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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN SERBIA

1st monitoring cycle

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

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

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

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

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

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

adopted by the Committee of Experts on 12 September 2008
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 Serbia

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

2. Article 15.1 of the Charter requires States Parties to present their first report within the year following the entry into force of the Charter with respect to the Party concerned. The Serbian authorities presented their initial periodical report to the Secretary General of the Council of Europe on 11 July 2007. However, it has not yet been made public in accordance with Article 15.2 of the Charter. The Committee of Experts requests the Serbian authorities to make their initial report public as soon as possible.

1.2. The work of the Committee of Experts

3. This first evaluation report is based on the information obtained by the Committee of Experts from the first report of Serbia and the replies¹ to an additional questionnaire submitted to the Serbian authorities on 1 September 2007. In this context, the Committee of Experts notes the statement by the Serbian authorities in their first report that "[b]earing in mind that the Autonomous Province of Kosovo and Metohija is under the interim international administration [of the United Nations Interim Administration Mission in Kosovo (UNMIK)]², the Report on the Implementation of the European Charter for Regional or Minority Languages in the Republic of Serbia does not cover that part of the territory [of the] Republic of Serbia."³

4. The Committee of Experts has received from the Vojvodina Centre for Human Rights (Novi Sad) an alternative report on the implementation of the Charter to which almost all bodies and associations representing the speakers of regional or minority languages in Serbia have contributed. In addition, the Committee of Experts obtained information through interviews held with representatives of the speakers of the regional or minority languages and the Serbian authorities during an on-the-spot visit (5-8 February 2008). The Committee of Experts has received two statements pursuant to Article 16.2 of the Charter, one from the National Council of the Vlach National Minority and a second one from the Association of Hungarian Pedagogues. The statements will be dealt with later in the report. The present report reflects the policies, legislation and practice prevailing around the time of the on-the-spot visit (March 2008). Any later contributions and developments will be taken into account in the next report of the Committee of Experts concerning Serbia.

5. The report contains detailed observations that the Serbian authorities are encouraged to take into account in order to develop their policy on regional or minority languages. The Committee of Experts has, on the basis of its detailed observations, also established a list of proposals for recommendations to be addressed to Serbia by the Committee of Ministers, as provided in Article 16.4 of the Charter.

6. The Committee of Experts wishes to express its gratitude to the Serbian authorities for the active and fruitful co-operation it has enjoyed. Immediately after ratifying the Charter, and in co-operation with the Council of Europe

¹ received on 8 January and 8 April 2008

² brackets added

³ 1st Periodical Report, p. 27

and the Organization for Security and Co-operation in Europe (OSCE), Serbia organised several seminars in different parts of Serbia with a view to actively informing the authorities, organisations and speakers of the regional or minority languages of the rights and duties established by the Charter. Serbia also submitted its very comprehensive initial report on time. The co-operation with the authorities and with the bodies and associations representing the speakers of the regional or minority languages during the on-the-spot visit was exemplary.

7. The present report was adopted by the Committee of Experts on 12 September 2008.

1.3 Presentation of the regional or minority language situation in Serbia

8. The numbers and statistical data used in the subsequent paragraphs are taken from the last census conducted by the Serbian authorities in 2002.⁴

Albanian

9. Albanian has been traditionally present in the southern-Serbian municipalities of Bujanovac, Medveđa/Medveđe and Preševo/Preshevë, where it is in official use. According to the census, 61,647 people belong to the Albanian national minority in Serbia of whom 99% speak Albanian as their mother tongue. They live predominantly (59,952) in Central Serbia. Albanian is covered by Parts II and III of the Charter.

Bosnian

10. The migration of Bosniaks to Sandžak (south-west Serbia) started in the 17th century. According to the census, 136,087 Bosniaks live in Serbia of whom 97% speak Bosnian as their mother tongue. They form the majority of the population in the municipalities of Novi Pazar, Sjenica and Tutin (Sandžak) where the Bosnian language and script is in official use. Bosnian is covered by Parts II and III of the Charter.

Bulgarian

11. According to the census, 20,497 people belong to the Bulgarian national minority of whom 74% speak Bulgarian as their mother tongue. Most persons belonging to the Bulgarian national minority (18,839) live in Central Serbia. They represent the majority of the population in the municipalities of Bosilegrad and Dimitrovgrad which became part of Yugoslavia as a result of the Treaty of Neuilly-sur-Seine (1919). Bulgarian is in official use in both municipalities and is covered by Parts II and III of the Charter.

Bunjevac

12. Bunjevac (called *bunjevački* by its speakers) has been traditionally present in Vojvodina (Bačka) and is mainly used in the areas of Subotica and Sombor. According to the census, 20,012 people belong to the Bunjevac national minority. While most speakers consider Bunjevac a language in its own right, some regard it as a variety of Croatian. Bunjevac is not in official use in any municipality of Serbia. The status of Bunjevac is unclear (cf. paragraphs 35/36). In this report, it is dealt with under Part II.

Croatian

13. Croatian has been traditionally used on the territory of the present Autonomous Province of Vojvodina. According to the census, 70,602 people belong to the Croatian national minority of whom 34% speak Croatian as their mother tongue. 56,546 persons belonging to the Croatian national minority live in Vojvodina, in particular in the municipalities of Apatin and Subotica (Bačka). The number of Croatians in Vojvodina significantly declined in the 1990s. Croatian is an official language of Vojvodina, the municipality of Subotica and one locality of the municipalities of Apatin and Sremska Mitrovica respectively. Under the Charter, it is covered by Parts II and III.

Czech

14. Czech has had a traditional presence on the territory of Vojvodina since the 19th century. According to the census, 2,211 people belong to the Czech national minority of whom 54% speak Czech as their mother tongue. Most persons belonging to the Czech national minority (1,648) live in Vojvodina, with a certain concentration in the municipality of Bela Crkva in Banat (4% of the population). Czech is an official language of Bela Crkva and covered by Part II of the Charter.

⁴ 1st Periodical Report, p. 11-12, 55-60

German

15. German has had a traditional presence in Serbia since the 18th century. Before the flight, internment and expulsion of most Germans between 1944 and 1948, about 380,000 Germans lived in Vojvodina. According to the 2002 census, 3,901 people belong to the German national minority of whom 44% speak German as their mother tongue. Most persons belonging to the German national minority (3,154) live in Vojvodina, in particular in the municipalities of Apatin, Sombor and Subotica. German is covered by Part II of the Charter.

Hungarian

16. Hungarian has a traditional presence on the territory of the present Vojvodina which belonged to the Kingdom of Hungary (Austro-Hungarian Empire) until the end of World War I. According to the census, 293,299 people belong to the Hungarian national minority of whom 94% speak Hungarian as their mother tongue. The Hungarian national minority is concentrated in Vojvodina (290,207 persons, mainly in North Bačka and North Banat) and represents 14.3% of the province's population, which makes them the largest national minority in Vojvodina. In the municipalities of Kanjiža/Magyarkanizsa, Senta/Zenta, Ada, Bačka Topola/Topolya, Mali Iđoš/Kishegyes and Čoka/Csóka, the majority of the population belongs to the Hungarian minority. However, the number of Hungarians in Vojvodina significantly declined in the 1990s. Hungarian is an official language of Vojvodina, 27 municipalities and 8 localities. It is covered by Parts II and III of the Charter.

Macedonian

17. According to the census, 25,847 people belong to the Macedonian national minority of whom 48% speak Macedonian as their mother tongue. A majority of the persons belonging to the Macedonian national minority (14,062) live in Central Serbia while 11,785 live in Vojvodina. Macedonian has been traditionally present in southern Serbia since the beginning of the 20th century (though not under that name since it was officially recognised only in 1944), and is covered by Part II of the Charter. In the second half of the 20th century, many Macedonian-speakers migrated for economic reasons to Vojvodina, e.g. to the municipality of Plandište and the localities of Jabuka and Kačarevo (municipality of Pančevo).

Romani

18. Romani has a traditional presence in Serbia. According to the census, 108,193 people belong to the Roma national minority of whom 73% speak Romani as their mother tongue. 79,136 persons belonging to the Roma national minority live in Central Serbia, in particular in Belgrade. Romani is not in official use in any municipality of Serbia. Under the Charter, it is covered by Parts II and III.

Romanian

19. Romanian has had a traditional presence on the territory of Vojvodina since the 18th century. According to the census, 34,576 people belong to the Romanian national minority of whom 92% speak Romanian as their mother tongue. Most persons belonging to the Romanian national minority (30,419) live in Vojvodina, in particular in the municipalities of Alibunar and Vršac/Vârșeț. Romanian is an official language of Vojvodina, 8 municipalities and 11 localities. Under the Charter, it is covered by Parts II and III.

Ruthenian

20. Ruthenian has had a traditional presence on the territory of Vojvodina since the 18th century. According to the census, 15,905 persons belong to the Ruthenian national minority of whom 82% speak Ruthenian as their mother tongue. The persons belonging to the Ruthenian national minority live almost exclusively in Vojvodina, mainly in the municipalities of Kula (11% of the population), Vrbas/Вербас (8%) and Žabalj/Жабљ (5%). Ruthenian is an official language of Vojvodina, 5 municipalities and 1 locality. Under the Charter, it is covered by Parts II and III.

Slovak

21. Slovak has had a traditional presence on the territory of Vojvodina since the 18th century. According to the census, 59,021 people belong to the Slovak national minority of whom 94% speak Slovak as their mother tongue. Most persons belonging to the Slovak national minority (56,637) live in Vojvodina, in particular in the municipalities of Bački Petrovac/Báčsky Petrovec and Kovačica. Slovak is an official language of Vojvodina, 10 municipalities and 3 localities. Under the Charter, it is covered by Parts II and III.

Ukrainian

22. Ukrainian has had a traditional presence on the territory of Vojvodina since the 19th century. Further Ukrainians arrived after World War II from Bosnia-Herzegovina. According to the census, 5,354 people belong to the Ukrainian national minority of whom 48% speak Ukrainian as their mother tongue. 4,635 persons belonging to the Ukrainian national minority live in Vojvodina, mainly in the municipalities of Kula (3% of the population) and Vrbas (2%) which are also strongholds of the Ruthenian language. Ukrainian is not in official use in any municipality of Serbia. Under the Charter, Ukrainian is covered by Parts II and III.

Vlach

23. Vlach has a traditional presence in the eastern Serbian Timoc, Morava and Danube valleys. According to the census, 40,054 people belong to the Vlach national minority of whom 92% speak Vlach as their mother tongue. Most persons belonging to the Vlach national minority (39,953) live in Central Serbia. Vlach is covered by Part II of the Charter.

1.4 General issues arising from the evaluation of the report

1.4.1 Territorial application of the Charter

24. At the deposition of its instrument of ratification on 15 February 2006, Serbia and Montenegro made the following declaration: "As to Article 1.b of the Charter, Serbia and Montenegro declares that the term 'territory in which the regional or minority languages is used' will refer to areas in which regional and minority languages are in official use in line with the national legislation."

25. In the periodical report and the additional information submitted to the Committee of Experts, the Serbian authorities explain that, pursuant to the national legislation, regional or minority languages may be "in official use" at different territorial levels. In addition, they state that the use of regional or minority languages in public documents, for example in school records, is also considered "official use" but that "it is impossible to ascertain in advance in which areas the official school records will be kept in languages of national minorities."⁵ The Committee of Experts considers the use of regional or minority languages in public documents indeed as too haphazard to specify the territorial application of the Charter and will therefore concentrate on official language use at municipal level.

26. With regard to the level of the (entire) *municipality* (*opština*), the Law on the Protection of the Rights and Freedoms of National Minorities stipulates that a municipality is obliged to introduce into equal official use the language and script of a traditional national minority if, according to the latest census, persons belonging to that minority account for 15% of the population of the municipality (Article 11.2). Such official use covers oral and written communication with citizens, administrative procedures, record keeping, issuing of documents, ballots and voting material and public inscriptions.

27. In Vojvodina, a minority language and script which is not in official use on the entire territory of the municipality shall be introduced into official use in a locality (*mesna zajednica*) of that municipality if the population share of persons belonging to the given minority reaches 25% in the locality. Such official language use covers public inscriptions, names and the conduct of some administrative tasks by local administrative offices located in the given locality.⁶

28. If the speakers of a regional or minority language do not meet the aforementioned thresholds, a municipality may, through a change of its statute, voluntarily introduce a minority language in official use.⁷

29. The Committee of Experts considers that the thresholds of 15% and 25% may prevent the Charter being applied to those regional or minority languages which are not in official use but which are still present in sufficient numbers in municipalities or localities for the application of provisions of the Charter. This restriction affects in

⁵ Additional information provided by the Serbian authorities on 8 April 2008

⁶ Article 8.3, Decision on More Specific Regulation of Certain Issues concerning Official Use of Languages and Scripts of National Minorities in the Territory of the Autonomous Province of Vojvodina; 1st Periodical Report, p. 43-44

⁷ 1st Periodical Report, p. 30

particular the application of Articles 9 and 10 to Romani and Ukrainian, but also the application of the Charter to Part II languages. A rigid application of the thresholds would go against the spirit of the Charter.⁸

30. However, the Committee of Experts also notes that the possible negative effects of the thresholds have frequently been counterbalanced by the statutory competence of municipalities. Several municipalities have introduced a regional or minority language in official use whose speakers do not fulfil the thresholds but have a sufficient presence for certain promotional measures. For example, *Slovak* has been introduced in official use in Bačka Topola (0.5% of the population), Pančevo (1.2%) and Zrenjanin (1.8%), *Ruthenian* in Novi Sad (0.6%) and *Romanian* in Zrenjanin (1.9%). The Serbian authorities state that the "practical importance of the introduction of minority languages into the official use in local self-government units in which the share of persons belonging to national minorities is lower than 15% is enormous" and "makes[s] it possible to preserve their identity and influence in social life."⁹ This view corresponds to the observation made by the Committee of Experts that it is important that each of the regional or minority languages has at least one municipality or locality of reference. For example, most promotional measures for the *Czech* language are carried out in Bela Crkva, the only municipality where *Czech* is in official use.

31. The Committee of Experts observes that, if systematically applied in the light of the Charter, the statutory competence of municipalities may ensure the application of the Charter to all the regional or minority languages.¹⁰ It considers that the Serbian authorities should identify, in co-operation with eligible municipalities, the municipal territories where the regional or minority languages are present in sufficient numbers for the application of provisions of the Charter and where, if necessary, statutes could be supplemented.

The Committee of Experts encourages the Serbian authorities to take steps to secure the implementation of the Charter in all municipal territories where the regional or minority languages are present in sufficient numbers for the application of provisions of the Charter, including where necessary changes to statutes of municipalities.

1.4.2 Application of Part III of the Charter

32. As regards the designation of the Part III languages, "Serbia is of the opinion that the implementation of the European Charter for Regional or Minority Languages is a *process*" which "can result, *inter alia*, in the specification of new languages to which the undertaken paragraphs and sub-paragraphs will apply."¹¹ Such steps will be considered as soon as the Part II languages concerned have been introduced in education. The Committee of Experts commends the Serbian authorities on their dynamic approach to the instrument of ratification and encourages them to pursue the envisaged steps in co-operation with the speakers.

33. Serbia has ratified the same undertakings in respect of all Part III languages "to provide the same level of protection to all languages".¹² While acknowledging that the Serbian authorities consider all regional or minority languages of equal value, the Committee of Experts notes that the situation of every language differs and that the Charter shall be applied "according to the situation of each language" (Article 7.1). This approach allows the States Party to adapt its undertakings to the circumstances of each language and avoid that languages which are in a relatively good situation are covered by too weak provisions, and *vice versa*. The Committee of Experts notes that the undertakings which have been chosen by Serbia, in particular those in education and the media, do not adequately reflect the situation of, for example, Hungarian to which more ambitious undertakings could be applied.¹³

⁸ Cf. 1st Report of the Committee of Experts on Slovakia, paragraphs 44/47; 2nd Report of the Committee of Experts on Sweden, paragraph 16

⁹ Additional information provided by the Serbian authorities on 8 January 2008

¹⁰ Cf. 3rd Report of the Committee of Experts on Switzerland, paragraph 27

¹¹ 1st Periodical Report, p. 42, 115-116, 120

¹² 1st Periodical Report, p. 41

¹³ Cf. 1st Report of the Committee of Experts on Croatia, paragraph 17

1.4.3 Status of Vlach under the Charter

34. The members of the Vlach national minority are divided over the question of whether Vlach is an independent language or a variety of Romanian. Vlach is not officially used by local authorities because the Serbian authorities consider a standardisation of Vlach as a prerequisite.¹⁴ In contrast, during the on-the-spot visit the National Council of the Vlach National Minority supported the view that Vlach is a variety of Romanian, not an independent language.¹⁵ Consequently, the National Council advocates the official use of Romanian in the municipalities of Kučevo, Žagubica, Bor and Boljevac rather than a standardisation of Vlach. Since Romanian is covered also by Part III of the Charter, the question arises as to whether Vlach should be covered under Part II or also under Part III of the Charter. The Committee of Experts considers that this matter needs to be clarified by the Serbian authorities. In the light of the information available to the Committee of Experts and without prejudging this issue, Vlach will in this report be dealt with under Part II.

The Committee of Experts encourages the Serbian authorities to clarify the status of Vlach under the Charter in co-operation with the speakers.

1.4.4 Status of Bunjevac

35. The Serbian authorities declare that they at present do not apply the Charter to Bunjevac because it "has not yet been standardised." However, they do "not deny the possibility of treating this language as a regional or minority language" and are willing to apply Part II to Bunjevac.¹⁶ In the forms of the 2002 census, Bunjevac was not listed among "mother-tongues". As a consequence, people who indicated Bunjevac as their native language were counted in the category "other languages".¹⁷

36. The Committee of Experts underlines that the lack of standardisation is not by itself an obstacle to the application of Part II to a regional or minority language. Apart from that, it was informed during its on-the-spot visit that a Bunjevac dictionary has been published and that the subject "Bunjevac speech with elements of national culture" has been introduced in some primary schools in Subotica. The authorities have also published textbooks for this subject. Consequently, Bunjevac appears to be standardised to some extent. Furthermore, the Committee of Experts notes with appreciation that the Serbian authorities apply other promotional measures to Bunjevac which are relevant under the Charter. In particular, they assist a radio programme in Bunjevac (1 hour per week), a programme in Bunjevac on TV Vojvodina (30 minutes per week) and a monthly magazine in Bunjevac. There is also a teacher training programme. However, the Serbian authorities have not yet reported comprehensively about Bunjevac. The Committee of Experts will therefore examine the situation of Bunjevac in its next evalution report.

The Committee of Experts encourages the Serbian authorities to clarify the status of Bunjevac under the Charter in co-operation with the speakers.

