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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN SERBIA**

**2nd 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, paragraph 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 4 May 2011  
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 periodical reports at three-yearly intervals after the first report. The Serbian authorities presented their second periodical report to the Secretary General of the Council of Europe on 23 September 2010.

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

3. This evaluation report is based on the information obtained by the Committee of Experts from the second report of Serbia and the replies to an additional questionnaire submitted to the Serbian authorities on 24 November 2010. The Committee of Experts also obtained information through interviews held with representatives of the national minority councils and the Serbian authorities during an on-the-spot visit (8-10 December 2010). Pursuant to Article 16.2 of the Charter, the Vojvodina Centre for Human Rights has submitted an alternative report on the implementation of the Charter to which several national minority councils and associations in Serbia have contributed. Furthermore, the Committee of Experts has received statements from the national councils of the Bosniak, German and Vlach national minorities. The present report reflects the policies, legislation and practice prevailing around the time of the on-the-spot visit. Any later developments will be taken into account in the next report of the Committee of Experts concerning Serbia.

4. 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 (see Chapter 4.2 of the present report).

5. The Committee of Experts wishes to express its gratitude to the Serbian authorities for the active and fruitful co-operation it has enjoyed. In 2009, the Serbian authorities agreed to organise an implementation roundtable on the Charter and the Framework Convention for the Protection of National Minorities. The event, which took place in the Assembly of Vojvodina, was attended by all national minority councils which have adopted a joint declaration with detailed requests regarding the full implementation of both conventions. Furthermore, Serbia has submitted its comprehensive second report on time. The co-operation with the authorities and with the national minority councils during the on-the-spot visit was exemplary.

6. The present report was adopted by the Committee of Experts on 4 May 2011.

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

##### *1.3.1. Territorial application of the Charter*

7. At the deposition of its instrument of ratification on 15 February 2006, Serbia and Montenegro declared that it would apply the Charter in areas in which the regional and minority languages are in official use. Pursuant to national legislation, the introduction of a minority language in official use is compulsory if a national minority accounts for 15% of the population of an (entire) *municipality (opština)*. 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 local community (*mesna zajednica*) of that municipality if the population share of persons belonging to the given minority reaches 25% in that place. If a national minority does not meet the aforementioned thresholds, a municipality may, through a change of its statute, voluntarily introduce the respective minority language in official use. According to the Law on the National Councils of the National Minorities (Article 22.3), national minority councils have the competence to propose the introduction of their minority language and script as a local co-official language.

8. In the first evaluation report, the Committee of Experts considered that the thresholds of 15% and 25% may prevent the Charter from 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 local communities for the provisions of the Charter to be applied.<sup>1</sup> The Committee of Experts therefore welcomed the fact that regional or minority languages had frequently been voluntarily introduced in official use through a change in the statute. This has happened even if the share of the minority population was very low locally (e.g. 0.5% in the case of the Slovak national minority in Bačka Topola) or in Serbia as a whole (Czech is a local official language although only 2,211 people belong to the Czech minority in Serbia). Against this background, the Committee of Experts considered that the Serbian authorities should identify, in co-operation with eligible municipalities, the municipal territories where the 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. In addition, it “encourage[d] 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.”

9. According to the second periodical report, the Serbian authorities, in co-operation with the national councils of minorities whose languages are not yet in official use, will approach eligible municipalities with a view to introducing these languages into official use. The first joint initiative of this kind will concern the Romani and Ukrainian languages. During the on-the-spot visit, representatives of the National Council of the Roma Minority informed the Committee of Experts that Romani could be introduced in official use in the following municipalities due to a relevant local concentration of Roma: Bujanovac, Vranje, Surdulica, Vladičin Han, Pirot, Bela Balanka, Niš, Prokuplje, Leskovac, Lebane, Bojnik and Aleksinac.

