

91. For these provisions, the Committee of Experts refers to the conclusions reached in its first, second or third reports but reserves the right to evaluate the situation again at a later stage.

92. Finally the paragraphs and sub-paragraphs that are quoted in bold italics are the obligations chosen by Croatia.

Article 8 – Education

General issues:

Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities

93. Chapter II of the Action Plan entitled “Education and Schooling in the Language and Script of National Minorities” envisages the full implementation of Article 11 of the Constitutional Act for all minorities who show interest for this. Chapter II furthermore envisages ensuring preconditions for consistent application of the Act on Education and Schooling in the Language and Script of National Minorities.

94. In detail, Chapter II entails, among other things, teacher training; round table discussions; informing parents and pupils of the education models on offer (Models A, B and C³); provision of textbooks for minority language education; adopting adequate curricula for all three education models; engaging education advisers for Model C education for Ruthenian, Ukrainian and Serbian; providing Model C education at secondary school level in particular for Serbian, Slovak, Ruthenian and Ukrainian; co-financing long distance learning; and aligning primary school statutes with the Act on Education. The main authority responsible for carrying out these measures is the Ministry of Science, Education and Sports.

95. According to the fourth periodical report (paragraph 11), the round tables have so far not been organised due to lack of funds.

Legislation

96. Since the third monitoring round, new regulations and laws have been adopted with regard to education:

- The Primary and Secondary Education Act (Official Gazette no. 87/08, 86/09);
- State Pedagogical Standard of Preschool Education, State Pedagogical Standard of Primary Education System (OG 63/08);
- Act on Primary and Secondary School Textbooks (OG 27/10);
- Ordinance on State Matura Exam (OG 97/08).

97. According to the information received during the on-the-spot visit and contained in the fourth periodical report (paragraph 11), the amendments to the acts have led to a harmonisation with the two minority acts. In detail, the acts regulate that the minimum number of pupils required to set up a regular class is 14, but the number of pupils for minority language education can be lower. According to Article 30 of the amended Primary and Secondary Education Act, Model C pupils follow regular classes in Croatian, but the additional five lessons are taught in the minority language. These additional hours for pupils attending Model C classes cannot exceed five lessons per week. According to the same act, the minority curriculum includes the teaching of the history and culture of the national minority.

Textbooks

98. In its third evaluation report (paragraphs 63 – 66), the Committee of Experts understood that the difficulties in obtaining adequate teaching materials were related to the large variety of officially approved textbooks and the practical difficulty of translating them all. The Committee of Experts was informed about a decision to reduce the variety of textbooks available and that these would be provided free of charge, including versions in regional or minority languages. The Committee of Experts requested further information on the implementation of this decision.

³ There are three basic models of education:

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

99. According to the information received, during the fourth monitoring round the number of officially approved textbooks has been reduced, which will also have positive repercussions on the translation and production of textbooks for regional or minority language teaching. However, due to budgetary cuts, textbooks are no longer free of charge in Croatia. This also applies to textbooks in regional or minority languages.

100. The fourth periodical report states that a number of textbooks for regional or minority language teaching are imported from kin-states, after having been approved by the Croatian Ministry of Science, Education and Sport. These textbooks are co-financed either by the Croatian Ministry or by the respective kin-state. In 2008/ 2009, this applied to Czech, Hungarian, Italian and Serbian, for both primary and secondary education.

101. According to the Report of the Serbian Cultural Society Prosvjeta which is appended to the fourth periodical report, the current Serbian textbooks are outdated and need to be revised or replaced with new ones. According to the information received from the Serbian-speakers during the on-the-spot visit, primary and secondary school textbooks are not all available in Serbian. According to Prosvjeta, there is also a need for teaching aid materials which could be imported from the kin-state.

102. During a visit to the Italian primary school "Bernardo Benussi" in Rovinj/ Rovigno, the Committee of Experts was informed by teachers of a lack of original textbooks especially for the first four grades. In their view, translations of textbooks take too long. Furthermore, the textbooks imported from Italy for all school levels can only be used to a limited degree because they do not follow the Croatian curriculum.

103. The Ruthenian and Ukrainian representatives also complained about the time involved in translating textbooks from Croatian. Some textbooks are therefore imported from Serbia (where teaching in these languages also takes place). Textbooks from Serbia are in their view more compatible with the Ukrainian variety spoken in Croatia and the Croatian curriculum than those from Ukraine.

104. The Committee of Experts encourages the Croatian authorities to redress the remaining problems with regard to the textbooks, in co-operation with the speakers.

Educational advisers

105. In its third evaluation report (paragraphs 67 – 70), the Committee of Experts observed that expert educational advisers for regional or minority languages were appointed for all regional or minority languages in September 2005, except for Ruthenian and Ukrainian. The Committee of Experts encouraged the authorities to appoint one or more advisers for the Ruthenian and Ukrainian languages. It also encouraged the authorities to ensure that sufficient resources and personnel were available to enable the advisers to fulfil their roles effectively.

106. According to the fourth periodical report (paragraph 112), the function of the educational advisers has been strengthened since the previous monitoring round in the sense that one additional full-time adviser has been appointed for Italian and Serbian respectively. The Committee of Experts welcomes this. However, no educational adviser has been appointed for Ruthenian and Ukrainian. According to the authorities this is due to a lack of qualified candidates and a small number of children. This has been a serious concern for the speakers, because in their view the curriculum needs to be planned more professionally. The Committee of Experts encourages the Croatian authorities to continue its efforts to employ an educational adviser or advisers for Ukrainian and Ruthenian.

Other issues

107. In their fourth periodical report (paragraph 116 – 117), the Croatian authorities state that a National Minorities Directorate was established within the Ministry of Science, Education and Sport in 2008, which is responsible for all issues regarding education in the languages and scripts of national minorities. For 2009/ 2010 it was planned to send brochures to schools and state offices competent for approving class sections, providing information to pupils and parents on the different learning models in areas where members of a particular national minority live. The Committee of Experts welcomes the establishment of the National Minorities Directorate. However, it is not clear to the Committee whether the plan to distribute the brochures

was in fact carried out and it looks forward to receiving further information in this respect in the next periodical report.

Paragraph 1

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

Pre-school education:

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

108. In its third evaluation report (paragraphs 73 – 81), the Committee of Experts considered the undertaking fulfilled with regard to the Czech, Hungarian, Italian and Serbian languages, despite certain shortcomings, but not fulfilled for Ruthenian and Ukrainian. It encouraged the Croatian authorities to take concrete measures to meet the growing demand for pre-school education in Hungarian and Italian and asked for more information on the establishment of a trilingual (Ukrainian, Ruthenian, Croatian) pre-school in the village of Petrovci, Vukovar-Srijem County, following Model C. With regard to Slovak, the Committee of Experts was unable to conclude on this undertaking and asked for further clarification in the next periodical report on the actual provision of pre-school education in Slovak.

109. In its fourth periodical report (paragraphs 118 – 122), the Croatian authorities state that the Slovak-speakers have not demonstrated any interest for the use of Slovak in pre-school education, despite efforts made by the Slovak association and despite the fact that more pupils attend Slovak Model C language and culture classes in primary school.

110. The periodical report gives a similar account in respect of Ruthenian, in that no pre-school education in Ruthenian is on offer and that the Ruthenian-speakers did not express any interest in such an offer during a survey that was carried out a few years ago. No reason is provided for the lack of Ukrainian at pre-school level. According to the periodical report, initiatives will be undertaken to offer pre-school education in Ukrainian in Zagreb.

111. As for the other languages, according to the fourth periodical report, in 2008, there was an increase in the number of pupils attending pre-school in Czech, Italian and Serbian. However, there was a decrease with respect to Hungarian education, from 198 children in eight pre-schools in 2006 to 160 children in four pre-schools in 2008.

112. The Committee of Experts considers that this undertaking is fulfilled with regard to the Czech, Italian and Serbian languages. The undertaking is still fulfilled for Hungarian, but the Committee of Experts asks the Croatian authorities to provide an explanation on the decline in the number of children and pre-schools in the next periodical report. With regard to Slovak, Ruthenian and Ukrainian, the Committee of Experts acknowledges the efforts to offer pre-school education for these languages. It encourages the Croatian authorities to continue their efforts and report on the outcome in the next periodical report.

Primary education

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

113. In its third evaluation report (paragraphs 82 – 91), the Committee of Experts observed that Slovak, Ruthenian and Ukrainian were only used in Model C, a language teaching model that was implemented to a varied degree. In practice Model C classes almost always took place outside the regular curriculum. The Committee of Experts was also informed about problems with school transport. The Committee of Experts maintained its previous conclusion of partial fulfilment with regard to Slovak, Ruthenian and Ukrainian. It encouraged the authorities in Croatia to develop a planned and structured approach to the implementation of

Model C in practice so that it meets the requirements of the Charter for this undertaking. On the basis of the observations made by the Committee of Experts in its third evaluation report, the Committee of Ministers adopted the recommendation addressed to the Croatian authorities to “**develop a planned and structured approach to the implementation of regional or minority language teaching (Model C) so that it meets the requirements of the Charter as outlined by the Committee of Experts**” [RecChL(2008)1].