¹⁴ Alternative Report, p. 28

¹⁵ Cf. also Alternative Report, p. 4, 5, 28, 61

¹⁶ 1st Periodical Report, p. 42, 115

¹⁷ 1st Periodical Report, p. 54

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

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

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

37. Part II of the Charter applies to all regional or minority languages used in Serbia, i.e. Albanian, Bosnian, Bulgarian, Bunjevac, Croatian, Czech, German, Hungarian, Macedonian, Romani, Romanian, Ruthenian, Slovak, Ukrainian and Vlach. As stated above (cf. 1.4.4), the Committee of Experts will examine the situation of Bunjevac in its next evalution report.

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:

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

38. According to the Statute of the Autonomous Province of Vojvodina (hereafter: Vojvodina), Croatian, Hungarian, Romanian, Ruthenian and Slovak are, alongside Serbian, official languages of that province. The Committee of Experts considers this a high level of recognition for these regional or minority languages. However, the system of national minority councils (cf. Article 7.4) and the existence of teaching of the regional or minority languages with elements of their national cultures (cf. Article 7.1.f) also constitutes a recognition of the regional or minority languages as an expression of cultural wealth.

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;

39. Measures which change the ratio of the population in areas inhabited by national minorities are prohibited by the Constitution (Article 78.3) and the Law on the Protection of the Rights and Freedoms of National Minorities (Article 21). The respect of the geographical area of minority languages is also guaranteed by certain bilateral agreements on the protection of national minorities, for example with Hungary.¹⁸ Nevertheless, the Committee of Experts has been informed that administrative divisions seem to constitute obstacles to the promotion of Bulgarian and Hungarian.

40. Localities with a majority of *Bulgarian*-speakers were detached from the Bulgarian-speaking municipalities of Dimitrovgrad and Bosilegrad in the 1960s and merged with the municipalities of Pirot, Babušnica and Surdulica, where mainly Serbian is spoken. According to representatives of the Bulgarian-speakers¹⁹, this has negative repercussions on the availability of Bulgarian-language education and the official use of Bulgarian.

41. Furthermore, the mainly *Hungarian*-speaking municipalities of Kanjiža/Magyarkanizsa, Senta/Zenta and Ada (Bačka) have been integrated into the North Banat District. The National Council of the Hungarian National Minority²⁰ feels that this intentionally separates the Hungarian-speakers concerned from the North Bačka District and has negative repercussions on the use of Hungarian in relations with administrative authorities.

42. The Committee of Experts encourages the Serbian authorities to examine, in co-operation with the speakers, the extent to which the present administrative divisions represent obstacles to the promotion of Bulgarian and Hungarian and to inform about the results in the next periodical report.

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

¹⁸ 1st Periodical Report, p. 93-94

¹⁹ Alternative Report, p. 15

²⁰ Alternative Report, p. 14/15

43. Resolute action to promote regional or minority languages in order to safeguard them covers several aspects, including the creation of a legal framework for the promotion of such languages, the establishment of bodies which have responsibility in this field and provision of adequate financial resources.²¹

44. Minority protection enjoys a high level of constitutional recognition in Serbia and is a basic element of the state (Article 1). The use and protection of minority languages is specifically regulated by Article 79, pursuant to which persons belonging to national minorities are entitled, *inter alia*, to use their language and script and have administrative procedures conducted in their language, and education in their language. The Constitution protects "special individual or collective rights" of minorities (Article 75.1) and grants the representatives of national minorities the right to "take part in decision-making or decide independently on certain issues related to their culture, education, information and official use of languages and script" (Article 75.2). The Law on the Protection of the Rights and Freedoms of National Minorities is the overall legal instrument which sets out how the aforementioned objectives shall be implemented.

45. In addition, Serbia has established self-government bodies which have competences regarding the promotion of regional or minority languages (national minority councils, cf. Article 7.4). However, their financial situation does not permit the effective execution of their tasks. While acknowledging the economic difficulties of Serbia, the Committee of Experts encourages the Serbian authorities to provide adequate funding to the national minority councils to allow them to effectively execute their tasks.²²

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

46. The Committee of Experts will deal with the Part III languages under its evaluation of Part III.

Czech

47. Czech is in official use in the municipality of Bela Crkva (South Banat) as well as at its municipal court and is the only Part II language having such status. However, it was reported to the Committee of Experts during its on-the-spot visit that the local administrative and judicial authorities do not use Czech in practice. Only ballots are available in Czech. In the media, 2 radio programmes are broadcast in Czech (Radio Bela Crkva: 1 hour per week; Radio Sunce: 1 hour per day). The programme on Radio Bela Crkva is financed by the municipality whereas the latter receives assistance by the national authorities and the Czech Republic. Both programmes are edited by local Czech associations. Czech has no presence on television, but broadcast time on public television could be allotted once a national minority council has been elected. As regards the print media, a local Czech association publishes a quarterly newsletter (300 copies). Several cultural events using Czech are organised in Bela Crkva.²³

48. The Committee of Experts acknowledges the presence of the Czech language on radio and the good situation in the cultural field. In general, it considers the official status of Czech in Bela Crkva as particularly important because it provides the Czech language with a "reference municipality" for promotional measures. The Committee of Experts therefore underlines that the administrative and judicial authorities of Bela Crkva should also use Czech in practice.

The Committee of Experts encourages the Serbian authorities to take measures to facilitate the practical use of Czech by the administrative authorities and the municipal court of Bela Crkva.

German

49. The Serbian authorities subsidise 2 radio programmes in German (Radio Subotica: 30 minutes weekly; Radio Fedra in Zrenjanin: 1 hour weekly). The German-speakers are currently negotiating with further radio stations located in other areas of Vojvodina about broadcasts in German. The allotment of broadcast time on TV Novi Sad is pending. As regards print media in German, a local annual magazine is edited and financed by an

²¹ Cf. for example 2nd Report of the Committee of Experts on Germany, paragraph 24; 2nd Report of the Committee of Experts on Sweden, paragraph 28

²² Cf. 1st Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities, paragraph 108

²³ 1st Periodical Report, p. 116-117

association. Furthermore, local associations of the German minority organise cultural events in German (e.g. theatre) and have a library.²⁴

50. The Committee of Experts welcomes the presence of German on radio and invites the Serbian authorities to support requests by the speakers for radio broadcasts in other parts of Vojvodina (e.g. southern Banat, Srem). It also considers that a newsletter published more frequently (e.g. bi-monthly) could contribute to the fostering of links between the German-speakers in the different parts of Vojvodina.

Macedonian

51. In the media, the Serbian authorities provide earmarked assistance to *television* programmes in Macedonian on TV Vojvodina (1 hour per month) and TV Pančevo (1 hour per week) as well as to a programme on Radio Novi Sad (30 minutes per week). They have also financed the establishment of the Macedonian Information and Publishing Centre which publishes a monthly magazine in Macedonian and support several cultural events (folklore, arts, exhibitions) using Macedonian. In addition, the purchase of books in Macedonian by local libraries and the publishing in Macedonian are supported.²⁵

52. The Committee of Experts acknowledges the good situation of Macedonian in the media of Vojvodina. Regarding the situation of Macedonian in Central Serbia, the Committee of Experts has, however, not received any information. It invites the Serbian authorities to report about this in the next periodical report.

Vlach

53. The Serbian authorities subsidise broadcasts in Vlach on Negotin Independent Television (news) and Radio Zaječar.²⁶ There exists also a programme in Vlach broadcast by private Radio Doina (Grabovica). As regards print media, a newsletter is published once or twice a year. The Committee of Experts has received complaints from the National Council of the Vlach National Minority that the Romanian-language programmes of TV Novi Sad cannot be received in Eastern Serbia because Radio TV Serbia does not rebroadcast them. It has also been pointed out that Vlach is insufficiently present in cultural activities organised by the municipalities in the Vlach-speaking area. Moreover, requests to change family names to their Vlach form and to name children in Vlach depend in practice on the goodwill of the authorities.

54. In addition to the observations made above (cf. 1.4.3) with regard to the unclear status of Vlach under the Charter, the Committee of Experts observes that the promotional measures currently applied to Vlach do not adequately reflect the favourable demographical situation of Vlach (relatively high number of speakers, compact settlement). This concerns also the media, where a stronger presence on radio and television should be envisaged. In general, there does not seem to exist any structured policy to facilitate and/or encourage the use of Vlach in public life.

The Committee of Experts encourages the Serbian authorities to adopt a structured policy for the protection and promotion of Vlach and to strengthen its use in public life.

- e *the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;*

55. In practice, the national councils of national minorities facilitate the maintenance and development of links, in the fields covered by this Charter, within language groups as well as the establishment of cultural relations with other groups in the State using different languages. The Committee of Experts has not been informed of any body or council where representatives of the national minorities meet. The Republic of Serbia Council for National Minorities (cf. Article 7.4) might be developed to serve this purpose.

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

²⁴ 1st Periodical Report, p. 118-119 and appendix

²⁵ 1st Periodical Report, p. 121-122

²⁶ 1st Periodical Report, p. 122

56. There are 3 models of regional or minority language education at primary and secondary schools, which apply to the Part II and Part III languages alike. Teaching may be carried out in the regional or minority language, bilingually (with Serbian), or in Serbian with the possibility of learning the regional or minority language "with elements of national culture" (about 2-4 hours per week). The latter teaching model is usually applied in areas where the regional or minority language concerned is used by a smaller proportion of the population. Regional or minority language classes are frequently also attended by pupils who do not belong to the national minority concerned. In 2005, there were, for example, 17,687 pupils belonging to the Hungarian national minority while 18,286 pupils attended classes teaching Hungarian under any of the 3 models mentioned above.²⁷

57. At the beginning of each school year, a survey is carried out among pupils and parents to ascertain the demand for regional or minority language classes. Pursuant to the Law on Primary Schools and the Law on Secondary Schools, at least 15 pupils or parents have to request the establishment of such a class.²⁸ However, regional or minority language classes can also be set up on request of less than 15 pupils or parents if the Minister of Education approves it. Requests of this kind have so far never been refused. The Serbian authorities have informed the Committee of Experts of numerous cases where classes have been set up with very few pupils, for example for Bulgarian (4 pupils), Croatian (4 pupils), Hungarian (2 pupils) and Ruthenian (8 pupils).

58. The Committee of Experts commends the Serbian authorities on this exemplary practice. However, representatives of the speakers of the regional or minority languages²⁹ informed the Committee of Experts during the on-the-spot visit that the authorities do not sufficiently inform pupils and parents of the possibility of setting up classes with less than 15 pupils. The Committee of Experts encourages the Serbian authorities to inform pupils and parents more actively of the right to education in regional or minority languages and to encourage them to make use of it.

59. The Committee of Experts will deal with the Part III languages under Article 8.

Czech

60. Czech is not taught within any of the 3 models mentioned above. According to information received, there seems to be sufficient demand for teaching Czech with elements of national culture in Češko Selo and Kruščica (municipality of Bela Crkva). For the time being, the Czech Republic finances, with some support by the Serbian authorities, private Czech language courses in both localities.³⁰ The Committee of Experts encourages the Serbian authorities to investigate the situation with a view to introducing the teaching of Czech with elements of national culture in Bela Crkva and possibly other places where Czech is used (e.g. in Gaj, municipality of Kovin, and Veliko Središte, municipality of Vršac).

German

61. German has so far not been taught within any of the 3 models mentioned above. However, recently 2 pre-school classes have been established in Subotica which teach in German with Hungarian and Serbian respectively.³¹ The Committee of Experts welcomes the introduction of bilingual teaching and encourages the Serbian authorities to explore ways of providing appropriate forms and means for the teaching in/of German in primary and secondary education in places where German is used (e.g. in Novi Sad, Sombor, Vršac, Pančevo and Zrenjanin).

Macedonian

62. Macedonian has so far not been taught within any of the 3 models mentioned above, but the teaching of Macedonian with elements of national culture is apparently being introduced in places with a higher concentration of Macedonian-speakers.³² The Committee of Experts would welcome more detailed information in the next periodical report.

²⁷ 1st Periodical Report, p. 96, 104-107

²⁸ 1st Periodical Report, p. 96

²⁹ for example the Association of Hungarian Pedagogues

³⁰ 1st Periodical Report, p. 116

³¹ 1st Periodical Report, p. 118

³² 1st Periodical Report, p. 120-121

Vlach

63. Vlach is not taught within any of the 3 models mentioned above. According to representatives of the Vlach-speakers, parents have been unsuccessfully requesting the introduction of the teaching of Vlach (e.g. in the municipality of Ranovac). At present, Vlach is only taught in some private courses. The Committee of Experts considers that, in view of the demographic situation of Vlach and the existing demand for the teaching of Vlach, the Serbian authorities should take immediate steps to provide appropriate forms and means for the teaching of Vlach at all appropriate stages in the municipalities where it is used.

The Committee of Experts encourages the Serbian authorities to provide for the teaching of/in Part II languages within the 3 models of regional or minority 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;

64. As noted above (Article 7.1.f), regional or minority language classes are frequently also attended by pupils who do not belong to the national minority concerned. This is the case for Croatian, Hungarian, Romanian, Ruthenian and Slovak.³³ However, the Committee of Experts has not received any information with regard to Albanian, Bosnian, Bulgarian, Czech, German, Macedonian, Romani, Ukrainian and Vlach. In addition, it lacks information regarding the availability of facilities enabling adult non-speakers of regional or minority languages to learn them. The Committee of Experts encourages the Serbian authorities to report on both aspects in their next periodical report.

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

65. The Committee of Experts will deal with the Part III languages under Article 8.1.e.ii.

66. *Czech* can be studied, and research on it can be done, at the Department for Slavic Studies at the University of Belgrade. The same applies to *German* at the universities of Belgrade and Novi Sad and *Macedonian* at the universities of Belgrade, Novi Sad, Niš and Kragujevac. The Committee of Experts has, however, no information regarding *Vlach*.

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

67. The Committee of Experts will deal with transnational exchanges for the Part III languages under Article 14.

68. With regard to *Macedonian*, the “Agreement on the Protection of Rights of the Serb National Minority in the Republic of Macedonia and of the Macedonian National Minority in the Republic of Serbia” (2004) provides for the establishment of a joint committee which is, however, not yet operational. In addition, the authorities of Vojvodina provide financial support to transnational exchanges organised by associations of national minorities in that province. However, it is not clear to what extent these measures benefit *Czech* and *German*. The Serbian authorities have not provided any information with respect to *Vlach*. In general, the Committee of Experts underlines that the promotion of transnational exchanges is, besides the kin-states, also important with regard to Serbia’s neighbouring states where these languages are used in identical or similar form.

69. The Committee of Experts invites the Serbian authorities to adopt, for each Part II language, a structured policy for the promotion of appropriate types of transnational exchanges in the fields covered by this Charter.

³³ 1st Periodical Report, p. 96, 104-107

Paragraph 2

The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

70. The Constitution prohibits discrimination on any ground, including national affiliation and language use (Article 21.2). In addition, a draft law against discrimination has been prepared and submitted for comment to the European Commission for Democracy through Law (Venice Commission) of the Council of Europe. The Committee of Experts hopes that the adoption of this law would strengthen the legal position of the users of regional or minority languages. As regards special measures in favour of regional or minority languages, the Constitution foresees that special regulations and provisional measures which may be introduced into economic, social, cultural and political life for the sake of achieving full equality between persons belonging to national minorities and citizens belonging to the majority, shall not be considered to be an act of discrimination if they are directed towards the elimination of the extremely unfavourable living conditions which particularly affect them (Article 76.3).³⁴ The Committee of Experts observes that States Parties to the Charter are obliged to actively promote regional or minority languages in all domains of public life, not limited to "extremely unfavourable living conditions".

71. The Committee of Experts encourages the Serbian authorities to inform about the further development of this draft law in the next periodical report.

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.

72. With regard to education, the Constitution provides that the Serbian authorities shall promote tolerance, inter-cultural dialogue, mutual respect and understanding between all people in Serbia in the fields of education, culture and information (Article 81). Furthermore, the Law on the Basic Principles of the Educational System defines mutual understanding, respect, understanding and tolerance as goals of education in Serbia (Article 3.11).

73. During the on-the-spot visit, the National Council of the Vlach National Minority informed the Committee of Experts of widespread stereotypes in the Serbian society at large with regard to the *Vlach*-speakers. On the same occasion, the National Council of the German National Minority informed the Committee of Experts that history textbooks present the *German*-speakers predominantly in the context of World War II ("state enemies"), which the National Council considers to be the main reason why only about half of the self-estimated 8,000 Germans in Serbia have declared themselves as "Germans" in the 2002 census. The Committee of Experts has also received complaints from representatives of the *Bulgarian*-speakers according to which history textbooks present that linguistic group in a negative light.³⁵

74. In the light of the above, the Committee of Experts reiterates³⁶ that the extent to which a regional or minority language is protected and promoted is linked to how it is perceived by majority language speakers. As a result, awareness-raising with the majorities is of utmost importance. The Committee of Experts therefore welcomes that the Serbian authorities intend to introduce a multiethnic manual for primary and secondary schools which will include elements from the history, geography, tradition, folklore and culture of different national minorities living in Serbia. In Vojvodina, the Executive Council has launched a project to promote tolerance and multiculturalism.

75. As regards the media, the Law on Broadcasting predicts that the public broadcasting service shall reflect

³⁴ 1st Periodical Report, p. 22, 112

³⁵ cf. also Alternative Report, p. 65

³⁶ Cf. 2nd Report of the Committee of Experts on Croatia, paragraph 39; 2nd Report of the Committee of Experts on Sweden, paragraph 63

respect for cultural, national and ethnic pluralism (Article 77.3).³⁷ The Committee of Experts has received very positive reactions by representatives of the *Romani*-speakers who stated that the strong presence of Romani on television represents an “intercultural breakthrough”. On the other hand, representatives of the speakers of Bosnian are of the view that the programmes of Radio TV Serbia do not adequately reflect the multilingual character of Central Serbia.

The Committee of Experts encourages the Serbian authorities to continue their 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 Serbia, 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.

76. According to the Constitution, persons belonging to national minorities may elect national minority councils for the purpose of collectively exercising the right to self-governance in culture, education, information and official use of the language and script (Article 75.3). National, regional and local authorities shall consult the relevant national minority council when deciding on issues in the fields mentioned above. Moreover, public powers in these areas may be vested with national minority councils, with the state providing financial resources to exercise them. National minority councils may, for example, propose curricula and request the allotment of broadcast time on television and radio. Apart from the speakers of *Albanian* and *Czech*, the speakers of all regional or minority languages covered by the Charter are represented by a national minority council. The Committee of Experts is of the view that national minority councils represent a particularly appropriate way of taking into consideration the needs and wishes expressed by the groups which use regional or minority languages and encourages the Serbian authorities to secure a stable legal basis for the functioning of the national minority councils. Furthermore, additional efforts need to be made to ensure that the speakers of *Albanian* and *Czech* are also represented by such bodies.

77. At national level, the national minority councils are represented in the Republic of Serbia Council for National Minorities which also comprises the relevant ministers and the Serbian Prime Minister. That Council is *inter alia* responsible for the consideration of bills related to national minority rights and the monitoring of the fulfilment of the rights of national minorities, including those established by the Charter.³⁸ The Committee of Experts regrets, however, that the Republic of Serbia Council for National Minorities was convened only once in 2006 and not at all in 2007.

