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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN CROATIA**

**5th monitoring cycle**

- A. Report of the Committee of Experts on the Charter**  
(adopted on 24 September 2014)
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Croatia**  
(adopted on 15 April 2015)

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 improving its legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned. The periodical report shall be made public by the State in accordance with Article 15, paragraph 2.

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

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

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

adopted by the Committee of Experts on 24 September 2014  
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 in Croatia on 1 March 1998. The instrument of ratification is set out in Appendix I of this report.

2. Article 15.1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers. The Croatian authorities presented their fifth periodical report to the Secretary General of the Council of Europe on 17 January 2014.

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

3. This fifth evaluation report is based on the information obtained by the Committee of Experts from the fifth periodical report by Croatia as well as through meetings held with representatives of the minority language speakers in Croatia and with the Croatian authorities during the on-the-spot visit, which took place on 11-13 June 2014. In addition, the Committee of Experts has received several statements pursuant to Article 16.2 of the Charter from associations legally established in Croatia and has referred to them in the report.

4. In the present fifth evaluation report, the Committee of Experts will focus on the provisions and issues under both Part II and Part III which were singled out in the fourth evaluation report as raising particular problems. It will evaluate, in particular, how the Croatian authorities have followed up the observations and recommendations made by the Committee of Experts and the recommendations made by the Committee of Ministers. The Committee of Experts will also look at new issues detected during the fifth monitoring round.

5. The present report contains detailed observations and recommendations which the Croatian authorities are urged to take into account when developing, implementing and reviewing their policy on regional or minority languages. On this basis, the Committee of Experts has also established proposals for recommendations to be addressed to Croatia by the Committee of Ministers, as provided in Article 16.4 of the Charter.

6. The fifth periodical report submitted by Croatia covers the period from 2009-2012. This evaluation report is based on the political and legal situation prevailing at the time of the Committee of Experts’ on-the-spot visit to Croatia in June 2014. It was adopted by the Committee of Experts on 24 September 2014.

### **1.3 Presentation of the regional or minority language situation in Croatia: update**

#### *1.3.1 Withdrawal of Croatia’s reservation to Article 7.5*

7. When ratifying the Charter in 1997, Croatia made a reservation to Article 7.5. This is the only reservation of this kind that a State Party has ever made to the Charter. The Croatian authorities subsequently specified that they considered the Roma languages<sup>1</sup>, German and Slovenian as non-territorial

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<sup>1</sup> For the concept of “Roma languages”, see paragraph 12 below

languages and thus covered by the reservation.<sup>2</sup> The reservation resulted in the exclusion of traditionally used languages from protection under the Charter which have more speakers than some Part III languages, enjoy a high degree of recognition under national legislation and are promoted by the authorities. Bearing in mind the generally very positive attitude of the Croatian authorities regarding minority language promotion, the Committee of Experts, the Commissioner for Human Rights and other representatives of the Council of Europe encouraged Croatia to withdraw the reservation.<sup>3</sup>

8. Moreover, during the previous monitoring cycles, the Committee of Experts received information indicating that some languages covered by the reservation are actually territorial languages in the sense of the Charter.<sup>4</sup> The Committee of Experts therefore specified that the reservation did not validly exclude a language from protection under Part II if there were definable areas where that language has a traditional presence.<sup>5</sup> In light of the Explanatory Report of the Charter and the Committee of Experts' evaluation practice, a language has territorial features if, for example, a significant part of the given minority lives in a particular area, this minority has founded settlements, local place names in the minority language have developed, and the number of speakers in a particular area is sufficient to apply Charter provisions (e.g. to set up a minority language class).<sup>6</sup>

9. Concerning *Slovenian*, the Committee of Experts received statements from representatives of the speakers in previous monitoring cycles indicating a traditional presence of this language in Croatia as a territorial language in areas bordering Slovenia. On the basis of these statements and official information confirming that Slovenian is traditionally present in Croatia, the Committee of Experts concluded in 2008 that Slovenian is a language that qualifies for protection under Part II.<sup>7</sup> In 2010, the Committee of Experts also concluded that *Istro-Romanian*, to which the Croatian authorities do not apply the reservation, was a (territorial) regional or minority language entitled to protection under Part II.<sup>8</sup>

10. In 2013, the Croatian authorities informed the Council of Europe that they would implement the Committee of Experts' recommendation to withdraw the reservation. According to the fifth periodical report and information received from the authorities during the on-the-spot visit, the related national procedure is still underway. The withdrawal of the reservation will result in the application of Part II to the Roma languages, German and Slovenian. The Committee of Experts commends the Croatian authorities on this very positive step taken in the spirit of the Charter.

11. As far as the Roma languages are concerned, the Committee of Experts underlined, during the previous monitoring cycles, that the Roma are a recognised national minority in Croatia and that the authorities do promote the Roma languages. Against this background, the Committee of Experts has encouraged Croatia to apply Part II to the Roma languages.<sup>9</sup> During the on-the-spot visit in 2014, all Roma associations welcomed the news that Croatia would withdraw its reservation to the Charter. Contrary to Slovenian, the Committee of Experts has not received any information from the *Romani* speakers indicating that their language would be a territorial language in Croatia.

12. The concept of "Roma languages" used in Croatia concerns not only the Romani-speaking Roma, but also the Boyash who speak old varieties of Romanian.<sup>10</sup> Although the Boyash do not usually consider themselves as Roma, do not speak Romani and are more settled than the Roma, they are perceived by the majority population as Roma and are partly organised in associations of the Roma national minority. All

<sup>2</sup> 1<sup>st</sup> evaluation report on Croatia, ECRML(2001)2, paragraph 27; 2<sup>nd</sup> evaluation report, ECRML(2005)3, paragraph 49, Finding I

<sup>3</sup> 2<sup>nd</sup> evaluation report, ECRML(2005)3, paragraph 14; 4<sup>th</sup> evaluation report, ECRML(2010)9, paragraph 86; Report by the Commissioner for Human Rights of the Council of Europe, CommDH(2010)20, paragraph 150

<sup>4</sup> 1<sup>st</sup> evaluation report, ECRML(2001)2, paragraph 28

<sup>5</sup> 4<sup>th</sup> evaluation report, ECRML(2010)9, paragraph 85

<sup>6</sup> See "The concept of 'territorial language' in the European Charter for Regional or Minority Languages and in light of the Committee of Experts' evaluation practice", Ad-hoc Opinion, 5<sup>th</sup> meeting of the Ad-hoc Committee of Experts on Roma Issues, 14-16 May 2013, MIN-LANG(2013)26. The Explanatory Report states that "territorial languages [are] languages which are traditionally used in a particular geographical area" (paragraph 33), "historically identified with a particular geographical area of the state" (paragraph 76) and "have [a] precise territorial base" (ibidem). In its evaluation practice, the Committee of Experts has, for example, considered Ruthenian in Hungary a territorial language because most persons belonging to the small Ruthenian minority are concentrated in a few places and because its speakers are "territorially rooted" and "historically settled ... in ... distinct settlements", see 1<sup>st</sup> evaluation report on Hungary, ECRML(2001)4, paragraphs 19, 24, 26; 2<sup>nd</sup> evaluation report on Hungary, ECRML(2004)5, paragraph 24. See also Robert Dunbar: Article 7, in: Nogueira López, A./Ruiz Vieytez, E. J./Urrutia Libarona, I. (eds.): Commentary on the European Charter for Regional or Minority Languages in light of the Committee of Experts' evaluation, Council of Europe 2012, pp. 237-239

<sup>7</sup> 2<sup>nd</sup> evaluation report, ECRML(2005)3, paragraph 50, Finding I; 3<sup>rd</sup> evaluation report, ECRML(2008)1, paragraphs 45, 235, Finding K

<sup>8</sup> See 4<sup>th</sup> evaluation report, ECRML(2010)9, paragraphs 11, 42. According to representatives of the speakers, Istro-Romanian has been traditionally present in Istria and is used by 120-150 people in about twelve villages.

<sup>9</sup> 4<sup>th</sup> evaluation report, ECRML(2010)9, paragraph 86

<sup>10</sup> See 1<sup>st</sup> evaluation report on Hungary, ECRML(2001)4, paragraphs 13, 19

Boyash and Roma representatives with whom the Committee of Experts met during the on-the-spot visit estimated that a clear majority of the group referred to as Roma in Croatia are in fact Boyash.

13. The Boyash are traditionally concentrated in the Međimurje county as well as in Baranja, which borders Baranya in Hungary where the related *Béas* language is a territorial language covered by the Charter. Unlike *Béas*, the Romanian varieties spoken by the Boyash in Croatia are not codified. Accordingly, the Boyash in Baranja, Boyash associations and linguists refer to the language of this group as *Romanian*. In Međimurje, the expression “language of the Boyash” is also used. In order to employ an integrative name, the Committee of Experts will refer to the language spoken by the Boyash in Croatia as *Boyash Romanian*, a term also used by linguists.

14. *Boyash Romanian* has been traditionally spoken in Croatia since the end of the 17<sup>th</sup> century. As Boyash representatives have pointed out in their statements submitted to the Committee of Experts, the Boyash have been traditionally present in definable areas where they have continuously used Boyash Romanian. There is evidence that several places currently inhabited by Boyash have been traditionally populated by this group, for example Bolman (Jagodnjak municipality), Popovac, Darda (all in Osijek-Baranja county) and Lončarevo (a settlement founded by Boyash, and part of the Podturen municipality in Međimurje). The Boyash have coined names for several places inhabited by them, for example Bulmanu for Bolman. On the basis of the available information, Boyash Romanian qualifies as a territorial language in the sense of Article 1a for protection under Part II.

15. Regarding *German*, the Croatian authorities informed the Committee of Experts in their initial report<sup>11</sup> that this language is traditionally used in Croatia and that the German and Austrian minorities are recognised as autochthonous in the Constitution and covered by the Framework Convention for the Protection of National Minorities. The Committee of Experts encouraged the Croatian authorities to strengthen their efforts in promoting German<sup>12</sup> and the authorities have, in all periodical reports, indicated the measures taken by them, mainly in the Osijek-Baranja county (e.g. radio programme, print media and teaching in German).<sup>13</sup>

16. The promotion of the public use of German plays a central role in the activities of the German minority as such use has not been tolerated in former Yugoslavia. In a statement and during the on-the-spot visit, representatives of the German speakers therefore reiterated their interest in the promotion of German under the Charter. While welcoming the imminent withdrawal of the reservation, they referred to the fact that German has a traditional presence in definable areas (mainly Baranja, Slavonia, Strymnia and Zagreb). German speakers have traditionally constituted large majorities in settlements founded by Danube Swabians and significant minorities in cities such as Osijek (1910: 36%, 1931: 24%) and Vukovar (1910: 34%, 1931: 26%).<sup>14</sup> Local German dialects (e.g. in Osijek), place names (e.g. Ernestinenhof for Ernestinovo) and signage have developed. At present, the Germans are concentrated in the Osijek-Baranja county in the direct proximity of the Baranya (Hungary) and Vojvodina (Serbia) regions where German is also used by Danube Swabians and is a regional or minority language covered by the Charter. In light of the available information, German qualifies as a territorial language in the sense of Article 1a for protection under Part II.

17. The fifth periodical report contains information concerning German, Romani and Slovenian, which the Committee of Experts will examine under Part II. The Committee of Experts asks the Croatian authorities to provide information about the promotion of Boyash Romanian in the next periodical report.

### 1.3.2 Results of the 2011 census

18. Croatia's last census was conducted in 2011. The total population of Croatia is 4 284 889 inhabitants. More details concerning regional or minority languages are presented below:

<sup>11</sup> Initial report by Croatia, MIN-LANG/PR(99)3, p. 3; see also 2<sup>nd</sup> periodical report, MIN-LANG/PR(2003)4, p. 3

<sup>12</sup> 1<sup>st</sup> evaluation report, ECRML(2001)2, paragraph 46

<sup>13</sup> Initial report, MIN-LANG/PR(99)3, p. 12, 17, 46, 53; 2<sup>nd</sup> periodical report, MIN-LANG/PR(2003)4, p. 17, 18, 63-64; 3<sup>rd</sup> periodical report, MIN-LANG/PR(2006)4, p. 10, 14, 16, 39, 45, 47; 4<sup>th</sup> periodical report, MIN-LANG/PR(2010)2, p. 42

<sup>14</sup> Percentage of German speakers in Osijek and Vukovar according to the censuses of 1910 (Austria-Hungary) and 1931 (Yugoslavia)

Population of Croatia by mother tongue	
Croatian	4 096 305
Serbian	52 879
Italian	18 573
Romani	14 369
Hungarian	10 231
Slovenian	9 220
Czech	6 292
Slovak	3 792
German	2 986
Ruthenian	1 472
Ukrainian	1 008

Population of Croatia by ethnicity	
Croatian	3 874 321
Serbian	186 633
Italian	17 807
Roma	16 975
Hungarian	14 048
Slovenian	10 517
Czech	9 614
Slovak	4 753
German	2 965
Austrian	297
Ruthenian	1 936
Ukrainian	1 878

19. However, it is not clear whether there are also census results or other official statistics regarding the number of speakers of Boyash Romanian and Istro-Romanian. The Committee of Experts asks the Croatian authorities to provide information on this in the next periodical report.

#### 1.4 Territorial scope of application of Part III

20. Pursuant to the instrument of ratification and national legislation, Part III would apply only where a minority language is in equal and official use<sup>15</sup> as a result of one of the following situations: those belonging to a national minority make up at least one third of the population of a local self-government unit; the local authority prescribes the equal and official use in its statute; such use is foreseen by international agreements; or a regional authority on whose territory local self-government units have introduced minority languages in equal and official use prescribes it in its statute in relation to the work of its bodies.

21. In its previous evaluation reports, the Committee of Experts criticised the high threshold required and the fact that it was up to individual authorities to decide whether a minority language would be in equal and official use. It noted that this legal situation may produce consequences contrary to the spirit of the Charter and to the fundamental obligations deriving from the treaty. The Committee of Experts considered that the legal set-up did not lead to a valid limitation of the obligations under Parts II and III and decided to evaluate the situation in areas where there is a traditional presence and a sufficient number of speakers of minority languages covered by Part III.

22. In the fourth monitoring cycle, the Committee of Ministers recommended that the Croatian authorities **“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”**. In addition, the Committee of Experts encouraged the Croatian authorities to examine whether there were still areas where a minority language was not in equal and official use, but used by a sufficient number of speakers for Part III to apply; to address those local self-government units and encourage them to introduce the equal and official use of minority languages through their statutes; to have the competent central government body carry out these measures in close co-operation with local authorities and the national minority in question; and to continue efforts to harmonise and/or supervise statutes and to ensure the implementation of statutes, if necessary with financial assistance.

23. However, according to the fifth periodical report, the Croatian authorities have examined the results of the 2011 census only with regard to local self-government units meeting the threshold of at least one third, but not with regard to other units where those belonging to national minorities live traditionally in numbers relevant for the application of the Charter. This implies that no such units (such as Beli Manastir) have been encouraged by the central authorities to change their statutes and introduce minority languages into equal and official use. The Croatian authorities have limited themselves to harmonising and supervising statutes as

<sup>15</sup> This concept is used in the Law on the Use of Language and Script of the National Minorities in the Republic of Croatia and means "co-official use" of the relevant regional or minority language.

well as to ensuring the implementation of statutes in local self-government units where over one third of the population belongs to a national minority.

24. The Croatian authorities state in the periodical report that, in light of the results of the 2011 census, the total number of local self-government units to which Croatia applies Part III (27) has remained the same as in the previous monitoring cycle. In these 27 units, those belonging to a national minority constitute at least one third of the local population. The Serbian minority fulfils this requirement in 23 units (21 in the previous monitoring period), Hungarians and Italians in one each (two each previously), and Czechs and Slovaks in one each. The Ruthenian and Ukrainian national minorities do not reach the threshold in any local self-government unit. Based on local statutes, additional local self-government units have introduced minority languages in equal and official use: Czech in one unit, Hungarian in four units, Italian in 19 units, Ruthenian in two units, Serbian in three units and Slovak in one unit.

25. During the on-the-spot visit, the Committee of Experts was informed of a civic initiative to hold a referendum with a view to replacing the current threshold of over one third with a 50% threshold. Representatives of the Serbian and Hungarian speakers voiced strong concern with regard to this initiative, which had been taken against the background of controversies relating to the presence of Serbian (Cyrillic) signage in Vukovar<sup>16</sup>. At the request of the Croatian Parliament, the Constitutional Court examined the question of holding a referendum and concluded in August 2014 that a referendum would violate the constitution. As the matter does not seem to have been resolved politically, the Committee of Experts would like to underline that limiting the application of Charter provisions to local self-government units where more than 50% of the population belong to a national minority would lead to a legal set-up incompatible with the obligations under the Charter and deprive minority languages of protection accorded to them. With this in mind, however, the Committee of Experts would like to point to its standing interpretation of the Charter with regard to 20% thresholds in other States Parties, which, taken alone, has always been perceived as being too high.<sup>17</sup> A 50% threshold is, in any case, too high as it would deprive minority languages of full protection under the Charter in any place where a 50% threshold is not reached.

26. The Committee of Experts regrets that the structural deficiencies regarding the determination of the territorial scope of application of Part III persist. A structured approach to the application of Part III of the Charter in all those areas where a sufficient number of minority language speakers live still does not exist. As the Committee of Experts learned during the on-the-spot visit, the Charter is not even fully implemented in certain local self-government units where more than one third of the population belong to a national minority (see below).

27. The Committee of Experts reiterates that the Charter (especially Article 10) also applies to those local and regional authorities where the minority language speakers do not make up over one third of the population, but represent nevertheless a sufficient number for the purpose of the respective Charter undertakings. An example of good practice was the introduction of Italian into equal and official use in Pula/Pola. The decision to amend the local statute demonstrates the acknowledgement of the historical contribution that the Italian speaking minority has made to the cultural wealth of this town, irrespective of the fact that the minority's population share does not exceed one third.

28. The Committee of Experts urges the Croatian authorities:

- to determine, in co-operation with the representatives of the speakers, the local self-government units where a minority language that is not yet in equal and official use is spoken by a sufficient number of speakers for Part III to apply;
- to address the selected local self-government units and encourage them, if necessary with financial assistance, to introduce the equal and official use of the relevant minority language through their statutes, in accordance with the Act on the Use of the Languages and Scripts of National Minorities;
- to have the competent central government body carry out these measures in close co-operation with local authorities and the national minority in question;
- to continue efforts to harmonise and/or supervise statutes and to ensure the implementation of statutes.

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<sup>16</sup> The name of the town is Vukovar both in Croatian and Serbian. It is spelled Вукoвap in Cyrillic script.

<sup>17</sup> See for example 1<sup>st</sup> evaluation report on the Slovak Republic, ECRML(2007)1, paragraphs 592-593; 1<sup>st</sup> evaluation report on Romania, ECRML(2012)3, paragraphs 35, 37; 3<sup>rd</sup> evaluation report on Ukraine, ECRML (2014) 3, paragraph 17

## **Chapter 2 Conclusions of the Committee of Experts on how the Croatian authorities have followed up the recommendations of the Committee of Ministers**

### **Recommendation No. 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”*

29. With regard to education, a National Framework Curriculum for Pre-school Education and General Obligatory Education in Primary and Secondary School has been adopted. However, so far, no specific information about the minority languages has been included in curricula.

30. As far as the media are concerned, the Fund for the Promotion of Pluralism and Diversity of Electronic Media finances *inter alia* programmes in minority languages. The Council for National Minorities considers that there is still an insufficient representation of national minorities in the programmes of the public broadcaster HRT (*Hrvatska radio-televizija*).

31. In general, representatives of national minorities are dissatisfied that large segments of the Croatian population appear not to be sufficiently aware of the minority languages and the benefits of promoting them. In addition, the use of *Serbian* and the Cyrillic script remains highly controversial in certain areas of Croatia, especially in the town of Vukovar.