114. According to the information provided in the fourth periodical report (paragraphs 125 – 129), in 2008, 72 pupils attended Ruthenian Model C education and 526 pupils attended Slovak Model C education. The number of pupils had declined with regard to Ukrainian (11 in 2008 compared to 28 in 2006). According to the periodical report, efforts are being made to offer Model C classes in primary schools located in other places too. To this end, a survey was planned to be carried out in the summer of 2009 in the Ukrainian community and a revitalisation project for Ukrainian in education.

115. During the on-the-spot visit, the representatives of the Ukrainian-speakers brought the Committee of Experts’ attention to the fact that the number of pupils in Kaniža would be sufficient to offer Ukrainian classes, but that there are no teachers available.

116. During the on-the-spot visit, the Committee of Experts was informed about the annual ten-day summer schools for Ukrainian and Ruthenian children, aimed at strengthening their language skills. These are organised by the Ukrainian and Ruthenian associations and co-financed by the Ministry of Education. In 2009, approximately 70 – 100 children attended the summer school. The Committee of Experts welcomes this kind of activity but underlines that it cannot replace the ordinary teaching of these languages as an integral part of the normal curriculum, and that it should be carried out as an additional measure.

117. With regard to Serbian, the Committee of Experts remarked in its last evaluation report (paragraph 90) that the situation was generally good, Model A being available where the language is traditionally spoken. However, apart from Rijeka it seemed that the Serbian community had been facing serious difficulties in other territories introducing Serbian as Model C into schools.

118. According to the information available in the fourth periodical report (table under paragraph 126), there has been an increase in the number of pupils attending Serbian Model C classes (496 in 2008, compared to 461 in 2006), but at the same time the number of schools offering Model C classes has decreased from 21 to 14.

119. The information provided by the Serbian cultural organisation Prosvjeta and appended to the fourth periodical report (Annex 2) contradicts this information however. According to Prosvjeta, 27 primary schools offered Serbian classes under Model C in the academic year 2008/ 2009, with 636 pupils attending these classes. This model is offered in Banija, Lika, Kordun, Dalmatia, and in Western and Eastern Slavonia. In those areas where classes cannot be organised, distance learning courses are offered. These courses are co-financed by the Ministry of Education for over 200 Serbian pupils. With regard to Serbian, five lessons per week are taught (Serbian language and literature, history, geography, art and music) in addition to the regular curriculum.

120. Prosvjeta also points to certain interlinked difficulties in organising Model C classes, mentioning *inter alia* that there is still a certain resistance from some schools to offer Model C classes due to the additional burden this creates in terms of bureaucracy, logistics, finance and organisation. Also, it can take a very long time for a Model C class to be approved. Prosvjeta also criticizes the fact that the Model C classes are offered in addition to the regular curriculum. Prosvjeta is of the view that in order to make the classes more attractive, they should be offered as an integral part of the curriculum, even if that entails reducing the teaching to 2 – 3 classes per week. Furthermore, according to Prosvjeta, Model C classes should be introduced in schools situated in bigger towns and cities where there are a significant number of Serbs. During the on-the-spot visit, the Committee of Experts was informed of a joint effort by the Serbian association and the City of Rijeka to reintroduce Model C at a primary school in Rijeka. From the information gathered from different sources, the Committee of Experts gains the impression that the introduction of Model C for Serbian to some extent depends on the attitude of the individual principal of a school.

121. In its previous evaluation report (paragraph 87), the Committee of Experts considered that Model C was capable of satisfying this undertaking provided certain conditions were met, namely that there was sufficient teaching of the language and that it was an integral part of the curriculum. The authorities state in their fourth periodical report (paragraph 87) that Model C classes (language and culture of the minority) are taught in addition to regular classes, two – five hours per week.

122. The Committee of Experts understands the difficulties of organising Model C education within the current organisation of primary school education which is divided into two shifts. This means that there is limited capacity to organise the additional regional or minority language classes within the timetable of either shift. The Committee of Experts nevertheless encourages the Croatian authorities to offer Model C classes in a way that makes it attractive for children to attend them.

123. During the on-the-spot visit the Committee of Experts' attention was drawn to the fact that schools providing Model A education in Serbian have in some cases not been registered in accordance with the law, although one of the measures under the Action Plan (measure 2.14.) is to register primary education institutions for national minorities as provided by law in the Osijek-Baranja County and the Vukovar-Srijem County for the Serbian national minority. The Committee of Experts asks the Croatian authorities to provide information on this issue in the next periodical report.

124. The Committee of Experts considers that this undertaking is still fulfilled with regard to Czech, Hungarian, Italian and Serbian, and partly fulfilled with regard to Slovak, Ruthenian and Ukrainian.

Secondary education

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

125. In its third evaluation report (paragraphs 92 – 100), the Committee of Experts observed that the situation had not changed with regard to Slovak, Ruthenian and Ukrainian, meaning that there was no offer which met the requirement of this undertaking. It considered that the undertaking was fulfilled with regard to the Czech, Hungarian, Italian and Serbian languages, and not fulfilled with regard to the Slovak, Ruthenian and Ukrainian languages. The Committee of Experts encouraged the authorities to engage with the Hungarian-speakers with a view to improving access to Hungarian secondary education in Croatia. The Committee of Experts urged the Croatian authorities to at least introduce the teaching of the Slovak, Ruthenian and Ukrainian languages within secondary education. On the basis of the observations made by the Committee of Experts in its third evaluation report, the Committee of Ministers adopted the recommendation addressed to the Croatian authorities to **“introduce the teaching of Slovak, Ruthenian and Ukrainian in secondary education” [RecChL(2008)1].**

126. The fourth periodical report states that Slovak Model C classes have been repeatedly offered at the secondary schools in Ilok and Našice, but have not attracted any interest from the pupils. There are no Model C classes for Ruthenian and Ukrainian either, nor Model A or B education for these languages at secondary school level. According to the representative of the Ruthenian-speakers whom the Committee of Experts met during its on-the-spot visit, the only current possibility to attend a Ruthenian secondary school would be in Vojvodina/ Serbia.

127. As regards Model A education for Hungarian, Italian and Serbian, in 2008 there was a decline in the number of pupils, although in the meantime a Model B school for Serbian has been opened. The number of pupils attending the Model B school for Czech remained more or less stable between 2006 – 2008.

128. As for access to Hungarian secondary education, the Committee of Experts has been informed that school transport is currently partly subsidised for Hungarian pupils, as for all pupils in Croatia. If this is not an optimal solution, residential accommodation is provided.

129. There are new rules with regard to the matura state exams. According to the Ordinance on State Matura Exam (OG 97/08), every pupil attending upper secondary school has to take Croatian, English and Maths as obligatory subjects for the matura exam. The credits gained at least in these subjects are relevant for entering into university.

130. According to the information received during the on-the-spot visit, an agreement has been reached for the Italian, Hungarian and Serbian speaking pupils to take the exams in their respective language and in Croatian, and to choose between Maths or English. Concerning the Czech-speakers, it was agreed that pupils can choose whether they take the exam in the Czech language instead of English or Maths. This agreement was however not felt to be satisfactory, at least for the Italian-speakers since they expressed their concern that this would have disadvantages for entering universities. The Italian Union has started

negotiations with the Italian departments at universities in Zagreb, Zadar and Split to at least allow access to Italian studies with an Italian Matura exam.

131. The Committee of Experts asks the Croatian authorities to provide information in their next periodical report on the impact of the new rules governing the state matura exam and its implications for regional or minority language education, including access to higher education.

132. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled with regard to the Czech, Hungarian, Italian and Serbian languages. With regard to Slovak, the Committee of Experts understands that at present there is no demand for teaching in or of Slovak at secondary level. The Committee of Experts asks the Croatian authorities to provide information regarding the demand for teaching in or of the Ruthenian and Ukrainian languages at secondary level in the next periodical report.

Technical and vocational education

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

133. In its third evaluation report (paragraphs 101 – 103), the Committee of Experts was informed that there was no teaching of Czech, Slovak, Ruthenian and Ukrainian in technical and vocational education and considered the undertaking not fulfilled with regard to these languages.

134. From the information provided in the fourth periodical report (paragraph 129), it does not seem that any kind of education in or of Czech, Slovak, Ruthenian or Ukrainian is offered in technical and vocational education.

135. Therefore the Committee of Experts maintains its previous conclusion that the undertaking is not fulfilled with regard to these languages. The undertaking remains fulfilled with regard to Hungarian, Italian and Serbian.

University and higher education

e. ...