The Committee of Experts encourages the Serbian authorities to secure a stable legal basis for the functioning of national minority councils and ensure regular meetings of the Republic of Serbia Council for National Minorities.

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.

78. The Committee of Experts notes that Romani, while a Part III language, may also be considered a non-territorial language in Serbia.

³⁷ 1st Periodical Report, p. 114

³⁸ 1st Periodical Report, p. 63-64

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

Part III – Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2

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

Article 8 – Education

General issues

80. Three structural problems affect the availability and quality of regional or minority language education. Firstly, there exists an overall shortage of teachers qualified to teach in regional or minority languages, which has a negative impact on the quality of education and, consequently, on the number of pupils enrolled. For example, there are indications that the number of pupils attending secondary education in *Hungarian* is decreasing as a result of a lack of teachers. Moreover, there is a lack of primary school teachers teaching chemistry, mathematics, physics and technical education in *Slovak* and secondary school teachers teaching history, mathematics, geography, physics, chemistry and biology in *Romanian*.

81. Secondly, teachers are not obliged to attend professional development courses. The Serbian authorities have not approved any of the in-service training programmes for *Slovak*-medium teachers that had been put forward by the National Council of the Slovak National Minority. As regards the *Romanian* language, in-service training for teachers of the Romanian language and literature is only available in Romania but the Serbian authorities do not recognise the respective certificates. The Committee of Experts is of the view that the Serbian authorities should urgently devise a structured policy in the field of teacher training.

82. Thirdly, there is a lack of teaching materials produced specifically for regional or minority language education. In most cases, textbooks are translated from Serbian and are thus only available with delays. According to information received³⁹, this concerns in particular pre-school teaching materials in *Romani*, primary school textbooks in *Albanian* (for the subjects nature and society, history and geography), *Romanian* and *Slovak* and textbooks in *Hungarian* for secondary vocational education. However, the Serbian authorities are taking steps to improve the situation. In primary education, textbooks have been published in *Hungarian* (for Hungarian language and literature, Hungarian with elements of national culture, music and arts), *Slovak* (Slovak language, music and arts, nature, society and history) and *Romani* (for the first, second and third grades). The Committee of Experts welcomes these efforts and underlines that textbooks that are originally drafted in a regional or minority language are better adapted to such education and may also better reflect the history and culture of that language.⁴⁰

The Committee of Experts encourages the Serbian authorities to develop a coherent strategy in the field of teacher training and provide adequate teaching materials for regional or minority language education.

³⁹ Alternative Report, p. 36-39

⁴⁰ Cf. 2nd Report of the Committee of Experts on Croatia, paragraphs 68-71

Paragraph 1

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

Pre-school education

- a i** *to make available pre-school education in the relevant regional or minority languages; or*
- ii** *to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
- iii** *to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or*
- iv** *if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;*

83. Serbia did not specify, in its instrument of ratification, which of the sub-paragraphs a.iii and a.iv it wishes to apply. It is not clear from the periodical report if Serbia by ratifying both sub-paragraphs intended to cover both the area where the authorities are competent and the area where they are not competent. Based on the information received, the Committee of Experts has therefore decided to deal with pre-school education in relation to sub-paragraph a.iii.

Albanian

84. In the reference period 2006/2007, 984 children⁴¹ in Bujanovac, Medveđa/Medvegjë and Preševo/Preshevë attended pre-school groups teaching in Albanian. There were no bilingual groups.

Bosnian

85. Between 650 and 700 children in Novi Pazar attended pre-school groups teaching in Bosnian. There were no bilingual groups.

Bulgarian

86. 332 children in Bosilegrad and Dimitrovgrad attended pre-school groups teaching bilingually (Bulgarian with Serbian).

Croatian

87. 10 children in Subotica attended pre-school groups teaching in Croatian. Furthermore, 53 children in Subotica attended bilingual groups. The Committee of Experts considers that these numbers are extremely low considering the number of Croatian-speakers in the Bačka region.

Hungarian

88. 4,680 children in 24 municipalities in Vojvodina attended pre-school groups teaching in Hungarian. Furthermore, 510 children in 8 municipalities attended bilingual groups.

Romani

89. In Vojvodina, 30 children in Sombor attended pre-school groups teaching in Romani. Furthermore, 18 children attended bilingual groups. In Central Serbia, 118 children in 3 municipalities attended bilingual groups groups.

Romanian

90. In Vojvodina, 189 children in 7 municipalities attended pre-school groups teaching in Romanian. Furthermore, 57 children in Alibunar attended bilingual groups. The Committee of Experts considers that these numbers are extremely low considering the number of Romanian-speakers in Vojvodina.

⁴¹ See regarding this undertaking 1st Periodical Report, p. 127-138. The figures indicated in the Alternative Report differ with regard to several languages.

Ruthenian

91. 198 children in 4 municipalities attended pre-school groups teaching in Ruthenian. It was also taught as an optional subject to 70 pupils in 4 municipalities.

Slovak

92. 806 children in 9 municipalities attended pre-school groups teaching in Slovak. Furthermore, 43 children in 3 municipalities attended bilingual groups.

Ukrainian

93. There was no Ukrainian-language pre-school education.

94. The Committee of Experts considers this undertaking fulfilled for Albanian, Bosnian, Bulgarian, Hungarian, Romani, Ruthenian and Slovak, partly fulfilled for Croatian and Romanian, and not fulfilled for Ukrainian. It encourages the Serbian authorities to strengthen pre-school education for Croatian and Romanian and to provide 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;**

Albanian

95. In the reference period 2006/2007, 9,173 children in Bujanovac, Medveđa/Medvegië and Preševo/Preshevë attended primary-school classes teaching in Albanian.

Bosnian

96. 6,697 children in 4 municipalities attended primary-school classes teaching Bosnian with elements of national culture. There seems also to exist a demand for Bosnian primary education in the municipalities of Priboj and Nova Varoš where no teaching of Bosnian takes place at present. According to the National Council of the Bosniak National Minority, most speakers are not sufficiently aware of the right to Bosnian-language education and how this right can be exercised.

Bulgarian

97. 11 children in Bosilegrad attended primary-school classes teaching in Bulgarian. Furthermore, 1,439 children in Bosilegrad and Dimitrovgrad attended primary-school classes teaching Bulgarian with elements of national culture. Representatives of the Bulgarian-speakers informed the Committee of Experts of a need for Bulgarian-medium education in Dimitrovgrad as well, although it is unclear to the Committee whether such a request has been made.

Croatian

98. 197 children in Subotica attended primary-school classes teaching in Croatian. Furthermore, 362 children in 3 municipalities attended classes teaching Croatian with elements of national culture. As with pre-school education, the Committee of Experts considers that the number of pupils attending Croatian-language primary education is extremely low given the number of Croatian-speakers in Bačka.

Hungarian

99. 17,128 children in 27 municipalities attended primary-school classes teaching in Hungarian. Furthermore, 2,088 children in 21 municipalities attended classes teaching Hungarian with elements of national culture.

Romani

100. The number of pupils in Romani primary education has more than tripled since 2002. In Vojvodina, 1,266 children in 21 municipalities attended primary-school classes teaching Romani with elements of national culture. In Central Serbia, this was the case for 80 children in the municipality of Obrenovac. The Committee of Experts commends the Serbian authorities for the efforts undertaken to promote Romani primary education in Vojvodina. It encourages the Serbian authorities to provide more detailed information with regard to measures taken to promote Romani in Central Serbia.

Romanian

101. 1,444 children in 9 municipalities attended primary-school classes teaching in Romanian. Furthermore, 469 children in 10 municipalities attended classes teaching Romanian with elements of national culture. According to the National Council of the Romanian National Minority, these figures reveal that only about 60% of the Romanian-speaking children attended primary education in Romanian.

Ruthenian

102. The number of pupils in Ruthenian primary education has considerably increased lately. 607 children in 3 municipalities attended primary-school classes teaching in Ruthenian. Furthermore, 278 children in 7 municipalities attended classes teaching Ruthenian with elements of national culture. In Belgrade, 15 children attended classes teaching Ruthenian with elements of national culture. In addition, the National Council of the Ruthenian National Minority pointed out that Ruthenian-language education benefits from good teaching materials in Ruthenian and good working conditions with modern equipment. The Committee of Experts commends the Serbian authorities on their efforts to promote Ruthenian-language primary education.

Slovak

103. 3,275 children in 12 municipalities attended primary-school classes teaching in Slovak. Furthermore, 622 children in 11 municipalities attended classes teaching Slovak with elements of national culture. In Central Serbia, 39 children in Boljevac attended classes teaching Slovak with elements of national culture.

Ukrainian

104. 118 children in 4 municipalities attended primary-school classes teaching Ukrainian with elements of national culture.⁴² The Ukrainian minority also organises summer schools.

105. Based on the information received from the authorities and the speakers, the Committee of Experts considers this undertaking by and large fulfilled. It nevertheless encourages the Serbian authorities, in co-operation with the speakers, to strengthen primary education for Croatian and Romanian. It also encourages the authorities to provide more detailed information with regard to measures taken to promote Romani primary education in Central Serbia in the next periodical report.

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;*

Albanian

106. In the reference period 2006/2007, 1,041 pupils in Preševo/Preshevë attended secondary-school classes teaching in Albanian.

⁴² 1st Periodical Report, p. 142-154

Bulgarian

107. 549 pupils in Bosilegrad and Dimitrovgrad attended secondary-school classes teaching Bulgarian with elements of national culture.

Hungarian

108. 1,119 pupils in 6 municipalities attended secondary-school classes teaching in Hungarian.

Romanian

109. 93 pupils in Vršac/Vârşeş attended secondary-school classes teaching in Romanian. Furthermore, 27 pupils in Vršac/Vârşeş and Kovačica attended classes teaching Romanian with elements of national culture. The Committee of Experts considers that the overall number is extremely low considering the number of Romanian-speakers.

Ruthenian

110. 75 pupils attended secondary-school classes teaching in Ruthenian at the grammar school of Ruski Krstur/Руски Крстур (municipality of Kula), the only Ruthenian secondary school worldwide. Furthermore, 21 pupils in Novi Sad attended classes teaching Ruthenian as an optional subject.

Slovak

111. 379 pupils in Kovačica and Bački Petrovac/Báčsky Petrovec attended secondary-school classes teaching in Slovak. Furthermore, 34 pupils in Kovačica and Stara Pazova/Stará Pazova attended classes teaching Slovak with elements of national culture.⁴³

112. The Committee of Experts has no information at its disposal with regard to the implementation of this undertaking for the Bosnian, Croatian, Romani and Ukrainian languages.

113. The Committee of Experts considers this undertaking fulfilled for Albanian, Bulgarian, Hungarian, Ruthenian and Slovak and partly fulfilled for Romanian. It is, however, not in a position to conclude on the fulfilment of this undertaking with regard to Bosnian, Croatian, Romani and Ukrainian. The Committee of Experts therefore encourages the Serbian authorities to strengthen secondary education for Romanian and to provide information about the application of the present undertaking to Bosnian, Croatian, Romani and Ukrainian in the next periodical report.

Technical and vocational education

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

Albanian

114. In the reference period 2006/2007, 1,831 pupils in Bujanovac and Preševo/Preshevë attended technical and vocational classes teaching in Albanian.

Hungarian

115. 5,484 pupils in 12 municipalities attended technical and vocational classes teaching in Hungarian. Furthermore, 12 pupils in Temerin attended classes teaching Hungarian with elements of national culture.

⁴³ 1st Periodical Report, p. 158-161

Romanian

116. 107 pupils in Alibunar attended technical and vocational classes teaching in Romanian. The Committee of Experts considers that this number is low considering the number of Romanian-speakers.

Slovak

117. 93 pupils in Bački Petrovac/Báčsky Petrovec and Stara Pazova/Stará Pazova attended technical and vocational classes teaching Slovak with elements of national culture.⁴⁴ The Committee of Experts considers that this number is clearly extremely low considering the number of Slovak-speakers.

118. The Committee of Experts has no information at its disposal with regard to the implementation of this undertaking for the Bosnian, Bulgarian, Croatian, Romani, Ruthenian and Ukrainian languages.

119. The Committee of Experts considers this undertaking fulfilled for Albanian and Hungarian and partly fulfilled for Romanian and Slovak. It is, however, not able to reach a conclusion regarding Bosnian, Bulgarian, Croatian, Romani, Ruthenian and Ukrainian. Consequently, the Committee of Experts encourages the Serbian authorities to strengthen technical and vocational education for Romanian and Slovak and to provide information about the application of this undertaking to Bosnian, Bulgarian, Croatian, Romani, Ruthenian and Ukrainian in the next periodical report.

University and higher education

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

Albanian

120. In the reference period 2006/2007, 12 students were enrolled at the Department for Albanian at the University of Belgrade.

Bosnian

121. The University of Novi Pazar disposes of a section on Serbian/Bosnian Language and Literature which also educates teachers of Bosnian. However, the Committee of Experts has no information about the number of enrolled students.

Bulgarian

122. The Department for Serbian and South Slavic languages at the University of Belgrade has a Study Group for Bulgarian Language and Literature. In the reference period, 8 students studied Bulgarian in that study group.

Croatian

123. Croatian can be studied at the Faculty of South Slavic Philology at the University of Belgrade in the first, second and fourth years as part of the Modern Serbian and Croatian Language course. The Committee of Experts has not been informed of the number of enrolled students.

Hungarian

124. In the reference period, 26 students studied Hungarian at the Department of Hungarology at the University of Novi Sad/Újvidék while 14 students were enrolled at the Department of Hungarology at the University of Belgrade. According to representatives of the speakers of Hungarian, bilingual teaching in Serbian and Hungarian takes place at the Technical College in Subotica/Szabadka and the pre-school teacher training colleges in Novi Sad/Újvidék and Subotica/Szabadka. In addition, the Academy of Arts of the University of Novi Sad/Újvidék, the Faculty of Economics and the Faculty of Civil Engineering in Subotica/Szabadka offer classes in Hungarian. Hungarian is also a medium of instruction at the Teacher Training Faculty in Sombor/Zombor.

Romani

125. In 2006, 16 students studied Romani, Roma literature, history and culture at the School of Roma Language and Culture at the University of Novi Sad. At the Department of Media Studies, the optional subject "Introduction to the Romani Language and Culture" was studied by 46 students. According to representatives of the Romani-speakers, the Serbian Academy of Science and Art has a Commission for the Study of the Life and

⁴⁴ 1st Periodical Report, p. 165-167

Customs of the Roma. Romani-teachers are trained by the Centre for Interactive Pedagogy in Belgrade.

Romanian

126. At present, 5 students are studying Romanian at the Department of Romanian Studies of the University of Novi Sad. Moreover, 18 students are enrolled at the Department for Romanian Language and Literature of the University of Belgrade. Bilingual teaching in Serbian and Romanian takes place at the pre-school teacher training colleges in Vršac/Vârşeşti and Belgrade.

Ruthenian

127. At present, 6 students are studying Ruthenian at the Department of Ruthenian Studies at the University of Novi Sad. The Committee of Experts has been informed by representatives of the Ruthenian-speakers that Ruthenian is offered at the Teacher Training College in Sombor/Зомбор but no students have been enrolled since 2004.

Slovak

128. At present, 10 students are studying Slovak at the Department of Slavistics of the University of Belgrade. Slovak is also taught at the Department of Slovak Studies of the University of Novi Sad/Nový Sad and is a medium of instruction at the teacher training faculties in Subotica and Bački Petrovac/Báčsky Petrovec. In addition, two-thirds of the courses at the teacher training college in Sombor are taught in Slovak.

Ukrainian

129. Ukrainian is a compulsory subject at the Department of Ruthenian Studies of the University of Novi Sad and is currently studied by 8 students. In addition, 16 students are enrolled in the Study Group for Ukrainian Language and Literature at the Department of Slavistics of the University of Belgrade.⁴⁵

130. While considering this undertaking fulfilled for all languages, the Committee of Experts encourages the Serbian authorities to provide information about the number of students studying Bosnian and Croatian as university and higher education subjects.

Adult education

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

Hungarian

131. At present, 68 people attend adult education in Hungarian. It is, however, unclear to what extent the Serbian authorities favour and/or encourage the offering of Hungarian as a subject of adult and continuing education.

Romani

132. As part of the project “Functional Primary Education of Adult Roma”, Romani with elements of national culture is taught at 3 schools in Vojvodina. The project is assisted by the Serbian authorities. However, the Committee of Experts has not received any information about the offering of Romani as a subject of adult and continuing education in Central Serbia.

133. Moreover, the Committee of Experts has no information regarding the implementation of this undertaking for Albanian, Bosnian, Bulgarian, Croatian, Romanian, Ruthenian, Slovak and Ukrainian.⁴⁶

134. The Committee of Experts considers this undertaking partly fulfilled for Hungarian and Romani. However, it is not in a position to conclude on the fulfilment of this undertaking for Albanian, Bosnian, Bulgarian, Croatian, Romanian, Ruthenian, Slovak and Ukrainian. The Committee of Experts encourages the Serbian authorities to state in the next periodical report what measures they have taken in order to promote adult education for all Part III languages.

⁴⁵ 1st Periodical Report, p. 65, 168-171

⁴⁶ 1st Periodical Report, p. 172

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

135. The Law on the Protection of the Rights and Freedoms of National Minorities foresees that curricula shall contain information about the history and culture of the national minorities (Article 13.7). The possibility to learn a regional or minority language “with elements of national culture” ensures the implementation of this undertaking for the pupils concerned. There is, however, no information about the teaching of the history and the culture which is reflected by the regional or minority language to pupils who speak the majority language.⁴⁷

136. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Serbian authorities to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority languages to all pupils in the respective language-areas.

Article 9 – Judicial authorities

General issues

137. Municipal courts and district courts may use a regional or minority language in administrative, criminal and civil proceedings if their jurisdiction covers at least 1 municipality or 1 municipal court in which such a language is in official use.⁴⁸

138. Considering that *Romani* and *Ukrainian* are not in official use in any municipality of Serbia, Article 9 of the Charter cannot be applied to these languages. The Committee of Experts refers in this context to the general observations made with regard to the declaration by Serbia on the territorial application of the Charter (cf. 1.4.1) and encourages the Serbian authorities to take the necessary measures to ensure the application of Article 9 to *Romani* and *Ukrainian*.

139. The Committee of Experts notes that the use of regional or minority languages before judicial authorities has declined in the past years. There are two main reasons for this development. Firstly, speakers of regional or minority languages are seldom encouraged, and occasionally even discouraged, to use their language. Secondly, practical obstacles such as a shortage of staff who speak regional or minority languages and financial problems play a role.