10. A particular problem exists regarding Bunjevac and Vlach which both attain the thresholds of 15% and 25% in several places. However, the Serbian authorities have informed the Committee of Experts that Bunjevac and Vlach are not officially used in any unit of local self-government because they have not yet been standardised. The Committee of Experts notes that the concept of “official use” in Serbia covers not just written, but also oral communication with citizens for which a standardisation is not necessary. Furthermore, there are plans to standardise Bunjevac and Vlach during the coming years. Against this background, the Committee of Experts is of the view that the Serbian authorities should consider flexible interim measures that would introduce official use of Bunjevac and Vlach and thus secure the implementation of the Charter.

11. The Committee of Experts considers that the Serbian authorities should continue to identify, in co-operation with eligible municipalities, the municipal territories where the speakers of 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 urges the Serbian authorities to pursue steps to secure the implementation of the Charter in all municipal territories where the speakers of 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.***

### 1.3.2. Status of Vlach under the Charter

12. Members of the Vlach national minority are divided over the question as to whether Vlach is a language in its own right or a variety of Romanian. Since Romanian is covered also by Part III of the Charter, the question arose in the first monitoring cycle as to whether Vlach should be covered under Part II or also under Part III of the Charter. The Committee of Ministers recommended Serbia to **“clarify the status of ... Vlach in consultation with representatives of all speakers”**. Furthermore, the Committee of Experts “encourage[d] the Serbian authorities to clarify the status of Vlach under the Charter in co-operation with the speakers.”

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

13. There are no indications that a consultation with representatives of all speakers (including those who consider Vlach a variety of Romanian) has been carried out. However, the Committee of Experts notes that the election of the National Council of the Vlach Minority in 2010 (a direct election where all persons belonging to the Vlach minority could participate) led to a change in the composition of the national council. While the previous national council considered Vlach to be a variety of Romanian, the new national council aims at a standardisation of Vlach, which it expects to take several years. Until standardisation is achieved, the national council does not consider the application of Part III of the Charter feasible. In light of the above, the Serbian authorities confirmed in the second periodical report that Part II applies to Vlach.

14. According to the second periodical report, the national councils have no competences to establish or proclaim what language is spoken by the members of the national minority they represent. Furthermore, the Committee of Experts observes that the divide between those speakers who consider Vlach to be a variety of Romanian and those who consider it a language in its own right hampers the application of the Charter to Vlach. It considers that the Serbian authorities should initiate a dialogue between representatives of all speakers which could lead to a differentiated approach in language promotion, permitting the use of Vlach and (standard) Romanian – rather than only one of the two – in certain fields (e.g. education, media), if such requests are made by a sufficient number of people.

#### *1.3.3. Status of Bunjevac under the Charter*

15. In the first monitoring cycle, the Serbian authorities declared that they would not yet apply the Charter to Bunjevac because it had not yet been standardised. However, they were willing to apply Part II to Bunjevac in the future. The Committee of Experts underlined that the lack of standardisation was not in itself an obstacle to the application of Part II to a regional or minority language. The Committee of Ministers recommended Serbia to **“clarify the status of Bunjevac ... in consultation with representatives of all speakers”**. Furthermore, the Committee of Experts “encourage[d] the Serbian authorities to clarify the status of Bunjevac under the Charter in co-operation with the speakers.”

16. In the second periodical report, the Serbian authorities confirmed that they have started to apply Part II to Bunjevac. The Committee of Experts welcomes this decision. Furthermore, the Serbian authorities stated during the on-the-spot visit that they are considering including Bunjevac as a mother-tongue option in the 2011 census form.

#### *1.3.4. Application of Part III of the Charter*

17. Serbia has ratified the same undertakings in respect of all Part III languages. The Committee of Experts notes as in the previous monitoring cycle that the undertakings which have been chosen by Serbia, in particular those in education and the media, do not adequately reflect the situation of all minority languages. For example, higher-level undertakings could be applied to Hungarian.