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

136. In its third evaluation report (paragraphs 104 – 110), the Committee of Experts noted a positive development with regard to the facilities for the study of Hungarian, Serbian, and Ukrainian, and the recognition of university diplomas obtained abroad. It was informed about negotiations with the University of Zagreb on opening a chair for Ruthenian. While welcoming this information, the Committee of Experts considered this undertaking still not fulfilled for Ruthenian and asked the Croatian authorities to report on this in their next periodical report.

137. The fourth periodical report (paragraph 123) states that there are no staff which would enable the establishment of a Ruthenian department at university. There is only a possibility in Novi Sad/ Serbia to study Ruthenian at university.

138. The Committee of Experts concludes that the undertaking remains not fulfilled with regard to Ruthenian and fulfilled with respect to the other languages. The Committee of Experts encourages the Croatian authorities at least to investigate about the possibility to provide support for Ruthenian-speakers in Croatia to study Ruthenian in Serbia or other countries, in co-operation with the speakers.

Adult and continuing education

f. ...

ii. **to offer such languages as subjects of adult and continuing education**

139. In its third evaluation report (paragraphs 111 – 113), the Committee of Experts considered the undertaking not fulfilled and urged the authorities to offer regional or minority languages as subjects of adult and continuing education and to report on the situation in the next periodical report.

140. The Croatian authorities state in their fourth periodical report (paragraphs 31 - 38) that national minority associations offer courses in minority languages for adults, both for those learners with prior knowledge of the language and for non-speakers. It seems that currently no courses are offered for Ukrainian or Ruthenian (see paragraphs 62 - 64 above).

141. In the light of the information received, the Committee of Experts considers the undertaking fulfilled except for Ukrainian and Ruthenian. It asks the Croatian authorities to provide information in their next periodical report about the offer of classes in/ of regional or minority languages in adult education centres.

Teaching of history and culture

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

142. In its third evaluation report (paragraph 115) the Committee of Experts considered the undertaking fulfilled with regard to minority education and not fulfilled with regard to mainstream schools.

143. In their fourth periodical report (paragraphs 124 and 41), the Croatian authorities refer to the Strategy for the Construction and Development of the National Curriculum which includes *inter alia* the respect for cultures and diversity, social integration and human rights. The Committee of Experts looks forward to receiving information on the adoption of the Framework National Curriculum and the content relevant to this undertaking in the next periodical report.

Basic and further training of teachers

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

144. In its third evaluation report (paragraphs 116 – 121), the Committee of Experts gained the impression that there was no coherent strategy for regional or minority language teacher training as such. It welcomed the establishment of expert educational advisers appointed by the Ministry of Education. However, they seemed to need more resources. The Committee of Experts was not in a position to conclude on this undertaking and asked for more precise information on teacher training in the next periodical report.

145. The University of Zagreb has a Department of Hungarology, which can serve as a basis for teacher training in Hungarian. According to the information received by a representative of the Czech-speakers during the on-the-spot visit, teacher training is organised through one-week seminars that take place in the Czech Republic. The fourth periodical report states that the Teacher Training Academy offered a Serbian programme which was however discontinued after 2006/ 07 due to lack of interest.

146. The fourth periodical report (paragraph 114) also mentions a number of seminars and meetings on professional development in minority languages. In 2008, ten seminars took place for Italian with 314 participants, eight for Czech with 226 participants, seven for Serbian with 200 participants, four for Hungarian with 152 participants and two for Slovak.

147. Finally, the authorities co-finance study leaves for teachers belonging to national minorities to their respective kin-states.

148. In its third evaluation report (paragraph 120), the Committee of Experts noted that in relation to Italian, the faculty in Pula/ Pola offered teacher training courses, some of which were financed by the Italian government through the Italian Association. State examinations for a teaching diploma were conducted through the medium of Croatian, including giving a class in Croatian. The representatives of the Italian-speakers expressed the view that this should be in Italian.

149. During the fourth on-the-spot visit the Committee of Experts was informed by representatives of the Italian-speakers that the above-mentioned state exam for future teachers has changed and is now carried out in Italian. However, this does not apply to the natural science subjects.

150. As for teacher training the superior consultant of Italian education informed the Committee of Experts that she organises teaching courses on a regional level in Istria and Rijeka, in co-operation with the Ministry of Education and the Italian Union.

151. As for developments concerning the educational advisers, the Committee of Experts refers to paragraphs 105 – 106 above.

152. In the current monitoring round, the Committee of Experts received information in particular with regard to further training. However, the Committee of Experts did not receive any information concerning Ruthenian and Ukrainian. The Committee of Experts considers the undertaking fulfilled with regard to further training, except for the Ukrainian and Ruthenian languages.

153. The information received is not sufficient for the Committee of Experts to draw a conclusion on basic training of teachers except for Italian where the undertaking is fulfilled. It would welcome more structured information in the next periodical report with regard to all other languages.

Article 9 – Judicial authorities

Paragraph 1

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

in criminal proceedings:

a. ...

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

...

iv. *to produce, on request, documents connected with legal proceedings in the relevant regional or minority language*

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

in civil proceedings:

b. ...

ii. *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;*

iii. *to allow documents and evidence to be produced in the regional or minority language*

if necessary by the use of interpreters and translations.

in proceedings before courts concerning administrative matters

c. ...

ii. *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense*

if necessary by the use of interpreters and translations

154. In its third evaluation report (paragraphs 124 – 125), the Committee of Experts observed that the situation had remained unchanged. It seemed that there was no practical use in courts of regional or minority languages other than Italian and possibly Hungarian. It concluded that the undertakings were formally fulfilled with regard to all languages, but only fulfilled in practice in relation to Italian. The Committee of

Experts encouraged the authorities to take measures to ensure that these undertakings were implemented in practice for all other regional or minority languages.

155. According to the fourth periodical report (paragraph 136 – 141), the Ministry of Justice ordered that bilingual signs on the buildings of courts be put up in those areas where a regional or minority language is in equal and official use. While the Committee of Experts welcomes this, it only seems to have been implemented in the County of Istria with regard to the Italian language (see paragraph 139).

156. According to the fourth periodical report, posters and brochures were produced in line with the *Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities* in order to raise awareness amongst the public of their right to use the minority language in court and to motivate speakers of minority languages to exercise their rights. In addition, according to the Action Plan, the implementation of the legislation governing these rights will be more closely monitored and supervised, mainly by the Ministry of Justice. The Action Plan foresees four supervisory inspections in the area of the county courts of Osijek, Bjelovar, Šibenik and Pula/ Pola, keeping a statistical record of the cases that were held in a regional or minority language, including when the right was waived in all judicial bodies of the first instance. The Action Plan also foresees consultations with court presidents on the implementation of the Act on the Use of the Language and Script of National Minorities in the Republic of Croatia.

157. During the on-the-spot visit the representatives of the Ministry of Justice confirmed that information brochures and awareness raising posters were sent to all relevant municipal courts, that inspections took place and that data was collected on the use of regional or minority languages in courts and on those cases where the right to use the language was waived by the speaker.

158. The fourth periodical report also states that three proceedings were held in Italian within the County of Istria in the first quarter of 2009. No other proceedings were held in other regional or minority languages, and according to the report there were no requests for such. According to the Action Plan, there is a decreasing trend with regard to the use of minority languages in court and administrative proceedings.

159. During the on-the-spot-visit the Committee of Experts received conflicting information on whether interpretation and translation costs in criminal proceedings are covered by the court also if the person in question is found guilty, and asks the Croatian authorities to clarify in the next periodical report whether a person found guilty has to pay for the interpretation and translation costs.

160. During the on-the-spot visit the Committee of Experts met with the president of the municipal court of Rovinj/ Rovigno who informed the Committee that the courts in Rovinj/ Rovigno and Pula/ Pola pursue a bilingual policy, meaning that communication in Italian and Croatian with the administration is possible and official stamps and forms etc. are bilingual. An interpreter is always available for court proceedings on request. The minutes of the meetings are kept in Croatian even if Italian is used. According to the president, there are about 100 cases per year where Italian-speakers appear before the court but many of these waive their rights to have the court proceedings conducted in Italian in order to avoid lengthening the time of the proceeding.

161. The Committee of Experts was also informed during the on-the-spot visit that the number of courts in Croatia has been reduced from 107 to 66. Since the court in Vrbovsko has been merged with another court in another city where Serbian is not in equal and official use, the Serbian-speakers are concerned that the Serbian language and Cyrillic script can no longer be used in that court. The Committee of Experts encourages the Croatian authorities to clarify this issue in the next periodical report, also with regard to the other regional or minority languages protected under Part III.

162. The Committee of Experts welcomes the measures carried out under the Action Plan and concludes that the undertakings are currently fulfilled with regard to Italian but only formally fulfilled for Czech, Hungarian, Ruthenian, Slovak, Serbian and Ukrainian.