140. The Serbian authorities are aware of these shortcomings and have taken steps to address them. In Vojvodina, the provincial authorities organise seminars on the official use of *Hungarian* and *Romanian* in administrative and judicial authorities for law graduates and staff members. Seminars for other regional or minority languages are planned. The national authorities have started to increase the number of certified translators and interpreters for *Romani* and the number of *Romani*-speaking lay judges. They have also recommended that organisational and job systematisation plans of certain courts be revised to include the positions of court interpreters, and that knowledge of certain regional or minority languages be determined as a condition for employment in certain positions, including court associates, clerks, court registry officers, recording clerks and telephone operators.⁴⁹

141. The Committee of Experts welcomes these steps and encourages the Serbian authorities to pursue them further. In addition, the Committee of Experts is of the opinion that judicial staff should actively encourage citizens to use a regional or minority language in courts, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or court forms.⁵⁰

The Committee of Experts encourages the Serbian authorities to actively inform citizens about the possibility of using a regional or minority language in courts.

⁴⁷ 1st Periodical Report, p. 172

⁴⁸ 1st Periodical Report, p. 44

⁴⁹ 1st Periodical Report, p. 187

⁵⁰ Cf. 3rd Report of the Committee of Experts on Hungary, paragraph 107

Paragraph 1

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

a in criminal proceedings:

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

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

142. According to the Criminal Procedures Act (Article 9), criminal proceedings are conducted in the language which is in official use at the court. Where this applies to a regional or minority language, parties, witnesses and other persons participating in the proceeding have the right to use that language and to receive summons, decisions and other communications drafted in it. If requested by a party, criminal proceedings are conducted in Serbian, but consecutive interpretation of the statements by the accused and translation of documents and written evidence shall be provided. The costs of translation and interpretation are borne by the state (Article 19).⁵¹ Proceedings can be conducted in a regional or minority language only in the first instance whereas the proceedings of the second instance (appeals) are conducted in Serbian.

143. According to representatives of the speakers of several regional or minority languages, judicial authorities do not always inform the accused of the right to use his/her regional or minority language but rather automatically note in the minutes that the party had stated that she/he wants the proceedings be conducted in Serbian. Parties are also discouraged to use their language because the judge has to translate the minutes and decisions into Serbian.

Albanian

144. Between 2002 and 2006⁵², Albanian has been used by accused at 2 municipal courts.

Bosnian

145. The use of Bosnian is not recorded, which is partly due to the fact that the provision of interpretation is not necessary considering the full mutual intelligibility of Bosnian and Serbian.

Bulgarian

146. Bulgarian has been used in 4 proceedings by accused at the Municipal Court of Dimitrovgrad.

Croatian

147. Croatian has been used by accused at the District Court of Subotica/Szabadka.

Hungarian

148. Hungarian has been used by accused at the district courts of Novi Sad/Újvidék, Zrenjanin/Nagybecskerek, Pančevo and Subotica/Szabadka. Nevertheless, the Committee of Experts has received complaints from representatives of the Hungarian-speakers that, due to a lack of active encouragement, Hungarian is used infrequently even where Hungarian-speaking judges are available.

Romani

149. The Committee of Experts has been informed of one case where an accused has used Romani at the District Court of Vranje.

Romanian

150. Romanian has been used by accused at the district courts of Kovačica (two proceedings) and Bela Crkva/Biserica Albă (1 proceeding).

⁵¹ 1st Periodical Report, p. 176-178

⁵² Reference period for all languages. See regarding this undertaking 1st Periodical Report, p. 49, 70-74, 178-180

Ruthenian

151. The Committee of Experts has not received any information about the practical implementation of the right to use Ruthenian in criminal proceedings.

Slovak

152. Slovak has at least once been used by an accused (District Court of Kovačica).

Ukrainian

153. The Committee of Experts has not received any information about the use of Ukrainian at municipal and district courts.

154. The Committee of Experts considers this undertaking by and large fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian and Slovak, although there seem to exist practical obstacles in exercising the right to use these languages. The Committee of Experts encourages the authorities to inform it of measures taken to overcome practical obstacles. With regard to Romani, Ruthenian and Ukrainian, the Committee of Experts is not in a position to conclude. It encourages the Serbian authorities to provide information in the next periodical report on what steps are taken to guarantee the accused the right to use these languages in practice.

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

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

155. The Criminal Proceedings Act provides for interpretation and translation of statements and evidence formulated in a minority language. In Vojvodina, the authorities shall accept, as lawful and valid, petitions, formal and other documents formulated in a minority language which is in official use on the territory under the jurisdiction of the given authority (Decision on Specifying certain Issues on the Official Use of the Language and Script of National Minorities, Article 2). Regarding Romani and Ukrainian, the Committee of Experts received no information.

156. The Committee of Experts considers this undertaking fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Ruthenian and Slovak and encourages the Serbian authorities to provide information regarding Romani and Ukrainian.

b in civil proceedings:

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

if necessary by the use of interpreters and translations;

157. The Law on Litigation regulates the rules of procedure of courts in civil proceedings. In areas where a regional or minority language is in official use, litigants and other participants in the proceedings are entitled to use their language and script (Article 6). Where proceedings are not conducted in a minority language, the speakers may request interpretation of the statements into their language and translation of the documents presented as evidence. The costs of translation into minority languages are borne by the court (Article 99). According to the periodical report, the courts always notify litigants, witnesses and other persons that they are entitled to use a minority language in civil proceedings.

Bosnian

158. The use of Bosnian is not recorded, which is partly due to the fact that the provision of interpretation is not necessary considering the full mutual intelligibility of Bosnian and Serbian.

Bulgarian

159. Between 2002 and 2006⁵³, Bulgarian has been used in civil proceedings before the Municipal Court of Dimitrovgrad.

⁵³ Reference period for all languages. See regarding this undertaking 1st Periodical Report, p. 183-185

Croatian

160. Croatian has been used in civil proceedings in the court district of Subotica.

Hungarian

161. Hungarian has been used in civil proceedings, for example at the District Court of Subotica/Szabadka and at the municipal courts of Novi Sad/Újvidék, Bečej/Óbecse and Temerin.

Romanian

162. Romanian has been used in civil proceedings, for example at the municipal courts of Kovin/Cuvin, Kovačica, Pančevo/Panciova and Bela Crkva/Biserica Albă.

Slovak

163. Slovak has been used in civil proceedings.

164. The Committee of Exports has not received any information with regard to the practical implementation of this undertaking for Albanian, Bosnian, Romani, Ruthenian and Ukrainian.

165. The Committee of Experts considers this undertaking fulfilled for Bosnian, Bulgarian, Croatian, Hungarian, Romanian and Slovak. It encourages the authorities to provide information regarding Albanian, Romani, Ruthenian and Ukrainian.

c in proceedings before courts concerning administrative matters:

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

if necessary by the use of interpreters and translations;

166. The Law on Administrative Disputes does not regulate the use of languages in proceedings but specifies that provisions of the Law on Litigation apply to matters concerning procedures in administrative disputes (Article 59).⁵⁴

167. Documents in *Albanian* were used between 2002 and 2006 in 2 administrative proceedings before the District Court of Vranje. Documents in regional or minority languages have also been used in 8 administrative proceedings before the District Court of Novi Sad/Újvidék/Nový Sad where *Hungarian*, *Ruthenian* and *Slovak* are in official use.⁵⁵ However, it is unclear which of these languages were concerned, which makes it impossible for the Committee of Experts to reach a conclusion about the practical fulfilment of this undertaking for the aforementioned languages. In addition, the Committee of Experts has no information with regard to Bosnian, Bulgarian, Croatian, Romani, Romanian and Ukrainian at its disposal. It is also unclear whether or not these languages have been used orally or in writing.

168. The Committee of Experts is not in a position to conclude. It encourages the Serbian authorities to inform in the next periodical report about the actual oral use of these languages as far as hearings are conducted in administrative disputes.

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.

169. This undertaking refers to sub-paragraphs i and iii of paragraphs b and c above which Serbia has not ratified. The undertakings chosen by Serbia, b.ii and c.ii, have both included the right to use the regional or minority languages without incurring extra expenses. Therefore, it is not applicable.

⁵⁴ 1st Periodical Report, p. 185

⁵⁵ 1st Periodical Report, p. 186

Paragraph 2

The Parties undertake:

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

170. Serbia did not specify, in its instrument of ratification, which of the sub-paraphraphs a-c it wishes to apply. As these provisions represent alternative options, the Committee of Experts will apply sub-paragraph a *ex officio*.

171. The periodical report does not provide any specific information about this undertaking. Although the Committee of Experts has no indication that the Serbian authorities would deny the validity of legal documents drawn up within Serbia solely because they are drafted in a regional or minority language, it will nevertheless reserve its conclusion until it has received information concerning this undertaking in the next periodical report.

- b *not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it; or*
- c *not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language.*

Paragraph 3

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

172. The Law on the Protection of Rights and Freedoms of National Minorities has been made available in all regional or minority languages. Furthermore, a guide for returning refugees containing important statutory texts (Law on the Identity Card, Law on Primary Schools, Law on Secondary Schools) has been published in *Albanian, Hungarian and Romani*.⁵⁶ The Constitution of 2006 has been translated into *Hungarian*. As a result of previous legislation, several other national statutory texts (e.g. the Law on the Execution of Penal Sanctions) and regulations are available in *Albanian, Hungarian and Romanian*. As regards *provincial* statutory texts, which may also relate to users of regional or minority languages, the Statute of the Autonomous Province of Vojvodina provides that decisions and general acts of the Assembly, the Executive Council and provincial administrative organs are published in the official journal in parallel in the official languages of the province, namely in *Croatian, Hungarian, Romanian, Ruthenian, Serbian and Slovak* (Article 46.3).

173. The Committee of Experts notes a lack of balance in the implementation of the present undertaking for the different Part III languages. There is no general legal obligation to make available in regional or minority languages the most important national statutory texts,⁵⁷ nor a structured policy in this field. The absence of translated laws hampers the development of the regional or minority languages in the legal field.

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

The Committee of Experts encourages the Serbian authorities to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, to be identified in co-operation with the speakers.

Article 10 – Administrative authorities and public services

General issues

175. Similarly to what the Committee of Experts noted under Article 9, the application of most provisions of Article 10 to *Romani* and *Ukrainian* is not possible as neither of these languages is in official use at local level. The Committee of Experts therefore encourages the Serbian authorities to take the necessary measures to

⁵⁶ It has also been published in German (Part II language).

⁵⁷ 1st Periodical Report, p. 187

ensure the application of Article 10 to Romani and Ukrainian.

Paragraph 1

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

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

176. Serbia did not specify in its instrument of ratification which of the sub-paragraphs a.iv and a.v it wishes to apply. As these provisions represent alternative options, the Committee of Experts will apply sub-paragraph a.iv *ex officio*.

177. The Constitution provides that everyone has a right to use his or her language in procedures before administrative authorities or public organisations when decisions are taken on that person's rights or obligations (Article 199). In addition, persons belonging to a national minority whose population makes up, according to the latest census, at least 2% of the total population of Serbia may communicate with the public authorities in their language and are entitled to a reply in that language (Law on the Protection of the Rights and Freedoms of National Minorities, Article 11.7). In the additional information submitted to the Committee of Experts, the Serbian authorities have nevertheless stated that this possibility has never been exploited. However, since the *Hungarian* minority is the only minority reaching the 2%-threshold, it only applies to them. The Committee of Experts therefore notes that there exists no general legal basis for the implementation of the present undertaking.

178. As regards the practical situation, the Committee of Experts has been informed that some state authorities (e.g. army, police, passport authority) regularly ask citizens to produce, at their own expense, a Serbian translation of documents that they have submitted in a regional or minority language. This concerns, for example, state authorities located in municipalities in which *Hungarian* is in official use (e.g. concerning documents issued in Hungary: educational certificates, employment contracts, medical reports, identity cards, birth certificates from Hungary). In addition, the Republican Fund for Employee's Pension and Disability Pension Insurance and the Republican Fund for Pension and Disability Pension Insurance for Independent Activities have no *Romanian-* and *Ruthenian*-speaking staff at their disposal.⁵⁸ According to the Serbian authorities, the main reason for these shortcomings is the lack of linguistically trained staff. The Serbian government has therefore adopted a "Conclusion on the Measures to Increase the Participation of Persons Belonging to National Minorities in State Administration Bodies". The Committee of Experts welcomes this decision. Furthermore, the Serbian authorities should raise awareness among the civil servants concerned of the right to submit oral or written applications in regional or minority languages (e.g. through internal circulars).

179. The Committee of Experts considers this undertaking formally fulfilled for Hungarian and not fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Romani, Romanian, Ruthenian, Slovak and Ukrainian.

The Committee of Experts encourages the Serbian authorities to take the necessary legal and practical measures to ensure that users of regional or minority languages may submit oral or written applications in these languages to State authorities.

- a ...

- v to ensure that users of regional or minority languages may validly submit a document in these languages;

...

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

180. State authorities issue personal documents in the regional or minority languages (e.g. identity cards, health insurance booklets, diplomas).⁵⁹ In addition, ballots are available in regional or minority languages that are

⁵⁸ 1st Periodical Report, p. 77-78

⁵⁹ 1st Periodical Report, p. 44

in official use. The Committee of Experts considers this undertaking fulfilled. Nevertheless, it asks the Serbian authorities to submit information regarding other documents in the next periodical report.

Paragraph 2

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

...

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

181. The Law on General Administrative Procedure prescribes that in areas where a minority language is in official use administrative procedures are also conducted in the language and script of that minority (Article 16). Moreover, the Law on Official Use of Languages and Scripts provides for the possibility of submitting applications in official minority languages (Article 3).⁶⁰

182. According to the periodical report, users of *Albanian, Croatian, Hungarian, Romanian, Ruthenian and Slovak* have submitted documents in these languages between 2002 and 2006. In general, the practical implementation of this right is often hampered by the lack of linguistically skilled staff. For example, only one local officer in Vojvodina has a knowledge of *Romani* and only two local officers speak *Ukrainian*. Where there is a shortage of linguistically trained staff, speakers of regional or minority languages tend to avoid invoking their right. The provincial authorities address this problem and assist municipalities with more than one official language to improve the language skills of staff and to make available bilingual forms and computer programmes. However, the funding of these measures is still insufficient.⁶¹

183. The Committee of Experts has received no information with regard to Bosnian, Bulgarian, Romani and Ukrainian.

184. The Committee of Experts considers this undertaking partly fulfilled for Albanian, Croatian, Hungarian, Romanian, Ruthenian and Slovak and not fulfilled for Romani and Ukrainian. It is unable to conclude regarding Bosnian and Bulgarian. The Committee of Experts encourages the Serbian authorities to take practical steps so as to ensure the possibility for users of regional or minority languages to submit oral or written applications in these languages. In addition, it asks the Serbian authorities to provide information about the application of this undertaking to Bosnian and Bulgarian in the next periodical report.

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

185. The Committee of Experts considers the authorities of Vojvodina as “regional authorities” within the meaning of this undertaking. It is unclear how this provision can be applied to Part III languages used outside Vojvodina.

186. The Statute of the Autonomous Province provides that decisions and general acts of the Assembly, the Executive Council and provincial administrative organs are published in the official gazette in parallel in the official languages of the province, namely in Croatian, Hungarian, Romanian, Ruthenian, Serbian and Slovak (Article 46.3).⁶²

187. The Committee of Experts considers this undertaking fulfilled for Hungarian, Romanian, Ruthenian and Slovak, partly fulfilled for Croatian, and not fulfilled for Romani (Vojvodina) and Ukrainian. It is not in a position to conclude with regard to Albanian, Bosnian, Bulgarian and Romani (Central Serbia) and requests the Serbian authorities to clarify the application of this undertaking outside Vojvodina.

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

⁶⁰ 1st Periodical Report, p. 190

⁶¹ 1st Periodical Report, p. 83, 194

⁶² 1st Periodical Report, p. 197

188. Local authorities are obliged to publish decisions of local assemblies in the official journal in all official languages of the given municipality.⁶³ In practice, the implementation of this obligation is hampered by the frequent lack of translation departments and financial means with the consequence that official journals are published in Serbian only. Furthermore, it is not clear which official documents other than decisions of local assemblies are published in regional or minority languages. The Committee of Experts has been informed by representatives of the Bosnian-speakers that in the municipalities where *Bosnian* is in official use documents of local assemblies and the official gazette are published bilingually whereas other public documents are mainly published in Serbian.

189. The Committee of Experts considers this undertaking partly fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Ruthenian and Slovak and not fulfilled for Romani and Ukrainian.

The Committee of Experts encourages the Serbian authorities to take the necessary organisational measures to ensure the publication by local authorities of their official documents also in relevant regional or minority languages.

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

190. According to the Law on the Protection of the Rights and Freedoms of National Minorities, and in conformity with the Constitution (Article 79), municipalities which officially use a minority language shall indicate the denominations of public organisations and geographical features (names of the municipality, localities, streets, squares, other toponyms) also in the minority language, according to its tradition and orthography (Article 11.5). Place names are determined by the national minority councils concerned and then officially published. The Committee of Experts considers this approach and, in particular, the active involvement of the speakers, as a very appropriate way to adopt traditional and correct forms of place-names in regional or minority languages.

191. However, it appears from the information the Committee of Experts has obtained from the speakers of regional or minority languages that the use of the adopted place names in practice is not yet satisfactory. When installing new signposts, the authorities do not systematically consider official place and street names in regional or minority languages, for example in *Romanian*. In addition, the Committee of Experts was informed⁶⁴ that the Regulation on Designating Settlements, Streets and Squares provides for a transition period of 10 years for bi- or multilingual signs to be put up, which is an unreasonably long period. In general, the Serbian authorities are, especially in Vojvodina, aware of these shortcomings and have increased the number of bi- or multilingual signs in recent years. The Committee of Experts welcomes this and underlines that the fulfilment of this undertaking is one of the simplest, in practical terms, among those laid down in the Charter.⁶⁵

Albanian

192. Four place-names have been designated in Albanian.⁶⁶ The Committee of Experts was informed during the on-the-spot visit that they are used in practice.

Bosnian

193. Two place-names have been designated in Bosnian. However, the Committee of Experts has been informed by representatives of the Bosnian-speakers that place-names in Bosnian are only used in Tutin. The town hall of Novi Pazar bears a bilingual sign.

Bulgarian

194. The Committee of Experts has no information about the designation of official place-names in Bulgarian. It seems nonetheless that some place-names in Bulgarian are officially used in Dimitrovgrad and Bosilegrad but that the representatives of the Bulgarian-speakers and the local authorities disagree concerning the spelling of some names.

⁶³ 1st Periodical Report, p. 45-48, 198

⁶⁴ Alternative Report, p. 19

⁶⁵ Cf. 2nd Report of the Committee of Experts on Croatia, paragraph 154

⁶⁶ See regarding this undertaking 1st Periodical Report, p. 198-215

Croatian

195. The Committee of Experts has no information about the designation of official place-names in Croatian. Furthermore, it received complaints from representatives of the speakers that place-names in Croatian are not used in the locality of Novi Slankamen (municipality of Indija) although the Croatian language has traditionally a strong presence in that place.