18. With regard to the scope of application of Part III, the Serbian authorities have reiterated in the second monitoring cycle that they consider the implementation of the Charter as a process which can result in the specification of further Part III languages and such steps will be considered as soon as the Part II languages concerned have been introduced in education. The Committee of Experts welcomes the dynamic approach taken by the Serbian authorities to the instrument of ratification and encourages them to pursue the envisaged steps in co-operation with the speakers.

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

### Recommendation no. 1:

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

19. Several activities have been implemented as part of the project “Affirmation of Multiculturalism and Tolerance in Vojvodina” of the Autonomous Province of Vojvodina. The projects covered television and radio competitions for pupils on the history and culture of national minorities, TV documentaries, the organisation of an “Ethno Day” by pupils in Vojvodina (presentations of national minorities living in Vojvodina, including linguistic cultural and historical characteristics), and exhibitions.

### Recommendation no. 2:

*“clarify the status of Bunjevac and Vlach in consultation with representatives of all speakers”*

20. The Serbian authorities have confirmed that they will apply Part II to Bunjevac and Vlach. However, there are no indications that consultations with representatives of all speakers (in the case of Vlach: including those who consider Vlach a variety of Romanian) have been carried out.

### Recommendation no. 3:

*“introduce teaching of/in Part II languages at primary and secondary levels”*

21. There is still no stable presence of all Part II languages at primary and secondary levels within the framework of the models of minority-language education. *Bunjevac* is taught in some primary schools, but not at pre-school and secondary levels. *Czech* is not yet taught in the public education system. Apart from one bilingual kindergarten, *German* is only taught as a foreign language and not within the models of minority-language education. The curriculum for teaching *Macedonian* with elements of national culture has been developed, but the introduction of such teaching is pending. *Vlach* remains completely absent from education.

### Recommendation no. 4:

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

22. There are still important problems related to teacher training and the provision of adequate teaching materials for all regional or minority languages. The 2007 strategy on specialised education development deals with the general further training of teachers. The authorities suggest that a solution to the lack of trained teachers for regional or minority languages could be co-operation with other states on the basis of agreements in the fields of education and protection of national minorities. As to teaching materials, they are still lacking in many cases. A new Law on Textbooks and other Teaching Aids regulates the publishing of textbooks in regional or minority languages, as well as their import from other states. In practice, teaching materials are translated from Serbian with significant delays or are imported, but this procedure is not approved for all languages and all subjects.

### Recommendation no. 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”*

23. Articles 9 and 10 are not implemented with respect to Romani and Ukrainian, although there have been individual cases where interpreters have been assigned to Romani speakers before court. The Serbian authorities state that all participants in a trial are entitled to use their language through interpreters and be informed on facts related to the case in their language, and that measures have been taken to increase the number of interpreters and judges for Romani and Ukrainian. A joint initiative by the authorities in Vojvodina and National Councils of the Roma and Ukrainian minorities, aimed at introducing Romani and Ukrainian in official use in some municipalities, will follow. As to the use of Part III languages in relation with local branches of state authorities, the Law on the Official Use of Language and Script has been amended. It now provides that persons belonging to any national minority may communicate with the state authorities in the areas where their language is in official use and are entitled to receive a reply in their language. Previously this was only possible for members of a national minority whose population made up more than 2% of the total population of Serbia, which in practice only applied to Hungarian. However, there are still problems in practice in this respect.

### Recommendation no. 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”*

24. The amended Law on the Official Use of Language and Script provides that persons belonging to national minorities may freely choose and use the names of their children, as well as enter these names in all public documents, official records and personal databases, according to the script and orthography of the language concerned, in parallel with Serbian script and orthography. The Committee of Experts has not been made aware of any practical measures aimed at improving the use of personal names in regional or minority languages. Further place names have been officially designated but are not always used in practice.



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

### 3.1. The evaluation in respect of Part II of the Charter

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

25. 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. In the first evaluation report, the Committee of Experts did not deal with Bunjevac under Part II as its status under the Charter was not yet clear. The recommendations that are quoted below from the first evaluation report therefore did not concern Bunjevac.