Article 10 – Administrative authorities and public services

163. In its last evaluation report (paragraphs 126 – 131), the Committee of Experts noted that each regional or minority language, except for Slovak and Ukrainian, was in equal and official use in at least one municipality. The Committee of Experts also noted that the application of Part III of the Charter was not confined to those areas, but covered all areas where there was a traditional presence of the language and a sufficient number of speakers. However, it had been reported to the Committee of Experts that there were

municipalities where no Hungarian-speakers were employed despite Hungarian being in equal and official use. A general observation by the Committee of Experts was that implementation of Article 10 tended to be on a varied and ad-hoc basis. The Committee of Experts encouraged the Croatian authorities to adopt a structured and planned approach to the implementation of the Charter.

164. As mentioned in paragraphs 16 - 23 above, in their fourth periodical report, the Croatian authorities list the self-governments in which the regional or minority languages are in equal and official use.

165. The fourth periodical report (paragraph 142) refers to measures carried out following the *Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities* of 26 June 2008, which includes improving the monitoring of the implementation of language rights of persons belonging to national minorities and the dissemination of information brochures in this respect.

166. In more detail, the Action Plan foresees mainly monitoring and awareness raising activities with regard to improving the implementation of Article 10 of the Charter and carried out mainly by the Central State Office for Administration. These activities comprise the supervision of the implementation of acts and statutes governing the use of minority languages and scripts in the local and regional self-government units, training of local authorities on the use of minority languages, and organisation of four regional seminars on equal and official use.

167. According to the representatives of the Ministry of Public Administration that the Committee of Experts met during the on-the-spot visit, so far 20 controls of the harmonisation of acts and statutes governing the use of minority languages and scripts have been carried out. The regional seminars, however, were postponed to 2010 due to the local and regional elections in 2009, and their implementation depends on the financial resources available.

168. According to the representatives of the Hungarian-speakers that the Committee of Experts met during its on-the-spot visit, the overall situation for Hungarian has improved since the last monitoring round, especially in Osijek Baranja. Six statutes have been harmonised with the law, giving the Hungarian language the status of equal and official use in these units. The Committee of Experts welcomes this information. With regard to the other languages, the Committee of Experts has been informed that a number of statutes have still not been brought in line with the legislation, especially with regard to Serbian.

169. Addressing this issue to the representative of the Ministry of Public Administration during the on-the-spot visit, the Committee of Experts was informed that the Ministry carried out an analysis in April 2009 which confirmed that a number of statutes were not yet harmonised with the Constitutional Act. Furthermore, many of those statutes that were already harmonised needed to be redrafted in order to make the language regulations therein clearer. The Ministry plans to issue guidelines concerning the drafting of statutes.

170. Finally, the fourth periodical report (paragraph 10) mentions that in 2009, the governments of the municipalities, cities and counties ceased to exist. According to the 2007 legislation, the executive power is vested in the municipal prefects, town mayors and county prefects respectively. These are elected directly and are not members of the respective assemblies. Pursuant to the Constitutional Act on National Minorities and the Local and Regional Self-Government Act, national minority members have a right to be represented in the bodies of local and regional authorities. At least one member belonging to national minorities has to be elected in the local or regional assembly if a minority makes up at least 5% but less than 15% of the total population. If a minority makes up more than 15% of the total population it has to be represented proportionally. In that case they also have the right to a deputy mayor/prefect. These rights have to be regulated by statutes. During the on-the-spot visit, the Committee of Experts was informed that in those municipal, town and county authorities in which the head is a member of a national minority, the deputy must be a Croat. The Committee of Experts was not made aware of any problems in this respect.

171. The Committee of Experts encourages the Croatian authorities to pursue its efforts in ensuring that the statutes are in line with the Constitutional Act and are being implemented.

State authorities

Paragraph 1

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

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

172. In its third evaluation report (paragraphs 132 – 135), the Committee of Experts concluded that this undertaking was fulfilled for Italian and formally fulfilled for other languages, but only in respect of those areas where they were in equal and official use at the local government level. Conflicting accounts were given on the extent to which the county administration used regional or minority languages when fulfilling state functions. In other areas with a traditional presence of regional and minority languages and a sufficient number of speakers for the Charter to be applicable (as in Daruvar and Beli Manastir), it seemed not to be fulfilled, but the Committee of Experts lacked information to draw a conclusion. On the basis of the observations made by the Committee of Experts in its third evaluation report, the Committee of Ministers adopted the recommendation addressed to the Croatian authorities to “**take measures to ensure that the speakers can use in practice their regional or minority languages in relations with the relevant branches of the State administration**” [RecChL(2008)1].

173. According to the fourth periodical report (paragraph 161 – 165), state offices in the County of Istria have bilingual stamps, seals and name plates. During the on-the-spot visit, the Committee of Experts was informed that Italian is used orally in the Rovinj/ Rovigno state administration office. However, it seems that the use of Italian in most state administration offices is haphazard and only occurs if the individual civil servant happens to speak Italian. Furthermore, Italian does not seem to be used for written communication.

174. As for the other regional or minority languages, according to the information contained in the fourth periodical report (Chapter 4.4.1), it seems that almost none of the state administration offices use regional or minority languages. The authorities do not seem to take proficiency in regional or minority languages into account in their human resources policy, despite the fact that Article 22 of the Constitutional Act requires a representation of members of national minorities *inter alia* in state administration offices.

175. Based on the information gathered during this monitoring round, the Committee of Experts revises its conclusion concerning Italian and finds that the undertaking is partly fulfilled with regard to Italian. It remains formally fulfilled for the other regional or minority languages.

The Committee of Experts urges the Croatian authorities to take steps to ensure that the right of the speakers to use their regional or minority language in relations with the relevant branches of the State administration is secured in practice, for example by changing the human resources policy.

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

176. In its third evaluation report (paragraphs 136 – 137), the Committee of Experts considered the undertaking still only partly fulfilled since it had not been made aware of any administrative documents of state administration being made available in the relevant regional or minority languages on a systematic basis.

177. No concrete information is provided in the fourth periodical report with regard to this undertaking. The Committee of Experts therefore maintains its previous conclusion that the undertaking is only partly fulfilled.

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

178. In its third evaluation report (paragraphs 138 – 141), the Committee of Experts considered the undertaking partly fulfilled and requested the authorities to provide precise information in the next periodical report as to which documents are available in regional or minority languages, and which measures have been taken to inform the State administration and the public at large about the possibility to receive

documents in the respective regional or minority languages including, in the case of Serbian, in the Cyrillic script.

179. According to the information provided in the fourth periodical report (paragraphs 161 - 165), state administration offices in Istria issue documents in Italian on request. Based on this information and bearing in mind that there are bilingual signs in these offices, the Committee of Experts now finds this undertaking fulfilled in regard to Italian. With regard to the other languages, the Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It encourages the authorities to inform persons within the regional and local state administrations and the public at large of the possibility to issue documents in regional or minority languages.

Local and regional authorities

Paragraph 2

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

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

180. In its third evaluation report (paragraphs 142 – 148), the Committee of Experts considered the undertaking not fulfilled with regard to the Ukrainian and Slovak languages, but partly fulfilled in respect of the other regional or minority languages in the areas where they are in equal and official use. In other territories where regional or minority languages have traditionally been used by a sufficient number of speakers to be protected under Part III of the Charter, it appeared to be not fulfilled but the Committee of Experts lacked information to draw a conclusion.

181. The fourth periodical report (Chapter 4.4.2.) gives an account of the situation of the language regulations in many local governments where the respective language is in equal and official use. The Committee of Experts welcomes this information which enables it to better evaluate the situation in practice. From the information provided in the report and received during the on-the-spot visit, it seems that the actual use of regional or minority languages within the framework of local self-governments where the languages are in equal and official use varies considerably. With regard to regional authorities, it seems that only Istria County pursues a bilingual policy.

182. The Italian language is used to a larger extent within the framework of some local or regional governments in Istria. Hungarian seems to be used within the framework of the local authority to a certain degree in Bilje and Kneževi Vinogradi. With regard to Serbian, the Cyrillic script is used to some degree in the municipality of Borovo, Donji Lapac and to a lesser degree in Markušica municipality. During the on-the-spot visit, the Committee of Experts was informed of some use of Serbian Cyrillic script within Vojnić municipality. However, many of the municipalities do not use the regional or minority language in question due to financial constraints. It appears that the municipalities do not receive additional funding in order to cover the costs related to the use of the regional or minority languages.

183. As regards the Czech language, and as mentioned above (paragraph 48), the Czech language is now in equal and official use in certain settlements of the Town of Daruvar, as laid down in the town statute. However, it is not clear to the Committee of Experts how the equal and official use is implemented in practice. According to a representative of the Czech-speakers that the Committee of Experts met during its on-the-spot visit, the new statute has not been implemented so far.