Hungarian

196. The place-names of 28 municipalities and their localities have been designated in Hungarian. However, some municipalities do not use these names in practice, for example Kovačica/Antalfalva.

Romani

197. Place-names in Romani are not officially used in Serbia. Given that the development of traditional place-names requires time and a certain permanent territorial basis of a language, it is unclear whether place-names in Romani exist at all.

Romanian

198. 38 place-names have been designated in Romanian. According to representatives of the speakers, several municipalities do not use these place-names in practice, for example the municipality of Kovin/Cuvin.

Ruthenian

199. 27 place-names have been designated in Ruthenian. According to representatives of the speakers, not all of them are used in practice.

Slovak

200. 30 place-names have been designated in Slovak, but not all are used in practice.

Ukrainian

201. There are no place-names in Ukrainian in official use in Serbia.

202. The Committee of Experts considers this undertaking partly fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Ruthenian and Slovak. It encourages the Serbian authorities to designate, in co-operation with the speakers, traditional and correct forms of place-names in Bulgarian and Croatian and to take steps to ensure that officially designated place-names in regional or minority languages are used in practice.

Regarding Romani and Ukrainian, the Committee of Experts is at present not in a position to draw a conclusion and encourages the Serbian authorities to clarify whether there exist place-names in Romani and Ukrainian which fall within the scope of this undertaking.

Paragraph 3

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

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

203. The Law on Public Services contains no explicit provision that would allow users of regional or minority languages to submit a request in such a language. Rather, it refers to the Law on General Administrative Procedure and the Law on Official Use of Languages and Scripts. In municipalities where minority languages are in official use, public services (e.g. public utilities, electricity and gas providers, postal and telecommunications services) use invoices, certificates and notices in multilingual form (Serbian and one or more minority language[s]).⁶⁷

204. The periodical report does not provide language-specific information about the practical implementation of the present undertaking. As regards local branch offices of national public services (e.g. the electricity company Elektroprivreda Srbije, post, railway), the Committee of Experts has received information according to which it is rarely possible to effectively submit to them a request in a regional or minority language.

⁶⁷ 1st Periodical Report, p. 216

205. In order to allow the Committee of Experts to conclude on the present undertaking, it needs more concrete and language-specific information and invites the Serbian authorities to report about this in the next periodical report.

Paragraph 4

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

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

206. Local and regional authorities which officially use a minority language consider the knowledge of such a language as a criterion of eligibility for certain jobs and assess language skills accordingly. However, the Committee of Experts has no information about how these authorities deal with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.

207. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and invites the Serbian authorities to provide specific information in the next periodical report.

Paragraph 5

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

208. The use or adoption of family names in a minority language is guaranteed by the Constitution (Article 79). More specifically, the Law on the Protection of the Rights and Freedoms of National Minorities provides that persons belonging to national minorities may freely choose the names of their children and request the inscription of those names in public documents, official records and collections of personal data in accordance with the spelling of the language concerned (Article 9.1). This concerns notably entries in birth registers (Family Law, Article 344). The Law on the Identity Card provides that names are entered into identity cards in the form which was used in the birth register.⁶⁸ If the main entry of the name of a person belonging to a national minority in the birth register is made in Serbian only, the registrar will draw this person's attention to the fact that he/she can launch an administrative procedure for changing his/her name or for adding his/her name in the original form.

209. According to the available information, *Croatian, Hungarian, Romanian, Ruthenian and Slovak* are used in birth registers and on identity cards. In addition, name changes have been requested by speakers of *Croatian, Hungarian and Romanian*.⁶⁹ The Committee of Experts lacks, however, relevant information concerning Albanian, Bosnian, Bulgarian, Romani and Ukrainian.

210. In addition, the Committee of Experts has been informed by speakers of regional or minority languages that bilingual forms for birth registers and identity cards are missing in several languages. This seems to be due to the fact that the Law on Registries and the Directive on the Keeping of the Registries and of the Forms of Registries do not regulate language use and the possibility of issuing bilingual forms. In practice, state authorities require entries in birth registers to be made in the Cyrillic script, possibly tolerating an additional entry in a regional or minority language. Documents (e.g. identity cards, driving licenses) produced on the basis of such certificates frequently omit the added form. As a result of these legal and practical shortcomings, speakers of regional or minority languages rarely invoke their right to enter their family names in official records. The Committee of Experts considers that the legal basis for the use of family names in official records and the possibility of issuing bilingual forms needs to be clarified.

With regard to Bulgarian, Ruthenian and Slovak, the Committee of Experts has received complaints from representatives of the speakers that the suffixes of female surnames in these languages are not entered into

⁶⁸ 1st Periodical Report, p. 217

⁶⁹ 1st Periodical Report, p. 218

personal documents. During the on-the-spot visit, the Committee of Experts received information about the misspelling of names in Albanian and Romanian and the refusal to use names in Bulgarian. The Committee of Experts, which has received similar complaints from users of Part II languages, acknowledges that practical difficulties (e.g. software not adapted to diacritics) may render the use of names in personal documents difficult. It nevertheless considers that the correct use of names is a basic aspect of the protection of regional or minority languages which directly affects their speakers. It is therefore necessary to raise awareness among responsible civil servants (e.g. through internal circulars) that names in regional or minority languages must be entered into personal documents in conformity with the tradition and orthography of the languages concerned.⁷⁰

211. In the view of the Committee of Experts, the legal framework is satisfactory. However, the Committee of Experts has received very limited information regarding the practical implementation of that legislative framework. It considers this undertaking formally fulfilled and requests the authorities to provide further information in the next periodical report.

Article 11 – Media

Preliminary remark

212. The Committee of Experts recently decided to review its approach with regard to Article 11.1.b and Article 11.1.c taking into consideration the developments in the field of broadcasting media which have taken place since the Charter was adopted in 1992. The traditional distinction between a monolithic “public service broadcaster” and private broadcasters has eroded. By now, several categories of bodies exist which can be said to deliver a “public service mission” to a greater or lesser extent. Some are publicly owned or controlled, others are privately owned or are joint ventures. Some are closer to the voluntary sector. Furthermore, there is now a far greater variety in delivery methods and platforms (digital television and radio, internet broadcasting, etc.). Together these developments call for a more flexible interpretation of Articles 11.1. b. and c., in particular so as not to exclude public service broadcasting from its ambit.⁷¹

213. Serbia has ratified for both public and private broadcasting. In view of the new approach referred to above, the Committee of Experts has decided in this report to give one evaluation encompassing the undertakings a.iii, b.ii and c.ii (cf. paragraphs 214-244). Information concerning the various undertakings is nevertheless presented under each undertaking.

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;

214. Pursuant to the Constitution, persons belonging to national minorities are entitled to timely information in their languages (Article 79). Radio and television broadcasting is regulated by the Broadcasting Law which provides for a national and a provincial public broadcasting service (Article 76). It also obliges the public broadcasting services to produce and broadcast programmes for national minorities (Article 78). These broadcasts are funded by the national, provincial and local authorities.⁷²

215. Serbia is privatising local television and radio broadcasters. Even though private broadcasters play an important role for the provision of programmes in regional or minority languages, in particular in Central Serbia, the Serbian authorities have taken no regulatory measures to ensure that the broadcasters concerned will continue to make adequate provision for programmes in the regional or minority languages. The Committee of

⁷⁰ Cf. 1st/2nd Reports of the Committee of Experts on Norway, paragraphs 79/129

⁷¹ Cf. 3rd Report of the Committee of Experts on Germany, paragraph 17; 2nd Report of the Committee of Experts on Austria, paragraph 150

⁷² 1st Periodical Report, p. 221-222

Experts notes that this can have serious repercussions on the future situation of these programmes.

The Committee of Experts encourages the Serbian authorities to ensure that the privatisation of local broadcasters does not negatively affect the offer of programmes in the regional or minority languages.

216. In Vojvodina, radio and television programmes in regional or minority languages are broadcast at prime time and cover various genres such as news, culture, education and entertainment. Representatives of the speakers have pointed out that the sound quality of radio programmes in *Bosnian, Romani, Romanian, Ruthenian, Slovak and Ukrainian* is poor. The same problem seems to exist concerning television programmes in *Hungarian, Bosnian, Romanian, Ruthenian and Slovak*. Public broadcasting in regional or minority languages is generally affected by a lack of financial means, qualified journalists and modern equipment. The Committee of Experts invites the Serbian authorities to comment on these aspects in the next periodical report.

Albanian

217. 1 public television channel broadcasts in Albanian. There exists also a public radio station which broadcasts entirely in Albanian (24 hours per day).⁷³

Bosnian

218. 2 public radio stations broadcast in Bosnian (approximately 2.5 hours per day).⁷⁴ The Committee of Experts has not been informed of any television programme in Bosnian.

Bulgarian

219. 1 public television channel broadcasts programmes in Bulgarian. In addition, 4 public radio stations broadcast up to 6 hours per day in Bulgarian.

Croatian

220. 2 public television channels broadcast programmes in Croatian (30 minutes biweekly and 30 minutes weekly respectively). Furthermore, 2 public radio stations broadcast programmes in Croatian (2 hours per day and 30 minutes per week respectively).

Hungarian

221. 3 public television channels and 19 public radio stations broadcast programmes in Hungarian. While Radio Novi Sad and Radio Subotica broadcast 24 hours per day in Hungarian, the length of the programmes of the other (local) radio stations varies between 15 minutes to 17 hours per day.⁷⁵ Television programmes in Hungarian are repeated by Radio TV Novi Sad (3 hours weekly). Radio programmes are repeated less frequently. The Committee of Experts has been informed by representatives of the speakers of Hungarian that the programming time in Hungarian has been dramatically reduced since 1990.

Romani

222. The broadcasting time in Romani has been substantially increased recently. 5 public television channels broadcast programmes in Romani (up to 4 hours per day). In addition, 11 public radio stations broadcast programmes in Romani. The Broadcasting Institution of Vojvodina broadcasts daily programmes on TV Novi Sad (1.5 hours) and Radio Novi Sad (2.5 hours) and has set up a Roma section with 6 employees. In Subotica, the local authorities finance a programme in Romani (60 minutes, 4 times a month). As regards Central Serbia, the local radio of Dimitrovgrad broadcasts a daily programme in Romani. The Committee of Experts welcomes the efforts undertaken by the Serbian authorities to make adequate provision for broadcasting in Romani.

Romanian

223. 3 public television channels broadcast programmes in Romanian (up to 5.5 hours weekly). In addition, 7 public radio stations broadcast programmes in Romanian (up to 5 hours per day). The Committee of Experts has

⁷³ With regard to Article 11, the Committee of Experts has used, in addition to the official information and the alternative report, the following publication: Fund for an Open Society (ed.): Right to information in minority languages in Serbia, Belgrade 2007. The figures contained in these reports differ to some extent.

⁷⁴ 1st Periodical Report, p. 223

⁷⁵ 1st Periodical Report, p. 224-227

been informed by representatives of the Romanian-speakers that television programmes in Romanian cannot be watched by almost two thirds of the Romanian-speakers in southern Banat.

Ruthenian

224. 2 public television channels broadcast programmes in Ruthenian (up to 5.5 hours per week). In addition, 5 public radio stations broadcast programmes in Ruthenian (up to 4 hours per day). The Ruthenian editorial office of TV Novi Sad broadcasts a daily programme in Ruthenian (40 minutes). The Committee of Experts has been informed by representatives of the Ruthenian-speakers that the television and radio programmes in Ruthenian do not reach all areas in which Ruthenian is used.

Slovak

225. 3 public television channels broadcast programmes in Slovak (up to 2 hours per day). In addition, 8 public radio stations broadcast programmes in Slovak (up to 24 hours per day).

Ukrainian

226. The public television channel Radio TV Novi Sad broadcasts programmes in Ukrainian (30 minutes biweekly). In addition, Radio Novi Sad broadcasts programmes in Ukrainian (6 hours per week).

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

Albanian

227. 3 private radio stations broadcast programmes in Albanian (24 hours per day).

Bosnian

228. 2 private radio stations broadcast programmes in Bosnian (5 and 12 hours per day).

Bulgarian

229. 1 private radio station broadcasts programmes in Bulgarian. However, the Committee of Experts has no information regarding the length of the programme.

Hungarian

230. 2 private radio stations broadcast exclusively in Hungarian, and a further 8 private radio stations have Hungarian-language programmes.

Romani

231. 4 private radio stations broadcast exclusively in Romani, and a further 11 private radio stations have Romani-language programmes (up to 17 hours per day).

Romanian

232. 2 private radio stations broadcast exclusively in Romanian, and a further 3 private radio stations have Romanian-language programmes (up to 4 hours per day).

Ruthenian

233. 2 private radio stations broadcast programmes in Ruthenian (30 minutes per week respectively).

Slovak

234. 6 private radio stations broadcast programmes in Slovak (up to 3 hours per week).

235. There are no private radio channels broadcasting programmes in Croatian and Ukrainian.

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

Albanian

236. 2 private television channels broadcast in Albanian (24 hours and 15 hours per day respectively).

Croatian

237. 1 private television channel broadcasts programmes in Croatian (2 hours per week). The Committee of Experts considers that the programme is too short.

Hungarian

238. 4 private television channels broadcast programmes in Hungarian. In addition, 7 cable television networks broadcast Hungarian-language programmes.

Romani

239. 5 private television channels broadcast programmes in Romani (30 minutes per week).

Romanian

240. 1 private television channel (TV Banat) broadcasts programmes in Romanian (0.5 hours per week).

Ruthenian

241. 2 private television channels broadcast programmes in Ruthenian (30 minutes per week).

Slovak

242. 3 private television channels broadcast programmes in Slovak. One of them (TV Petrovac) broadcasts exclusively in Slovak.

243. There are no private television channels broadcasting programmes in Bosnian, Bulgarian and Ukrainian.

General conclusion in respect of the broadcast media

244. The total offer of radio and television broadcasting in regional or minority languages in Serbia, in particular in Vojvodina, is impressive. The information is not specific enough to give the full picture in Central Serbia. The Committee of Experts is nevertheless in a position to reach a conclusion for these undertakings. It considers that the undertakings under a.iii, b.ii and c.ii, seen together, are fulfilled. The Committee of Experts would welcome in the next periodical report more concrete information with regard to the situation in Central Serbia.

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

245. The Committee of Experts has received no information regarding funding schemes to promote production and distribution of audio and audiovisual works in regional or minority languages and of the volume of the funding. It is therefore not in a position to give a full assessment of the fulfilment of this undertaking. The evaluation is therefore primarily based on information about support given to individual projects. The Committee of Experts encourages the Serbian authorities to provide more comprehensive information concerning the funding in the next periodical report.

Bosnian

246. According to the periodical report⁷⁶, the Serbian authorities have supported the website of the National Council of the Bosniak National Minority. However, it appears that this measure is related to the overall support for national minority councils rather than being a specific measure in accordance with the present undertaking.

Bulgarian

247. The Serbian authorities have, *inter alia*, supported the production of television programmes in Bulgarian.

Croatian

248. The Serbian authorities have supported the production of a television programme in Croatian.

Hungarian

249. The Serbian authorities have, *inter alia*, supported the production of television programmes, the development of websites and the production of CDs and videos in Hungarian.

⁷⁶ See regarding this undertaking 1st Periodical Report, p. 241-244

Romani

250. The Serbian authorities have supported the production of radio programmes and the development of websites in Romani.

Romanian

251. The Serbian authorities have supported the production of 1 CD in Romanian. Considering the number of Romanian-speakers, this measure is insufficient.

Ruthenian

252. The Serbian authorities have supported the production of radio programmes in Ruthenian.

Slovak

253. The Serbian authorities have supported the production of some CDs and audio cassettes in Slovak. Given the size of the Slovak-speaking group, these measures appear insufficient.

254. The periodical report contains no information about measures taken by the Serbian authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in Albanian and Ukrainian.

255. The Committee of Experts considers this undertaking fulfilled for Bulgarian, Croatian, Hungarian, Romani and Ruthenian. Due to the insufficient information received with regard to Albanian, Bosnian, Romanian, Slovak and Ukrainian, the Committee of Experts is not in a position to conclude and encourages the Serbian authorities to provide more information in the next periodical report.

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

256. In conformity with the Public Information Law, publications in regional or minority languages receive regular assistance (30-100%) by the Serbian authorities. These publications are, besides 1 daily in Hungarian, weeklies, fortnightlies or monthlies and are founded and owned by the national minority councils.⁷⁷

Albanian

257. The Serbian authorities support a weekly (3,000 copies), a children's monthly, a magazine and 2 school newspapers in Albanian.

Bosnian

258. The Serbian authorities support 4 monthly publications and a quarterly (500-5,000 copies) in Bosnian which cover various genres (news, culture, social issues, children-related topics).

Bulgarian

259. The Serbian authorities support a weekly, a children's monthly and a two-monthly cultural magazine in Bulgarian (800-2,000 copies).

Croatian

260. The Serbian authorities support a weekly newspaper and a children's supplement in Croatian (1,500 copies each). In addition, a monthly, a two-monthly and a quarterly publication exist in Croatian (300-900 copies). These publications cover various genres (news, culture, science, social issues).

Hungarian

261. There exists a daily (*Magyar Szó*), 6 weekly, 8 monthly and 4 quarterly publications in Hungarian. In addition, a further publication is published every 2 months and another one once every 4 months. Twelve publications receive subsidies from the Serbian authorities. The newspapers cover various genres (news, culture, education, social and municipal affairs) and address different target groups (children, families, young people, farmers). It has, however, been brought to the attention of the Committee of Experts that due to demographic changes the number of readers of children's magazines is decreasing.

⁷⁷ See regarding this undertaking 1st Periodical Report, p. 244-256

Romani

262. There exists a fortnightly and a monthly publication for families in Romani (1,500 copies each). Both publications are supported by the Serbian authorities.

Romanian

263. The Serbian authorities support a weekly and 3 monthly publications in Romanian (650-3,000 copies). In addition, a further 3 publications are published at irregular intervals. The newspapers cover different genres (news, culture, religious issues) and address children, young people and adults. Representatives of the speakers of Romanian have informed the Committee of Experts of difficulties to finance the children's magazine Bucuria copiilor, the young people's magazine Tinerețea and the cultural magazine Lumina.

Ruthenian

264. The Serbian authorities support a weekly and 3 monthly publications in Ruthenian (1,000-1,300 copies). A further 2 quarterly and an annual publication are published in Ruthenian. The publications cover different genres (news, culture, religious issues) and address children, young people and adults.

Slovak

265. The Serbian authorities support a weekly, a fortnightly and 2 monthly publications in Slovak (1,600-4,600 copies). A further 2 monthly and a quarterly publication are published in Slovak. The publications cover news, culture and religious issues and address children, young people and adults.

Ukrainian

266. The Serbian authorities support a monthly publication and a quarterly magazine in Ukrainian. However, the periodical report indicates only the circulation of the cultural quarterly (500 copies). A further 2 monthly and 1 quarterly publication are published.