### **Recommendation No. 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”*

32. The Croatian authorities have carried out awareness-raising measures with a view to encouraging minority language speakers to avail themselves of the possibility to use their language in contacts with the authorities. However, there continues to be a very limited practical implementation of Croatia’s undertakings under Article 10. Among other things, organisational measures within the administrations should be taken, thus permitting the use of minority languages in practice. The Committee of Experts has also noted that, with the exception of Istria county, regional authorities do not seem to be aware at all of their legal obligations ensuing from the Charter.

### **Recommendation No. 3**

*“improve the system of regional or minority language education to make it more easily accessible”*

33. The situation of Czech, Hungarian, Italian and Serbian in education remains good. Furthermore, progress has been made with regard to the introduction of textbooks for minority language education, although problems with the timely translation of some textbooks persist. The effectiveness of Model C education<sup>18</sup> continues to be hampered by the fact that it is mostly taught outside the regular timetable.

### **Recommendation No. 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”*

34. Slovak is not used in pre-school nor in technical or vocational education. Furthermore, Ruthenian and Ukrainian are still not taught at pre-school, nor at secondary, technical or vocational levels. The fact that these languages are used in primary education proves a certain general interest of the local populations in the teaching and learning of these languages. Continued awareness-raising about the benefits of, and opportunities for, bilingual education could make it possible to introduce teaching of these languages at all levels relevant under the Charter.

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<sup>18</sup> Model C education 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. For detailed information on education models, see footnote 21.

**Recommendation No.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”*

35. A structured approach still does not exist with regard to the determination of the territorial scope of application of Part III in all areas where a sufficient number of speakers of Czech, Hungarian, Italian, Ruthenian, Serbian, Slovak and Ukrainian live. The Charter is not fully implemented even in certain local self-government units where at least one third of the population belongs to a national minority, a requirement imposed by national legislation. The Committee of Experts reiterates that the Charter (especially Article 10) also applies to those local and regional authorities where the minority language speakers do not make up at least one third of the population, but represent nevertheless a sufficient number for the purpose of the respective Charter undertakings. The Croatian authorities need to encourage those local self-government units to introduce the equal and official use of the relevant minority language through their statutes.

## 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

36. The Committee of Experts will not comment on those provisions of Part II for which no major issues were raised in the fourth evaluation report and for which the Committee of Experts has not received any new significant information. This concerns Articles 7.1.a, e and 7.2. 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

### Paragraph 1

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

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

37. In its 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 minority languages, as the division into smaller administrative units had resulted in a more fragmented introduction of the equal and official use of the relevant minority languages. Furthermore, this status was not applied to some municipalities that were the main administrative centre of a region where a minority language was spoken. The problem affected, for example, the town of Beli Manastir (Osijek-Baranja county) with respect to the *Hungarian* language. In the fourth evaluation report, the Committee of Experts asked the Croatian authorities to submit further information on any developments with regard to the situation of Hungarian in this town in the forthcoming periodical report.

38. According to the fifth periodical report, there have been no changes in the legal status of Hungarian in Beli Manastir compared to the previous monitoring cycle. Consequently, the Hungarian language is still not in equal and official use locally. The Committee of Experts urges the Croatian authorities to take steps to facilitate the introduction of Hungarian in equal and official use in Beli Manastir and to ensure that this language can benefit without undue limitations from the Charter provisions ratified by Croatia.

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

39. The Committee of Experts underlines that resolute action to promote minority languages in order to safeguard them covers, among other things, the following aspects: the creation of a legal framework for the promotion of minority languages, the establishment of bodies which are responsible for the promotion of these languages, and the provision of financial resources.<sup>19</sup>

40. With regard to the implementation of the legal framework for the promotion of minority languages, the Committee of Experts encouraged the Croatian authorities in its fourth evaluation report to pursue the activities envisaged under the Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities and to provide information on its implementation in the forthcoming periodical report.

41. According to the fifth periodical report, the Croatian authorities have evaluated the implementation of the Action Plan in the period from 2008 to 2010 and noted progress in minority language promotion, in particular, in the fields of cultural autonomy and education. The implementation of the National Programme for the Roma and the Action Plan for the Decade of Roma Inclusion 2005–2015 was considered successful. However, the progress made regarding the official use of national minority languages and scripts as well as access of national minorities to public media was not considered satisfactory by the authorities.

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<sup>19</sup> See for example 2<sup>nd</sup> Report of the Committee of Experts on Germany, ECRML(2006)1, paragraph 24; 2<sup>nd</sup> Report of the Committee of Experts on Sweden, ECRML(2006)4, paragraph 28; 3<sup>rd</sup> Report of the Committee of Experts on Norway, ECRML (2007) 3, paragraph 34; 2<sup>nd</sup> Report of the Committee of Experts on Spain, ECRML(2008)5, paragraph 103

42. The subsequent Action Plan for the period 2011-2013 focused on these problematic areas. With regard to the official use of national minority languages and scripts, the Croatian authorities published instructions regulating the exercise of this right at state and local levels and supervised the statutes of local self-government units accordingly. Furthermore, the authorities organised seminars for representatives of national minorities and local authorities on the aforementioned right, encouraging those belonging to national minorities to exercise it. The authorities also provided information through leaflets and brochures to parties in proceedings before judicial authorities on the right to use a minority language in proceedings. Similar information material was distributed to local self-government units. The Committee of Experts welcomes these information activities, which it considers good practice. As regards the media, the Council for National Minorities is of the view that the number of local radio and television programmes in the minority languages in the programming of the public broadcaster HRT is insufficient.

43. The Committee of Experts considers that the Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities is a useful framework for the achievement of concrete and measurable objectives in the field of minority language promotion. However, the structure of the action plans exclusively follows the national legislation, as a result of which the implementation of the Charter is not necessarily dealt with. The Committee of Experts therefore encourages the Croatian authorities to include the promotional measures of Part III of the Charter and, where appropriate, the Part II provisions in the list of measures of future action plans.

44. As far as the provision of financial resources is concerned, every year the Council for National Minorities allocates state funds to national minority associations with a view to promoting minority rights, including the right to use a minority language. According to information obtained during the on-the-spot visit, these funds were reduced considerably during the period under review (about 20% in the last two years), limiting the possibilities of minority associations to carry out their work. While acknowledging the economic difficulties Croatia faces, the Committee of Experts encourages the Croatian authorities to provide adequate funding to the national minority associations and councils to allow them to effectively execute their comprehensive tasks in the fields of minority language promotion.

45. In the fourth evaluation report, the Committee of Experts encouraged the Croatian authorities to continue their support for the protection and preservation of *Istro-Romanian*, in co-operation with the speakers, and asked the authorities to provide more information on the situation of *Istro-Romanian* under Part II in the periodical report. According to the fifth periodical report, the Ministry of Culture has supported language promotion projects (field research, documentation, translation of dictionaries) with the amount of HRK 170 000 (about € 22 300). Financial support for projects promoting *Istro-Romanian* has also been granted by the Primorje-Gorski Kotar county, Istria county, and the municipalities of Matulji and Kršan. During the on-the-spot visit, representatives of the speakers of *Istro-Romanian* expressed their wish for regular state funding for language promotion activities.

46. The Committee of Experts welcomes the commitment of authorities at different levels to promote *Istro-Romanian*. However, taking into account that the speakers of *Istro-Romanian* do not consider themselves as a national minority or part of one, *Istro-Romanian* does not benefit from Croatia's national minority legislation and implementation mechanisms, especially the Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities and its related earmarked funds. Consequently, the Committee of Experts encourages the Croatian authorities to provide an appropriate legal basis for the promotion of *Istro-Romanian*, and to make regular state funding available for this purpose. The Committee of Experts considers it particularly important that the Croatian authorities adopt and implement a dedicated action plan for the promotion of *Istro-Romanian* comprising the Charter provisions applying to this language.

47. Concerning *Romani*, the fifth periodical report states that the Croatian authorities have developed a new National Strategy for the Roma for the period from 2013 to 2020 by harmonising the national policy with the requirements of the European Union and adopting the EU Framework for the National Roma Integration Strategies until 2020. One of the objectives is to improve the position of the Roma in education. The position of the *Romani* language in education was also one of the issues dealt with during Croatia's Chairmanship of the Decade for Roma Inclusion from 1 July 2012 to 30 June 2013. The Committee of Experts asks the Croatian authorities to provide, in the next periodical report, specific information about how measures taken as part of the National Strategy for the Roma contribute to the promotion of *Romani*.

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

48. Regarding *German*, the Committee of Experts was informed during the on-the-spot visit that the minority association "Njemačka zajednica/Deutsche Gemeinschaft" publishes the quarterly "Njemačka riječ/Deutsches Wort" in German and Croatian. It has a circulation of 1 500 copies and is financed by the Croatian authorities. The association is interested in publishing the magazine on a more regular basis. Furthermore, the private regional radio station Slavonski Radio (Osijek) broadcasts a weekly 30-minute programme in German ("D-Funk"), which is financed by the aforementioned association and the authorities. On public television, the minority programme "Prizma" also gives information about the German speakers and uses German in interviews. The programme "Manjinski mozaik" occasionally presents German speakers. In 2013, a presentation on the German speakers in Vukovar was broadcast (15 minutes in German).

49. The Croatian authorities also support cultural activities in German, for example the annual International German-speaking Theatre Festival in Osijek, which involves theatre groups from schools in several countries in Europe and overseas. In addition, German choirs exist in Osijek, Vukovar and Zagreb. According to the fifth periodical report, the Croatian authorities finance the staff of the Central Austrian Library in Osijek.

50. German place names are publicly used in names and on signs of German minority associations, councils and schools (e.g. "Osnovna škola Svete Ane u Osijeku/Grundschule Heilige Anna, Esseg") as well as at historical sites. The City of Zagreb has restored traditional bilingual street names in Croatian and German in the streets of the old town Gornji Grad, including on the government's main building. According to representatives of its local authorities, a similar initiative is planned in Osijek.

51. Concerning *Istro-Romanian*, representatives of the speakers stated during the on-the-spot visit that *Istro-Romanian* has no visibility in its traditional language area comprising Žejane and Brdo with several hamlets such as Kostričan, Zankovci, Letaj, Nova Vas, Šušnjevića and Jesenovik. The 120-150 Istro-Romanian speakers make up a significant part of the local population. Against this background, the Committee of Experts considers that the Croatian authorities should examine the possibilities of using Istro-Romanian on local signage, for example place name signs, as they used to exist until recently. The visibility of Istro-Romanian in public would help raising awareness among the speakers about the value of their language and the need for their involvement in its preservation. Furthermore, staff of the local authorities mastering Istro-Romanian should be encouraged to use it in contacts with Istro-Romanian speakers.

52. The fifth periodical report states that the Croatian authorities have financially supported the production and distribution of a DVD about, and in, Istro-Romanian. In 2010, the Croatian public television HTV broadcast a documentary presenting the Istro-Romanian speakers. There is no systematic provision for the use of Istro-Romanian in the broadcast media.

53. With respect to *Romani*, the fifth periodical report states that the Croatian authorities have financed the publication of a book containing proverbs in this language. In addition, the authorities have financed programmes about the Roma and their culture which were broadcast by HTV ("Navrh jezika"), Varaždinska televizija, Studio M, Media-Mix-radio and Radio Nedelišće. However, it is not clear in which language(s) the aforementioned programmes were broadcast. During the on-the-spot visit, representatives of the Roma stated that Romani is not used in the Prizma television programme for national minorities. As an immediate measure in the broadcast media, the Roma representatives suggested that a weekly radio programme be broadcast in Romani.

54. Moreover, the fifth periodical report states that courts have offered parties the possibility to use Romani.

55. With regard to *Slovenian*, the fifth periodical report states that the Croatian authorities financed the library of the Slovenian minority in Karlovac and publishing activities. In the period 2009-2012, associations of the Slovenian national minority received HRK 3 343 900 (about € 440 000) from the Croatian authorities for activities mainly in the fields of publishing (e.g. magazines and books in Slovenian) and cultural events (e.g. choirs, theatre performances). However, the activities listed in the periodical report concern nearly exclusively territories other than those where the Slovenian language is traditionally used.

56. As regards the print and broadcast media, more specific information is needed about the use of *Slovenian* in these fields.

57. The Committee of Experts asks the Croatian authorities to provide specific information in the next periodical report about the promotion of the Slovenian language in the fields of culture and media.

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

58. According to the fifth periodical report and information received during the on-the-spot visit, the pre-school "Stribor" in Osijek has offered bilingual education in Croatian and *German* since 2000. In 2013, 63 children were enrolled. In primary education, German minority language education has been offered in accordance with Model C<sup>20</sup> in Osijek from grades 1 to 8 since 1995. In addition to the subject German, Nature and Society (*Landeskunde*), Geography, History, Art and Music are taught in German. The curriculum was developed in co-operation with the German minority. Model C is not currently applied to German in secondary education, but there are secondary schools in Osijek specialising in teaching German. Furthermore, the private German International School in Zagreb offers pre-school, primary and secondary education in German. Globally, the Committee of Experts gained the impression that German minority language education in Croatia has a good basis that deserves to be promoted.

59. Representatives of the speakers of *Istro-Romanian* informed the Committee of Experts during the on-the-spot visit that *Istro-Romanian* is taught in the framework of extra-curricular activities at the "Ivan Goran Kovačić" Primary School in Kršan (35 hours per year). The language is not used in pre-school and secondary education. In addition, immersion education ("language nest") for children was launched in Žejane in 2013. This activity takes place every Saturday morning and is conducted by native speakers. Twelve children between the ages of two and fifteen participate. The goal of the programme is to teach the children the basics of *Istro-Romanian* through play, singing and reciting and to make them better acquainted with local traditions.

60. There are different teaching aids in *Istro-Romanian*. The audio phrasebook for adults "Limba de saka zi - Everyday language" was published in 2011 and includes a 60-minute CD with more than 500 everyday expressions in *Istro-Romanian* with their English translations. The Croatian–*Istro-Romanian* version was published in 2009. Another audio phrasebook for adults, "Limba de saka zi – Svakodnevni jezik", contains 19 practical lessons in everyday *Istro-Romanian*. In 2013, a language programme designed to teach the basics of *Istro-Romanian* through song, spoken word and music to children as well as their parents, was released on CD.

61. In 2011, representatives of the *Istro-Romanian* speakers applied to the Ministry of Education for the teaching of/in *Istro-Romanian* in accordance with Model C. The authorities refused the request because in their view the application of the minority education models presupposes that the requesting group expresses an affiliation with a national minority. However, the speakers of *Istro-Romanian* do not consider themselves as a national minority or part of one. Representatives of the Croatian authorities with whom the Committee of Experts met during the on-the-spot reiterated their willingness to support the provision of *Istro-Romanian* language education once the status of the group has been clarified.

62. The Committee of Experts underlines that the provision of appropriate forms and means for the teaching of *Istro-Romanian* as required by Article 7.1.f does not depend on the status or ethnicity of the language group in question. Rather, several languages covered by the Charter in its States Parties are actually used by speakers who do not consider themselves as belonging to a national minority. The Committee of Experts therefore encourages the Croatian authorities to adapt the minority education models to the situation of groups without minority affiliation or to introduce a dedicated model.

***The Committee of Experts encourages the Croatian authorities to provide appropriate forms and means for the teaching of *Istro-Romanian*.***

63. According to the fifth periodical report, the Education and Teacher Training Agency has started the development of curricula for the *Romani* language and culture according to Model C. Until the introduction of the curriculum into primary schools, the Ministry of Science, Education and Sport co-finances the organisation of summer schools for pupils of the Roma national minority. Educational activities of this kind

<sup>20</sup> There are three basic models of minority language education: Model A provides that all lessons take place in the language and script of the national minority with compulsory teaching of Croatian; 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.

were organised and implemented by Roma associations for 162 Roma pupils in 2012/2013. Furthermore, the Croatian authorities have co-financed, for the purpose of Romani language codification, the development of a Romani grammar book (see under Article 7.1.h). The Committee of Experts welcomes these measures as a significant contribution to the promotion of Romani and encourages the Croatian authorities to introduce the teaching of Romani in primary education, in co-operation with the Roma.

64. The Education and Teacher Training Agency has contributed to the development of pre-school curricula for five primary schools in Međimurje county aiming to include Roma children into pre-school education. Bearing in mind the progress made regarding the introduction of Romani in primary education, the Committee of Experts encourages the Croatian authorities to begin work on a curriculum for the use of Romani in pre-school education, in co-operation with the Roma.

65. Representatives of the Boyash informed the Committee of Experts during the on-the-spot visit that Romanian language education had been offered in Darda (Baranja) in the 1970s. Boyash representatives from Baranja and Međimurje expressed strong interest in the provision of teaching in/of standard Romanian in accordance with Model C. The Committee of Experts also met with Boyash expressing an interest in the teaching of *Boyash Romanian*. Against this background, the Committee of Experts encourages the Croatian authorities to develop, in close co-operation with the representatives of the speakers, an educational model permitting teaching both in and of standard Romanian as well as the use of Boyash Romanian. Considering that Boyash Romanian is almost exclusively used orally, it could be the medium of instruction in subjects where teaching takes place mainly orally (e.g. music, sport) as well as in social activities. Such teaching could be offered in places such as Darda and Čakovec (Međimurje) where there is a demand.

66. In its fourth evaluation report, the Committee of Experts asked the Croatian authorities to provide information on the extent of the teaching and studying of *Slovenian* at levels other than primary education. According to the fifth periodical report, two pre-schools use Slovenian (105 children enrolled in 2012). The report does not state where these pre-schools are located. In primary education, the primary school in Štrigova (Međimurje county) applies Model C to the Slovenian language (2012: 41 pupils). In secondary education, Model C is applied at Varaždin Grammar School (2012: 64 students). The Committee of Experts welcomes the availability of Slovenian language education at all appropriate stages.

**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;*

67. The "Njemačka zajednica/Deutsche Gemeinschaft" minority association runs *German* language courses in Osijek ("Saturday school") for children and is interested in extending this offer to adults.

68. According to representatives of the speakers of *Istro-Romanian*, there are no facilities enabling adult non-speakers of *Istro-Romanian* to learn it. Given the linguistic assimilation of most of the parents of those children currently learning *Istro-Romanian* (see under Article 7.1.f above), the Committee of Experts considers that facilities enabling adult non-speakers of this language to learn it would be important for language maintenance.

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

69. According to information received during the on-the-spot visit, *German* can be studied at the Universities of Osijek, Zagreb, Rijeka and Zadar. Furthermore, the German minority association "Njemačka zajednica/Deutsche Gemeinschaft" has organised an annual academic conference for 20 years which provides a forum for academics from Croatian universities to present research results about the history of the German speakers and language in Croatia. The contributions are published in a yearbook in Croatian and German. The association has also published two bilingual books (German-Croatian) about the German dialect of Osijek (Essekerisch) which have been financed by the Croatian authorities.

70. As far as *Istro-Romanian* is concerned, the Committee of Experts met during the on-the-spot visit with representatives of the "The Preservation of the Vlaški and Žejanski<sup>21</sup> Language" project. It aims to document and analyse *Istro-Romanian* for scientific purposes as well as to create a language corpus and a regional digital archive of the language and culture. Furthermore, it deals with the development of a practical orthography and language learning materials, teaching activities as well as awareness-raising among the speakers about the value of their language and the need for their involvement in its preservation. In 2013,

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<sup>21</sup> Vlaški and Žejanski are the two main varieties of *Istro-Romanian*.

the Croatian authorities financed the presentation of Istro-Romanian at the International Conference on Endangered Languages in Europe in Alcanena (Portugal).

71. According to the fifth periodical report, the *Romani* language was introduced in 2012 as an optional subject at the Zagreb Faculty of Philosophy, Department of Indology and Far Eastern Studies. Two courses were introduced: Romani Language and Romani Literature and Culture. Moreover, the Croatian authorities financed the development of a Romani grammar and orthography book for Croatia, which was co-ordinated by a Roma association, as well as a symposium on Romani in the framework of the World Day of the Romani Language.

72. The University of Zagreb has a chair for Romanian language and literature. As part of its activities, courses about *Boyash Romanian* have been offered during recent years.