184. The Committee of Experts considers the undertaking fulfilled with respect to Italian, partly fulfilled for Czech, Hungarian, Ruthenian and Serbian, and not fulfilled for Slovak and Ukrainian.

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

185. In its third evaluation report (paragraphs 149 – 157), the Committee of Experts considered the undertaking fulfilled with regard to Italian, not fulfilled with regard to Ukrainian and Slovak and partly fulfilled in relation to the other regional or minority languages. It noted that the practical implementation of this undertaking varied considerably from language to language and from area to area. The Committee of Experts encouraged the Croatian authorities to work towards creating an environment where people are

encouraged to use regional or minority languages in their dealings with local and regional authorities if they so desire.

186. In this respect the Croatian authorities refer in their fourth periodical report (paragraph 146) to the Action Plan according to which the following measures were envisaged: the implementation and supervision over the legality of the work, legal acts and statutes of local and regional self-government units which are obliged under the Constitutional Act to ensure the equal and official use of the minority language; improvement of the system of monitoring and analysis of the status concerning equal and official use in representative and executive bodies of local self-government; training of local and regional self-government members and local civil servants on the equal and official use; and the organisation of four regional seminars. The Committee of Experts asks the Croatian authorities to provide information in the next periodical report about the implementation of the initiatives mentioned in the Action Plan.

187. In the absence of information on any concrete initiatives carried out by the Croatian authorities, the Committee of Experts maintains its previous conclusion that the undertaking is fulfilled with regard to Italian, not fulfilled with regard to Ukrainian and Slovak and partly fulfilled in relation to the other regional or minority languages.

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

188. In its third evaluation report (paragraphs 158 – 160), the Committee of Experts concluded that the undertaking was fulfilled with regard to Italian and not fulfilled with regard to the other languages as there was no practical implementation of this undertaking except with regard to the Italian language in Istria County, although representatives of the Italian-speakers pointed out that the level of bilingualism was not always satisfactory.

189. During the fourth monitoring round, the Committee of Experts did not receive any new information that would lead to a revision of its previous conclusion that the undertaking is not fulfilled (except for Italian).

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

190. In its third evaluation report (paragraphs 161 – 166), the Committee of Experts considered the undertaking fulfilled for Italian, not fulfilled for Ukrainian and Slovak, and partly fulfilled in respect of the other languages. The Committee of Experts noted that the practical implementation of this undertaking varied considerably from language to language and from area to area. The Committee of Experts encouraged the Croatian authorities to work towards creating an environment where local authorities are encouraged to publish official documents in regional or minority languages.

191. The information provided in the fourth periodical report and also gathered during the on-the-spot visit, indicates that official documents in regional or minority languages are published in some cases. However, this appears not to be the regular practice for the majority of local authorities, except for those municipalities where Italian is in equal and official use. In particular the Serbian-speakers are uneasy about requesting the local authorities to publish official documents in the Serbian language and Cyrillic script, or the local authorities themselves seem to be uneasy about doing so, even if Serbs are in a majority.

192. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled for Italian, not fulfilled for Ukrainian and Slovak, and partly fulfilled in respect of the other languages.

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

193. In its third evaluation report (paragraphs 167 – 173), the Committee of Experts considered the undertaking fulfilled for Italian and partly fulfilled in respect of the other languages. It made no conclusion for Slovak. The Committee of Experts encouraged the Croatian authorities to initiate a consultation process with the regional or minority language speakers concerned on the local level on the use of bilingual place-names.

194. During the on-the-spot visit, the Committee of Experts was informed by the vice-president of Istria County of inconsistencies with regard to the use of bilingual road signs and addressed this issue to the Ministry of Transport. According to the current regulations, state road signs are only in Croatian, but some of the older signs are bilingual. Road signs that are governed by the municipality or the region must be bilingual if the language is in equal and official use.

195. As regards place names in the Serbian language and Cyrillic script, the Committee of Experts was informed during its on-the-spot visit by representatives of the Serbian-speakers of ongoing debates and resistance in Slavonia and Vukovar with regard to bilingual signage. The Committee of Experts was also informed by the Croatian authorities that a round table recently took place in Vukovar to address precisely this issue.

196. The Committee of Experts asks the Croatian authorities to clarify the situation concerning bilingual signs on state roads and to provide information on the development concerning place-names in the Cyrillic script. It considers that the undertaking remains fulfilled for Italian and partly fulfilled in respect of the other languages and cannot draw a conclusion with regard to Slovak.

Public services

Paragraph 3

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

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

197. In its third evaluation report (paragraphs 174 – 177), the Committee of Experts noted a slight improvement in relation to the actual use of regional or minority languages in the context of this undertaking, but considered it insufficient to amount to fulfilment. The Committee of Experts encouraged the Croatian authorities to establish a structured approach to the implementation of this undertaking, so as to ensure that the regional or minority languages are used in the provision of these services.

198. According to the information provided in the fourth periodical report (Chapter 4.4.3), the communication is "ensured" in Italian in Social Welfare Centres of Buje and Pula/ Pola, and in Czech in the Social Welfare Centre in Daruvar. However, the report does not further outline how this is carried out in practice. As regards other social welfare centres, according to the Croatian authorities, there has been no request by the speakers for the use of their language. The Committee of Experts has not received any information on the use of regional or minority languages in the provision of other public services.

199. The Committee of Experts considers that the undertaking remains not fulfilled.

The Committee of Experts encourages the Croatian authorities to take proactive measures to ensure that the regional or minority languages are used in the provision of the service.

Article 11 - Media

200. Chapter VI of the Action Plan aims among other things at achieving a greater media presence of the language and script of national minorities through more programmes in regional or minority languages on local and national radio and television stations. This shall be achieved mainly through an analysis of the current share of programming in regional or minority languages and through co-financing of television and radio programmes. These activities are mainly carried out by the Ministry of Culture, the Council for National Minorities and the Agency for Electronic Media.

Paragraph 1

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

a. ...

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

201. In its third evaluation report (paragraphs 179 – 189), the Committee of Experts concluded that the undertaking remained not fulfilled in relation to television programmes, except in relation to Hungarian for which it considered the undertaking to be fulfilled. As far as radio is concerned, the Committee of Experts considered the undertaking remained not fulfilled with regard to Serbian, Ukrainian and Ruthenian. The Committee of Experts encouraged the Croatian authorities to introduce a language-specific and more significant presence for regional or minority languages on public television. On the basis of the observations made by the Committee of Experts in its last evaluation report, the Committee of Ministers adopted the recommendation addressed to the Croatian authorities, to **“introduce a language-specific and more significant presence for regional or minority languages on public television and develop a presence on the regional radio stations also for those languages that do not yet benefit from it”** [RecChL(2008)1].

202. The television news magazine programme “Prizma” is broadcast in the regional or minority languages. Despite the fact that, as stated in the fourth periodical report, the programme has moved away from its folkloristic approach to a human rights approach and has received an award, during the on-the-spot visit the speakers of all regional or minority languages expressed once more their dissatisfaction with regard to this programme which in their view was inadequate in terms of broadcast length and content. In fact, the Croatian authorities themselves acknowledge in the same report that Prizma has “failed to respond fully to the requirements of minority associations” (paragraph 289).

203. The Croatian authorities also state in the fourth periodical report (paragraph 267 and 289) that a “cycle of TV programmes in minority languages entitled *Manjinski mozaik* (Minority mosaic) is soon to be launched” by the Croatian public broadcaster *Hrvatska radiotelevizija* (HRT). According to the information at the disposal of the Committee of Experts, this programme was launched shortly after the Committee of Experts’ on-the-spot visit and is broadcast on Sundays for 15 minutes before midday, mostly in the minority language, with subtitles in Croatian.

204. During the on-the-spot visit, the Committee of Experts was informed by representatives of the regional or minority language speakers that the funds granted for regional or minority language broadcasts through the Council for Electronic Media were in fact not always used for this purpose.

205. As regards public radio broadcasting, the Committee of Experts has not been made aware of any changes with regard to the Ukrainian or Ruthenian languages since the last monitoring round. However, there is a ten-minute weekly broadcast in Ruthenian and Ukrainian languages on private radio in Vukovar.

206. With regard to Serbian, the periodical report (paragraphs 292) states that Radio Knin FM broadcasts a Serbian religious orthodox programme. There are Serbian programmes also on several local private radio stations.

207. The Italian-speakers expressed the wish for more than the daily 30-minute radio broadcasting time on radios in Pula/ Pola and Rijeka.

208. The Committee of Experts considers that the undertaking remains not fulfilled with regard to television broadcasting, except for Hungarian for which it remains fulfilled.

209. It is not clear to the Committee of Experts if all the private radio broadcasters carry out a public service mission. Nevertheless, with regard to the total amount of radio broadcasting in regional or minority languages, the Committee of Experts considers that the undertaking is partly fulfilled for Ruthenian and Ukrainian and fulfilled for the other languages.