267. Normally, a newspaper has to be published at least weekly. That is the case for newspapers in all languages apart from Bosnian, Romani and Ukrainian. For Bosnian, there are 4 monthlies and a quarterly, and for Romani there is a fortnightly and a monthly, all receiving support from the authorities. For Ukrainian, there are three monthly and two quarterly publications, one monthly and one quarterly receiving public support. Based on the concrete circumstances, in particular the number of publications supported, the Committee of Experts considers that this amounts to fulfilment for these languages as well. The Committee of Experts considers this undertaking fulfilled.

f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;

268. Annual competitions are held for co-funding public media and programmes in regional or minority languages which also cover audiovisual products.⁷⁸ The Committee of Experts considers this undertaking fulfilled.

Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

269. According to the Constitution, persons belonging to national minorities have the right to express, receive, convey and exchange information (Article 79) as well as to unimpeded links and co-operation with compatriots abroad (Article 80.3). These guarantees are specified by the Public Information Law (Articles 1.2, 15).⁷⁹

⁷⁸ 1st Periodical Report, p. 256

⁷⁹ See regarding this undertaking 1st Periodical Report, p. 256-259

270. The Committee of Experts has not been made aware of obstacles to the direct reception of broadcasts from neighbouring countries, nor to the retransmission of such broadcasts. Television programmes in *Albanian, Bosnian, Bulgarian, Croatian, Hungarian* and *Slovak* are re-broadcast in the areas of Serbia where these languages are used. In addition, newspapers in a number of minority languages are available in Serbia.

271. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

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

272. The statute of the Public Broadcasting Service of Serbia foresees that the Programme Board has an obligation to take into consideration the opinions and recommendations of the national minority councils in respect of programmes in minority languages (Article 38). The Committee of Experts has not received any information about how the interests of the users of regional or minority languages are taken into account, nor has it received any information of the existence of any adequate systems or processes ensuring that interests of speakers of regional or minority languages are in fact taken into account by the Programme Board.⁸⁰

273. The Committee of Experts has been informed by representatives of the speakers of regional or minority languages that the Managing Board and Programme Board of Radio TV Novi Sad has no representative of the minorities although the national minority councils had put forward joint candidates. Furthermore, it seems that the Managing Board of the Public Broadcasting Service of Serbia has no minority representative either.⁸¹

274. The Committee of Experts encourages the Serbian authorities to submit detailed information on how the interests of the users of the regional or minority languages are taken into account by the programme boards.

Article 12 – Cultural activities and facilities

Paragraph 1

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

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

275. The Committee of Experts observes that the overall situation of cultural activities and facilities relating to regional or minority languages is good. Problems exist with regard to the lack of predictable and sufficient financial support for cultural activities (e.g. the Festival of Romanian Music and Folklore and the Theatre Days of the Romanians) and facilities (e.g. the cultural and artistic societies of the minorities). Furthermore, a lack of qualified staff has negative repercussions on the functioning of cultural facilities, in particular local libraries and theatres performing in *Romanian, Ruthenian* and *Slovak*.

Albanian

276. The Serbian authorities provide financial assistance to 3 libraries to enable the purchase of books in *Albanian*. They also support amateur theatres and cultural events using the *Albanian* language.⁸² There exists, however, no professional theatre performing in *Albanian*.

⁸⁰ Cf. 2nd Report of the Committee of Experts on Croatia, paragraph 180

⁸¹ 1st Periodical Report, p. 259; Alternative Report, p. 59/60

⁸² See regarding this undertaking 1st Periodical Report, p. 261-308

Bosnian

277. The Serbian authorities provide financial assistance to 3 libraries to enable the purchase and the production of books in Bosnian. They also support an amateur theatre and cultural events using Bosnian.

Bulgarian

278. The Serbian authorities provide financial assistance to 3 libraries to enable the purchase and the production of books in Bulgarian. They also support a theatre, a theatre festival and galleries (bilingual signage) which use Bulgarian. According to representatives of the Bulgarian-speakers, the number of cultural activities carried out in Bulgarian has increased during the last years.

Croatian

279. The Serbian authorities provide financial assistance to local libraries (City Library and Croatian Reading Hall in Subotica) to enable the purchase and the production of books in Croatian. They also support the use of Croatian by cultural centres, the City Museum of Subotica, 2 amateur theatres, publishing houses and cultural events. Representatives of the Croatian-speakers are, however, critical about the lack of a professional theatre performing in Croatian.

Hungarian

280. The Serbian authorities provide financial assistance to 28 local libraries to enable the purchase and the production of books in Hungarian. In total, these libraries have more than 500,000 books in Hungarian at their disposal. The authorities also support the use of Hungarian by cultural centres, museums (e.g. the City Museum of Subotica/Szabadka), galleries (e.g. in catalogues), 4 professional theatres, 30 amateur theatres, theatre festivals, publishing houses and cultural events.

Romani

281. The Serbian authorities provide financial assistance to 4 libraries to purchase books in Romani. They also support 3 amateur theatres, a large number of theatre festivals, the publication of books (including a grammar of Romani) and cultural festivals using Romani.

Romanian

282. The Serbian authorities provide financial assistance to 8 local libraries in Vojvodina to enable the purchase and the production of books in Romanian. They also support the use of Romanian by cultural centres, the Theatrical Museum of Novi Sad, the Romanian National Theatre, 12 amateur theatres, theatre festivals, publishing houses and cultural events.

Ruthenian

283. The Serbian authorities provide financial assistance to 6 local libraries to enable the purchase and production of books in Ruthenian. They also support the Ruthenian National Theatre, 15 amateur theatres, theatre festivals, publishing houses and cultural events using Ruthenian.

Slovak

284. The Serbian authorities provide financial assistance to 12 local libraries to enable the purchase and production of books in Slovak. They also support the use of Slovak by cultural centres, the Theatrical Museum of Novi Sad/Nový Sad, a gallery, a professional theatre, 20 amateur theatres, publishing houses and at cultural events.

Ukrainian

285. The Serbian authorities support the use of Ukrainian by an amateur theatre.

286. The Committee of Experts considers this undertaking fulfilled.

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

287. The Committee of Experts has not received any information about the implementation of this undertaking and invites the Serbian authorities to report about it in their next periodical report.

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

288. The Serbian authorities have supported the translation of books into Hungarian, Romani, Romanian, Ruthenian and Slovak. With regard to the other languages, no information has been provided.⁸³

289. The Committee of Experts considers this undertaking fulfilled for Hungarian, Romani, Romanian, Ruthenian and Slovak. It is, however, not in a position to conclude on the fulfilment of this undertaking for other regional or minority languages and encourages the Serbian authorities to provide relevant information in the next periodical report.

- f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

290. The Committee of Experts has not received any information about the implementation of this undertaking and invites the Serbian authorities to report about it in their next periodical report.

Paragraph 2

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

291. The Committee of Experts has not received any information about the implementation of this undertaking and invites the Serbian authorities to report about it in their next periodical report.

Article 13 – Economic and social life

Paragraph 1

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

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

292. The Committee of Experts has not been made aware of any practices designed to discourage the use of regional or minority languages in connection with economic or social activities. It understands that the draft law against discrimination will provide a legal basis to oppose any such practices. Furthermore, the Committee of Experts has been informed that the provincial authorities of Vojvodina have launched the project “Return to good business practices - reviving multilingualism” which establishes criteria with regard to private inscriptions and information in regional or minority languages. Successful companies receive an award. The Committee of Experts commends the provincial authorities for this initiative.

293. The Committee of Experts considers this undertaking fulfilled.

Article 14 – Transfrontier exchanges

The Parties undertake:

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

294. Serbia has concluded bilateral agreements on the mutual protection of national minorities with Croatia, Hungary and Romania.⁸⁴ These agreements provide for the establishment of intergovernmental joint committees

⁸³ 1st Periodical Report, p. 308-309

for national minorities whose purpose is to monitor the implementation of the agreements. However, as their members (representatives of the governments and minorities) have not yet been nominated, the joint committees are not operational. Serbia has also concluded co-operation agreements in the fields of education, culture and sports which contain provisions on the promotion of the *Croatian*, *Hungarian* and *Romanian* languages, including teacher training.⁸⁵

295. Moreover, the Serbian authorities have supported cultural exchanges of the *Romani*-speakers with Croatia, Poland and India. However, it is unclear whether existing bilateral and multilateral agreements have been applied or if such agreements have been concluded. With regard to the other languages covered by Part III, the Committee of Experts has not received any information.

296. The Committee of Experts considers this undertaking partly fulfilled for Croatian, Hungarian and Romanian. It is, however, not in a position to conclude on the fulfilment of this undertaking for Albanian, Bosnian, Bulgarian, Romani, Ruthenian, Slovak and Ukrainian. The Committee of Experts encourages the Serbian authorities to engage in consultations with Croatia, Hungary and Romania to make the joint committees operational and to provide specific information about the implementation of this undertaking for Albanian, Bosnian, Bulgarian, Romani, Ruthenian, Slovak and Ukrainian in the next periodical report.

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

297. The periodical report does not provide any information on the implementation of this undertaking. Therefore, the Committee of Experts requests the Serbian authorities to provide the necessary information in their next periodical report.

⁸⁴ Agreement between Serbia and Montenegro and the Republic of Croatia on the Protection of Rights of the Serbian and Montenegrin Minorities in the Republic of Croatia and the Croatian Minority in Serbia and Montenegro (2005); Agreement between Serbia and Montenegro and the Republic of Hungary on the protection of rights of the Hungarian national minority living in Serbia and Montenegro and of the Serb national minority living in the Republic of Hungary (2003); Agreement between the Federal Government of the Federal Republic of Yugoslavia and the Government of Romania on Cooperation in the Field of the Protection of National Minorities (2004)

⁸⁵ 1st Periodical Report, p. 110-112

Summary

General situation

- A. Serbia enjoys a rich linguistic diversity with 15 regional or minority languages, 10 of these have been given special protection under Part III of the Charter: Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romani, Romanian, Ruthenian, Slovak and Ukrainian. The other languages are only covered by Part II: Czech, German, Macedonian, Vlach and Bunjevac. The status of Bunjevac and Vlach under the Charter is unclear. Serbia has been asked to clarify this issue.
- B. Serbia has chosen to apply the Charter only to the regional or minority languages which are in official use according to national legislation. Serbian regulation determines that in order for a language to be in official use a national minority must constitute 15% of the population in a municipality or, in Vojvodina, 25% of the population in a local community within a municipality. However, the Committee of Experts underlines that a language might be in a situation where it is entitled to protection according to the Charter even if the number of the persons belonging to the given minority is below the thresholds. Based on a number of concrete examples where municipalities have introduced regional or minority languages in official use even though the thresholds have not been met, the Committee of Experts is confident that where such situations exist, solutions beneficial to all the regional or minority languages will be found.
- C. The protection of minorities and their languages enjoys a high level of constitutional recognition in Serbia. An example is the system of national minority councils which enable persons belonging to a national minority to collectively advise the authorities on, *inter alia*, matters relating to official language use. Nearly all regional or minority language groups have set up such councils.
- D. Although legislation concerning regional or minority languages is highly developed, there are frequent weaknesses in its implementation. One reason is that there are inadequate financial resources for those who have to apply the language legislation (e.g. local authorities, national minority councils). Another reason is that there are within the authorities and the Serbian society at large varying levels of awareness regarding the value of multilingualism. The extent to which a regional or minority language is protected and promoted is also linked to how it is perceived by majority language speakers. Therefore, awareness-raising within the majority is of the utmost importance.
- E. The use of regional or minority languages in relations with administrative authorities is hampered by restrictions in the legal framework and by a lack of linguistically skilled staff. Furthermore, speakers of virtually all regional or minority languages are affected by the frequent misspelling of their names in public documents and official records.
- F. Serbia has a long-established system of regional or minority language education in which the teaching in these languages plays a prominent role. Such education shall be provided when at least 15 pupils or their parents demand it. In practice, however, the authorities offer such education even for very few pupils. In addition to teaching in the regional or minority languages and bilingual education, Serbia has introduced a model where regional or minority languages with elements of their national culture are taught as optional subjects. The Serbian system of regional or minority language education has a high potential and should therefore be actively promoted vis-à-vis pupils and parents. However, the availability and quality of such education is affected by a lack of teachers teaching in regional or minority languages and a lack of teaching materials produced specifically for regional or minority language education.
- G. The use of regional or minority languages before judicial authorities has declined over the past years. There are two main reasons for this decline. Firstly, speakers of regional or minority languages are seldom encouraged, and occasionally rather discouraged, to use their language before judicial authorities. Secondly, practical obstacles such as a shortage of staff who speak regional or minority languages and financial problems, play a role.
- H. Serbia has traditionally had a very high level of regional or minority language presence in radio and television broadcasts. Especially impressive is the representation of Romani. However, these achievements are threatened in particular by the ongoing process of privatisation of local media. Special measures are needed to

prevent privatisation from having negative repercussions on regional or minority languages. Furthermore, there is no representation of regional or minority language speakers in programme boards and it is unclear if, or to what extent, the interests of the users of these languages are taken into account by the programme boards. The Serbian authorities support printed media in all Part III languages.

- I. There is a comprehensive offer of cultural activities and facilities relating to regional or minority languages.
- J. Serbia has in its ratification instrument granted the same level of protection to all Part III languages. The 10 languages covered by Part III differ widely both with regard to the number of users and to the level of protection previously achieved. For some of the languages the ratification implies an improvement of the level of protection and promotion, but some others, especially in Vojvodina, have already achieved a higher level than that granted through the ratification of the Charter. The Committee of Experts underlines that, according to Article 4.2 of the Charter, a higher level previously achieved should not be lowered because of the ratification of the Charter.

Overview of the situation of the regional or minority languages

K. The situation of the *Albanian* language in education, in relations with judicial authorities and in the media is on the whole good. A relatively high number of Serbia's undertakings under the Charter are fulfilled for Albanian. However, organisational deficits such as a lack of linguistically qualified staff hamper the effective use of Albanian in relations with administrative authorities.

L. The presence of *Bosnian* in schools needs to be strengthened, especially in secondary education. As regards the media, there are no television channels broadcasting programmes in Bosnian. Print media in Bosnian could be published more frequently.

M. The situation of *Bulgarian*-language education is, in particular at the lower levels, good. However, Bulgarian-medium education could be strengthened. Bulgarian is present on public television and radio as well as on private radio. It is also used in the print media. As regards culture, the number of cultural activities carried out in Bulgarian has increased during the last years.

N. The status of *Bunjevac* under the Charter is unclear. Bunjevac is taught in some primary schools, and there is some presence of Bunjevac on radio, television and in the print media.

O. *Croatian* has a weak presence in education considering the number of its speakers. There are public television and radio programmes broadcast in Croatian as well as a modest presence on private television. Several print media are published in Croatian.

P. The situation of the *Czech* language in the media and in the cultural field is by and large good. Czech has official status in one municipality, but the local administrative and judicial authorities do not use it in practice. Despite demand by pupils and parents, Czech is not yet taught in the public education system. In the media, 2 radio programmes are broadcast in Czech. In addition, a newsletter is published in Czech.

Q. *German* has only a basic presence in public life. As regards education, bilingual teaching in German has recently been introduced in one pre-school. In the media, 2 radio programmes are broadcast in German.

R. In respect of *Hungarian*, the Committee of Experts has concluded that almost all undertakings of Serbia under the Charter are fulfilled or partly fulfilled. However, this achievement is partly due to the fact that these undertakings, in particular those in education and the media, do not adequately reflect the good situation of Hungarian, and more ambitious undertakings could be applied to this language.

S. The teaching of *Macedonian* with elements of national culture is being introduced. In the media, Macedonian has a good presence on television, radio and in print media. In addition, there are several cultural events (folklore, arts, exhibitions) which use Macedonian.

T. Serbia makes commendable efforts in promoting *Romani*. In primary education, the number of pupils attending Romani classes has more than tripled recently. Also, the broadcasting time in Romani has substantially

increased. It is particularly noteworthy that Romani is represented on private radio and television. However, Articles 9 and 10 of the Charter are not applied in practice to Romani as the language lacks official status at local level.

U. At all levels of *Romanian*-language education, the number of pupils is too low considering the size of the Romanian language group. The use of Romanian by administrative and judicial authorities is currently being strengthened through seminars for staff members. There is a broad range of radio and television programmes in Romanian. However, not all of them cover the entire area where Romanian is spoken.

V. The level of protection of *Ruthenian* is high, which is reflected by its official status in the Autonomous Province of Vojvodina, in municipalities and courts. In education, Ruthenian benefits from good teaching materials, a growing number of pupils and the only Ruthenian secondary school worldwide. Deficits exist regarding the availability of television and radio programmes in Ruthenian in all areas where Ruthenian is used.

W. The overall situation of *Slovak* is good. It is used in relations with administrative and judicial authorities and has been introduced in official use in the municipalities of Bačka Topola, Pančevo and Zrenjanin despite the very low population share of its speakers. Furthermore, Slovak has a good presence in the media. In education, however, the number of pupils attending technical and vocational classes teaching Slovak is extremely low.

X. *Ukrainian* is in the weakest situation of all Part III languages. There is no Ukrainian-language pre-school education and no indication of such education at secondary and vocational level. Articles 9 and 10 of the Charter are not applied in practice to Ukrainian as the language lacks official status at local level. In the media, there is a presence in public service radio and one bi-weekly programme in public service television.

Y. There exists no structured policy to promote *Vlach*. The unclear status of Vlach prevents *de facto* its official use. Despite demand, Vlach is not taught. In the media, a stronger presence on radio and a presence on television is needed.

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

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

At its 1056th meeting on 6 May 2009, the Committee of Ministers adopted its Recommendation addressed to Serbia, which is set out in Part B of this document.

Appendix 1: Instrument of ratification



Serbia :

Declaration contained in the instrument of ratification deposited on 15 February 2006 - Or. Engl. - and updated by a letter from the Permanent Representative of Serbia, dated 20 July 2006, registered at the Secretariat General on 20 July 2006 - Or. angl.

In accordance with Article 2, paragraph 2, of the Charter, Serbia and Montenegro has accepted that the following provisions be applied :

- in the Republic of Serbia, for the Albanian, Bosnian, Bulgarian, Hungarian, Romany, Romanian, Ruthenian, Slovakian, Ukrainian and Croatian languages :

Article 8, paragraph 1 a (iii), a (iv), b (iv), c (iv), d (iv), e (ii), f (iii), g;

Article 9, paragraph 1 a (ii), a (iii), b (ii), c (ii), d, paragraph 2 a, b, c, paragraph 3;

Article 10, paragraph 1 a (iv), a (v), c, paragraph 2 b, c, d, g, paragraph 3 c, paragraph 4 c, paragraph 5;

Article 11, paragraph 1 a (iii), b (ii), c (ii), d, e (i), f (ii), paragraph 2, paragraph 3;

Article 12, paragraph 1 a, b, c, f, paragraph 2;

Article 13, paragraph 1 c;

Article 14 a, b.

Period covered: 1/6/2006 -

The preceding statement concerns Article(s)

: 1

Reservation contained in the instrument of ratification deposited on 15 February 2006 - Or. Engl.