73. In the fourth evaluation report, the Committee of Experts asked the Croatian authorities to provide information on the possibility to carry out study and research on the *Slovenian* language at higher education institutions. However, the fifth periodical report does not report about this issue. The Committee of Experts asks the Croatian authorities to provide this information in the next periodical report.

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

74. Representatives of the *German* minority stated during the on-the-spot visit that they co-operated closely with the German minorities in Serbia, Hungary, Poland and Romania (e.g. festivals, conferences, youth exchanges). Many joint activities concern the promotion of German. In addition, the German minority plays an active role in the city twinning of Osijek and Pforzheim (Germany). According to the fifth periodical report, in 2012 Croatia and Austria signed a Programme of Co-operation in the field of Culture and Education for 2013-2015, pursuant to the bilateral Agreement on Co-operation in the Field of Culture and Education.

75. During the on-the-spot visit, the Committee of Experts was informed that several hundred *Istro-Romanian* speakers live abroad, mostly in New York and Australia. There are contacts between the speakers in Istria and those abroad, facilitated notably through research activities. Furthermore, school exchanges with Romania have been organised.

76. In the fourth evaluation report, the Committee of Experts asked the Croatian authorities again to clarify to what extent they promote and support exchanges between the *Ruthenian* speakers in Croatia and Serbia. Representatives of the Ruthenian speakers informed the Committee of Experts during the on-the-spot visit that relatively few cross-border contacts were made to promote Ruthenian. Bearing in mind that the municipalities in which Ruthenian is used in Croatia and Serbia (Vojvodina) are located relatively close to each other, the Committee of Experts considers that structured exchanges may be beneficial in the context of the implementation of the Charter concerning this language.

### **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.*

77. In the fourth monitoring cycle, the Committee of Ministers recommended that Croatia “**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.**” The Committee of Experts made the same recommendation, especially with regard to the use of Serbian and the Cyrillic script. Furthermore, the Committee of Experts asked the Croatian authorities to provide more information on the extent to which the measures to promote mutual understanding and tolerance foreseen in the Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities have been implemented.

78. With regard to education, the fifth periodical report states that in 2011 the Minister of Science, Education and Sport adopted the Decision on the National Framework Curriculum for Pre-school Education and General Obligatory Education in Primary and Secondary School, a document serving as the basis for the drafting of any other school curricula. Among its basic principles are multiculturalism, tolerance and respect for diversity so that pupils have a developed cultural identity and intercultural competence and are familiar with and respect the cultures of minorities. Furthermore, in 2011, a symposium on the teaching of

history with the topic “Croats and minorities in Croatia: shaping modern identities” was organised in Opatija as part of the aforementioned Action Plan.

79. On the basis of the above information, it is, however, not clear to the Committee of Experts to what extent new school curricula will ensure that specific information about the regional or minority languages in Croatia and their speakers is provided in mainstream education. During the on-the-spot visit, representatives of the national authorities stated that no specific information about regional or minority languages had been included in curricula during the reporting period. The Committee of Experts therefore encourages the Croatian authorities to promote awareness and tolerance vis-à-vis the minority languages and the cultures they represent as an integral part of the cultural heritage of Croatia in the general curriculum at all stages of education.

80. As far as the media are concerned, the fifth periodical report states that the Croatian authorities granted financial support to the Media Information Centre for the launch of an information portal about the *Roma* (<http://www.romalen.com>). In addition, the Committee of Experts was informed about the Fund for the Promotion of Pluralism and Diversity of Electronic Media, which finances *inter alia* programmes produced in minority languages.

81. The fifth periodical report also presents the position of the Council for National Minorities according to whom there is still an insufficient representation of national minorities in the programmes of the public broadcaster HRT. The Council maintains that topics on national minorities are mostly presented in a sensationalist manner and are not integrated in the overall programming. It proposes to amend the legislative framework by introducing the obligation to report adequately on minority activities and to include minority representatives in the programming management councils of state-owned media.

82. The use of *Serbian* and the Cyrillic script remains highly controversial in certain areas of Croatia. In the fifth periodical report, the Croatian authorities refer to the implementation of measures from the aforementioned Action Plan. In Vukovar, for example, the authorities organised a seminar in 2012 for those belonging to national minorities and representatives of local authorities on the equal and official use of minority languages and scripts with a view to improving the exercise of this right and encouraging those belonging to national minorities to invoke it.

83. However, in 2013, a series of protests and riots against the placing of signs with Serbian (Cyrillic) inscriptions took place, among other places, in Vukovar. As more than one third of the local population belongs to the Serbian national minority (2011 census), the official use of the Serbian language and script is compulsory under Croatian constitutional law. However, groups of Croatian war veterans and citizens called for exempting Vukovar from this obligation for reasons of “piety”, bearing in mind the siege and occupation of this city in 1991. Signs with Croatian (Latin script) and Serbian (Cyrillic script) inscriptions were destroyed. During the on-the-spot visit to Vukovar, the Committee of Experts noted that only local branches of State authorities were using the Cyrillic script on their signs while signs falling in the competence of the local authority as well as the place name signs (state competence) were in Croatian only. In addition, representatives of the Serbian speakers complained about regular negative portrayal of the Serbian national minority.

84. During the on-the-spot visit, representatives of national minorities expressed their dissatisfaction that large segments of the Croatian population appear not to be sufficiently aware of the minority languages and the benefits of promoting them. The Committee of Experts observes that the deficits identified in the previous monitoring cycle by and large persist. Therefore, the Committee of Experts encourages the Croatian authorities to pursue measures promoting awareness of the Croatian public about the minority languages and the cultural contributions of their speakers. In the specific case of the Serbian language (Cyrillic script) in Vukovar, local confidence-building measures, such as a round table event involving all linguistic groups, should be envisaged.

***The Committee of Experts urges the Croatian authorities to continue efforts to promote awareness and tolerance vis-à-vis the 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.***

**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.***

85. In the fourth evaluation report, the Committee of Experts encouraged the Croatian authorities to continue their efforts to strengthen the roles of the national minority councils. The fifth periodical report states, in this context, that the Ministry of Public Administration and the Academy of Local Democracy organised ten regional seminars for newly elected members of national minority councils and national minority representatives in 2011 and 2012.

86. Councils of the *German* minority exist at the levels of Osijek-Baranja county and Osijek city. Moreover, the minority has representatives in the national minority councils of Vukovar-Srijem and Zagreb counties as well as in Kneževi Vinogradi and Beli Manastir municipalities in Baranja. The Vice Mayor of Osijek and the Vice Chairman of the Council for National Minorities of the Government of the Republic of Croatia belong to the German minority.

87. Considering that the system of national minority councils is not applicable to the *Istro-Romanian* speakers who do not consider themselves as a national minority, the Committee of Experts encourages the Croatian authorities to establish a body or consultation mechanism for the purpose of advising the authorities on all matters pertaining to the promotion of Istro-Romanian.

88. The *Roma* are represented by the Roma National Council and minority councils at county and municipal levels.

89. According to the fifth periodical report, the *Slovenian* national minority is represented in the Council for National Minorities. Furthermore, the Croatian authorities also consulted the Union of Slovenian Societies in the Republic of Croatia, the umbrella association of the Slovenian minority, in the context of drawing up the periodical report.

**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.***

90. The Committee of Experts refers to its observations made under 1.3.1 above.

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

### General issues

#### *Education*

91. In the fourth monitoring cycle, the Committee of Ministers recommended that Croatia “**improve the system of regional or minority language education to make it more easily accessible**”. Furthermore, the Committee of Experts encouraged the Croatian authorities to offer Model C classes in a way that makes it attractive for children to attend them. The fifth periodical report does not contain any information about structural measures taken in this respect.

92. In the fourth evaluation report, the Committee of Experts asked the Croatian authorities to submit further information on awareness-raising activities promoting minority language education. However, the fifth periodical report does not contain specific information about this aspect. The Committee of Experts notes that Slovak is not used in pre-school and technical and vocational education. Furthermore, Ruthenian and Ukrainian are still not taught at pre-school, secondary and technical and vocational levels. However, the fact that these languages are used in primary education proves a certain general interest in the teaching and learning of these languages in the local populations. The Committee of Experts consequently considers that continued awareness-raising about the benefits of, and opportunities for, bilingual education could make it possible to introduce teaching of these languages at all levels relevant under the Charter.

93. The Committee of Experts has been informed that for pupils taught in a minority language, Croatian and the respective minority language are compulsory in the *Matura*<sup>22</sup> exam. However, the *Matura* exam in a minority language is not relevant for the admission score at university. The Committee of Experts encourages the Croatian authorities to investigate, in co-operation with the speakers, whether the minority language *Matura* could be taken into consideration for admission to universities in certain study programmes.

#### *Judicial authorities*

94. In the fourth evaluation report, the Committee of Experts asked the Croatian authorities to clarify whether a person found guilty in criminal proceedings has to pay for the interpretation and translation costs. While the fifth periodical report provides no specific information about this matter, representatives of the national authorities confirmed during the on-the-spot visit that a person found guilty in criminal proceedings does not have to pay for the interpretation and translation costs. However, representatives of the Italian speakers informed the Committee of Experts in a statement that there have been cases in the reporting period where Italian speakers had to pay for interpretation and translation costs. The Committee of Experts asks the Croatian authorities to clarify this matter in the next periodical report.

95. Furthermore, the Committee of Experts asked the Croatian authorities in the fourth evaluation report to clarify whether the merging of courts in Croatia had limited the possibility to use minority languages before judicial authorities. The information contained in the fifth periodical report concerns only Serbian and indicates that mergers have, in practice, reduced the possibility of using the Cyrillic script before courts.

#### *Administrative authorities and public services*

96. The implementation of the undertakings under Article 10 requires both organisational measures within the administrations (e.g. recruitment of officials speaking the relevant minority language, training of existing staff) as well as measures encouraging the minority language speakers to avail themselves of the possibility to use their language in contacts with the authorities. Such measures could avoid the assumption on the part of the speakers that they might be perceived as “trouble-makers” when using their language.

97. The fifth periodical report states that the Croatian authorities have carried out awareness-raising measures (distribution and display of brochures, leaflets, posters), but no information is provided about changes in the human resources policy or other organisational measures. Since there continues to be a very limited practical implementation of Croatia’s undertakings under Article 10 (see following chapters), the Committee of Experts considers that the Croatian authorities should take organisational measures and intensify encouragement measures with a view to complying with the Charter undertakings.

98. The Committee of Experts has also noted that, with the exception of Istria county, regional authorities do not seem to be at all aware of their legal obligations ensuing from the Charter. Therefore, the Committee

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<sup>22</sup> The *Matura* is the school leaving examination sat in the last year of secondary education, from age 17.

of Experts encourages the Croatian authorities to ensure that county administrations use minority languages as required by the undertakings entered into by Croatia.

99. The Committee of Experts has been informed that the State Geodetic Directorate published the register of the geographical names in national minority languages in 2011. This document contains a list of co-official names for municipalities and villages in minority languages. The Committee of Experts encourages the Croatian authorities to use these names and display them in practice.

*Broadcast media*

100. Croatia has ratified Article 11.1.a.iii which requires the authorities to make adequate provision so that public broadcasters offer television and radio programmes in the minority languages. Croatia's public broadcaster HRT offers two television programmes relevant under this undertaking: "Prizma" and "Manjinski mozaik". "Prizma" is a weekly magazine about national minorities in minority languages. "Manjinski mozaik", which was launched in 2010, is a weekly documentary about topics related to national minorities and is broadcast in the given minority language with subtitles in Croatian.

101. The Committee of Experts welcomes the launch of "Manjinski mozaik", which it considers an important step towards the fulfilment of Article 11.1.a.iii. However, as the Committee of Experts learned from both the fifth periodical report and the representatives of the minority language speakers, "Prizma" and "Manjinski mozaik" have a very short broadcasting duration which fails to meet the requirements of the Charter undertaking in question. Furthermore, there is no regularity in the use of the various minority languages and the topics chosen for the programmes are perceived as rather folkloristic by the speakers. In their current format, these programmes are unlikely to make an impact on the situation of the minority languages and are rather an awareness-raising measure of the existence of minority languages. Such awareness-raising, however, is relevant under Article 7.3. In order to fulfil Article 11.1.a.iii, it is important to ensure an adequate broadcasting duration and regularity as far as the languages are concerned. In addition, the Committee of Experts underlines the importance of television programmes for children in minority languages to support language maintenance.

102. Furthermore, adequate provision for public radio programmes for all minority languages still does not exist. The Croatian authorities provide subsidies to enable private radio programmes in some of the minority languages. The Committee of Experts commends these measures and encourages them to pursue efforts to ensure an adequate presence of minority languages in the public media sector.

### 3.2.1 Czech

103. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the previous evaluation reports and for which it has not received any new elements requiring a revised assessment or a different presentation of their implementation. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage. In the case of Czech, these provisions are the following:

Article 8, paragraph 1 a iii, b iv, e ii;  
Article 9, paragraph 1 c iii, d, paragraph 2 a;  
Article 10, paragraph 5;  
Article 11, paragraph 1 e ii; paragraph 2;  
Article 12, paragraphs 1 a, f;  
Article 13, paragraphs 1 a, b;  
Article 14, a, b.

## Article 8 – Education

### Paragraph 1

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

#### ***Secondary education***

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

104. In the fourth evaluation report, the Committee of Experts considered the undertaking fulfilled. Still, it asked the Croatian authorities to provide information on the impact of the new rules governing the state *Matura* exam and its implications for minority language education, including access to higher education.

105. According to the fifth periodical report, students taught in Czech are obliged to take the Croatian test and may take also the minority language as a subject in the *Matura* exam. In the case of Czech, however, the *Matura* exam was not conducted in this language owing to insufficient interest expressed by students.

106. The Committee of Experts considers the undertaking fulfilled.

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

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

107. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled, since there was no teaching in or of Czech in technical or vocational education.

108. According to the fifth periodical report, in the 2011/2012 academic year, Czech language and culture classes (Model C) were organised at the Industry and Trade School in Virovitica. The Committee of Experts welcomes this important improvement in Czech language education. However, the number of students is not indicated in the periodical report.

109. The Committee of Experts considers the undertaking fulfilled at present. It asks the Croatian authorities to specify, in the next periodical report, the number of students enrolled in Czech language education at the Industry and Trade School in Virovitica.

### **Adult and continuing education**

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

110. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled as minority associations were offering Czech courses for adults. However, it asked the Croatian authorities to provide information about the offer of Czech classes in regular adult education.

111. According to the fifth periodical report, Czech minority associations continue to offer Czech courses. During the on-the-spot visit, it became clear that Czech is not taught in regular adult or continuing education. Considering that, in the Croatian system, language courses in adult and continuing education are organised by minority associations, the Committee of Experts considers that the Croatian authorities should provide earmarked support to such associations so as to enable them to exert this task on a permanent basis.

112. The Committee of Experts considers the undertaking fulfilled. It encourages the Croatian authorities to provide earmarked support to minority associations enabling them to offer Czech as a subject of adult or continuing education on a permanent basis.

### **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*

113. In the previous monitoring cycles, the Committee of Experts considered the undertaking fulfilled for minority education and not fulfilled for mainstream schools. It asked for further information on the adoption of the National Framework Curriculum and its content relevant for this undertaking.

114. In light of the information that the Committee of Experts has obtained regarding the National Framework Curriculum (see under Article 7.3 above), it is not clear to what extent the teaching of the history and the culture reflected by the Czech language is ensured in the mainstream schools.

115. The Committee of Experts considers the undertaking fulfilled for Czech minority education and asks the Croatian authorities for more information as far as mainstream schools are concerned, including the implementation of the National Framework Curriculum.

### **Basic and further training of teachers**

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

116. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled regarding further training. It was not in a position to conclude with respect to basic training and asked the Croatian authorities to provide more structured information in this respect.

117. The fifth periodical report provided information on training seminars for teachers of minority languages, but not on the basic training for teachers of Czech or on the teaching other subjects in Czech.

118. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled regarding further training. With respect to basic training, it is still not in a position to conclude and asks the Croatian authorities to provide relevant information in the next periodical report.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

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

### **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.*

#### **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*

#### **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*

119. In the fourth evaluation report, the Committee of Experts considered the undertakings only formally fulfilled.

120. According to the fifth periodical report, courts have offered parties the possibility to use Czech. Czech was used in one criminal proceeding and one civil proceeding at the municipal courts in Bjelovar and Ivanić Grad, respectively. Furthermore, the Ministry of Justice produced and distributed information leaflets in 2012 raising awareness about the use of minority languages before judicial authorities.

121. The Committee of Experts considers the undertakings fulfilled at present. It encourages the Croatian authorities to pursue measures encouraging Czech speakers to make use of the possibilities to use this language before judicial authorities.

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

### **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*

122. In its fourth evaluation report, the Committee of Experts considered the undertaking only formally fulfilled. The Committee of Ministers recommended Croatia to “**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**”. To this end, the Committee of Experts urged the Croatian authorities to change their human resources policy.

123. According to the fifth periodical report, Czech has not been used in relations with local branches of state authorities. In this context, the Committee of Experts refers to its observations made above concerning organisational and encouragement measures (paragraphs 96-97).

124. In the absence of practical implementation, the Committee of Experts maintains its previous conclusion that the undertaking is only formally fulfilled. It strongly urges the Croatian authorities to take the necessary organisational measures to ensure that Czech speakers may submit oral or written applications in this language to local branches of the State administration and to pursue measures encouraging the Czech speakers to make use of this possibility.

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

125. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

126. The fifth periodical report contains no specific information about the implementation of this undertaking.

127. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Croatian authorities to make available widely used administrative texts and forms for the population in Czech or in bilingual versions and to provide an overview of the respective texts and forms in the next periodical report.

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

128. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It encouraged the Croatian authorities to inform regional and local state administrations and the public in general about the possibility to issue documents in regional or minority languages.

129. According to the fifth periodical report, 55 identity cards were issued bilingually in Croatian and Czech from 2010-2012. A number of bilingual certificates were also issued by the Ministry of the Interior, but the report does not indicate which languages and what kind of certificates were concerned. The Committee of Experts notes that this undertaking concerns a wider range of official documents than only identity cards.

130. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It encourages the Croatian authorities to promote the drafting of different kinds of documents in Czech and to provide an overview of such documents in the next periodical report.

**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*

131. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

132. The fifth periodical report states that in the monitoring period there have been no significant changes regarding the practical implementation of this undertaking. According to the results of the 2011 census, Czech remains in equal and official use in Končanica/Končenice municipality where Czechs represent 47% of the population, and in five districts of Daruvar/Daruvar municipality, on the basis of its statute. The Committee of Experts has not received any information about the use of Czech within the framework of these local authorities in practice.

133. In addition, the relevant regional authority (Bjelovar-Bilogora county) does not seem to use Czech as a working language.

134. The Committee of Experts considers the undertaking partly fulfilled regarding local authorities and not fulfilled regarding regional authorities. It encourages the Croatian authorities to take measures facilitating the use of Czech within the framework of regional and local authorities in practice.

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

135. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

136. According to the fifth periodical report, there have been no significant changes concerning the use of minority languages in practice. It seems that Czech speakers can to a certain extent submit oral or written applications in Czech to the local authorities where this language is in equal and official use. However, there is no indication that this possibility exists in practice regarding the administration of Bjelovar-Bilogora county.

137. The Committee of Experts considers the undertaking partly fulfilled regarding local authorities and not fulfilled regarding regional authorities. It encourages the Croatian authorities to take the necessary organisational measures to ensure that Czech speakers may submit oral or written applications in this language to regional and local authorities and to pursue measures encouraging the Czech speakers to make use of this possibility.

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

138. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

139. The fifth periodical report provides no information about this undertaking. The Committee of Experts has no indication as to whether county administrations also publish their official documents in Czech.

140. The Committee of Experts considers the undertaking still not fulfilled. It encourages the Croatian authorities to take measures facilitating the publication by regional authorities of their official documents also in Czech and to provide an overview of such documents in the next periodical report.

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

141. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

142. The fifth periodical report provides no information about this undertaking.

143. In light of its conclusion regarding Article 10.2.a and b above, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Croatian authorities to promote the publication by local authorities of their official documents also in Czech and to provide an overview of such documents in the next periodical report.