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

210. In its third evaluation report (paragraphs 190 – 193), the Committee of Experts considered the undertaking not fulfilled as, apart from one example, it was not informed of the existence of any audio or audiovisual works, nor of any specific funds or programmes targeted at producing such work.

211. The Croatian authorities mention in their periodical report the establishment of a new Audiovisual Centre. The Committee of Experts has not been informed of any audio or audiovisual productions in regional or minority languages financed by this centre, nor by any other body. It must therefore maintain its previous conclusion that the undertaking is not fulfilled.

e. ...

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

212. In its third evaluation report (paragraphs 194 – 197), the Committee of Experts concluded that the undertaking was not fulfilled with regard to Slovak, Ruthenian and Ukrainian, as the State funds were used for producing monthly magazines in Slovak, Ruthenian and Ukrainian which did not correspond to the definition of newspaper articles.

213. From the information provided in the fourth periodical report (paragraphs 301 – 308), no changes seem to have occurred with regard to this undertaking. The Committee of Experts therefore maintains its previous conclusion that the undertaking is not fulfilled with regard to Slovak, Ruthenian and Ukrainian.

Paragraph 3

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

214. In its third evaluation report (paragraphs 198 – 200), the Committee of Experts considered this undertaking not fulfilled. There are no laws or systems ensuring that the interests of users of regional or minority languages are represented in the Council for Electronic Media, the regulatory body responsible for the media.

215. According to the information at the disposal of the Committee of Experts, out of the seven members of the Council for Electronic Media, one of them is a member of a national minority. While welcoming this, it is unclear to the Committee of Experts how this representation is *ensured*. It therefore cannot draw a conclusion on the undertaking and asks the Croatian authorities to provide the relevant information in the next periodical report.

Article 12 Cultural activities and facilities

216. As mentioned in paragraph 50 above, the Croatian authorities have increased the state earmarked funds for the cultural activities of national minority associations.

Paragraph 1

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

...

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

217. In its third evaluation report (paragraphs 204 – 206), the Committee of Experts considered that the undertaking was still not fulfilled with respect to audio-visual works. It asked the Croatian authorities for further information in the next periodical report about the establishment of a Croatian Audiovisual Centre and its role with regard to audiovisual works in regional or minority languages.

218. In their fourth periodical report (Chapter 4.6.4.), the Croatian authorities state that the Croatian Audiovisual Centre was founded by the Government under the Audiovisual Activities Act (OG 67/07) with a view to supporting audiovisual productions in Croatia (see also paragraph 211 above).

219. However, the periodical report does not specify the role of the new Centre with regard to audiovisual works produced in regional or minority languages. The Committee of Experts asks the Croatian authorities to clarify this in their next periodical report.

Article 13 – Economic and social life

Paragraph 1

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

...

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

220. In its third evaluation report (paragraphs 207 – 208), the Committee of Experts was unable to conclude on this undertaking due to a lack of information. It took the view that in order to fulfil this undertaking some positive action was required by the authorities, such as awareness-raising and promotion of tolerance of regional or minority languages. The Committee of Experts requested information in the next periodical report about any such action taken by the Croatian authorities.

221. As mentioned in paragraphs 30 and 76 above, one chapter of the Action Plan is devoted to “Developing Tolerance to Diversity and Suppressing Discrimination” mainly through public events and discussions, and through an analysis of incidents motivated by national or religious hatred or intolerance. It also includes carrying out campaigns and creating brochures in order to combat prejudice and discrimination against national minorities, passing an act on suppressing discrimination and adopting a National Plan for the Suppression of All Forms of Discrimination 2008 – 2013. The Committee of Experts asks the Croatian authorities to provide information on the activities carried out, and on the implementation of the Anti-Discrimination Act.

Chapter 4 Findings of the Committee of Experts in the fourth monitoring cycle

A. The Committee of Experts appreciates the good co-operation it enjoyed with the Croatian authorities, in particular with regard to the organisation of the fourth on-the-spot visit and the information provided during the visit as well as the continued positive climate of dialogue. Also, the Committee of Experts notes with satisfaction that the Croatian authorities have responded to the information requested by the Committee of Experts on the whole comprehensively in the fourth periodical report. This improved communication reflects a better climate for regional or minority language protection in Croatia, as a result of the Croatian authorities' long-term policy.

B. In these terms, the Committee of Experts commends the Croatian authorities for adopting an *Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities* in June 2008 with a view to improving *inter alia* the protection and promotion of regional or minority languages in several different domains of public life. However, the Action Plan was not distributed among the representatives of the minority language speakers, and many measures of the comprehensive and ambitious Action Plan have not yet been implemented.

C. As regards the territorial scope of application of the Charter, the Croatian authorities during this monitoring round have listed all self-governments where the regional or minority languages are in equal and official use. The percentage of speakers in over half of these self-governments is less than a third of the total population, which shows that the flexible approach to minority language protection is being applied in practice and the Committee of Experts finds that the application of these regulations comes closer to the requirements of the Charter (i.e. "the number of residents who are users of regional or minority languages justifies the measures"). In this context it welcomes the fact that the equal and official status has been granted to the Czech language in parts of the Daruvar municipality. Despite this overall development, the Slovak and Ukrainian languages still do not benefit from many Part III undertakings since there are no municipalities where these languages are in equal and official use.

D. As regards the implementation of legislation concerning regional or minority languages, the Committee of Experts notes that progress is overall slow.

E. Progress has been achieved in the field of education, where education laws have been amended in order to be harmonised with the minority acts. The role of the education advisors has been strengthened through further appointments. Some progress has been made with regard to further teacher training and textbooks, although problems remain with timely translation of some textbooks. Model C education remains unsatisfactory in many respects. It is not taught as an integral part of the curriculum and there have been reported difficulties of introducing Model C classes for Serbian in some areas in Croatia. With regard to the Italian language, there are some open questions with regard to the matura state exam, especially in the context of entrance to university. The situation with regard to Slovak, Ukrainian and Ruthenian in education has not improved; there is still no education in these languages at pre-school and secondary school level.

F. As regards the judiciary field, in practice only the Italian language is used in courts and only in a very few cases. The Ministry of Justice has produced and distributed brochures and posters to encourage regional or minority language-speakers to use their language in court proceedings.

G. In the field of administration, the use of regional or minority languages in state administration bodies and in public services remains on the whole unsatisfactory. In municipalities where regional or minority languages are in equal and official use, the situation varies to a large degree from equal use with Croatian to only emblematic use. In some cases, the Committee of Experts still lacks information to fully assess the situation. There exist particular problems linked to the use of Serbian and in particular the Cyrillic script in some municipalities, including putting up bilingual signs. It has been reported that Serbian-speakers have refrained from using Serbian and the Cyrillic script because of fear of resentment.

H. Concerning the media, there are some minor developments with regard to television with a very recent new television programme in regional or minority languages which will be assessed in more detail during the next monitoring round. Regarding radio broadcasting, the situation seems overall satisfactory, except with regard to Ruthenian and Ukrainian.

I. With regard to the Slovenian language, the Croatian authorities have confirmed that Slovenian is a language traditionally used in Croatia. The Committee of Experts welcomes the support given for this language.

J. Istro-Romanian is a highly endangered language spoken in Croatia by approximately 200 – 250 mostly elderly speakers. The Croatian authorities need to continue its support towards this language in order for it to be preserved.

K. A number of the measures mentioned in the 2008 Action Plan would promote mutual understanding between members of the Croatian majority and speakers of the minority languages. There is still a need to promote mutual understanding between the different language groups in Croatia. It is however unclear to what extent the activities mentioned in the Action Plan will in fact be implemented.

L. Even though Roma are a recognised national minority in Croatia, and are afforded a degree of protection, the Roma languages do not enjoy the protection under the Charter.

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

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

At its 1101st meeting on 8 December 2010, the Committee of Ministers adopted its Recommendation addressed to Croatia, which is set out in Part B of this document.

Appendix I: Instrument of Ratification of the Republic of Croatia



Croatia :

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

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

Period covered: 01/03/98 -

The preceding statement concerns Article(s): 7

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

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

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

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

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

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

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

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

- Article 14.

Period covered: 01/03/98 -

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

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

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

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

Period covered: 01/03/98 -

The preceding statement concerns Article(s): 1



GOVERNMENT OF THE REPUBLIC OF CROATIA

**RESPONSE OF THE REPUBLIC OF CROATIA TO THE FOURTH REPORT
OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL
OR MINORITY LANGUAGES
BY THE REPUBLIC OF CROATIA**

ZAGREB, September 2010

The Government of the Republic of Croatia welcomes the adoption of the Fourth Report of the Committee of Experts on the Application of the European Charter for Regional or Minority Languages by the Republic of Croatia, and expresses its satisfaction with the findings of the Committee of Experts, which, inter alia, mentioned good cooperation between the Committee and the Croatian authorities, and continued positive climate of dialogue, and which noted with satisfaction that the Croatian authorities had responded to the information requested by the Committee of Experts on the whole comprehensively in the fourth periodical report.