As to Article 1.b of the Charter, Serbia and Montenegro declares that the term "territory in which the regional or minority languages is used" will refer to areas in which regional and minority languages are in official use in line with the national legislation.

Period covered: 1/6/2006 -

The preceding statement concerns Article(s)

: 2

Appendix 2: Comments by the Serbian authorities

COMMENTS OF THE REPUBLIC OF SERBIA REGARDING THE REPORT OF THE COMMITTEE OF EXPERTS ON THE IMPLEMENTATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES IN SERBIA

I. INTRODUCTION

The Committee of Experts formed on the basis of Article 17 of the European Charter for Regional or Minority Languages (Charter in further text), accepted the first Report on the implementation of the Charter in Serbia at its session of September 12, 2008. This report contains proposals for recommendations that the Committee of Ministers of the Council of Europe will send to Serbia. In accordance with Article 16, Item 3 of the Charter, the Government of Serbia has been given the opportunity to give its comments regarding the contents of this report.

Serbia greatly values the activities of the Committee of Experts in the process of monitoring the implementation of the Charter and welcomes the cooperation that it has established with the Committee of Experts during the preparation of the Report, which is reflected in the preparation of an additional questionnaire that was, with the goal of collecting more detailed data, sent to the Serbian authorities on September 1, 2007, as well as in the visit of a delegation of the Committee of Experts to Serbia in the period between February 5 and 8, 2008.

Serbia considers the fulfillment of the obligations it took on by joining the Charter to be very important, as the preservation of language diversity is one of the most precious elements of its cultural heritage and, thus, a contribution to the maintenance and development of European cultural wealth and tradition. On the basis of this, Serbia is joining Europe in the preservation and advancement of the use of regional or minority languages, as one of the basic postulates of the integration of the European space. In addition, the preservation and development of minority languages as one of the elements of the identity of members of national minorities – minority language speakers – are a part of our minorities policy, which is being implemented in this country in the process of building a democratic state founded in the rule of law. With this in mind, Serbia is sincerely dedicated to fulfilling the obligations contained in the Charter.

The state Report on the implementation of the Charter, which forms the basis for monitoring, as well as the annex to the Report created on the basis of the Committee of Experts' questionnaire, were made in accordance with and entirely based on principles of transparency.

The first periodic report on the implementation of the European Charter for Regional or Minority Languages in Serbia was posted on the website of the Ministry for Human and Minority Rights, and is open for public viewing at the address www.humanrights.gov.yu, thus fulfilling the obligation from Article 2 of the Charter. Upon the end of the first reporting cycle, the Ministry for Human and Minority Rights will publish the First Periodic Report on the Implementation of the European Charter for Regional or Minority Languages in Serbia, together with the Report of the Committee of Experts, the Comments of the Republic of Serbia regarding the Report and the Recommendations of the Committee of Ministers of the Council of Europe.

Serbia considers it extremely important for the implementation of the Charter to keep an open and constructive dialogue with the bodies charged with monitoring the implementation of the Charter. In that sense, Serbia has found that the Report of the Committee of Experts is based on an expert analysis of legal acts, regulations and practice applied in Serbia when it comes to minority languages.

Serbia's comments on the Report of the Committee of Experts were prepared in the Ministry for Human and Minority Rights. In the process of putting together the comments, representatives of the relevant ministries were consulted.

Starting from the fact that the Serbian authorities regularly cooperate with non-governmental organizations engaged in the improvement and protection of minority languages, with organizations that gather together representatives of minority language speakers, as well as with national councils, which are the carriers of cultural autonomy in the use of language and writing, Serbia would like to observe, with due attention, that the relevant

authorities are acquainted with a number of complaints and suggestions presented in the Report of the Committee of Experts, and that they are actively engaged in their resolution.

Having in mind the positive nature of the Report of the Committee of Experts, Serbia hereby provides the following comments:

II. COMMENTS ON THE “SUMMARY” PRESENTED IN CHAPTER 2 OF THE REPORT OF THE COMMITTEE OF EXPERTS (SECTIONS A –Y)

In order to avoid needless repetition in regard to certain views presented in the “Summary” of the Committee of Experts, we hereby address your attention to relevant comments presented in Chapter 2 of our comments, and especially:

in connection with section A: replies to items 34, 35, 54 and 63

in connection with section B: reply to item 29

in connection with section D: replies to items 45, 73 and 135

in connection with section E: reply to items 180 and 208

in connection with section F: replies to items 81 and 82

in connection with section G: replies to item 139

in connection with section H: replies to item 215

III. REPLIES TO “THE COMMITTEE OF EXPERTS’ EVALUATION IN REPSECT OF PART II AND PART III OF THE CHARTER”

Item 29

The Committee of Experts considers that the thresholds of 15% and 25% may prevent the Charter being applied to those regional or minority languages which are not in official use but which are still present in sufficient numbers in municipalities or localities for the implementation of the provisions of the Charter. This restriction affects in particular the application of Articles 9 and 10 to Romani and Ukrainian, but also the application of the Charter to Part II languages. A rigid application of thresholds would go against the spirit of the Charter.

As the Committee of Experts already observed in Item 30 of the Report, the existence of the 15% and 25 % thresholds did not necessarily mean that a minority language could not be introduced into official use. As the state is prepared to fully respect all its obligations as provided by international agreements, including the European Charter for Regional or Minority Languages, it is also prepared to contribute to the achievement of this goal by changing its legal regulations. Currently, a new law on the official use of languages and writing is being drafted. This law shall, among other things, regulate the issue of the use of minority languages. The Ministry for Human and Minority Rights will support the lowering of the 15% threshold in order to secure a more efficient implementation of the Charter. It will also recommend the bringing of new laws that shall anticipate a system that will prevent local governments from failing to introduce a minority language once legal conditions have been met.

Item 34

The members of the Vlach national minority are divided on the question of whether Vlach is an independent language or a variety of Romanian. Vlach is not officially used by local authorities, because the Serbian authorities consider the standardization of Vlach as a prerequisite. In contrast, during the on-the-spot visit, the National Council of the Vlach National Minority supported the view that Vlach is a variety of Romanian, not an independent language. Consequently, the National Council advocates the official use of Romanian in the municipalities of Kucevo, Zagubica, Bor and Boljevac rather than a standardization of Vlach. Since Romanian is also covered by Part III of the Charter, the question arises as to whether Vlach should be covered under Part II or also under Part III of the Charter. The Committee of Experts considers that this matter needs to be clarified by the Serbian authorities. In the light of the information available to the Committee of Experts and without prejudging this issue, Vlach will in this report be dealt with under Part II.

Controversies regarding the Vlach national identity have been ongoing for years among the ranks of the Vlach national minority. In northeastern Serbia, various Vlach associations are freely making claims at public gatherings and discussions to the effect that Vlachs are of Romanian origin, demanding the introduction of the Romanian language in official use in Vlach-populated municipalities, education and information programs in the Romanian language, etc. There are also a certain number of organizations claiming that the Vlachs are an autonomous ethnic group. The competent state authorities have not thus far involved themselves in such debates, taking the view that the authorities of the Republic of Serbia cannot and must not become involved in disputes regarding national identity, that they must not arbitrate in disputes regarding the national identity of particular communities or impose national identity to any national community. Any such support extended on the part of the authorities of the Republic of Serbia would mean that the authorities of the Republic of Serbia support specific views regarding national identity, i.e., this would amount to imposition of national identity.

The National Council of the Vlach National Minority has been faced with significant dissension in its work thus far, which is a consequence of the various views held by the Council members regarding the Vlach identity and language. The biggest disputes came about after the Council decision to the effect that the Romanian literary language is the Vlach mother tongue and should be introduced into official use and into the educational system of the Republic of Serbia. A significant number of Council members (5) opposed this decision, since it contradicted the results of the 2002 census.

On the other hand, in an alternative report on the implementation of the Framework Convention for the Protection of National Minorities of the CE, which was also written in 2007, the National Council of the Vlach National Minority took the view that “the national speech of the Vlachs of northeastern Serbia... differs in its features from the Romanian literary language” (NGO Report by Network of Committees for Human Rights in Serbia – CHRIS, 2007. p. 5), i.e., that “a majority of Vlachs do not use the contemporary Romanian language” (NGO Report by Network of Committees for Human Rights in Serbia – CHRIS, 2007. p. 83).

According to the results of the 2002 census, in which the citizens of the Republic of Serbia freely answered questions regarding nationality and mother tongue, there are 40,054 Vlachs and 34,576 Romanians living in Serbia; 54,818 persons reported that their mother tongue is Vlach, while 34,515 said that Romanian was their mother tongue. Of the 40,054 Vlachs, 91.89% said that their mother tongue is Vlach, 7.71% that it is Serbian, while 0.30% said that Romanian is their mother tongue.

Thus, the census results show that Romanian and Vlach are not the same and that the numbers of their speakers differ. The equalization of Romanian and Vlach would amount to an imposition of identity, which would run contrary to the freely expressed will of individuals during the census and would thus run contrary to all international human and minority rights (i.e., contrary to Article 3 of the Framework Convention for the Protection of National Minorities of the Council of Europe).

Item 35

The Serbian authorities declare that they at present do not apply the Charter to Bunjevac because “it has not yet been standardized.” However, they do “not deny the possibility of treating this language as a regional or minority language” and are willing to apply Part II to Bunjevac. In the forms of the 2002 census, Bunjevac was not listed among “mother-tongues”. As a consequence, people who indicated Bunjevac as their native language were counted in the category of “other languages”.

During the preparation of the Law on the Ratification of the European Charter for Regional or Minority Languages, the Ministry for Human and Minority Rights, based on the existing practice of using languages in the areas of culture, education, judicial and administrative processes, etc., the State did not mark Bunjevac among the languages for which it has taken on obligations, which, of course, was not a way of denying the existence of Bunjevac or the process of its standardization and introduction into official and public use.

It should be emphasized that the State starts from the premise that the absence of Bunjevac from the classification of mother-tongues for the purposes of the census does not equal denial of the possibility of treating it as a regional or minority language, as long as standardization is not a prerequisite for the application of individual measures.

As the Committee of Experts has observed in its Report, the State has in the meantime implemented a series of measures regarding Bunjevac, from introducing the subject “Bunjevac speech with elements of national culture”, to the financing of various cultural programs and institutions of the Bunjevac minority, to helping with the realization of radio and TV programs in Bunjevac.

The National Council of the Bunjevac National Minority, in cooperation with two of the most significant scientific and cultural institutions in the country, the Serbian Academy of Sciences and Arts and “Matica srpska”, has organized a number of academic gatherings devoted, among other things, to Bunjevac and, in cooperation with “Matica srpska”, a second, amended and supplemented edition of the Dictionary of the Backa Bunjevacs is being prepared.

The Ministry for Human and Minority Rights will make efforts for Bunjevac to be listed among “mother-tongues” on the census forms during the next census, scheduled for 2011.

The State shall provide detailed information to the Committee of Experts regarding the concrete measures it is undertaking in regard to the obligations from the Charter having to do with Bunjevac in its next periodic report.

Item 45

In addition, Serbia has established self-government bodies which have competencies regarding the promotion of regional or minority languages (national minority councils, cf. Article 7.4). However, their financial situation does not permit the effective execution of their tasks.

For the sake of an all-encompassing definition of the status of minority councils in the legal order of the Republic of Serbia, the Ministry for Human and Minority Rights has formed a working group which produced a working version of the text of the Law on the National Councils of National Minorities.

It is anticipated that the Law will regulate:

- the competencies of the national councils of national minorities in the areas of education, culture, public information and official use of language and writing,
- relations with State organs, organs of the autonomous provinces and local government units,
- the election procedure of the national councils (the law provides for the way of forming separate voting lists and the method of election, with direct and electoral elections being provided for alternatively),
- the financing of national councils' activities,
- the founding, organization and competencies of the Council of the Republic of Serbia for National Minorities.

The working version of the Law on the National Councils of National Minorities was sent to the existing national councils for review on October 21, 2008, and also made available to other interested persons and organizations. The national councils and interested organizations and national minority associations have been given until November 28 to submit opinions, complaints and suggestions regarding the existing text to the Ministry, upon which the Ministry shall, in cooperation with the OSCE Mission, organize a meeting of the working group for the drafting of the proposed Law on the National Councils of National Minorities and Representatives of National Minorities, where the members of the working group shall give their replies to eventual complaints and suggestions made by representatives of national minorities, as well as elaborate on the solutions proposed by the Law. Thereafter, taking into account the views of the representatives of national minorities, the working group shall produce the final version of the proposed Law and send it to the Government of the Republic of Serbia for adoption.

However, it should be emphasized that the absence of that law did not prevent the State from setting aside significant funds for the work of the national councils. Thus, the 2008 budget for the work of national councils equaled 150 million dinars, which was a 138% increase compared to the 2007 budget, and which sent minorities an exceptionally positive and strong message regarding the State's readiness to improve the work of the national councils, especially having in mind that the distribution of the allotted budget funds is taking place in accordance with the decisions of the national councils, which has, thus, broadened their competencies. In addition, it should be emphasized that, through other forms (subsidies, grants, open competitions, etc.) the State is setting aside significant funds for minority organizations engaged in the promotion of minority languages, which was mentioned in the State's report.

The State will also give a significant financial contribution to the execution of the tasks of the national councils by establishing a separate fund for stimulating the social, economic, cultural and general development of national minorities, as provided by the Law on the Protection of the Rights and Freedoms of National Minorities. The Ministry for Human and Minority Rights will launch the initiative for the creation of this fund.

Item 54

In addition to the observations made above (cf. 1.4.3) with regard to the unclear status of Vlach under the Charter, the Committee of Experts observes that the promotional measures currently applied to Vlach do not adequately reflect the favourable demographic situation of Vlach (relatively high number of speakers, compact settlement). This concerns also the media, where a stronger presence on radio and television should be envisaged. In general, there does not seem to exist any structured policy to facilitate and/or encourage the use of Vlach in public life.

In the sphere of culture, education, information and official use of language and writing, the concern of minority members – speakers of minority languages – to jointly maintain their common identity is also manifested through the process of the election of the national councils of national minorities which are, according to provisions of the Constitution of the Republic of Serbia and the Law on the Protection of the Rights and Freedoms of National Minorities, bodies that represent minorities as collectivities in those areas of social life, i.e., the carriers of cultural autonomy in those areas.

The unclear status of Vlach among its speakers, represented through the work of the National Councils of the Vlach National Minority, which is the legitimate representative of the entire minority, about which more was said in the reply to Item 34 of these comments, in many ways prevents the State from implementing measures for advancing that language in a full capacity. Hence, as the legitimate representative of that minority in the area of the official use of that language, which has named Romanian as its official language, the National Council of the Vlach National Minority must commit itself in the coming period on the question of Vlach, having in mind the very high number of Vlach speakers within that national minority (91.89%).

The Ministry for Human and Minority Rights underlines once again that the prescription of a mother-tongue to members of a national minority would be an attempt at imposing their identity, which would be a violation of the Constitution and of positive legal regulations, as well as of Article 3 of the Framework Convention.

Item 63

Vlach is not taught within any of the 3 models mentioned above. According to representatives of the Vlach-speakers, parents have been unsuccessfully requesting the introduction of the teaching of Vlach (e.g. in the municipality of Ranovac). At present, Vlach is only taught in some private courses. The Committee of Experts considers that, in view of the demographic situation of Vlach and the existing demand for the teaching of Vlach, the Serbian authorities should take immediate steps to provide appropriate forms and means for the teaching Vlach at all appropriate stages in the municipalities where it is used.

Within the framework of existing regulations, there are no obstacles to learning either Vlach or Romanian in northeastern Serbia. However, as to the language in which children/pupils of the Vlach national minority will be taught, that is something that should be voiced by the National Council of the Vlach National Minority, and submitted in the form of an official request to the Ministry of Education (which has never been done).

During 2005, representatives of the Vlach national minority were encouraged by the Ministry of Education to introduce Vlach in schools attended by children of Vlach nationality, as part of the elective school program. It was also explained to the representatives of the Vlach community that the teachers in these schools, in cooperation with the National Council, should prepare the curriculum and activity program “Vlach with elements of national culture”. The Ministry of Education does not have information regarding whether the Vlach community has done anything in the way of regulating the said initiative.

At this moment, the Vlach community has the following possibilities for which it can opt when it comes to education: a) the entire school program can be taught in Romanian; b) the entire school program can be in Romanian, with possibility of choosing the elective subject "Vlach with elements of national culture"; c) the entire school program can be in Serbian, with possibility of choosing the elective subject "Vlach with elements of national culture" or "Romanian with elements of national culture". The only thing not possible at this moment is to organize the entire school program in Vlach, because it has not been standardized, and because no institution of higher learning in Serbia is currently educating cadres for teaching school in Vlach.

In order for any of these possibilities to be realized, the National Council of the Vlach National Minority must submit an official request to the Ministry of Education. If they should decide to submit an official request for schooling in/about Romanian, school plans and programs for that already exist and there is no legal barrier for organizing such schooling. If they should decide to submit an official request for schooling in Vlach, the first thing to be done is to create a teaching program for the subject "Vlach with elements of national culture". After the official request is submitted to the Ministry of Education, the school boards in areas which are, according to the results of the last census, populated by members of the Vlach minority, shall be informed about this. In turn, in schools under their jurisdiction, during the process of school enrollment, they shall organize a survey among the parents and children about whether they want the education program to be carried out in the language chosen by the Council and, should the parents and children demonstrate an interest in being educated in/about that minority language, the Ministry of Education will then go about organizing such a curriculum.

Item 73

During the on-the-spot visit, the National Council of the Vlach National Minority informed the Committee of Experts of widespread stereotypes in the Serbian society at large with regard to the Vlach-speakers. On the same occasion, the National Council of the German National Minority informed the Committee of Experts that history textbooks present German-speakers predominantly in the context of World War II ("state enemies"), which the National Council considers to be the main reason why only about half of the self-estimated 8,000 Germans in Serbia have declared themselves as "Germans" in the 2002 census. The Committee of Experts has also received complaints from representatives of the Bulgarian-speakers according to which history textbooks present their linguistic group in a negative light.

The State is successfully dealing with the said examples of stereotypes regarding minority language speakers by implementing various measures in different areas of social life, which has been presented through numerous examples in the Report on the Implementation of the Charter. However, it should be emphasized that the creation of a society without stereotypes regarding, among other things, minority language speakers, is an arduous and long-term task in a country in whose proximity interethnic conflicts from which hundreds of thousands of refugees have fled have taken place. However, there is no doubt that intercultural dialogue, developing a spirit of tolerance, the promotion of multilingualism are values to which Serbia is genuinely committed and that it is, within the bounds of its possibilities, carrying out measures for promoting respect, understanding and cooperation among speakers of different languages.