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

144. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

145. The fifth periodical report contains no new information about this undertaking.

146. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Croatian authorities to further promote the use or adoption of traditional and correct forms of place names in Czech.

#### **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*

147. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Croatian authorities to take proactive measures to ensure that the regional or minority languages are used in the provision of the service.

148. According to the fifth periodical report, there have been no significant changes compared to the previous monitoring cycle.

149. The Committee of Experts considers the undertaking not fulfilled. It urges the Croatian authorities to ensure that Czech is used in the provision of public services.

#### **Article 11 - Media**

##### **Paragraph 1**

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

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

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

150. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled for radio and not fulfilled as regards television.

151. The fifth periodical report states that, in the framework of the television programme “Prizma”, about eight hours were dedicated to the Czech minority in the period 2010-2012. In addition, as part of the programme “Manjinski mozaik”, ten episodes concerned the Czechs in the same period, covering two hours and 30 minutes. In line with the general observations made above (paragraph 101), the Committee of Experts notes that the current presence of Czech on public television is insufficient.

152. The fifth periodical report contains no information about public radio broadcasts in Czech. However, it indicates that the Croatian authorities provide financial support to a radio programme in Czech on private Radio Daruvar. The Committee of Experts did not receive information about the broadcasting time in Czech, the regularity of the programmes and the reach of these broadcasts and is consequently not in a position to assess their effectiveness for the promotion of Czech.

153. The Committee of Experts considers this undertaking not fulfilled for television. With regard to radio, the Committee of Experts is not in a position to conclude and asks the Croatian authorities to clarify in the next periodical report which public radio programmes broadcast in Czech.

154. The Committee of Experts encourages the Croatian authorities to increase the broadcast time and the regularity of the programmes in Czech on public television.

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

155. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

156. According to the fifth periodical report, the Fund for the Promotion of Pluralism and Diversity of Electronic Media is used to support different categories of radio and television programmes. Programmes in minority languages receive an additional financial support. In the period 2010-2012, radio programmes in Czech were funded.

157. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Croatian authorities to provide more information as to what degree the programmes supported by the Fund for the Promotion of Pluralism and Diversity of Electronic Media are publicly available via the Internet or in another medium.

***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.***

158. In the fourth evaluation report, the Committee of Experts did not conclude on this undertaking and asked the Croatian authorities to provide the relevant information in the next periodical report.

159. According to the fifth periodical report, the seven members of the Council for Electronic Broadcasting are appointed by the Parliament on the basis of a government proposal. When preparing the proposal, the government organises a public call for nomination of candidates. The criteria foreseen by the Electronic Media Act relate to professional competence and commitment to democratic values, rule of law and human rights. However, the interests of the users of regional or minority languages are not represented in or taken into account by the Council for Electronic Broadcasting.

160. According to the information available to the Committee of Experts, Article 35 of the Constitutional Act on National Minorities foresees that the Council for National Minorities is entitled to give opinions and make proposals about programmes in minority languages in public broadcasting media and the representation of minorities in the media. It is however unclear how the Council for National Minorities and the Council for Electronic Broadcasting co-operate and how the opinions of the former are taken into account.

161. The Committee of Experts is not in a position to conclude on this undertaking. It encourages the Croatian authorities to ensure that the interests of the minority language users are represented or taken into account within the Council for Electronic Broadcasting.

## **Article 12 Cultural activities and facilities**

162. The Committee of Experts is aware that “T. G. Masaryk Czech Home” was opened in Rijeka in 2009. It has been co-financed *inter alia* by the Croatian national authorities, the City of Rijeka, the Primorje-Gorski Kotar County and the Czech Republic. The premises are used for cultural events and conferences.

### **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*

163. According to the fifth periodical report, archives and museums in Croatia collect, keep copies, present or publish works related to national minorities and their languages. In addition, the Croatian authorities finance the Central Library of Czechs in Daruvar/Daruvar.

164. The Committee of Experts considers the undertaking fulfilled.

## **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*

165. In its previous evaluation reports, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

166. However, the fifth periodical report provides no information about this undertaking.

167. The Committee of Experts is still is not in a position to conclude on the fulfilment of the undertaking. It asks the Croatian authorities to inform it on the pertinent activities of the People’s Ombudsman or other institutions in the next periodical report.

### 3.2.2 Hungarian

168. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the previous evaluation reports and for which it has not received any new elements requiring a revised assessment or a different presentation of their implementation. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage. In the case of Hungarian, these provisions are the following:

Article 8, paragraph 1 b iv, c iv, d iv, e ii;  
Article 9, paragraph 1 c iii, 1 d, paragraph 2 a;  
Article 10, paragraph 5;  
Article 11, paragraph 1 a iii, e ii; paragraph 2;  
Article 12, paragraphs 1 a, f;  
Article 13, paragraphs 1 a, b;  
Article 14, a, b.

#### Article 8 – Education

169. During the on-the-spot visit, representatives of the Hungarian speakers informed the Committee of Experts that a number of new Hungarian language classes had been set up during the reporting period with even fewer pupils than required by the legislation. The Hungarian representatives praised the flexibility demonstrated by the Croatian authorities in this respect.

##### Paragraph 1

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

##### Pre-school education

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

170. In the fourth evaluation report, the Committee of Experts considered the undertaking fulfilled. However, it asked the Croatian authorities to provide an explanation about the decline in the number of children enrolled in Hungarian-language pre-school education.

171. The fifth periodical report does not comment on this matter. It states that, in the 2011/2012 academic year, 158 children attended pre-school education in Hungarian in five kindergartens. While this is an increase compared to 2010/2011 (148 children in four kindergartens), it is still below the figures of the previous cycles (200 children in eight kindergartens in 2006).

172. The Committee of Experts still considers the undertaking fulfilled.

##### Adult and continuing education

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

173. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled as minority associations were offering Hungarian courses for adults. However, the Committee of Experts asked the Croatian authorities to provide information about the offer of Hungarian courses in regular adult education.

174. According to the fifth periodical report and information obtained during the on-the-spot visit, Hungarian minority associations still offer courses in adult education. Hungarian is not taught in regular adult or continuing education.

175. The Committee of Experts considers the undertaking fulfilled. It encourages the Croatian authorities to provide earmarked support to minority associations enabling them to offer Hungarian as a subject of adult or continuing education on a permanent basis.

### **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

176. In the previous monitoring cycles, the Committee of Experts considered the undertaking fulfilled for minority education and not fulfilled for mainstream schools.

177. In light of the information that the Committee of Experts has obtained regarding the National Framework Curriculum (see under Article 7.3 above), it is not clear to what extent the teaching of the history and the culture reflected by the Hungarian language is ensured in the mainstream schools.

178. The Committee of Experts considers the undertaking fulfilled for Hungarian minority education and asks the Croatian authorities for more information as far as mainstream schools are concerned, including the implementation of the National Framework Curriculum.

### **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

179. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled regarding further training. The Committee of Experts was not in a position to conclude with respect to basic training and asked the Croatian authorities to provide more structured information in this respect.

180. The fifth periodical report provides information on training seminars for teachers of minority languages, but not on the basic training for teachers of Hungarian or teaching subjects in Hungarian.

181. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled regarding further training. With respect to basic training, the Committee of Experts is still not in a position to conclude and asks the Croatian authorities to provide the relevant information in the next periodical report.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

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

#### **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.**

#### **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.

#### **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**

182. In its fourth evaluation report, the Committee of Experts considered the undertakings only formally fulfilled.

183. According to the fifth periodical report, courts have offered parties the possibility to use Hungarian and the Ministry of Justice has carried out awareness-raising measures. However, Hungarian was used only

in one proceeding before the Misdemeanour Court in Osijek. Considering the number of Hungarian speakers in Croatia, the almost complete absence of practical implementation of the undertakings under Article 9 with respect to Hungarian points in view of the Committee of Experts to structural deficits, especially with regard to measures encouraging Hungarian speakers to avail themselves of the possibility to use their language before judicial authorities.

184. The Committee of Experts considers these undertakings formally fulfilled. It encourages the Croatian authorities to pursue measures encouraging Hungarian speakers to make use of the possibilities to use this language before judicial authorities.

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

185. As indicated under 1.4.2 above, Article 10 applies also to those local and regional authorities where persons belonging to a national minority do not make up more than one third of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

##### **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*

186. In its fourth evaluation report, the Committee of Experts considered the undertaking only formally fulfilled. The Committee of Ministers recommended Croatia to “**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**”. To this end, the Committee of Experts urged the Croatian authorities to change their human resources policy.

187. According to the fifth periodical report and information received from representatives of the Hungarian speakers during the on-the-spot visit, Hungarian has not been used in relations with local branches of state authorities. In this context, the Committee of Experts refers to its observations made above concerning organisational and encouragement measures (paragraphs 96-97).

188. In the absence of practical implementation, the Committee of Experts maintains its previous conclusion that the undertaking is only formally fulfilled.

***The Committee of Experts strongly urges the Croatian authorities to take the necessary organisational measures to ensure that Hungarian speakers may submit oral or written applications in this language to local branches of the State administration and to pursue measures encouraging the Hungarian speakers to make use of this possibility.***

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

189. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

190. The fifth periodical report contains no specific information about the implementation of this undertaking. Representatives of the Hungarian speakers stated during the on-the-spot visit that local branches of the state authorities have not made available any administrative texts or forms in Hungarian.

191. On the basis of the new information received, the Committee of Experts asks the Croatian authorities to clarify the situation. It encourages the authorities to make available widely used administrative texts and forms for the population in Hungarian or in bilingual versions and to provide an overview of the respective texts and forms in the next periodical report.

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

192. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

193. According to the fifth periodical report, 86 bilingual identity cards were issued in Croatian and Hungarian from 2010-2012. However, the Committee of Experts notes that this undertaking concerns a wider range of documents than only identity cards.

194. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It encourages the Croatian authorities to promote the drafting of different kinds of documents in Hungarian and to provide an overview of such documents in the next periodical report.

**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***

195. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

196. The fifth periodical report states that in the monitoring period there have been no significant changes regarding the practical implementation of this undertaking. According to the results of the 2011 census, Hungarian is in equal and official use in Kneževi Vinogradi/Hercegszöllős municipality, where Hungarians represent 38.7% of the population, and in four local communities on the basis of the municipal statutes: Ernestinovo municipality (community Laslovo/Szentlászló), Petlovac municipality (community Novi Bezdán/Újbezdán), Tompojevci municipality (community Čakovci) and Tordinci municipality (community Korod/Kórógy). Compared to the results of the previous census, Hungarian is no longer in equal and official use in Bilje/Bellye municipality on the basis of the census. Representatives of the Hungarian speakers stated during the on-the-spot visit that the use of Hungarian within the framework of the aforementioned municipalities is satisfactory. Hungarian is not used by other local authorities in areas with numbers of Hungarian speakers relevant for this undertaking, especially Beli Manastir.

197. During the on-the-spot visit, it became clear that relevant regional authorities, in particular Osijek-Baranja county, do not use Hungarian as a working language.

198. The Committee of Experts considers the undertaking partly fulfilled regarding local authorities and not fulfilled regarding regional authorities.

***The Committee of Experts encourages the Croatian authorities to take measures facilitating the use of Hungarian within the framework of regional and local authorities in practice.***

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

199. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

200. In light of the fifth periodical report and the information obtained during the on-the-spot visit, the situation regarding the fulfilment of this undertaking corresponds largely to what is described under Article 10.2.a above.

201. The Committee of Experts considers the undertaking partly fulfilled regarding local authorities and not fulfilled regarding regional authorities. It encourages the Croatian authorities to take the necessary organisational measures to ensure that Hungarian speakers may submit oral or written applications in this language to regional and local authorities and to pursue measures encouraging the Hungarian speakers to make use of this possibility.

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

202. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

203. During the on-the-spot visit, the Committee of Experts received confirmation from representatives of regional authorities and the Hungarian speakers that county administrations do not publish any documents in Hungarian.

204. The Committee of Experts considers the undertaking still not fulfilled. It encourages the Croatian authorities to take measures facilitating the publication by regional authorities of their official documents also in Hungarian and to provide an overview of such documents in the next periodical report.

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

205. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

206. The Committee of Experts refers to its observations made under Article 10.2.a and b. The fact that the websites of municipalities with Hungarian speaking population in Osijek-Baranja county (e.g. Bilje/Bellye, Kneževi Vinogradi/Hercegszöllös) contain no information in Hungarian also indicates that this undertaking is not fully implemented.

207. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Croatian authorities to promote the publication by local authorities of their official documents also in Hungarian and to provide an overview of such documents in the next periodical report.

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

208. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

209. The fifth periodical report contains no new information about this undertaking.

210. The Committee of Experts still considers the undertaking partly fulfilled. It encourages the Croatian authorities to further promote the use or adoption of traditional and correct forms of place names in Hungarian.

#### **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*

211. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Croatian authorities to take proactive measures to ensure that the regional or minority languages are used in the provision of the service.

212. According to the fifth periodical report, there have been no significant changes compared to the previous monitoring cycle.

213. The Committee of Experts maintains its previous conclusion that the undertaking is not fulfilled.

***The Committee of Experts urges the Croatian authorities to ensure that Hungarian is used in the provision of public services.***

#### **Article 11 - Media**

##### **Paragraph 1**

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

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

214. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

215. The fifth periodical report states that radio programmes in Hungarian were financed through the Fund for the Promotion of Pluralism and Diversity of Electronic Media in 2010-2012.

216. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Croatian authorities to provide more information as to what degree the programmes supported by the Fund for the Promotion of Pluralism and Diversity of Electronic Media are publicly available via the Internet or in another medium.

### **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.***

217. In the fourth evaluation report, the Committee of Experts did not conclude on this undertaking and asked the Croatian authorities to provide the relevant information in the next periodical report.

218. As noted above (paragraph 159), the Council for Electronic Broadcasting neither represents nor takes into account the interests of the users of regional or minority languages, but the Council for National Minorities might play a role in this field. It is, however, unclear how the Council for National Minorities and the Council for Electronic Broadcasting co-operate and how the opinions of the former are taken into account.

219. The Committee of Experts is not in a position to conclude on this undertaking. It encourages the Croatian authorities to ensure that the interests of the minority language users are represented or taken into account within the Council for Electronic Broadcasting.

## **Article 12 Cultural activities and facilities**

### **Paragraph 1**

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

***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***

220. According to the fifth periodical report, the Croatian authorities provide financial support to the local branch of the state archive in Međimurje and the Central Library of the Hungarians in Beli Manastir so that these institutions archive material in Hungarian.

221. The Committee of Experts considers the undertaking fulfilled.

## **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***

222. In its previous evaluation reports, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

223. However, the fifth periodical report provides no information about this undertaking.

224. The Committee of Experts is still is not in a position to conclude on the fulfilment of the undertaking. It asks the Croatian authorities to inform it on the pertinent activities of the People's Ombudsman or other institutions in the next periodical report.

### 3.2.3 Italian

225. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the previous evaluation reports and for which it has not received any new elements requiring a revised assessment or a different presentation of their implementation. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage. In the case of Italian, these provisions are the following:

Article 8, paragraph 1 a iii, b iv, d iv, e ii;  
Article 9, paragraph 1 c iii, paragraph 2 a;  
Article 10, paragraph 5;  
Article 11, paragraph 1 e ii; paragraph 2;  
Article 12, paragraphs 1 a, f;  
Article 13, paragraphs 1 a, b;  
Article 14, a, b.

#### Article 8 – Education

226. In the fourth evaluation report, the Committee of Experts encouraged the Croatian authorities to redress the remaining problems with regard to textbooks, in co-operation with the speakers.

227. According to the fifth periodical report, 19 requests for approval of textbooks in Italian (ten concerning translated textbooks and nine imported textbooks) were submitted in 2011. The amount of €120 000 was granted for developing or importing textbooks in Italian in 2011. In the 2010/2011 academic year, six textbooks were translated.

228. According to a statement submitted by representatives of the Italian speakers, however, Italian minority primary and in particular secondary schools are still confronted with a lack of textbooks. In addition, as far as Model A is concerned, new educational plans and programmes have been adopted for Italian as mother tongue, but for other subjects (geography, history, music and arts for primary and secondary schools, as well as nature and society for primary schools) these have not been finalised. Consequently, adapted textbooks are missing. The upper secondary school students are particularly affected, since they should be able to prepare the school leaving examination (*Matura*) on the basis of textbooks having an identical content to those used in mainstream education. The Italian speakers are also concerned about the tendency to reduce, in the framework of the new plans and programmes, the content taught in Italian.

229. The Committee of Experts urges the Croatian authorities to address, in co-operation with the speakers, the problems concerning textbooks and the educational plans and programmes, which may in the long term have a negative impact on Italian-language education.

#### Paragraph 1

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

#### Secondary education

- |   |     |   |
|---|-----|---|
| c | i   | to make available secondary education in the relevant regional or minority languages; or  |
|   | ii  | to make available a substantial part of secondary education in the relevant regional or minority languages;<br>or   |
|   | iii | to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or                                   |
|   | iv  | <b>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.</b> |

230. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled. Nevertheless, it asked the Croatian authorities to provide information on the state *Matura* exam and regional or minority language education, including with respect to the access to higher education.

231. According to the fifth periodical report, for pupils taught in a minority language, Croatian and the respective minority language are compulsory in the *Matura* exam. The report further indicates that the state *Matura* exam was conducted in Italian. Nevertheless, the representatives of the Italian speakers are concerned that the *Matura* exam in Italian language and literature is not relevant for the admission score at

university, while, for example, a candidate with a school leaving diploma obtained in Italy is awarded points for Italian as mother tongue.

232. The Committee of Experts considers the undertaking still fulfilled, but encourages the Croatian authorities to investigate, in co-operation with the speakers, whether the minority language *Matura* could be taken into consideration for admission to universities in certain study programmes (see also paragraph 93 above).

#### **Adult and continuing education**

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

233. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled, as minority associations were offering Italian courses for adults. However, the Committee of Experts asked the Croatian authorities to provide information about the offer of Italian courses in regular adult education.

234. According to the fifth periodical report, Italian minority associations continue to offer Italian courses. Italian is not taught in regular adult or continuing education.

235. The Committee of Experts considers the undertaking fulfilled. It encourages the Croatian authorities to provide earmarked support to minority associations enabling them to offer Italian as a subject of adult or continuing education on a permanent basis.

#### **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**

236. In the previous monitoring cycles, the Committee of Experts considered the undertaking fulfilled for minority education and not fulfilled for mainstream schools.

237. In light of the information that the Committee of Experts has obtained regarding the National Framework Curriculum (see under Article 7.3 above), it is not clear to what extent the teaching of the history and the culture reflected by the Italian language is ensured in the mainstream schools.

238. The Committee of Experts considers the undertaking fulfilled for Italian minority education and asks the Croatian authorities for more information as far as mainstream schools are concerned, including the implementation of the National Framework Curriculum.

#### **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**

239. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled.

240. In the fifth monitoring cycle, the Italian representatives informed the Committee of Experts that teacher diplomas obtained in Italy are not fully recognised in Croatia. For example, students having obtained a degree in philology in Italy were only allowed to teach for a limited period of time and if there were no other candidates, since according to Croatian regulations, their diplomas did not entitle them to become teachers.

241. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled, but asks the Croatian authorities to clarify the issues related to the recognition of diplomas.

## **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:**

#### **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.*

#### *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.*

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

242. In the fourth evaluation report, the Committee of Experts considered the undertakings fulfilled.

243. According to the fifth periodical report, Italian has been used in judicial proceedings before the courts in Pula/Pola and Rovinj/Rovigno. However, the Italian speakers informed the Committee of Experts that those wishing to use Italian before courts have to pay for interpretation or translation.

244. The Committee of Experts is not in a position to conclude on the fulfilment of these undertakings regarding Italian and asks the Croatian authorities to clarify, in the next periodical report, whether Italian speakers have to pay for interpretation or translation.

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

245. As indicated under 1.4.2 above, Article 10 also applies to those local and regional authorities where persons belonging to a national minority do not make up more than one third of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

#### *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*

246. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. The Committee of Ministers recommended Croatia to “**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**”. To this end, the Committee of Experts urged the Croatian authorities to change their human resources policy.