The Government of the Republic of Croatia particularly appreciates the finding of the Committee of Experts that the improved communication reflects a better climate for regional or minority language protection in Croatia, as a result of the Croatian authorities' long-term policy.

The Croatian Government once again expresses its full commitment to further improve the fulfilment of contractual undertakings from the Charter for Regional or Minority Languages, as well as to continue and improve national policies for the promotion and protection of linguistic rights of national minority members on all levels, and the objective and constructive conclusions and evaluations presented in the fourth report by the Committee of Experts will certainly provide an important contribution to this.

Responses and comments of the Croatian Government to individual findings and evaluations from the Fourth Report by the Committee of Experts on the Application of the European Charter for Regional or Minority Languages by the Republic of Croatia are presented below.

Responses and comments of the Croatian Government on the Committee of Experts' evaluation in respect of Parts II and III of the Charter according to the paragraphs of the Report

Chapter 1 Background information

6.

With regard to the evaluation of the Committee of Experts, and in order to eliminate any ambiguity regarding the status of Slovenian, we state that the Republic of Croatia acknowledges traditional (but not territorial) presence of Slovenian on its territory. In this respect, Slovenian enjoys protection and support under the Constitutional Act on the Rights of National Minorities and other positive regulations (which the Committee of Experts in fact welcomes in its Conclusions - Chapter 4, section 4.1., paragraph I). Based on this fact, the Croatian Government provided information on Slovenian in this monitoring round, as is indicated by the

Committee of Experts in the evaluation in respect of Part II of the Charter (paragraph 43), without addressing the issue of whether Slovenian qualifies for protection under Part III of the Charter.

15.

With regard to the next census, we state that the Croatian Parliament adopted the Act on Census in the Republic of Croatia (Official Gazette 92/2010) on 15 July 2010. The census will be conducted in the period from 1 April to 28 April 2011. We must note that answers provided during the Census will, in line with the provision of Article 8 of the said Act, be entered in the Croatian language and Latin script, and that national minority members will be entitled to insight into samples of the Census Form ("*Popisnica*") and the Questionnaire for Households in their languages and scripts. Census commissions and groups registering the population will, inter alia, comprise national minority members.

Chapter 2 Conclusions of the Committee of Experts on how the State authorities have reacted to the recommendations of the Committee of Ministers (RecChL(2008)1)

29. and 30.

With regard to measures from the Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities concerning the media and developing tolerance to diversity and suppressing discrimination, we state that the Office for National Minorities of the Croatian Government, in cooperation with the Council for National Minorities of the Republic of Croatia and the Faculty of Political Sciences in Zagreb, organised a workshop entitled "The Media and National Minorities in Croatia" in Opatija from 12 February to 14 February 2009. The workshop was attended by electronic media and press journalists from Zagreb, Osijek, Daruvar and Karlovac. It was emphasized in the recommendations and guidelines for reporting on minority topics that the representation of minorities in the daily press and in news and information programmes should be improved. The aim of the programme was to raise sensitivity of journalists and editors when dealing with topics and events related to members of national minorities. It was a way to warn about the need to reduce stereotypes and prejudice against national minorities, especially the Roma. The seminars are going to be organised in the future as well, twice a year.

With a view to overcoming prejudice against national minorities, especially the Roma, and preventing all discrimination forms, the Republic of Croatia joined the Council of Europe campaign "Dosta!" on 29 July 2008. The goal of the campaign is to fight discrimination against the Roma national minority across Europe. The decision for the Republic of Croatia to join this campaign was taken by the Commission for Monitoring the Implementation of the National Programme for the Roma. In line with the recommendation of the Council of Europe and undertakings assumed by the Republic of Croatia as a member of the said campaign, in 2009, the Office for National Minorities, in cooperation with the association "Fade In" from Zagreb, designed and financed a TV ad promoting the campaign, which was broadcast on the Croatian Television.

At the session held on 11 June 2010, related to the application of the provisions of Articles 17 and 18 of the Constitutional Act on the Rights of National Minorities, the Council for National Minorities of the Republic of Croatia adopted a conclusion, based on the Analysis of representation of national minorities on Croatian Television and Croatian Radio channels and local television and radio stations in the Republic of Croatia, on insufficient representation of national minorities on Croatian Radio and Television channels in terms of implementation of the provisions of Article 18 of the Constitutional Act on the Rights of National Minorities and provision of Article 5 of the Croatian Radio and Television Act.

Furthermore, for the purpose of full implementation of the said provisions, that is, with a view to improving the quality of communication, provision of information, opinions and proposals on the programmes intended for national minorities, the Croatian Radio and television was invited to deliver to the Council for National Minorities semi-annual reports on programmes and features about members of national minorities.

Chapter 3. The Committee of Experts' evaluation in respect of Parts II and III of the Charter

82. and 83.

With regard to the evaluation of the work and functioning of national minority councils, we state that the Croatian Government adopted a Decision on the financing of national minority councils and representatives in economically less developed territories, i.e. local and regional self-government units, with a view to improving the work of national minority councils and representatives. For those purposes, financial resources were allocated in 2009 to 94 councils and 52 representatives in the amount of HRK 4,000 for the programme of each council and HRK 1,500 for the programme of each national minority representative. The resources above could be used to implement the programmes of national minority councils and representatives, and to cover material costs thus incurred. Resources were allocated to 62 councils and 18 representatives of the Serbian national minority, 9 councils and 8 representatives of the Hungarian national minority, 6 councils and 5 representatives of the Roma national minority, 2 councils and one representative of the Slovak national minority, and to one council and 4 representatives of the Ukrainian national minority. A total of HRK 454,000 was spent on the implementation of the said Decision.

93. – 153.

As regards the implementation of undertakings from Article 8 (Education), we state the following:

Since the on-the-spot visit of the Committee of Experts in April 2010, further steps were undertaken to improve the application of the Charter, which, inter alia, refer to recommendations 3. and 4. as proposed by the Committee of Experts to the Committee of Ministers of the Council of Europe:

In July 2010, the *National Framework Curriculum for Preschool Education, General Compulsory and Secondary School Education* was adopted, containing elements referring to development of respect towards languages, history and culture of national minorities as an integral part of Croatian cultural heritage, that is, respect for all ethnic groups living in the Republic of Croatia.

The content of history promotes recognition and appreciation of the influence of national minorities and other European nations on the formation of the Croatian society and culture, while the minority rights concept is envisaged within a wider concept of learning about the political system, democracy and human rights in the context of multiculturalism. In addition, traditional and regional culture is envisaged as a special module which includes national minority cultures within the field of art.

National minority language and culture classes (Model C) have become an integral part of the regular curriculum in primary and secondary schools, that is, national minority languages and cultures are indicated in the pedagogical documentation on an equal footing with other subjects, in accordance with Article 72 paragraph 7 of the Primary and Secondary Education Act. Taking into account the particularities of shift work in a larger number of schools, and bearing in mind a large number of commuting pupils, the possibility of learning a minority language and culture from two to five hours a week provides maximum flexibility. The information system network of all schools enables direct entry of grades from national minority language and culture classes, regardless of whether a pupil is a regular pupil of the school where national minority and culture classes are held. It is namely due to a small number of pupils interested in learning a national minority language and culture that the classes are organised for pupils from several schools in one of the schools which is optimally accessible to all interested pupils.

In July 2010, the Ministry of Science, Education and Sport informed all relevant associations and representatives of the Serbian community in Croatia (Joint Council of Municipalities in Vukovar, councils and representatives of the Serb national minority in counties and the Serbian Cultural Society "Prosvjeta" with its branches, representatives of the Serbian national minority in the Croatian Parliament) that all requests for the introduction of classes in the Serbian language and Cyrillic script which were submitted to the Ministry for approval were decided positively, and that Serbian minority associations should deliver data at their disposal on the number of pupils attending Serbian language and culture classes under Model C, in order to compare the methodology of data collection.

For the beginning of the academic year 2010/2011, all schools holding classes in the languages and scripts of national minorities have been provided with bilingual pedagogical documentation (application forms for

secondary school and residential accommodation, exam applications and pass certificates, enrolment form for secondary school, entry form for residential accommodation, etc.)

As stated in the fourth report, there has been a rise in the number of primary school pupils attending Ruthenian language and culture classes. According to our indicators, the coverage is optimal (3 teachers working with 72 pupils in 2 villages, i.e. 2 schools). Dispersion of the few Ruthenian pupils in secondary schools, coupled with their lack of motivation to learn Ruthenian, is blocking the efforts of school authorities to introduce Ruthenian language classes in secondary education. School authorities are ready to support all initiatives which include staffing arrangements, but the Ruthenian minority community needs to step up its efforts for any progress to be achieved. This includes the provision of Ruthenian language courses for adults.