Starting from the fact that the fight against stereotypes is the most efficiently implemented in the school system, and that it is a prerequisite for the existence of a tolerant society, the Ministry of Education always reacts to correspondence having to do with textbooks, especially if the textbooks are written in hate language and spread intolerance. The Ministry of Education will take upon itself the obligation of carrying out a revision of history textbooks, especially in those parts of the history textbooks where Germans and Bulgarians are depicted as "state enemies". The Ministry of Education shall delegate the task of revising history textbooks to a team of experts.

Item 81

Secondly, teachers are not obliged to attend professional development courses. The Serbian authorities have not approved any of the in-service training programmes for Slovak-medium teachers that had been put forward by the National Council of the Slovak National Minority. As regards the Romanian language, in-service training for teachers of the Romanian language and literature is only available in Romania but the Serbian authorities do not recognize the respective certificates. The Committee of Experts is of the

view that the Serbian authorities should urgently devise a structured policy in the field of teacher training.

In-service teacher training is regulated with legal and sublegal acts. In-service programs are accredited on the basis of several different parameters, while the nationality of the author is, in regard to this question, irrelevant.

It is anticipated that the work of inter-governmental mixed commissions, formed on the basis of bilateral agreements on the protection of national minorities, will soon begin, i.e., continue. This should also contribute to the specter of offered adequate solutions regarding the expert and professional training of minority language teachers in the signatory countries of these agreements.

Item 82

Thirdly, there is a lack of teaching materials produced specifically for regional or minority language education. In most cases, textbooks are translated from Serbian and are thus only available with delays. According to information received, this concerns in particular pre-school teaching materials in Romani, primary school textbooks in Albanian (for the subjects nature and society, history and geography), Romanian and Slovak and textbooks in Hungarian for secondary vocational education. However, the Serbian authorities are taking steps to improve the situation. In primary education, textbooks have been published in Hungarian (for Hungarian language and literature, Hungarian with elements of national culture, music and arts), Slovak (Slovak language, music and arts, nature, society and history) and Romani (for the first, second and third grades). The Committee of Experts welcomes these efforts and underlines that textbooks that are originally drafted in a regional or minority language are better adapted to such education and may also better reflect the history and culture of that language.

The State of Serbia is making all efforts to secure in a timely way and under the same conditions teaching materials for curricula being realized in minority languages, and for such teaching materials to be of the same quality as those for children attending school in the Serbian language. In that sense, the national councils of national minorities, the Provincial Secretariat for Education and the Ministry of Education have established good cooperation.

Item 135

The Law on the Protection of the Rights and Freedoms of National Minorities foresees that curricula shall contain information about the history and culture of the national minorities (Article 13.7). The possibility to learn a regional or minority language “with elements of national culture” ensures the implementation of this undertaking for the pupils concerned. There is, however, no information about the teaching of the history and the culture which is reflected by the regional or minority language to pupils who speak the majority language.

Pupils attending school in the Serbian language learn about the members of minority communities within the subjects History, Geography and Musical Education. The curriculum of these subjects contains information about the history, culture and position of minority language speakers, as well as other content that promotes mutual tolerance and coexistence. In addition, it should be emphasized that the State is making significant efforts at raising consciousness about the values of multilingualism, not only in the sphere of education but in other areas of social life. The Constitution of the Republic of Serbia itself, in Article 48, provides that, through measures in education, culture and public information, the Republic of Serbia promotes the understanding, recognition and respect of distinctions stemming out from differences, among other things, for the sake of its citizens' linguistic identities. In accordance with their abilities, all levels of authority promote the values of multilingualism through the organization or participation in the organization of cultural manifestations. These not only contribute to the cause of minority languages but also to the majority language speakers' understanding of the significance of the value of multilingualism. The State Report contains numerous examples from practical experience. Of course, the State will continue with its activities on the promotion of multilingualism in the future, because Serbian society is a society of lingual diversity.

Item 139

The Committee of Experts notes that the use of regional or minority languages before judicial authorities has declined in the past years. There are two main reasons for this development. Firstly, speakers of regional or minority languages are seldom encouraged, and occasionally even discouraged, to use their language. Secondly, practical obstacles such as a shortage of staff who speak regional or minority languages and financial problems play a role.

We find that the observation that ethnic minorities are rarely encouraged, and sometimes even discouraged, to use their languages is incorrect. Furthermore, we believe that an insufficient number of staff speaking minority languages may not be accepted as a practical obstacle to the aforementioned.

The committee of experts, while being provided the explanation, were presented accurate data on the number of holders of judicial functions – speakers of minority languages – in Vojvodina and in the territory of the District Court of Vranje, from which it may be unambiguously deduced that there is no shortage of staff speaking the languages and working in the territory where ethnic minorities reside.

When it comes to judges and judicial staff speaking minority languages in Vojvodina and in the territory of the District Court of Vranje, we would like to provide the following data.

The territory of the District Court of Subotica

The data on judges and judicial staff speaking the Hungarian language are as follows:

- The District Court of Subotica - 40% of the judges and 21 employees,
- The Municipal Court of Ada - 100% of the judges and 17 employees,
- The Municipal Court of Bačka Topola - 50% of the judges and 21 employees,
- The Municipal Court of Kanjiža - 90% of the judges and 10 employees,
- The Municipal Court of Senta - 80% of the judges and 10 employees,
- The Municipal Court of Subotica - 16% of the judges and 29 employees.

The territory of the District Court of Pančevo

- The Municipal Court of Alibunar employs two judges who speak Romanian, a judge speaking Slovakian and a judge speaking Romani, as well as 11 employees speaking Romanian and Slovakian.
- All judges of the Municipal Court of Kovačica speak Romanian or Slovakian, as well as 20 employees thereof.
- Two judges employed with the Municipal Court of Pančevo speak Romanian, two judges speak Slovakian and one judge speaks Hungarian. Nine employees speak either the Hungarian or Romanian language.

The territory of the District of Novi Sad

- One judge of the District Court of Novi Sad speaks Hungarian, as well as 30% of the employees thereof.
- 43 employees of the Municipal Court of Novi Sad speak Hungarian.
- One judge of the Municipal Court of Bačka Palanka speaks Hungarian, three employees speak Slovakian and two employees speak Hungarian.
- One judge and 30% of the employees of the Municipal Court of Bečej speak Hungarian.
- One judge and all employees of the Municipal Court of Temerin speak Hungarian.
- One judge and one employee of the Municipal Court of Titel speak Hungarian.
- All employees of the Municipal Court of Vrbas speak Hungarian.

The territory of the District Court of Vranje

- All judges and judicial staff of the Municipal Court of Bosilegrad speak Bulgarian.
- One judge and eight employees of the Municipal Court of Bujanovac speak Albanian.
- Three judges and 14 employees of the Municipal Court of Preševo speak Albanian.
- Two judges of the Municipal Court of Surdulica speak Bulgarian, one employee speaks Romani and one employee speaks Bulgarian.

The High Judicial Council appoints jurors among speakers of minority languages in the territory where ethnic minorities reside. In case of the District Court of Subotica, the High Judicial Council has appointed jurors as follows:

- in the District Court of Subotica, 13 of 60 appointed jurors speak Hungarian,
- in the Municipal Court of Ada, 12 of 15 appointed jurors speak Hungarian,
- in the Municipal Court of Bačka Topola, 22 of 38 appointed jurors speak Hungarian,
- in the Municipal Court of Kanjiža, 14 of 34 appointed jurors speak Hungarian,
- in the Municipal Court of Senta, 19 of 22 appointed jurors speak Hungarian,
- in the Municipal Court of Subotica, 37 of 110 appointed jurors speak Hungarian.

In case of the District Court of Pančevo, the High Judicial Council has appointed jurors as follows:

- in the Municipal Court of Alibunar, one of five appointed jurors speak Romanian,
- in the Municipal Court of Kovačica, 12 of 14 appointed jurors speak Ruthenian,
- in the Municipal Court of Pančevo, two of 71 appointed jurors speak Hungarian.

In case of the Municipal Court of Vranje, the High Judicial Council has appointed jurors as follows:

- in the Municipal Court of Bujanovac, five of 32 appointed jurors speak Albanian,
- in the Municipal Court of Preševo, 11 of 21 appointed jurors speak Albanian.

As set forth by the Decision of the Government, the job classification of Municipal Misdemeanor Court of Bujanovac envisaged four judge positions, while five judge positions were filled. By January 2007, four judge positions were filled and all judges were of Serbian nationality, since no judges of other nationalities had applied at the competition. A competition was opened on December 5, 2006 for a judge to be positioned with the Municipal Misdemeanor Court of Bujanovac, for which post an Albanian-speaking judge was appointed at the Government session held on January 4, 2007. When it comes to the employees of the Court, 15 employees have been employed as envisaged by the job classification, four of which speak Albanian and one of which is a translator for the respective language.

As set forth by the Decision of the Government, the job classification of the Municipal Misdemeanor Court of Preševo envisaged four judge positions, and all three were filled (three judges speak Albanian). When it comes to the employees of the Court, 9 employees have been employed as envisaged by the job classification, five of which speak Albanian and one of which is a translator for the respective language.

When it comes to court-sworn interpreters in the territory where ethnic minorities reside, primarily the Autonomous Province of Vojvodina, court-sworn interpreters are appointed to participate in judicial and other proceedings of state bodies. The publication of the competition and the appointment of court-sworn interpreters is entrusted to be conducted by the Provincial Secretariat for Administration, Regulations and Ethnic Minorities.

The Rules of Procedure on Job Classification and Internal Organization of the Municipal Court of Bujanovac envisage one court-sworn interpreter for the Albanian language, while the Municipal Court of Preševo envisages three positions of court-sworn interpreters for the Albanian language. The Minister of Justice has appointed four court-sworn interpreters for the Albanian language in the territory of the District Court of Vranje.

The preparation of the Memorandum on Cooperation between the Ministry of Justice and the OSCE is under way, dealing with the project implementation – Training for Permanent Court-Sworn Interpreters for the Romani Language.

With regard to the statement that state bodies should encourage the use of minority languages in judicial proceedings, we would like to stress that the Law on Official Use of the Language and Script prescribes that a party may declare in favor of the language of the proceedings, wherefore we would like to state the following:

In the region of the District Court of Pančevo, two criminal proceedings are conducted in Romanian.

In the region of the District Court of Novi Sad, proceedings are being conducted in minority languages, namely: 20 cases on average are conducted in minority languages in the Municipal Court of Novi Sad on an annual basis, six criminal proceedings are being conducted in Hungarian in the Municipal Court of Bečej, while eight criminal proceedings and some 15% litigations are conducted in Hungarian in the Municipal Court of Temerin.

As for the territory of the District Court of Subotica, the following proceedings are conducted: 326 proceedings are conducted in Hungarian in the Municipal Court of Subotica, 251 proceedings are conducted in Hungarian in the Municipal Court of Kanjiža, 368 proceedings are conducted in Hungarian in the Municipal Court of Senta, 48 proceedings are conducted in Hungarian in the Municipal Court of Ada and 29 proceedings are conducted in Hungarian in the District Court of Subotica.

As for the territory of the District Court of Vranje, 10 proceedings are conducted in Bulgarian in the Municipal Court of Bosilegrad, while there are no requests by parties in other courts to conduct proceedings in a language of ethnic minorities.

Item 180

State authorities issue personal documents in the regional or minority languages (e.g. identity cards, health insurance booklets, diplomas). In addition, ballots are available in regional or minority languages that are in official use. The Committee of Experts considers this undertaking fulfilled. Nevertheless, it asks the Serbian authorities to submit information regarding other documents in the next periodical report.

On the territory of the Autonomous Province of Vojvodina, the Decision on multilingual forms for excerpts from the record books and on ways of registering in them is in force ("Official Gazette of APV", no. 1/01 and 8/03). Among other things, the Decision provides that the forms for excerpts and certificates from record books be printed bilingually, in the Serbian language and in the languages and scripts of national minorities whose languages are in official use in municipalities on the territory of AP Vojvodina, as well as that, upon the request of representatives of national minorities, excerpts and certificates from record books be issued on bilingual forms, in the Serbian language and the language of the national minority.

Item 208

The use or adoption of family names in a minority language is guaranteed by the Constitution (Article 79). More specifically, the Law on the Protection of the Rights and Freedoms of National Minorities provides that persons belonging to national minorities may freely choose the names of their children and request the inscription of those names in public documents, official records and collections of personal data in accordance with the spelling of the language concerned (Article 9.1). This concerns notably entries in birth registers (Family Law, Article 344). The Law on the Identity Card provides that names are entered into identity cards in the form which was used in the birth register. If the main entry of the name of a person belonging to a national minority in the birth register is made in Serbian only, the registrar will draw this person's attention to the fact that he/she can launch an administrative procedure for changing his/her name or for adding his/her name in the original.

The draft Law on Record Books, which is in parliamentary procedure, for the first time clearly and precisely regulates the registering of personal names in all official evidences in the language and writing of national minority members. Thus, Article 17, Paragraph 1 of the Draft Law on Record Books provides that national minority members have the right of registering personal names (children's, parents', spouses' and deceased) in accordance with the language and writing of the national minority.

In addition, the new Law on the Seal of State and Other Organs has been passed ("Official Gazette RS", no. 101/07) which, among other things, provides that the text of the seal of the state or other organs or authorized public official whose seat is in a territory in which the language and script of national minorities is, in accordance with the law, in official use, should also be inscribed in the language and script of national minorities. This legal solution has advanced the realization of the rights of national minority members, since the right to have the seal of the state or other organ or authorized public official whose seat is in a territory in which the language and script of national minorities is in official use, also be inscribed in the language and script of these minorities, when, in accordance with the law, they have the right to the official use of their language and script – is applicable on the entire territory of the Republic of Serbia (and not only on the territory of the autonomous provinces, as was the case prior to the passage of this law).

Item 215

Serbia is privatizing local television and radio broadcasters. Even though private broadcasters play an important role for the provision of programmes in regional or minority languages, in particular in Central Serbia, the Serbian authorities have taken no regulatory measures to ensure that the broadcaster concerned will continue to make adequate provision for programmes in the regional or minority languages. The Committee of Experts notes that this can have serious repercussions on the future situation of these programmes.

For more than five decades, the founders and owners of media in the Republic of Serbia were State and local authorities. The practice of state ownership over a period of several decades, especially based on experiences of the 1990s, when the public was not able to exercise its right to know and to be informed in an objective and timely manner, and when censorship was applied, has resulted in unconditional support on the part of all interested parties, media experts, the international community and the authorities themselves for the viewpoint that the State is “the worst” owner and the greatest threat to media freedom and independent editorial policy.

Within a very broad public discussion, a provision of Article 14 of the Law on Public Information was adopted in 2002, by which the founders of a public medium cannot be, directly or indirectly, the State and the territorial autonomy and, in accordance with this, deadlines for the privatization of the media were set. The privatization of the print media was completed in April 2006, when the founding rights for print media in minority languages were transferred to the national councils. The deadline for the privatization of the electronic media was moved to December 31, 2007. It is important to carry out the privatization process to the end, as there is still justifiable criticism being voiced regarding the work of media founded by local governments, due to their way of reporting on the work of these local governments, if not due to direct pressure then due to auto-censorship on the part of the journalists themselves.

It is important to underline that a large number of private broadcasters on radio/TV channels already have programs in minority languages, which, on the basis of surveys conducted by competent agencies, have a higher viewership/listenership and better personal and technical work conditions than those that have yet to be privatized. In addition to reasons of social responsibility, private broadcasters emit programs in minority languages because all levels of government have secured financial support for this.

Having respect for the rule of law and having in mind the obligations regarding privatization, as provided by the law, and the realization of the rights of minority language speakers, the State has secured in advance measures of protection of the right to information in minority languages, both in media-related laws and in the Law on Local Self-Government. They oblige all levels of government to, by way of financial or other means, ensure the realization of the right to information. In present-day practice, this means: 1) with financial support on the part of the State, information in Vlach was secured for the first time on private radio waves, 2) in the course of 2007 and 2008, in municipalities that never previously had programs in minority languages, a large number of private broadcasters introduced a regular programming scheme in these languages, with the financial support of the State (especially in the Romani language and shows on the Roma, which is important from the aspect of their dispersion), 3) in the just-completed procedure of issuing program and frequency licenses for a period of 8 years, for the first time we have not only programs but radio/TV stations owned by private broadcasters who have all-day programs in minority languages (Hungarian, Romanian, Albanian), and Romani-language private civil media have also received licenses (one TV and three radio stations).

The laws guarantee the obligation that, upon the completion of the privatization process, local governments will continue to secure financial resources which they will then distribute (by way of contests or tenders), in a transparent way, to private broadcasters for programs in minority languages. After privatization is completed, there will be a justified basis for increasing the budgetary funds which the State, by way of the Ministry of Culture, allocates each year for minority language content.

In addition to the responsibility of the private broadcasters, practice has shown that secured financial resources are a sufficient motive for private broadcasters to produce and broadcast program content in minority languages.

The collision between the media laws and the Law on Local Self-Government is being resolved in partnership with representatives of minority language speakers, with the goal of finding the best and the biggest guarantees that information in minority languages will be secured even after privatization is completed.

Item 294

Serbia has concluded bilateral agreements on the mutual protection of national minorities with Croatia, Hungary and Romania. These agreements provide for the establishment of intergovernmental joint committees for national minorities whose purpose is to monitor the implementation of the agreements. However, as their members (representatives of the governments and minorities) have not yet been nominated, the joint committees are not operational. Serbia has also concluded co-operation agreements in the fields of education, culture and sports which contain provisions on the promotion of the Croatian, Hungarian and Romanian languages, including teacher training.

It is expected that the Government of the Republic of Serbia will name the presidents and then the members of the delegation of the Republic of Serbia in intergovernmental commissions formed on the basis of bilateral agreements on the protection of national minorities with Croatia, Hungary and Romania, thus creating the conditions for the commissions to begin or continue with their work, which will improve the contacts between users of the same languages in the States-parties in the fields of culture, education and information, as well as cooperation between regional or local governments on whose territories the same language is being used.

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

**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**

**Recommendation RecChL(2009)2
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages by Serbia**

*(Adopted by the Committee of Ministers on 6 May 2009
at the 1056th 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 declaration made by Serbia on 15 February 2006;

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

Bearing in mind that this evaluation is based on information submitted by Serbia in its initial periodical report, supplementary information provided by the Serbian authorities, information submitted by bodies and associations legally established in Serbia and information obtained by the Committee of Experts during its on-the-spot visit;

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

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

1. promote awareness and tolerance in Serbian society at large vis-à-vis the regional or minority languages and the cultures they represent;
2. clarify the status of Bunjevac and Vlach in consultation with representatives of all speakers;
3. introduce teaching of/in Part II languages at primary and secondary levels,
4. strengthen teacher training and provide adequate teaching materials for all regional or minority languages;
5. secure the implementation of Articles 9 and 10, in particular regarding Romani and Ukrainian, and ensure that the Part III languages can be used in relations with local branches of the State authorities;
6. take the necessary legal and practical measures to ensure that personal names and place names in the regional or minority languages can be used officially in conformity with the tradition and orthography of the languages concerned.