247. According to the fifth periodical report and the information received from the Italian speakers, there are significant shortcomings concerning the use of Italian in relations with local branches of the state authorities. In this context, the Committee of Experts refers to its observations made above concerning organisational measures (paragraphs 96-97).

248. The Committee of Experts maintains its previous conclusion that the undertaking is only partly fulfilled.

***The Committee of Experts strongly urges the Croatian authorities to take the necessary organisational measures to ensure that Italian speakers may submit oral or written applications in this language to local branches of the State administration.***

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

249. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

250. The fifth periodical report contains no specific information about the implementation of this undertaking.

251. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It encourages the Croatian authorities to make available widely used administrative texts and forms for the population in Italian or in bilingual versions and to provide an overview of the respective texts and forms in the next periodical report.

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

252. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled.

253. According to the fifth periodical report, 7,090 bilingual identity cards were issued in Croatian and Italian from 2010-2012. The Committee of Experts has not been made aware of any other documents drafted in Italian and notes that this undertaking concerns a wider range of documents than only identity cards.

254. The Committee of Experts therefore revises its previous conclusion and considers the undertaking partly fulfilled. It encourages the Croatian authorities to promote the drafting of different kinds of documents in Italian and to provide an overview of such documents in the next periodical report.

#### ***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*

255. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled.

256. According to the results of the 2011 census, Italian is in equal and official use in the Grožnjan/Grisignana municipality, where Italians represent 39.4% of the population, and in 18 towns, cities or municipalities on the basis of the municipal statutes. Compared to the results of the previous census, Italian is no longer in equal and official use in Brtonigla/Verteneglio municipality based on the census.

257. The fifth periodical report does not provide new information on the implementation of this undertaking in practice. However, representatives of the Italian speakers have informed the Committee of Experts that there were significant shortcomings in the implementation of bilingualism and that a structured and holistic approach of the concerned authorities was lacking.

258. The periodical report provides no information about the use of Italian by the Istria county administration in practice.

259. The Committee of Experts considers the undertaking still fulfilled at present. It nevertheless encourages the Croatian authorities to consult the representatives of the Italian speakers as to how the use of Italian by local and regional authorities may be improved in practice.

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

260. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled.

261. The Committee of Experts refers to the information from the Italian speakers cited above (Article 10.2.a).

262. The Committee of Experts considers the undertaking fulfilled at present. It nevertheless encourages the Croatian authorities to consult the representatives of the Italian speakers as to how the possibility for users of Italian to submit oral or written applications in this language may be improved in practice.

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

263. In its fourth evaluation report, the Committee of Experts considered the undertakings fulfilled.

264. The Committee of Experts still considers the undertakings fulfilled. In light of the observations made under Article 10.2.a above, the Committee of Experts asks the Croatian authorities to provide an overview of documents published by local and regional authorities in Italian in the next periodical report.

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

265. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled, but asked the Croatian authorities to clarify the situation concerning bilingual signs on state roads, which were only in Croatian.

266. According to the fifth periodical report, bilingual signs were displayed on motorways in Istria county when new segments were opened for circulation in 2011, as well as on connecting roads.

267. The Committee of Experts considers the undertaking fulfilled.

#### **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

268. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Croatian authorities to take proactive measures to ensure that the regional or minority languages are used in the provision of the service.

269. According to the fifth periodical report, there have been no significant changes compared to the previous monitoring cycle. The representatives of the Italian speakers informed the Committee of Experts that, as far as public services are concerned, the use of Italian is only symbolic (e.g. bilingual headings).

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

***The Committee of Experts urges the Croatian authorities to ensure that Italian is used in the provision of public services.***

#### **Article 11 - Media**

##### **Paragraph 1**

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

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

271. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled for radio, but not fulfilled with regard to television broadcasting.

272. According to the fifth periodical report, in the framework of the television programme "Prizma", about seven hours were dedicated to the Italian minority in the period 2010-2012. In addition, in the period 2010-2012, ten episodes of "Manjinski mozaik", covering two hours and 30 minutes, were dedicated to the Italian minority. In line with the general observations made above (paragraph 101), the Committee of Experts notes that the current offer of programmes in Italian on public television is insufficient in view of the number of Italian speakers in Croatia.

273. The periodical report lists several public radio programmes, but also private radio programmes broadcast in Italian.

274. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled for radio, but not fulfilled as regards television.

***The Committee of Experts encourages the Croatian authorities to increase the broadcast time and the regularity of the programmes in Italian on public television.***

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

275. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

276. According to the fifth periodical report, in 2010- 2012 radio and television programmes in Italian were financed through the Fund for the Promotion of Pluralism and Diversity of Electronic Media.

277. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Croatian authorities to provide more information as to what degree the programmes supported by the Fund for the Promotion of Pluralism and Diversity of Electronic Media are publicly available via the Internet or in another medium.

### **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.*

278. In the fourth evaluation report, the Committee of Experts did not conclude on this undertaking and asked the Croatian authorities to provide relevant information in the next periodical report.

279. As noted above (paragraph 159), the Council for Electronic Broadcasting neither represents nor takes into account the interests of the users of regional or minority languages, but the Council for National Minorities might play a role in this field. It is, however, unclear how the Council for National Minorities and the Council for Electronic Broadcasting co-operate and how the opinions of the former are taken into account.

280. The Committee of Experts is not in a position to conclude on this undertaking. It encourages the Croatian authorities to ensure that the interests of the minority language users are represented or taken into account within the Council for Electronic Broadcasting.

## **Article 12 Cultural activities and facilities**

### **Paragraph 1**

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

*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*

281. According to the fifth periodical report, the Croatian authorities finance the Central Library of the Italians in Pula/Pola.

282. The Committee of Experts considers the undertaking fulfilled.

### **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***

283. In its previous evaluation reports, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

284. However, the fifth periodical report provides no information about this undertaking.

285. The Committee of Experts is still is not in a position to conclude on the fulfilment of the undertaking. It asks the Croatian authorities to inform it on the pertinent activities of the People's Ombudsman or other institutions in the next periodical report.

### 3.2.4 Ruthenian

286. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the previous evaluation reports and for which it has not received any new elements requiring a revised assessment or a different presentation of their implementation. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage. In the case of Ruthenian, these provisions are the following:

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

#### Article 8 – Education

287. In the fourth monitoring cycle, the Committee of Ministers recommended that Croatia “**strengthen, and where relevant, introduce the teaching of [...] Ruthenian [...] at all appropriate stages of education in co-operation with the speakers**”. In the fifth monitoring cycle, the situation has not improved as Ruthenian is still not taught in pre-school, secondary, technical and vocational education. In primary education, the number of pupils enrolled under Model C has decreased (see below). In its fourth evaluation report, the Committee of Experts also encouraged the Croatian authorities to continue their efforts to employ an educational adviser for Ruthenian. According to the fifth periodical report, no adviser has yet been appointed for Ruthenian.

288. Furthermore, the Committee of Experts encouraged the Croatian authorities to redress the remaining problems with regard to the production and translation of textbooks, in co-operation with the Ruthenian speakers. The fifth periodical report contains no information in this respect. The Committee of Experts asks the Croatian authorities to provide an overview of the available textbooks in Ruthenian 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
  - ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or
  - iii **to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient.**

289. In the fourth monitoring cycle, this undertaking was not fulfilled. The Committee of Experts encouraged the Croatian authorities to continue their efforts to offer pre-school education in Ruthenian.

290. According to the fifth periodical report, there is still no pre-school education in Ruthenian. During the on-the-spot visit to Petrovci/Петровци (Bogdanovci municipality, Vukovar-Srijem county), representatives of the Ruthenian speakers expressed their interest in the use of Ruthenian at pre-school level.

291. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to consult the Ruthenian speakers about their interest in pre-school education in Ruthenian and to make available such education in Petrovci/Петровци and possibly other places.

#### Primary education

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

292. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

293. According to the fifth periodical report, 51 pupils were enrolled in Ruthenian language education under Model C in 2011/2012 compared to 72 pupils in the previous monitoring cycle. Teaching takes place in Vukovar and in Petrovci/Петровци. Although the number of pupils has significantly decreased compared to the last monitoring cycle, the Committee of Experts acknowledges that it remains acceptable considering the total number of Ruthenian speakers in Croatia. However, there are organisational problems in practice, as teaching of Ruthenian, although part of the curriculum, takes place outside the regular timetable. There is a strong interest from the minority in language learning, as indicated by the high number of children participating in summer schools.

294. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Croatian authorities to address the practical problems and offer Ruthenian within the regular timetable.

#### **Secondary education**

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

295. In the fourth monitoring cycle, this undertaking was not fulfilled.

296. According to the fifth periodical report and information obtained during the on-the-spot visit, there is no teaching in or of Ruthenian at secondary level. The Committee of Experts considers Model C should be promoted among those pupils currently following this educational model at primary level. The Committee of Experts was also informed that secondary school students attend the summer schools, which indicates an interest in learning Ruthenian.

297. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to undertake efforts to offer teaching of Ruthenian in secondary education.

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

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

298. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

299. According to the fifth periodical report, there is no teaching in or of Ruthenian in technical or vocational education.

300. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to consult representatives of the Ruthenian speakers about possibilities to teach Ruthenian in technical and vocational education in the medium term.

#### **University and higher education**

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

301. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Croatian authorities 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.

302. The fifth periodical report contains no information in this respect.

303. The Committee of Experts considers the undertaking not fulfilled. It urges the Croatian authorities to provide facilities for the study of Ruthenian as a university and higher education subject or to investigate about the possibility to provide support for Ruthenian speakers in Croatia to study Ruthenian abroad.

#### ***Adult and continuing education***

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

304. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

305. At present, Ruthenian is still not offered as a subject of adult or continuing education. As mentioned above (paragraph 111), considering that, in the Croatian system, language courses in adult and continuing education are organised by minority associations, the Committee of Experts considers that the Croatian authorities should provide earmarked support to such associations as to enable them to exert this task on a permanent basis.

306. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to provide earmarked support to minority associations enabling them to offer Ruthenian as a subject of adult or continuing education on a permanent basis.

#### ***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***

307. In the previous monitoring cycles, the Committee of Experts considered the undertaking fulfilled for minority education and not fulfilled for mainstream schools.

308. In light of the information that the Committee of Experts has obtained regarding the National Framework Curriculum (see under Article 7.3 above), it is not clear to what extent the teaching of the history and the culture reflected by the Ruthenian language is ensured in the mainstream schools. As far as minority education is concerned, it must also be borne in mind that this is currently organised for Ruthenian at primary level only.

309. The Committee of Experts considers the undertaking fulfilled for Ruthenian minority education and asks the Croatian authorities for more information as far as mainstream schools are concerned, including the implementation of the National Framework Curriculum.

#### ***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***

310. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

311. The fifth periodical report provides no information regarding the basic and further training of the teachers of Ruthenian at primary school (Model C). During the on-the-spot visit the Committee of Experts was informed that no basic teacher training is available in Croatia for Ruthenian. However, three students received scholarships to study Ruthenian in Novi Sad (Serbia) in order to become teachers.

312. The Committee of Experts considers the undertaking partly fulfilled regarding basic training and not fulfilled regarding further training. It encourages the Croatian authorities to provide the basic and further training of the teachers required to implement the undertakings under Article 8 with regard to Ruthenian.

## **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:***

#### ***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.*

*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.*

*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*

313. In the fourth evaluation report, the Committee of Experts considered the undertakings only formally fulfilled.

314. According to the fifth periodical report, Ruthenian has not been used before courts during the reporting period.

315. The Committee of Experts considers the undertakings only formally fulfilled. It encourages the Croatian authorities to pursue measures encouraging Ruthenian speakers to make use of the possibilities to use this language before judicial authorities.

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

316. As indicated under 1.4.2 above, Article 10 applies also to those local and regional authorities where those belonging to a national minority do not make up more than one third of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

*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*

317. In its fourth evaluation report, the Committee of Experts considered the undertaking only formally fulfilled. The Committee of Ministers recommended that Croatia **“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”**. To this end, the Committee of Experts urged the Croatian authorities to change their human resources policy.

318. According to the fifth periodical report and information obtained during the on-the-spot visit, Ruthenian has not been used in relations with local branches of state authorities. In this context, the Committee of Experts refers to its observations made above concerning organisational and encouragement measures (paragraphs 96-97).

319. In the absence of practical implementation, the Committee of Experts maintains its previous conclusion that the undertaking is only formally fulfilled. It strongly urges the Croatian authorities to take the necessary organisational measures to ensure that Ruthenian speakers may submit oral or written applications in this language to local branches of the State administration and to pursue measures encouraging the Ruthenian speakers to make use of this possibility.

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

320. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

321. The fifth periodical report contains no specific information about the implementation of this undertaking. During the on-the-spot visit, the Committee of Experts was informed by representatives of the speakers that no administrative texts or forms have been made available in Ruthenian.

322. On the basis of the new information received, the Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to make available widely used administrative texts and forms for the population in Ruthenian or in bilingual versions and to provide an overview of the respective texts and forms in the next periodical report.

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

323. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

324. According to the fifth periodical report, five bilingual identity cards were issued in Croatian and Ruthenian in 2010-2012. The Committee of Experts notes that this undertaking concerns a wider range of official documents than only identity cards.

325. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Croatian authorities to promote the drafting of different kinds of documents in Ruthenian and to provide an overview of such documents in the next periodical report.

**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**

326. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

327. The Committee of Experts has received conflicting information about the equal and official use of Ruthenian. According to the fifth periodical report, Ruthenian is in equal and official use in Petrovci/Петровци (Bogdanovci municipality, Vukovar-Srijem county) and in Mikluševci/Миклошевци (Tompojevci municipality) on the basis of the statutes. During the on-the-spot visit to Petrovci/Петровци, the place with the highest percentage of Ruthenians in Croatia, representatives of the local council and the local authorities did not confirm this information with respect to this local community. According to them, Ruthenian is not used by the relevant local authorities. The periodical report contains no information about the use of Ruthenian within the framework of the local authorities of Tompojevci municipality in practice. The Committee of Experts asks the Croatian authorities to clarify in the next periodical report in which local communities Ruthenian is in equal and official use.

328. Furthermore, the authorities of Vukovar-Srijem county do not use Ruthenian as a working language.

329. On the basis of the new information received, the Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to facilitate the use of Ruthenian within the framework of regional and local authorities.

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

330. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

331. During the on-the-spot visit, the Committee of Experts received confirmation that it is possible to submit oral or written applications in Ruthenian to the local authorities of Bogdanovci/Petrovci-Петровци. However, it is not clear to the Committee of Experts whether this results from a specific human resources policy. Furthermore, the Committee of Experts was informed that, in practice, hardly any use is made of the possibility to submit applications in Ruthenian.

332. There is no practice to submit applications in Ruthenian to the Vukovar-Srijem county administration. It is unclear whether the administration has Ruthenian-speaking officials.

333. The Committee of Experts considers the undertaking partly fulfilled regarding local authorities and not fulfilled regarding regional authorities. It encourages the Croatian authorities to take the necessary organisational measures to ensure that Ruthenian speakers may submit oral or written applications in this language to regional and local authorities and to pursue measures encouraging the Ruthenian speakers to make use of this possibility.

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

334. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

335. The administration of Vukovar-Srijem county has not published any official documents in Ruthenian.

336. The Committee of Experts considers the undertaking still not fulfilled. It encourages the Croatian authorities to take measures facilitating the publication by regional authorities of their official documents also in Ruthenian and to provide an overview of such documents in the next periodical report.

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

337. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

338. The fifth periodical report provides no information about the practical implementation of this undertaking regarding Ruthenian. During the on-the-spot visit, the Committee of Experts was informed that the relevant local authorities have not published any official documents in Ruthenian.

339. On the basis of the new information received, the Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to promote the publication by local authorities of their official documents also in Ruthenian and to provide an overview of such documents in the next periodical report.

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

340. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

341. During the on-the-spot visit, the Committee of Experts noted that there are neither bilingual place name signs, nor street name or other topographic signs in Croatian and Ruthenian in Petrovci/Петровци.

342. On the basis of this new information, the Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to use or adopt traditional and correct forms of place names in Ruthenian.

**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*

343. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Croatian authorities to take proactive measures to ensure that the regional or minority languages are used in the provision of the service.

344. During the on-the-spot visit, it became clear that public services are not provided in Ruthenian.

345. The Committee of Experts considers the undertaking not fulfilled. It urges the Croatian authorities to ensure that Ruthenian is used in the provision of public services.

## Article 11 - Media

### Paragraph 1

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

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

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

346. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled for radio and not fulfilled as regards television.

347. According to the fifth periodical report, the programme "Prizma" devoted about 50 minutes to the Ruthenian minority in the period 2010-2012. As part of the "Manjinski mozaik" programme, three episodes of 45 minutes were dedicated to the Ruthenians during that period. In line with the general observations made above (paragraph 101), the Committee of Experts notes that the current presence of Ruthenian on public television is merely symbolical.

348. The periodical report does not indicate any radio programme in Ruthenian.

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

***The Committee of Experts encourages the Croatian authorities to increase the broadcast time and the regularity of the programmes in Ruthenian on public television and to make adequate provision so that broadcasters offer radio programmes in Ruthenian.***

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

350. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

351. The fifth periodical report does not indicate any audio or audiovisual works in Ruthenian funded by the authorities.

352. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to facilitate the production and distribution of audio and audiovisual works in Ruthenian.

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

353. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

354. According to the fifth periodical report, a bi-monthly publication for the Ruthenian and Ukrainian minorities continues to be supported by the Croatian authorities. The Committee of Experts underlines that, in conformity with its regular interpretation, a "newspaper" in the sense of this undertaking has to be published at least weekly. This could be done for example by including articles in Ruthenian in existing local newspapers.

355. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to facilitate the publication of newspaper articles in Ruthenian on a regular basis.

### 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.*

356. In the fourth evaluation report, the Committee of Experts did not conclude on this undertaking and asked the Croatian authorities to provide relevant information in the next periodical report.

357. As noted above (paragraph 159), the Council for Electronic Broadcasting neither represents nor takes into account the interests of the users of regional or minority languages, but the Council for National Minorities might play a role in this field. It is, however, unclear how the Council for National Minorities and the Council for Electronic Broadcasting co-operate and how the opinions of the former are taken into account.

358. The Committee of Experts is not in a position to conclude on this undertaking. It encourages the Croatian authorities to ensure that the interests of the minority language users are represented or taken into account within the Council for Electronic Broadcasting.

## **Article 12 Cultural activities and facilities**

### *Paragraph 1*

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

- 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*

359. According to the fifth periodical report, the Croatian authorities finance the Central Library of the Ruthenians and Ukrainians within the Zagreb City Libraries. During the on-the-spot visit, the Committee of Experts also visited the local library of Petrovci/Петровци which keeps books in Ruthenian.

360. The Committee of Experts considers the undertaking fulfilled.

## **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*

361. In its previous evaluation reports, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and pointed out that fulfilment required positive action by the authorities, such as awareness-raising and promotion of tolerance of regional or minority languages.

362. However, the fifth periodical report provides no information about this undertaking.

363. The Committee of Experts is still is not in a position to conclude on the fulfilment of the undertaking. It asks the Croatian authorities to inform it on the pertinent activities of the People's Ombudsman or other institutions in the next periodical report.

### 3.2.5 Serbian

364. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the previous evaluation reports and for which it has not received any new elements requiring a revised assessment or a different presentation of their implementation. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage. In the case of Serbian, these provisions are the following:

Article 8, paragraph 1 a iii, b iv, c iv, d iv;  
Article 9, paragraph 1 c iii, d, paragraph 2 a;  
Article 10 paragraph 5;  
Article 11, paragraph 1 e ii; paragraph 2;  
Article 12, paragraphs 1 a, f;  
Article 13, paragraphs 1 a, b;  
Article 14, a, b.

365. When examining the application of Part III to Serbian below, the Committee of Experts has kept in mind the close proximity of everyday spoken Croatian and Serbian (as used in Croatia).