As regards Ukrainian language classes, the number of students has been decreasing despite the secured staff (2 teachers working with 11 pupils in 2 villages). It is impossible to make progress without the help of the Ukrainian community. As reported, the Ukrainian community has undergone reorganisation and we expect a proactive approach when it comes to promoting Ukrainian language and culture learning, including adults, as requested by the Committee of Experts.

Slovak language learning has been on the rise, and even pupils not belonging to the Slovak minority have shown interest (526 pupils, 7 teachers in 11 schools). Given the efforts of the Union of Slovaks, a positive development is expected in Slovak language and culture learning in secondary schools, that is, it is expected that pupils will be motivated to learn the Slovak language and culture.

Pre-school education in rural areas is an issue of local community resources, regardless of the ethnicity of children, so practical possibilities for ensuring preschool education in minority languages need to be considered in every village, which is again impossible without partnership with the relevant minority community.

Croatian educational policy includes full and long-term commitment to the exercise of the national minority right to education in the languages and scripts of national minorities, which includes minority language and culture learning, with full application of Article 8 of the European Charter for Regional or Minority Languages forming an integral part of the policy.

154.

Regarding the use of minority languages in courts, as indicated in the Fourth Report on the Application of the Charter, the Ministry of Justice has produced posters and brochures aimed at raising awareness and familiarising the public with the right to use minority languages in court, and encouraging minority language speakers to exercise their rights, for the purpose of implementation of the Act on the Use of the Languages and Scripts of National Minorities. In territories where national minorities are represented, courts and public notaries are obliged to enable a national minority member to use his/her language in court proceedings. However, members of national minorities mostly waive that right and court proceedings are then conducted in the majority i.e. Croatian language.

159.

Regarding the statement about conflicting information on whether interpretation and translation costs in criminal proceedings are covered by the court if the person in question is found guilty, we emphasise that the court covers the said costs in any case, regardless of whether the person belonging to a national minority is found guilty or acquitted. If the person in question is found guilty, he/she must cover the cost of court proceedings, which, however, does not include interpreting and translation costs.

161.

With regard to the indication that due to the merging of the Municipal Court in Vrbovsko with another court, i.e. the Municipal Court in Ogulin, there is a concern that members of the Serbian national minority will not be able to use their language and script, we state that, pursuant to the decision establishing Permanent Services, the former Municipal Court in Vrbovsko has now been reorganised as a Permanent Service of the Municipal Court in Ogulin, and that Serbian national minority members will be able to continue using their language and script in the Permanent Service in Vrbovsko. Therefore, there is no reason for concern that Serbian national minority members could be deprived of their right to use their language and script.

162.

As regards the indication of the Committee of Experts that the undertakings under the Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities are currently fulfilled with regard to Italian, but only formally fulfilled for Czech, Hungarian, Ruthenian, Slovak, Serbian and Ukrainian, we maintain that the fulfilment of undertakings for the said languages is not merely formal. We believe that it was precisely through the publication of information brochures and posters aimed at raising awareness and familiarising the public with the right of minority language use in court that the message was conveyed to all national minority members that they can use national minority languages and scripts in court proceedings. However, it is up to a minority member to decide whether he/she wants to address the court in the minority or majority (i.e. Croatian) language.

167. – 169., 177., 179.

As regards the procedures for harmonising the statutes of self-government units with legal provisions stipulating the conditions for the regulation i.e. exercise of equal official bilingualism in self-government units, we state that, during May and June 2010, the Ministry of Public Administration delivered a measure from the Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities concerning the organisation of four regional lectures and consultations, that is, education of local civil servants and newly elected executive officials on the exercise of the right to equal official use of minority language and scripts at the local and regional self-government levels. The seminars above were held in Topusko, Bizovac, Zadar and Pula. In the forthcoming period, the Ministry of Public Administration will continue to conduct regular and, if needed, targeted administrative supervision over the harmonisation of the statutes of self-government units with provisions of the Constitutional Act on the Rights of National Minorities, and to monitor and supervise the exercise of linguistic rights of national minority members in practice.

In mid-2010, the Ministry of Public Administration also started the implementation of a measure from the said Action Plan concerning the development of instructions for ensuring efficient application of the Act on the Use of the Languages and Scripts of National Minorities in the Republic of Croatia. The instructions, that is, procedural guidelines are planned to be sent to the central state administration bodies, state administration offices in the counties, local and regional self-government units and legal persons vested with public authority in the fourth quarter of 2010.

As regards the statement of the Committee of Experts that it was not made aware in the Fourth Report by the Republic of Croatia of any administrative documents of state administration being made available in the relevant regional or minority languages on a systematic basis, we state that information is indeed provided in the said report on ID cards issued to national minority members, which are filled out in both Croatian and Latin script, and the relevant minority language and script. Furthermore, information was provided on bilingual certificates issued by the Ministry of the Interior upon the request of a party, certifying facts contained in the official records kept by the said Ministry.

194.

Regarding the information on inconsistencies in the use of bilingual road signs in the County of Istria, we would like to note that, in July 2010, the Ministry of Public Administration, upon the request of the Ministry of the Sea, Transport and Infrastructure, and in line with regulations in force, delivered a statement concerning the consistent use of bilingual traffic signalisation on the territory of the Istria County, in both Croatian and Italian languages.

200. – 219.

With regard to the fulfilment of undertakings from Article 11 (Media) and Article 12 (Cultural activities and facilities), we state the following:

In the media field, Agency for Electronic Media operates as an independent regulatory body. Under the Electronic Media Act (Official Gazette 153/09), the Fund for the Promotion of Pluralism and Diversity of Electronic Media was established within the said Agency. Resources of the Fund are used to encourage the production and broadcasting of electronic media programmes of public interest at the local and regional levels, which are particularly significant, inter alia, for national minorities in the Republic of Croatia. The Council for Electronic Media also adopted the Ordinance on the manner and procedure of the implementation of public tenders for co-financing programmes with resources from the Fund for the Promotion of Pluralism and Diversity of Electronic Media, criteria for allocation of the resources and on the monitoring of expenditure and the realisation of programmes for which resources have been allocated (OG

16/08). Public tender procedures for the allocation of resources from the Fund for the Promotion of Pluralism and Diversity of Electronic Media are carried out in accordance with the above regulations, with resources also being allocated to content providers for the production of programmes catering for national minorities. The Fund is important for national minorities in the Republic of Croatia, since one of the criteria for allocation of funds is the production and broadcasting of content for national minorities. Production and broadcasting of programmes for national minorities are thus promoted.

The establishment of the Croatian Audiovisual Centre opened the possibility for better quality financing of audiovisual works in national minority languages. Among the main activities of the Centre is the promotion of values and measures which are important for the protection of children and youth, gender, racial and minority equality. As stated in the Fourth Report by the Republic of Croatia on the Application of the Charter, the Croatian Audiovisual Centre implements the National Programme of the Promotion of Audiovisual Creativity, and allocates resources for the promotion of audiovisual and complementary activities by way of public tender.

Within the implementation of other measures undertaken to ensure a recognizable presence of minority languages in the media, the Croatian Government and the Croatian Radio and Television concluded an Agreement on the production and broadcasting of programmes intended for informing national minority members in the Republic of Croatia. The said Agreement regulates the rights and obligations related to the production and broadcasting of programmes intended for informing members of national minorities in the Republic of Croatia, as continuous tasks of public television.

In conclusion, we state that, in June 2010, the Croatian Parliament adopted the Amendments to the Constitution of the Republic of Croatia (OG 76/2010). Instead of the former 10 autochthonous national minorities, the names of all 22 national minorities in the Republic of Croatia are now explicitly mentioned in the Historical foundations of the Constitution.

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

*COUNCIL OF EUROPE
COMMITTEE OF MINISTERS*

Recommendation RecChL(2010)8 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Croatia

*(Adopted by the Committee of Ministers on 8 December 2010
at the 1101st meeting of the Ministers' Deputies)*

The Committee of Ministers,

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

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

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

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

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

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

1. continue efforts to promote awareness and tolerance vis-à-vis the regional or minority languages and the cultures they represent as an integral part of the cultural heritage of Croatia, both in the general curriculum at all stages of education and in the media;
2. take measures to ensure that speakers can use in practice their regional or minority languages in relations with the relevant branches of the State administration;
3. improve the system of regional or minority language education to make it more easily accessible;
4. strengthen, and where relevant, introduce the teaching of Slovak, Ruthenian and Ukrainian at all appropriate stages of education in co-operation with the speakers;
5. continue efforts to introduce equal and official use of regional or minority languages in those areas where there is a sufficient number of speakers, and to ensure the implementation of local self-government statutes, if necessary with appropriate assistance.