#### **Article 8 – Education**

366. In the fourth evaluation report, the Committee of Experts encouraged the Croatian authorities to address the remaining problems with regard to the production and translation of textbooks in Serbian, in co-operation with the speakers. According to the fifth periodical report, twelve textbooks were produced in Serbian in the 2010/2011 academic year and six in the 2011/2012 academic year. Furthermore, the amount of €256 000 was granted for developing or importing textbooks in Serbian in 2011.

367. The Committee of Experts also asked the Croatian authorities to provide more information on the cases of schools offering Model A education in Serbian that had not been registered in accordance with the law. The fifth periodical report refers to the harmonisation of school statutes, in line with the Act amending the Act on Primary and Secondary Education, which also concerns five schools in the Vukovar-Srijem county. No further information is provided about the registration of schools. During the on-the-spot visit, representatives of the Serbian speakers informed the Committee of Experts that the problems related to the registration of Serbian-language schools persist.

#### **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:*

#### **University and higher education**

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

368. In the previous monitoring cycles, the Committee of Experts considered the undertaking fulfilled.

369. During the on-the-spot visit, the Committee of Experts was informed that the Serbian study programme at the University of Zagreb was discontinued. The Committee of Experts asks the Croatian authorities to clarify this issue in the next periodical report.

#### **Adult and continuing education**

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

370. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled as minority associations were offering Serbian courses for adults. However, the Committee of Experts asked the Croatian authorities to provide information about the offer of Serbian courses in regular adult education.

371. While the fifth periodical report indicates that minority associations still offer language courses for Czech, Hungarian and Italian, there is no similar information concerning Serbian.

372. The Committee of Experts asks the Croatian authorities, in co-operation with the speakers, to assess the need for Serbian in adult and continuing education and to support minority associations in offering such courses.

#### **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*

373. In the previous monitoring cycles, the Committee of Experts considered the undertaking fulfilled for minority education and not fulfilled for mainstream schools. It asked for further information on the adoption of the National Framework Curriculum and its content relevant for this undertaking.

374. In light of the information that the Committee of Experts has obtained regarding the National Framework Curriculum (see under Article 7.3 above), it is not clear to what extent the teaching of the history and the culture reflected by the Serbian language is ensured in the mainstream schools.

375. The Committee of Experts considers the undertaking fulfilled for Serbian minority education and asks the Croatian authorities for more information as far as mainstream schools are concerned, including the implementation of the National Framework Curriculum.

#### **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*

376. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled regarding further training. The Committee of Experts was not in a position to conclude with respect to basic training and asked the Croatian authorities to provide more structured information in this respect.

377. The fifth periodical report provides information on training seminars for teachers of minority languages, but not on the basic training for teachers of Serbian or teaching subjects in Serbian.

378. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled regarding further training. With respect to basic training, the Committee of Experts is still not in a position to conclude and asks the Croatian authorities to provide relevant information in the next periodical report.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

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

#### **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.*

#### **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.*

#### **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*

379. In the fourth evaluation report, the Committee of Experts considered the undertakings only formally fulfilled. It asked the Croatian authorities to clarify whether the merging of courts in Croatia had limited the possibility to use minority languages before judicial authorities.

380. According to the fifth periodical report, courts have offered parties the possibility to use Serbian. During the reporting period, Serbian was used in one proceeding before the Misdemeanour Court in Križevci.

381. Regarding the merging of the court in Vrbovsko/Врбовско (where Serbian is in equal and official use) with the court in Ogulin, the Croatian authorities state that the number of minority language speakers in the judicial district of Ogulin, which comprises four municipalities and two towns (including Vrbovsko/Врбовско), does not justify the use of minority languages in accordance with Article 9. Therefore, the Croatian language and the Latin script are in official use at the court in Ogulin. Given that the court in Ogulin is now also competent for a territory where Serbian is co-officially used, the Committee of Experts underlines that the possibility to use Serbian must be ensured at this court in line with Croatia's commitments under the Charter.

382. The Committee of Experts considers these undertakings fulfilled as regards the spoken use of Serbian before courts. As far as the use of the Cyrillic script is concerned, the Committee of Experts asks the Croatian authorities to provide more specific information in the next periodical report.

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

383. As indicated under 1.4.2 above, Article 10 also applies to those local and regional authorities where persons belonging to a national minority do not make up more than one third of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

#### ***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***

384. In its fourth evaluation report, the Committee of Experts considered the undertaking only formally fulfilled. The Committee of Ministers recommended that Croatia **“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”**. To this end, the Committee of Experts urged the Croatian authorities to change their human resources policy.

385. According to the fifth periodical report, Serbian has not been used in relations with local branches of state authorities. In this context, the Committee of Experts refers to its observations made above concerning organisational and encouragement measures (paragraphs 96-97).

386. In the absence of practical implementation, the Committee of Experts maintains its previous conclusion that the undertaking is only formally fulfilled.

387. The Committee of Experts strongly urges the Croatian authorities to take the necessary organisational measures to ensure that Serbian speakers may submit applications in this language to local branches of the State administration and to pursue measures encouraging the Serbian speakers to make use of this possibility.

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

388. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

389. The fifth periodical report contains no specific information about the implementation of this undertaking. According to representatives of the Serbian speakers, there is no practice in the local state administration of making administrative texts and forms available in Serbian.

390. On the basis of the new information received, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Croatian authorities to provide information about the availability of widely used administrative texts and forms in the Cyrillic script.

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

391. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

392. According to the fifth periodical report and representatives of the Serbian speakers, 214 bilingual identity cards were issued in Croatian and Serbian in 2010-2012. Nevertheless, the Committee of Experts notes that this undertaking concerns a wider range of official documents than only identity cards.

393. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It encourages the Croatian authorities to promote the drafting of different kinds of documents in Serbian and to provide an overview of such documents in the next periodical report.

**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*

394. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

395. The fifth periodical report states that in the monitoring period there have been no significant changes regarding the practical implementation of this undertaking. According to the results of the 2011 census, Serbian continues to be in equal and official use in 23 municipalities where those belonging to the Serbian minority represent more than one third of the population, as well as in Kneževi Vinogradi/Кнежеви Виногради municipality and in two local communities of Nijemci municipality, on the basis of the statutes. The Committee of Experts has not received precise information about the use of Serbian in practice within the framework of these local authorities.

396. During the on-the-spot visit, representatives of the Serbian speakers informed the Committee of Experts that Serbian speakers in Vukovar often refrain from using their language in relations with the local authorities for fear of disadvantages. Bearing in mind the observations made above (paragraphs 82-84), the Committee of Experts encourages the Croatian authorities to create favourable conditions for Serbian speakers to use their language in dealings with those authorities. The Committee of Experts observed, during the on-the-spot visit, that local branches of the state administration in Vukovar use signs with inscriptions in both Latin and Cyrillic scripts. The Committee of Experts is convinced that a similar use of such signs on local administrative buildings would contribute to the creation of such favourable conditions.

397. During the on-the-spot visit, it became clear that relevant regional authorities, in particular the Vukovar-Srijem and Osijek-Baranja counties, do not use Serbian as a working language.

398. The Committee of Experts considers the undertaking partly fulfilled regarding local authorities and not fulfilled regarding regional authorities.

***The Committee of Experts encourages the Croatian authorities to take measures facilitating the use of Serbian within the framework of regional and local authorities in practice.***

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

399. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

400. In light of the fifth periodical report and the information obtained during the on-the-spot visit, the situation is satisfactory in municipalities where Serbs form the majority of the population. In other municipalities, however, the use of the Cyrillic script is not guaranteed in practice.

401. The Committee of Experts considers the undertaking partly fulfilled regarding local authorities and not fulfilled regarding regional authorities. It encourages the Croatian authorities to take the necessary

organisational measures to ensure that Serbian speakers may submit written applications in the Cyrillic script to regional and local authorities and to pursue measures encouraging the Serbian speakers to make use of this possibility.

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

402. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

403. During the on-the-spot visit, the Committee of Experts received confirmation from representatives of a relevant regional authority and the Serbian speakers that county administrations do not publish any documents in Serbian.

404. The Committee of Experts considers the undertaking still not fulfilled. It encourages the Croatian authorities to take measures facilitating the publication by regional authorities of their official documents also in Serbian.

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

405. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

406. The fifth periodical report provides no specific information about this undertaking. During the on-the-spot visit, the Committee of Experts was informed that local authorities do not systematically publish their official documents in Serbian.

407. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Croatian authorities to promote the publication by local authorities of their official documents in Serbian too and to provide an overview of such documents in the next periodical report.

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

408. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It asked the Croatian authorities to provide more information on the development concerning place names in the Cyrillic script in the next evaluation report.

409. According to the fifth periodical report, seven municipalities in the Osijek-Baranja and Vukovar-Srijem counties requested bilingual road signs in 2012. The report does not specify whether the company responsible for road signage (*Hrvatske ceste*) has complied with these requests. During the on-the-spot visit to Slavonia, the Committee of Experts observed that several municipalities where Serbian is in equal and official use have bilingual street name signs (which is a local competence), but no bilingual place name signs (state competence). This inconsistency seems to be a result of different administrative responsibilities and requires harmonisation.

410. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Croatian authorities to promote the use or adoption of traditional and correct forms of place names in Serbian in all the areas where Serbian speakers live traditionally in sufficient numbers.

**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*

411. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Croatian authorities to take proactive measures to ensure that the regional or minority languages are used in the provision of the service.

412. According to the fifth periodical report, there have been no significant changes compared to the previous monitoring cycle.

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

***The Committee of Experts urges the Croatian authorities to ensure that Serbian is used in the provision of public services.***

## **Article 11 - Media**

### **Paragraph 1**

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

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

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

414. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled for radio, but not fulfilled with regard to television broadcasting.

415. The fifth periodical report states that, in the framework of the television programme "Prizma", about 15 hours were dedicated to the Serbian minority in the period 2010-2012. In addition, 15 episodes were dedicated to the Serbian minority as part of the programme "Manjinski mozaik" in 2010-2012, covering two hours 45 minutes. In line with the general observations made above (paragraph 101), the Committee of Experts notes that the current offer of programmes in Serbian on public television is insufficient in view of the number of Serbian speakers in Croatia.

416. The fifth periodical report contains no information about public radio broadcasting in Serbian, as required by the present undertaking. It contains, however, information about private radio stations and television channels broadcasting in Serbian. During the on-the-spot visit, the Committee of Experts was informed that there are also private radio stations broadcasting in Serbian with state support.

417. The Committee of Experts considers this undertaking not fulfilled for television and maintains its conclusion that it is fulfilled for radio.

***The Committee of Experts encourages the Croatian authorities to increase the broadcast time and the regularity of the programmes in Serbian on public television.***

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

418. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

419. The fifth periodical report states that radio programmes in Serbian were financed through the Fund for the Promotion of Pluralism and Diversity of Electronic Media in 2010-2012.

420. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Croatian authorities to provide more information as to what degree the programmes supported by the Fund for the Promotion of Pluralism and Diversity of Electronic Media are publicly available via the Internet or in another medium.

### **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.***

421. In the fourth evaluation report, the Committee of Experts did not conclude on this undertaking and asked the Croatian authorities to provide relevant information in the next periodical report.

422. As noted above (paragraph 159), the Council for Electronic Broadcasting neither represents nor takes into account the interests of the users of regional or minority languages, but the Council for National

Minorities might play a role in this field. It is, however, unclear how the Council for National Minorities and the Council for Electronic Broadcasting co-operate and how the opinions of the former are taken into account.

423. The Committee of Experts is not in a position to conclude on this undertaking. It encourages the Croatian authorities to ensure that the interests of the minority language users are represented or taken into account within the Council for Electronic Broadcasting.

## **Article 12 Cultural activities and facilities**

### **Paragraph 1**

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

- 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*

424. According to the fifth periodical report, the Croatian authorities finance the Central Library of the Serbs within the Serbian Cultural Society Prosvjeta.

425. The Committee of Experts considers the undertaking fulfilled.

## **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*

426. In its previous evaluation reports, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and pointed out that fulfilment required positive action by the authorities, such as awareness-raising and promotion of tolerance of regional or minority languages.

427. However, the fifth periodical report provides no information about this undertaking.

428. The Committee of Experts is still is not in a position to conclude on the fulfilment of the undertaking. It asks the Croatian authorities to inform it on pertinent activities of the People's Ombudsman or other institutions in the next periodical report.

### 3.2.6 Slovak

429. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the previous evaluation reports and for which it has not received any new elements requiring a revised assessment or a different presentation of their implementation. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage. In the case of Slovak, these provisions are the following:

Article 8, paragraph 1 e ii;  
Article 9, paragraph 1 c iii, d, paragraph 2 a;  
Article 10 paragraph 5;  
Article 11 paragraph 2;  
Article 12, paragraphs 1 a, f;  
Article 13, paragraphs 1 a, b;  
Article 14, a, b.

#### Article 8 – Education

430. In the fourth monitoring cycle, the Committee of Ministers recommended that Croatia “**strengthen, and where relevant, introduce the teaching of Slovak [...] at all appropriate stages of education in co-operation with the speakers**”. Additional efforts by both the Croatian authorities and the Slovak national minority would be required to improve the situation.

##### Paragraph 1

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

##### Pre-school education

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

431. In the fourth monitoring cycle, this undertaking was not fulfilled. The Committee of Experts encouraged the Croatian authorities to continue their efforts to offer pre-school education in Slovak.

432. According to the fifth periodical report, there is still no pre-school education in Slovak.

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

##### Primary education

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

434. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

435. According to the fifth periodical report, 483 pupils attended Slovak language and culture lessons (Model C) in the academic year 2010/2011 and 491 pupils in the 2011/2012 academic year. Although the number of pupils has slightly decreased compared to the last monitoring cycle (526), the Committee of Experts acknowledges that it is relatively high considering the total number of Slovak speakers in Croatia. However, there are organisational problems in practice, as the teaching of Slovak, although part of the curriculum, takes place outside the regular timetable.

436. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Croatian authorities to address the practical problems and offer Slovak within the regular timetable.

### **Secondary education**

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

437. In the fourth monitoring cycle, this undertaking was not fulfilled.

438. According to the fifth periodical report, there is no teaching in or of Slovak at secondary level. However, the Committee of Experts was informed during the on-the-spot visit that Slovak is taught in a secondary school in Ilok. In general, the Committee of Experts considers Model C should be promoted among those pupils currently following this educational model at primary level.

439. The Committee of Experts considers the undertaking partly fulfilled. It asks the Croatian authorities to provide more information on the teaching of Slovak in secondary education in Ilok and encourages the Croatian authorities to pursue efforts to offer the teaching of Slovak in secondary education in other places.

### **Technical and vocational education**

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

440. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

441. According to the fifth periodical report, there is no teaching in or of Slovak in technical and vocational education.

442. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to consult representatives of the Slovak speakers about the possibilities of teaching Slovak in technical and vocational education in the medium term.

### **Adult and continuing education**

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

443. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled as minority associations were offering Slovak courses for adults. However, the Committee of Experts asked the Croatian authorities to provide information about the offer of Slovak courses in regular adult education.

444. During the on-the-spot visit, representatives of the Slovak speakers informed the Committee of Experts that Slovak is not offered as a subject of adult or continuing education. Considering that in the Croatian system language courses in adult and continuing education are organised by minority associations, the Committee of Experts considers that the Croatian authorities should provide earmarked support to such associations so as to enable them to exert this task on a permanent basis.

445. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to provide earmarked support to minority associations enabling them to offer Slovak as a subject of adult or continuing education on a permanent basis.

### **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**

446. In the previous monitoring cycles, the Committee of Experts considered the undertaking fulfilled for minority education and not fulfilled for mainstream schools.

447. In light of the information that the Committee of Experts has obtained regarding the National Framework Curriculum (see under Article 7.3 above), it is not clear to what extent the teaching of the history and the culture reflected by the Slovak language is ensured in the mainstream schools. As far as minority schools are concerned, it must also be borne in mind that they exist only at primary level.

448. The Committee of Experts considers the undertaking fulfilled for Slovak minority education and asks the Croatian authorities for more information as far as mainstream schools are concerned, including the implementation of the National Framework Curriculum.

**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*

449. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled regarding further training. The Committee of Experts was not in a position to conclude with respect to basic training and asked the Croatian authorities to provide more structured information in this respect.

450. The fifth periodical report provides information on training seminars for teachers of minority languages, but not regarding the basic training of the teachers of Slovak at primary school (Model C).

451. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled regarding further training and is not in a position to conclude regarding basic teacher training. It asks the Croatian authorities to provide relevant information in the next periodical report.

**Article 9 – Judicial authorities**

**Paragraph 1**

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

**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.*

**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.*

**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*

452. In the fourth evaluation report, the Committee of Experts considered the undertakings only formally fulfilled.

453. The fifth periodical report states that Slovak has not been used before courts during the reporting period.

454. The Committee of Experts considers the undertakings only formally fulfilled. It encourages the Croatian authorities to pursue measures encouraging Slovak speakers to make use of the possibilities to use this language before judicial authorities.

## Article 10 – Administrative authorities and public services

455. As indicated under 1.4.2 above, Article 10 also applies to those local and regional authorities where those belonging to a national minority do not make up more than one third of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

### *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*

456. In its fourth evaluation report, the Committee of Experts considered the undertaking only formally fulfilled. The Committee of Ministers recommended that Croatia “**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**”. To this end, the Committee of Experts urged the Croatian authorities to change their human resources policy.

457. According to the fifth periodical report, Slovak has not been used in relations with local branches of the state authorities. In this context, the Committee of Experts refers to its observations made above concerning organisational and encouragement measures (paragraphs 96-97).

458. In the absence of practical implementation, the Committee of Experts maintains its previous conclusion that the undertaking is only formally fulfilled. It strongly urges the Croatian authorities to take the necessary organisational measures to ensure that Slovak speakers may submit oral or written applications in this language to local branches of the State administration and to pursue measures encouraging the Slovak speakers to make use of this possibility.

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

459. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

460. The fifth periodical report contains no specific information about the implementation of this undertaking. During the on-the-spot visit, representatives of the Slovak speakers informed the Committee of Experts that no administrative texts or forms are available in Slovak or bilingually.

461. On the basis of the new information received, the Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to make available widely used administrative texts and forms for the population in Slovak or in bilingual versions and to provide an overview of the respective texts and forms in the next periodical report.

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

462. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

463. The fifth periodical report provides no information about identity cards or other documents drafted by local branches of the state authorities in Slovak. Representatives of the Slovak speakers met during the on-the-spot visit stated that no such documents exist.

464. Bearing in mind that there is a legal possibility to have bilingual identity cards issued, the Committee of Experts considers the undertaking formally fulfilled. It encourages the Croatian authorities to promote the drafting of different kinds of documents in Slovak and to provide an overview of such documents in the next periodical report.

**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**

465. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

466. The fifth periodical report states that in the monitoring period there have been no significant changes regarding the practical implementation of this undertaking. According to the results of the 2011 census, Slovak remains in equal and official use in Punitovci municipality where Slovaks represent 36.9% of the population, and in a local community of the municipality of Našice, on the basis of its statute. However, the Committee of Experts was informed by representatives of the Slovak speakers that Slovak is not used within the framework of these local authorities in practice.

467. During the on-the-spot visit, it became also clear that the relevant regional authority (Osijek-Baranja county) does not use Slovak as a working language.

468. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to take measures facilitating the use of Slovak within the framework of regional and local authorities.

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

469. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

470. In light of the fifth periodical report and the information obtained during the on-the-spot visit, the situation with regard to the fulfilment of this undertaking corresponds largely to what is described under Article 10.2.a above.

471. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to take the necessary organisational measures to ensure that Slovak speakers may submit oral or written applications in this language to regional and local authorities and to pursue measures encouraging the Slovak speakers to make use of this possibility.

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

472. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

473. During the on-the-spot visit, the Committee of Experts received confirmation from representatives of the authorities and the Slovak speakers that Osijek-Baranja county does not publish any documents in Slovak.

474. The Committee of Experts considers the undertaking still not fulfilled. It encourages the Croatian authorities to take measures facilitating the publication by regional authorities of their official documents also in Slovak.

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

475. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

476. The fifth periodical report provides no information about this undertaking. The Committee of Experts refers to its observations made under Article 10.2.a above.

477. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to promote the publication by local authorities of their official documents in Slovak too and to provide an overview of such documents in the next periodical report.

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

478. In its fourth evaluation report, the Committee of Experts was unable to conclude on this undertaking with regard to Slovak.

479. The fifth periodical report contains no information about the adoption or use of Slovak place names. It appears that there are no distinct names in Slovak for the places where Slovak is in equal and official use. The Committee of Experts has no information as to whether there are other traditionally used topographic names (e.g. street names) in Slovak that could be adopted and used by the relevant municipalities in conformity with this undertaking.

480. The Committee of Experts is still unable to conclude on this undertaking. It encourages the Croatian authorities to identify traditional and correct forms of place names in Slovak and, if applicable, to facilitate their use or adoption by the relevant authorities.

#### **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*

481. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Croatian authorities to take proactive measures to ensure that the regional or minority languages are used in the provision of the service.

482. According to the fifth periodical report, there have been no significant changes compared to the previous monitoring cycle.

483. The Committee of Experts considers the undertaking not fulfilled. It urges the Croatian authorities to ensure that Slovak is used in the provision of public services.

#### **Article 11 - Media**

##### **Paragraph 1**

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

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

484. In its fourth evaluation report, the Committee of Experts considered the undertaking fulfilled for radio and not fulfilled as regards television.

485. According to the fifth periodical report, the television programme "Prizma" dedicated about two hours to the Slovak minority in the period 2010-2012. In addition, as part of the programme "Manjinski mozaik", five episodes were dedicated to the Slovaks in 2010-2012, covering one hour 15 minutes. In line with the general observations made above (paragraph 101), the Committee of Experts notes that the current presence of Slovak on public television is insufficient.

486. As regards public radio broadcasting, the fifth periodical report indicated that Radio Osijek broadcasts a weekly programme "for Slovaks" (30 minutes). In addition, the Croatian authorities provide subsidies to private radio programmes in Slovak (Radio Našice and Radio Ilok).

487. The Committee of Experts considers this undertaking not fulfilled for television and maintains its previous conclusion that the undertaking is fulfilled for radio.

***The Committee of Experts encourages the Croatian authorities to increase the broadcast time and the regularity of the programmes in Slovak on public television.***

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

488. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

489. According to the fifth periodical report, radio programmes in Slovak were funded in 2010-2012.

490. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Croatian authorities to provide more information as to what degree the programmes supported by the Fund for the Promotion of Pluralism and Diversity of Electronic Media are publicly available via the Internet or in another medium.

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

491. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

492. According to the fifth periodical report, a monthly publication for the Slovak minority continues to be supported by the authorities. The Committee of Experts underlines that, in conformity with its regular interpretation, a “newspaper” in the sense of this undertaking has to be published at least weekly. This could be done, for example, by publishing articles in Slovak in the local newspaper.

493. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to facilitate the publication of newspaper articles in Slovak on a regular basis.

### **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.***

494. In the fourth evaluation report, the Committee of Experts did not conclude on this undertaking and asked the Croatian authorities to provide relevant information in the next periodical report.

495. As noted above (paragraph 159), the Council for Electronic Broadcasting neither represents nor takes into account the interests of the users of regional or minority languages, but the Council for National Minorities might play a role in this field. It is, however, unclear how the Council for National Minorities and the Council for Electronic Broadcasting co-operate and how the opinions of the former are taken into account.

496. The Committee of Experts is not in a position to conclude on this undertaking. It encourages the Croatian authorities to ensure that the interests of the minority language users are represented or taken into account within the Council for Electronic Broadcasting.

## **Article 12 Cultural activities and facilities**

### **Paragraph 1**

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

*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*

497. According to the fifth periodical report, the Croatian authorities support the Central Library of the Slovaks in the Croatian National Library in Našice.

498. The Committee of Experts considers the undertaking fulfilled.

## **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***

499. In its previous evaluation reports, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

500. However, the fifth periodical report provides no information about this undertaking.

501. The Committee of Experts is still is not in a position to conclude on the fulfilment of the undertaking. It asks the Croatian authorities to inform it on pertinent activities of the People's Ombudsman or other institutions in the next periodical report.

### 3.2.7 Ukrainian

502. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the previous evaluation reports and for which it has not received any new elements requiring a revised assessment or a different presentation of their implementation. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage. In the case of Ukrainian, these provisions are the following:

Article 8 paragraph 1 e ii;  
Article 9, paragraph 1 c iii, d, paragraph 2 a;  
Article 10 paragraph 5;  
Article 11 paragraph 2;  
Article 12, paragraphs 1 a, f;  
Article 13, paragraphs 1 a, b;  
Article 14, a, b.

#### Article 8 – Education

503. In the fourth monitoring cycle, the Committee of Ministers recommended that Croatia “**strengthen, and where relevant, introduce the teaching of [...] Ukrainian at all appropriate stages of education in co-operation with the speakers**”. In the fifth monitoring cycle, Ukrainian is still not taught in pre-school, secondary, technical or vocational education. In primary education, the number of pupils enrolled under Model C has increased (see below).

504. Furthermore, the Committee of Experts encouraged the Croatian authorities to redress the remaining problems regarding the production and translation of textbooks, in co-operation with the Ukrainian speakers. The fifth periodical report contains no information in this respect. The Committee of Experts asks the Croatian authorities to provide an overview of the available textbooks in Ukrainian in the next periodical report.

505. The Committee of Experts also encouraged the Croatian authorities to continue its efforts to employ an educational adviser or advisers for Ukrainian. According to the fifth periodical report, no adviser has yet been appointed for Ukrainian.

#### Paragraph 1

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

#### Pre-school education

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

506. In the fourth monitoring cycle, this undertaking was not fulfilled. The Committee of Experts encouraged the Croatian authorities to continue their efforts to offer pre-school education in Ukrainian.

507. According to the fifth periodical report, there is no pre-school education in Ukrainian.

508. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to continue their efforts to offer pre-school education in Ukrainian.

#### Primary education

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

509. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

510. According to the fifth periodical report, 47 pupils attended Ukrainian language and culture classes (Model C) in 2011/2012. The Committee of Experts is pleased to note that the number of pupils has significantly increased compared to the two previous monitoring cycles (11 pupils in 2008, 28 in 2006) and that, hence, the number is satisfactory considering the total number of Ukrainian speakers in Croatia. However, there are organisational problems in practice, as the teaching of Ukrainian, although part of the curriculum, takes place outside the regular timetable.

511. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Croatian authorities to address the practical problems and offer Ukrainian within the regular timetable.

#### **Secondary education**

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

512. In the fourth monitoring cycle, this undertaking was not fulfilled.

513. According to the fifth periodical report, there is no teaching in or of Ukrainian at secondary level. The Committee of Experts considers Model C should be promoted among those pupils currently following this educational model at primary level.

514. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to undertake efforts to offer the teaching of Ukrainian in secondary education.

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

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

515. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

516. According to the fifth periodical report, there is no teaching in or of Ukrainian in technical or vocational education.

517. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to consult representatives of the Ukrainian speakers about possibilities to teach Ukrainian in technical and vocational education in the medium term.

#### **Adult and continuing education**

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

518. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

519. The Committee of Experts has not been informed if Ukrainian is offered as a subject of adult or continuing education. As mentioned above (paragraph 111), considering that in the Croatian system language courses in adult and continuing education are organised by minority associations, the Committee of Experts considers that the Croatian authorities should provide earmarked support to such associations so as to enable them to exert this task on a permanent basis.

520. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to provide earmarked support to minority associations enabling them to offer Ukrainian as a subject of adult or continuing education on a permanent basis.

### **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*

521. In the previous monitoring cycles, the Committee of Experts considered the undertaking fulfilled for minority education and not fulfilled for mainstream schools.

522. In light of the information that the Committee of Experts has obtained regarding the National Framework Curriculum (see under Article 7.3 above), it is not clear to what extent the teaching of the history and the culture reflected by the Ukrainian language is ensured in the mainstream schools. As far as minority education is concerned, it must also be borne in mind that this is currently organised for Ukrainian only at primary level.

523. The Committee of Experts considers the undertaking fulfilled for Ukrainian minority education and asks the Croatian authorities for more information as far as mainstream schools are concerned, including the implementation of the National Framework Curriculum.

### **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*

524. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

525. The fifth periodical report provides no information regarding basic and further training of teachers of Ukrainian at primary school (Model C). The Committee of Experts is aware however that there is a graduate programme for teacher training at the Faculty of Philosophy in Zagreb, as a continuation of the undergraduate programme in Ukrainian studies.

526. The Committee of Experts considers the undertaking fulfilled. However, the Committee of Experts asks the Croatian authorities to provide information on the number of students enrolled in the graduate programme for teacher training.

## **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:*

#### **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.*

#### **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.*

#### **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*

527. In the fourth evaluation report, the Committee of Experts considered the undertakings only formally fulfilled.

528. According to the fifth periodical report, Ukrainian was used in two proceedings before the misdemeanour courts in Križevci and Vrbovec respectively. However, these are not located in the area

where Ukrainian is traditionally used. The Committee of Experts is, therefore, not convinced that these cases involved minority language speakers, in application of Article 9 of the Charter.

529. The Committee of Experts considers the undertakings only formally fulfilled. The Committee of Experts encourages the Croatian authorities to pursue measures encouraging Ukrainian speakers to make use of the possibilities of using this language before judicial authorities.

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

530. As indicated under 1.4.2 above, Article 10 applies also to those local and regional authorities where people belonging to a national minority do not make up more than one third of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

### ***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***

531. In its fourth evaluation report, the Committee of Experts considered the undertaking only formally fulfilled. The Committee of Ministers recommended that Croatia **“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”**. To this end, the Committee of Experts urged the Croatian authorities to change their human resources policy.

532. According to the fifth periodical report, Ukrainian has not been used in relations with local branches of state authorities. In this context, the Committee of Experts refers to its observations made above concerning organisational and encouragement measures (paragraphs 96-97).

533. In the absence of practical implementation, the Committee of Experts maintains its previous conclusion that the undertaking is only formally fulfilled. It strongly urges the Croatian authorities to take the necessary organisational measures to ensure that Ukrainian speakers may submit oral or written applications in this language to local branches of the State administration and to pursue measures encouraging Ukrainian speakers to make use of this possibility.

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

534. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

535. The fifth periodical report contains no specific information about the implementation of this undertaking. The Committee of Experts has not been made aware of any administrative texts or forms being made available in Ukrainian.

536. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to make available widely used administrative texts and forms for the population in Ukrainian or in bilingual versions and to provide an overview of the respective texts and forms in the next periodical report.

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

537. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

538. The fifth periodical report provides no information about identity cards or other documents drafted by local branches of the State authorities in Ukrainian.

539. Bearing in mind that there is a legal possibility to have bilingual identity cards issued, the Committee of Experts considers the undertaking formally fulfilled. It encourages the Croatian authorities to promote the drafting of different kinds of documents in Ukrainian and to provide an overview of such documents in the next periodical report.

## **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*
- b the possibility for users of regional or minority languages to submit oral or written applications in these languages*
- c the publication by regional authorities of their official documents also in the relevant regional or minority languages*
- d the publication by local authorities of their official documents also in the relevant regional or minority language*
- 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*

## **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*

540. In its fourth evaluation report, the Committee of Experts considered the six undertakings set out above not fulfilled.

541. According to the fifth periodical report, Ukrainian has still not been introduced in equal and official use in any municipality. This implies that Ukrainian is not used by local authorities of Petrovci and Mikluševci where most Ukrainian speakers live. Besides, the periodical report does not provide any information about the practical implementation of these undertakings for Ukrainian, including at the level of regional authorities (Vukovar-Srijem county). The Committee of Experts underlines that, by ratifying these provisions, Croatia also undertook to ensure their implementation.

542. The Committee of Experts considers the undertakings not fulfilled.

***The Committee of Experts urges the Croatian authorities to adopt and implement a structured approach concerning the use of Ukrainian by local authorities, regional authorities and public services as well as in contacts of the Ukrainian speakers with such authorities and public services.***

## **Article 11 - Media**

### **Paragraph 1**

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

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

543. In its fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled for radio and not fulfilled as regards television.

544. According to the fifth periodical report, the programme "Prizma" devoted about two hours 30 minutes to the Ukrainian minority in the period 2010-2012. As part of the "Manjinski mozaik" programme, three episodes of 45 minutes were dedicated to the Ukrainians during that period. In line with the general observations made above (paragraph 101), the Committee of Experts notes that the current presence of Ukrainian on public television is insufficient.

545. The periodical report does not indicate any radio programme in Ukrainian.

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

***The Committee of Experts encourages the Croatian authorities to increase the broadcast time and the regularity of the programmes in Ukrainian on public television and to make adequate provision so that broadcasters offer radio programmes in Ukrainian.***

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

547. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

548. The fifth periodical report does not indicate any audio and audiovisual works in Ukrainian funded by the authorities.

549. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to facilitate the production and distribution of audio and audiovisual works in Ukrainian.

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

550. In its fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

551. Referring to the bi-monthly publication for the Ruthenian and Ukrainian minorities to be supported by the Croatian authorities (paragraph 354), the Committee of Experts underlines that, in conformity with its regular interpretation, a “newspaper” in the sense of this undertaking has to be published at least weekly. This could be done, for example, by including articles in Ukrainian in existing local newspapers.

552. The Committee of Experts considers the undertaking not fulfilled. It encourages the Croatian authorities to facilitate the publication of newspaper articles in Ukrainian on a regular basis.

### **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.***

553. In the fourth evaluation report, the Committee of Experts was not in a position to conclude on this undertaking and asked the Croatian authorities to provide relevant information in the next periodical report.

554. As noted above (paragraph 159), the Council for Electronic Broadcasting neither represents nor takes into account the interests of the users of regional or minority languages, but the Council for National Minorities might play a role in this field. It is, however, unclear how the Council for National Minorities and the Council for Electronic Broadcasting co-operate and how the opinions of the former are taken into account.

555. The Committee of Experts is not in a position to conclude on this undertaking. It encourages the Croatian authorities to ensure that the interests of the minority language users are represented or taken into account within the Council for Electronic Broadcasting.

## **Article 12 Cultural activities and facilities**

### **Paragraph 1**

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

*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*

556. The Committee of Experts refers to its observations with regard to the joint Central Library of the Ruthenians and Ukrainians above (paragraph 359).

557. The Committee of Experts considers the undertaking fulfilled.

### **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***

558. In its previous evaluation reports, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and pointed out that fulfilment required positive action by the authorities, such as awareness-raising and promotion of tolerance of regional or minority languages.

559. However, the fifth periodical report provides no information about this undertaking.

560. The Committee of Experts is still is not in a position to conclude on the fulfilment of the undertaking. It asks the Croatian authorities to inform it on pertinent activities of the People's Ombudsman or other institutions in the next periodical report.

## Chapter 4 Findings of the Committee of Experts in the fifth monitoring cycle

A. The Committee of Experts thanks the Croatian authorities for the continued positive climate of dialogue on minority language protection in Croatia and acknowledges Croatia's long-term policy in this field. Croatia's announcement to withdraw its reservation to Article 7.5 is a particularly commendable step taken in the spirit of the Charter.

B. The Committee of Experts welcomes the adoption by the Croatian authorities of a new *Action Plan* for the Implementation of the Constitutional Act on the Rights of National Minorities with a view to improving *inter alia* the protection and promotion of minority languages in several domains of public life. The Action Plan is a useful framework for the achievement of concrete and measurable objectives in the field of minority language promotion. However, the Action Plan does not cover all the undertakings chosen by Croatia under the Charter.

C. A structured approach still does not exist to the determination of the territorial *scope of application* of Part III in all areas where a sufficient number of speakers of Czech, Hungarian, Italian, Ruthenian, Serbian, Slovak and Ukrainian live. The Committee of Experts underlines that the *threshold* imposed by national legislation that at least one third of the local population needs to belong to a national minority remains problematic. This is only partially mitigated by the possibility for local self-government units to decide to introduce minority languages in co-official use by municipal statutes. The Committee of Experts reiterates that the Charter (especially Article 10) also applies to those local and regional authorities where the minority language speakers do not make up more than one third of the population, but represent nevertheless a sufficient number for the purpose of the respective Charter undertakings.

D. In *education*, the situation of Czech, Hungarian, Italian and Serbian remains good. However, Slovak is not used in pre-school and technical and vocational education. Ruthenian and Ukrainian are still not taught at pre-school, secondary, technical and vocational levels. The fact that these languages are used in primary education proves a certain general interest of the local populations in the teaching and learning of these languages. Continued awareness-raising about the benefits of, and opportunities for, bilingual education could make it possible to introduce teaching of these languages at all levels relevant under the Charter. Furthermore, progress has been made with regard to the introduction of textbooks, although problems persist with the timely translation of some of them. The effectiveness of Model C education is hampered by the fact that it is mostly taught outside the regular timetable.

E. As regards the use of the minority languages in the *judiciary*, in practice only the Italian language is regularly used in courts. Other Part III languages are used only in very few cases. The Ministry of Justice has produced and distributed brochures and posters to encourage minority language speakers to use their language in court proceedings.

F. Minority languages are only used in state *administration* to a very limited extent. In municipalities where minority languages are in equal and official use, the situation varies to a large degree from effective co-official use (Italian) or partial co-official use (Hungarian, Serbian) to only emblematic (Czech) or no use (Ruthenian, Slovak, Ukrainian). There exist particular problems linked to the use of Serbian and in particular the Cyrillic script in some municipalities, including bilingual signs. It has been reported that Serbian speakers have refrained from using Serbian and the Cyrillic script because of fear of resentment. The Committee of Experts noted during the on-the-spot visit that regional authorities (counties) are completely unaware of their legal obligations under the Charter to use minority languages and that no such use exists in practice. As regards public services, minority languages seem not to be used at all. This constitutes a structural problem for the public use of the minority languages in Croatia.

G. Concerning the *media*, the Committee of Experts welcomes the launch of the minority television programme "Manjinski mozaik". However, both "Manjinski mozaik" and the existing programme "Prizma" have a very short broadcasting duration which fails to meet the requirements of the Charter undertaking in question. Furthermore, there is no regularity in the use of the various minority languages and the topics chosen for the programmes are perceived as rather folkloristic by the speakers. In their current format, these programmes are unlikely to make an impact on the situation of the minority languages. Furthermore, adequate provision for public radio programmes in all minority languages still does not exist. The Croatian authorities provide subsidies to enable private radio programmes in some minority languages.

H. As far as Part II is concerned, national, county and local authorities support projects promoting *Istro-Romanian*. This language is taught in the framework of extra-curricular activities in primary education, but not yet in pre-school and secondary education. The launch of teaching Istro-Romanian under Model C in

accordance with the Charter was refused for the formal reason that the Istro-Romanian speakers are not affiliated with a national minority. It seems that a legal basis for the promotion of Istro-Romanian in education is currently lacking and regular state funding is needed.

I. *Slovenian* language education is available at all appropriate stages. Two pre-schools as well as one primary school and one secondary school use Slovenian. The Croatian authorities finance a library of the Slovenian minority and publishing activities. As regards the promotion of Slovenian in the fields of culture and the print and broadcast media, more specific information is needed.

J. *German* is taught as a minority language in pre-school education and primary education (Model C) but only as a foreign language in secondary education. Furthermore, the Croatian authorities promote the German language in the fields of media (radio programme, some use of German on television), publishing (e.g. quarterly magazine, books), and cultural and cross-border activities.

K. The Croatian authorities have started the development of curricula for the *Romani* language and culture according to Model C. Until the introduction of the curriculum into primary schools, summer schools for Roma pupils are being organised. In 2012, Romani was introduced as an elective subject at the University of Zagreb. Moreover, the Croatian authorities have financed the development of a Romani grammar and orthography book for Croatia.

L. The fifth periodical report did not contain information about *Boyash Romanian*. However, the Committee of Experts was informed that the University of Zagreb has a chair for Romanian language and literature. As part of its activities, courses about Boyash Romanian have been offered during recent years.

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 in to account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1225<sup>th</sup> meeting on 15 April 2015, 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 or 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 or Minority Languages, it shall apply to Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian languages the following paragraphs of the Charter:

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

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

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

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

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

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

- Article 14.

**Period covered: 01/03/98 -**

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

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

The Republic of Croatia declares, with regard to Article 1, paragraph b., of the Charter, that pursuant to Croatian legislature, the term "territory in which the regional or minority languages is used" shall refer to those areas in which the official use of minority language is introduced by the by-laws passed by the local self-government units, pursuant to Article 12 of the Constitution of the Republic of Croatia and Articles 7 and 8 of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities on the Republic of Croatia.

**Period covered: 01/03/98 -**

**The preceding statement concerns Article(s): 1**

## **Appendix II: Comments from the Croatian government**

The Government of the Republic of Croatia welcomes the adoption of the Fifth Report of the Committee of Experts on the Application of the European Charter for Regional or Minority Languages by the Republic of Croatia and accepts all the constructive evaluations, remarks and proposals of the Committee of Experts with the purpose of further advancement in the application of the European Charter for Regional or Minority Languages.

The Government of the Republic of Croatia is fully committed to continue fulfilling contractual undertakings from the Charter as proven in its Fifth Report on the Application of the European Charter for Regional or Minority Languages. With the purpose of making certain issues and remarks by the Committee of Experts clearer, the Government of the Republic of Croatia submits its responses and comments on certain findings and evaluations of the Committee of Experts contained in the Fifth Report of the Committee.

### **Chapter 1 Background information**

#### **22. – 27.**

With regard to the finding of the Committee of Experts that the Croatian authorities focused only on the local self-government units where those belonging to national minorities constitute one third of the population, the harmonisation of their statutes and the implementation of the equal use of languages and scripts of national minorities in those units, the Government of the Republic of Croatia emphasizes that the Government is bound to do so by the Constitutional Act on the Rights of National Minorities and the Act on the Use of the Languages and Scripts of National Minorities as well as by the published outcome of the 2011 census. With regard to local self-government units where those belonging to national minorities are traditionally present in a significant number, but do not constitute one third of the population of the units we emphasize that the Ministry of Public Administration supported the joint project of the European Union and the Council of Europe entitled „Promotion of Human Rights and Minority Protection in South East Europe“ which aims to improve the exercise of minority rights on various governmental levels in South East Europe on the basis of the Council of Europe's standards, in particular the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML). The project has been implemented since August 2014 and will be implemented in 6 local self-government units on the territory of the Republic of Croatia. The project strives to assist the selected units and provide them with support to design specific arrangements for the removal of obstacles in the application of minority rights on the local level, and to try to implement positive experiences and examples to other units as well.

#### **11., 12., 13., 14., 17., and 47.**

Taking into consideration the needs of the Roma communities in the Republic of Croatia and the challenges of the preservation and promotion of languages used by the Roma in the Republic of Croatia, the Government of the Republic of Croatia submitted an invitation to the Secretariat of the Ad-Hoc Committee of Experts of the Council of Europe for Roma Issues (CAHROM) for organizing a thematic visit on the protection and promotion of the Romani language.

The thematic visit, with the participation of experts from partner countries (Austria, Hungary, Romania, and Slovakia) and the Secretariat of the Ad-Hoc Committee of Experts of the Council of Europe for Roma Issues (CAHROM), was held in Zagreb and in Međimurje County from 24 to 26 September 2014.

The participants included the representatives of the Roma and Italian national minorities, the president of the Council for National Minorities, the Deputy County Prefect and the servants of Međimurje County, the representatives of the Ministry of Science, Education and Sports, the Municipal Prefect of Orehovica, the representatives of the Roma community, including the Roma National Council, the President and the members of the Međimurje County Council of the Roma National Minority, headmasters, teachers and the Roma assistants from Međimurje primary schools, a vice-dean and the professors from the Faculty of Humanities and Social Sciences in Zagreb, the Dean and a vice-dean of the Faculty of Teacher Education's department in Čakovec, the representatives of leading NGOs, and the Ambassador of the Embassy of Romania in the Republic of Croatia.

The recommendations of the thematic visit include the recognition of relevant activities undertaken so far by the Republic of Croatia in the field: the Roma are among 22 officially recognized national minorities in the Republic of Croatia, they are represented in the Croatian Parliament and, pursuant to Croatian legislation, they have established national and local Roma councils. Many requirements of the European Charter for

Regional or Minority Languages have already been applied in the Republic of Croatia, sometimes in a scope greater than that in other contracting states, as shown by the following examples: there are documented researches of the languages and dialects of the Roma communities in the Republic of Croatia (both Romani and Boyash Romanian); educational materials have been printed in the Romani language (two dictionaries, grammar books); there are studies of the Romani language, culture and history which also include the period of Holocaust; specialised magazines and websites are partly published in the Romani language; there are summer schools of the Romani language, while the Department of the Romani language and culture was established at the Faculty of Humanities and Social Sciences in Zagreb two years ago. Furthermore, the Ministry of Science, Education and Sports finances 23 Romani- and Boyash-speaking assistants at pre-school and primary school institutions, while local self-government units finance additional assistants; there are many radio and TV programmes in the Romani language; the Roma culture is promoted also through music in the Romani and Boyash Romanian languages, through movies, concerts, festivals, theatre productions, exhibitions and other cultural events. While presiding the Decade of Roma Inclusion (July 2012 – June 2013), one of the priorities of the Government of the Republic of Croatia was the promotion of the Romani language.

During the meeting, Croatian experts presented their researches and the basic characteristics of the Romani and Boyash Romanian language varieties spoken in the Republic of Croatia.

All the participants agreed with the recommendation of the group of experts and the Secretariat of the European Charter for Regional or Minority Languages to use the term Boyash Romanian for the language spoken by a large part of those belonging to the Roma national minority in the Republic of Croatia, rather than Boyash (taking into consideration that it is not a separate language), or Romanian (taking into consideration that it has separate linguistic characteristics and would separate the Boyash community from the Roma national minority to which they are acculturated).

The group of experts also took into account a rather large number of existing instruments, specific experiences and initiatives applied by the Republic of Croatia in promoting the Romani language as the basis for the continued promotion of learning and using of the Romani language in the Republic of Croatia. The experts believe that both the Romani and the Boyash Romanian languages need to be recognized as minority languages used by the Roma and that, along with the existing 14 minority languages, they need to be included in the programme of the Ministry of Science, Education and Sports. The experts and the representatives of the Ministry of Science, Education and Sports agreed that Model C is currently the most suitable model for learning the Romani and Boyash Romanian languages in the Republic of Croatia.

The Republic of Croatia also plans further activities for the forthcoming period, related to good practices recognized by the experts, including: the Austrian example of children learning the local variant of the Croatian language of Burgenland Croats followed by learning the standard Croatian language over a 3 – 4 year period; Croatian experience with summer schools and the course of the Romani language at the University of Zagreb; Croatian examples of inclusive pre-school and primary school education in Orehovica, Međimurje County; Hungarian and Slovakian experience of utilising the European Structural Funds for the printing of educational materials in the Romani and Boyash Romanian languages, the Hungarian example of learning the Roma culture and ethnography from the pre-school period to the end of secondary school within minority education (according to the current curriculum); the vast Romanian experience in learning of the Romani language at all levels and in printing educational materials in the Romani language; the Romanian example of employing three types of job profiles of the Roma human resources in the educational system (Roma teachers, Roma school inspectors and Roma mediators); Romanian flexible experience in educating potential teachers of the Romani language in two stages; the Slovakian experience of implementing the Curriculum Framework for Romani and the adequate models of the European Language Portfolio, founded on the basis of the Common European Framework of Reference for Languages developed by the European Council; as well as Slovakian experience in mapping Roma communities.

Similarly, the forthcoming period shall also see the use of proposals made by the group of experts regarding future activities: meetings with the representatives of the speakers of both the Romani and Boyash Romanian languages aiming to explain the arrangements provided for the protection and learning of the Romani and Boyash Romanian languages; similar meetings with teachers, headmasters and teaching assistants on the usage of proper terminology so as to avoid, e.g., the inappropriate distribution of materials in the Romani language to children speaking the Boyash Romanian language, and vice versa; training the pre-school and primary school teachers of the Roma children on ways of teaching the Croatian language as the second language; on the basis of two positive recent experiences, additional summer schools need to be organized in Romania for Croatian children speaking the Boyash Romanian language; experts from Hungary, Romania and Slovakia might enable access to educational materials in the Romani language to

the Republic of Croatia and assist in creating books in both the Romani and Boyash Romanian languages; Romanian government or the Ministry of Education might provide support through teachers and making educational materials in the standard Romanian language available for the children from the Boyash and other communities who wish to learn the standard Romanian language; use the expertise of Croatian experts in linguistics, such as Mr. Zoran Lapov, PhD, and Mr. Petar Radosavljević, PhD, in the process of drafting the programme and educational materials in the Romani and Boyash Romanian languages; use the example of inclusive education in pre-schools and primary schools in Orehovica, Međimurje County, as an example of good practice in the European Database of Roma; upload Orehovica primary school's video, which won the competition in the campaign against hate speech in the Republic of Croatia, to the Dosta! (*eng.* 'Enough!') campaign website; the participation of the representatives of the Ministry of Science, Education and Sports at the International Conference on Teaching Roma History in Rome, 10 -11 December 2014, organized by the Council of Europe and the Italian Ministry of Education; the Roma history factsheets printed by the Council of Europe and currently available in 9 languages (Albanian, English, French, German, Italian, Romani, Romanian, Serbian, and Swedish) might be translated to the Croatian language; the next census in the Republic of Croatia might include separate entries regarding mother tongues in use by persons identified as the Roma (including Croats, the Roma, Boyash Roma, Albanians and Hungarians), with the purpose of acquiring a better insight into the linguistic reality of Roma communities living in the Republic of Croatia.

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

### **29. – 31.**

With regard to the part in which the Committee of Experts invites the Croatian authorities to continue efforts to promote awareness and tolerance vis-a-vis minority languages and cultures as an integral part of the cultural heritage of the Republic of Croatia, including general curriculum at all stages of education and in the media, we emphasize that for the purpose of implementing the Constitutional Act on the Rights of National Minorities and improving the access of national minorities to the media, the Office for Human Rights and the Rights of National Minorities, in cooperation with the Council for National Minorities, organized the „Media and National Minorities“ seminar held in Opatija on 30 May 2014. The participants included the representatives of state bodies, representatives of print and electronic media, representatives of national minority NGOs, representatives of the academia and the experts for the stated field.

It was said during the meeting that positive steps were seen in the exercise of the national minorities' right of access to the media; however, the need was emphasised for the activities to continue towards promoting awareness and tolerance concerning minority cultures and languages. It was underlined that shows (chronicles) in national minority languages need to start being broadcast as soon as possible.

With regard to the right of access to the media, an especially important role is that of the Council for National Minorities that has the right to give opinions and proposals regarding the programmes of public radio stations and public television intended for national minorities, as well as on the treatment of minority issues in the programmes of public radio stations and public television and other media.

It was concluded, that the forthcoming period needs to see intensified activities on the implementation of the Contract between the Croatian Radiotelevision and the Government of the Republic of Croatia signed for the period between 1 January 2013 and 31 December 2017 on the production and broadcasting of shows intended for informing those belonging to national minorities in the Republic of Croatia.

## **Chapter 3      Evaluation of the Committee of Experts in respect of Parts II and III of the Charter**

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

#### **44.**

With regard to the part where the Committee of Experts invites the Croatian authorities to finance national minority councils and representatives, we emphasize that, due to insufficient funding of councils and representatives on the local level, and especially in economically less developed local units, the Office for Human Rights and the Rights of National Minorities continuously provides finances for the funding of certain programmes of the councils and representatives elected on the territories of economically less developed towns and municipalities. A significant part of minority councils and representatives' programmes, co-financed from the state budget, aimed to assert and develop the cultural and linguistic identity of national minorities.

In 2012, 74 councils of national minorities received financing in the amount of HRK 3,700.00, while 23 representatives received HRK 1,200.00. The total amount spent for the stated purpose was HRK 301,400.00. In 2013, 83 councils of national minorities received financing in the amount of HRK 3,700, while 24 representatives received HRK 1,200.00. The total amount spent for the stated purpose was HRK 335,900.00. In 2014, 103 councils received HRK 2,200.00, while 28 representatives of national minorities received HRK 800.00. The total amount spent for the stated purpose was HRK 249,000.00.

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

#### **94. and 243.**

With regard to the finding of the Committee of Experts containing a statement of an Italian-speaking person regarding the payment of a translation/interpretation fee during a court proceeding, we state that, pursuant to the criminal-procedural legislation of the Republic of Croatia in force, the accused belonging to national minorities are not obliged to reimburse the cost of translation/interpretation to their minority language which arises from the application of the provisions of the Constitutional Act on the Rights of National Minorities and the Act on the Use of the Languages and Scripts of National Minorities, regardless of the outcome of the proceeding, i.e. regardless of whether they be finally convicted or acquitted.

It is also important to note that, pursuant to the criminal-procedural regulation in force, a verdict may also be appealed against on the grounds of a decision regarding the costs of criminal proceedings, where the so-called absolutely substantial violation of criminal procedure rules exists if an accused person, contrary to his/her request, was denied the right to use his/her language during the proceeding and to follow the proceeding in his/her language, which results in the law having also provided the accused with the option to protect his/her right to use his/her own language in an appellate proceeding.

With regard to minor offence proceedings, it is also provided that the cost of translating/interpreting to minority languages in the Republic of Croatia, which arises from the application of the provisions of the Constitutional Act on the Rights of National Minorities and the Act on the Use of the Languages and Scripts of National Minorities to the use of their own language, shall not be collected from persons obliged by law to reimburse the costs of proceedings, so that not even in the said case a convicted person would be obliged to reimburse the cost of translation/interpretation.

#### **94. and 243.**

With regard to the process of merging the courts and the finding of the Committee of Experts that the stated process leads to a decrease, i.e. narrowing of the right to the use of minority languages and scripts primarily within the jurisdiction of the court in Ogulin, we emphasize that the merging of courts does not in any manner cause a decrease in the right to the use of languages and scripts of national minorities. The courts of first instance having the jurisdiction for the proceedings, i.e. having the territorial jurisdiction on a territory of local self-government units where a national minority language and script is in the official use, are obliged to enable those belonging to national minorities from the territories of those units to use their languages and scripts. This applies to the court in Ogulin as well.

#### **101. – 102.**

The Agency for Electronic Media, within its mandate, through allocating the resources of the Fund for the Promotion of Pluralism and Diversity of Electronic Media encourages the production and broadcasting of audio-visual and radio programmes and contents of television/radio broadcasters on local and regional levels, non-profit television/radio broadcasters, non-profit providers of media services, non-profit providers of electronic broadcasting, and non-profit producers of audio-visual/radio programmes which are of public interest and especially important, *inter alia*, for encouraging cultural diversity and nourishing heritage as well as for national minorities in the Republic of Croatia. Furthermore, the Agency uses the resources of the Fund to also encourage the employment of highly educated expert workers at television/radio broadcasters on local and regional levels, non-profit television/radio broadcasters, non-profit providers of media services, non-profit providers of electronic broadcasting, as well as to non-profit producers of audio-visual/radio programmes that directly concern the production of previously mentioned programmes and contents.

Aside from that, the Agency, through its mechanisms, systematically encourages the production and broadcasting of audio-visual and radio programmes and contents of television/radio broadcasters, as well as other broadcasters. Here one should bear in mind that the allocation of the mentioned resources primarily depends on the quality and number of projects the funding for which is requested by broadcasters. The mentioned support reaches up to 80 % of the production and broadcasting costs of the programmes and contents. For 2014, support was allocated to the total of 118 audio-visual shows in regional languages

(running time 3290 minutes) and 820 radio programmes and contents with the total running time of 25,165 minutes.

**152. - 157.**

With regard to the radio programme in the Czech language, the Government of the Republic of Croatia emphasizes that the Agency for Electronic Media allocated resources for 2014 from the Fund for the Promotion of Pluralism and Diversity of Electronic Media to Radio Daruvar and Radio Grubisno Polje broadcasters for the production and broadcasting of 377 radio programmes and contents with the total running time of 11,310 minutes, thus the undertaking can be considered fulfilled.

**214.-216.**

With regard to the radio and television programme in the Hungarian language, the Government of the Republic of Croatia states that the Agency for Electronic Media allocated resources for 2014 from the Fund for the Promotion of Pluralism and Diversity of Electronic Media to broadcasters for the production and broadcasting of 26 audio-visual programmes and contents with the total running time of 520 minutes and of 43 radio programmes and contents with the total running time of 1290 minutes, thus the undertaking can be considered fulfilled.

**271.-277.**

With regard to the radio and television programme in the Italian language, the Government of the Republic of Croatia states that the Agency for Electronic Media allocated resources for 2014 from the Fund for the Promotion of Pluralism and Diversity of Electronic Media to broadcasters for the production and broadcasting of 52 audio-visual programmes and contents with the total running time of 1300 minutes and of 146 radio programmes and contents with the total running time of 4160 minutes, thus the undertaking can be considered fulfilled.

**287. and 505.**

With regard to the finding of the Committee of Experts inviting the Croatian authorities to recruit two advisors for education in Ruthenian and Ukrainian at the Agency for education, we emphasize that the Ministry of Science, Education and Sports, i.e. the Government of the Republic of Croatia, provided an explanation regarding the need for employing the advisors in its last report.

**314.**

With regard to the finding of the Committee of Experts by which it was established that the Ruthenian language was not used before courts, we state that, according to the data for the reporting period, parties in two proceedings waived the offered right to use the Ruthenian language.

**414. - 420.**

With regard to radio and television programme in the Serbian language, the Government of the Republic of Croatia states that the Agency for Electronic Media allocated resources for 2014 from the Fund for the Promotion of Pluralism and Diversity of Electronic Media to broadcasters for the production and broadcasting of 18 audio-visual programmes and contents with the total running time of 810 minutes and of 83 radio programmes and contents with the total running time of 2085 minutes, thus the undertaking can be considered fulfilled.

With regard to the general recommendation that the information on the allocation of support, i.e. resources to broadcasters is not made publicly available to a sufficient extent, the Government of the Republic of Croatia states that the Agency for Electronic Media publishes all of its decisions on the Agency's website (<http://www.e-mediji.hr/hr/>) and in the official gazette (*Narodne novine*) of the Republic of Croatia, including information on the resources allocated from the Fund for the Promotion of Pluralism and Diversity of Electronic Media, where broadcasters, programme and content titles, and their number are also included. Furthermore, the system of publishing and transparency will be improved at the publishing of the results of the tender for the allocation of the Fund's resources in 2015.

**453.**

With regard to the finding of the Committee of Experts by which it was established that Slovakian was not used before courts, we state that, according to the data from the reporting period, a party in one proceeding waived the offered right to use the Slovakian language.

**528.**

With regard to the finding of the Committee of Experts by which it was established that the Ukrainian language was used before minor offence courts, we state that for this reporting period the correct data is that one proceeding was conducted in the Ukrainian language, precisely before the Minor Offence Court in Vrbovec in 2011. The Ministry of Justice has no data of a proceeding conducted in the Ukrainian language before the Minor Offence Court in Križevci. Before the Minor Offence Court in Križevci there was one proceeding conducted in the language of the Serbian national minority.

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

### **Recommendation CM/RecChL(2015)2 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 15 April 2015  
at the 1225th 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 fifth 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 and recommendations of the Committee of Experts and, as a matter of priority:

1. continue these efforts to promote awareness and tolerance vis-à-vis the minority languages, in all aspects, including usage of signs and traditional local names with inscriptions in Cyrillic script, based on the conclusions of the Committee of Experts (paragraphs 398 and 410 of the report), 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 their minority languages in relations with relevant state, county and local authorities in practice, and that these authorities use the respective minority languages within the framework of their work;
3. review the existing threshold and increase efforts to introduce equal and official use of minority languages in those areas where there is a sufficient number of speakers;
4. take proactive measures encouraging the minority language speakers to make use of minority language education;
5. increase the broadcasting time and the regularity of television programmes in each minority language.