#### 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;*

26. According to the second periodical report, the Statute of the Autonomous Province of Vojvodina (hereafter: Vojvodina) has been amended to the effect that the Croatian language and script is now also officially used by bodies and organisations of Vojvodina, whereas beforehand Croatian had only been officially used by the Assembly of Vojvodina. The Committee of Experts welcomes this decision.

*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;*

27. The Committee of Experts has been informed of a letter dated 5 February 2010 sent by the Bosniak National Council to the President of the Government of the Republic of Serbia indicating the possible negative effects that the Regulation on Nomenclature of Statistical Territorial Units may have on the promotion of the Bosnian language. The Committee of Experts asked the Serbian authorities to comment on this issue. In their reply, the Serbian authorities state that the Law on Amendments and Addenda to the Law on Regional Development of 2010 defines the regions as functional statistical territorial units which are not becoming actual administrative territorial units and do not assume legal subjectivity. The Committee of Experts takes note of the Serbian authorities' statement that the Regulation on Nomenclature of Statistical Territorial Units will not have any adverse impact on the promotion of the Bosnian language.

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

28. Resolute action to promote regional or minority languages in order to safeguard them covers several aspects, for example 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.<sup>2</sup> In the first evaluation report, the Committee of Experts encouraged the Serbian authorities to provide adequate funding to the national minority councils (self-government bodies with competences regarding the use of language and script, education, information and culture) to allow them to effectively execute their tasks.

29. The Serbian authorities state in the second periodical report that due to the economic crisis, the financial allocations to the national councils have had to be reduced. During the on-the-spot visit, representatives of several national minority councils voiced concern that the financial constraints would not allow them to effectively execute their tasks.

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

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

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

#### *Bunjevac*

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

32. According to the information obtained from the National Council of the Bunjevac Minority, the process to standardise Bunjevac has begun and a grammar is being prepared. The national council expects that standardisation will be achieved by 2013 and that it will facilitate the use of Bunjevac in public life.

33. The presence of Bunjevac in the media remains good. Besides a radio and a television programme broadcast by Radio Television Vojvodina, Bunjevac is present at Trend Radio in Bačka Topola, Radio Subotica and Radio Sombor. There is a monthly in Bunjevac with a supplement for children. In addition, the Serbian authorities have supported the publication of several books in Bunjevac and cultural events.

#### *Czech*

34. Czech is an official language of Bela Crkva. In the first evaluation report, the Committee of Experts “encouraged the Serbian authorities to take measures to facilitate the practical use of Czech by the administrative authorities and the municipal court of Bela Crkva.” According to the second periodical report, there has been no request for the use of Czech in administrative proceedings in Bela Crkva or in court proceedings before the Magistrate Court in Vršac, the High Court in Pančevo and the Administrative Court in Novi Sad during the reporting period. The Serbian authorities state that the Ministry of Justice intends to take positive measures to facilitate the practical use of Czech and other minority languages in courts. During the on-the-spot visit, however, representatives of the Czech national minority council stated that the absence of demand is due to the lack of administrative and court staff able to use Czech. The Committee of Experts asks the Serbian authorities to clarify, in the next periodical report, whether there are linguistically qualified staff working at the local authority of Bela Crkva and at the courts which have jurisdiction of that municipality.

35. As far as the media are concerned, the Serbian authorities informed the Committee of Experts in the first monitoring cycle that broadcasting time on public television and radio for Czech could be allotted once a Czech national minority council had been elected. In Serbia, national minority councils may request the allotment of broadcasting time on television and radio. The broadcasting time depends on the size of the national minority in accordance with the latest census. Within the framework of the Public Radio Broadcasting Agency of Vojvodina, Radio Television Vojvodina 2 (RTV2) broadcasts programmes intended for the users of the minority languages. In June 2010, the first National Council of the Czech Minority was elected, and it intends to request the allotment of broadcasting time on public television and radio at RTV Vojvodina. The Serbian authorities confirmed during the on-the-spot visit and in their replies to the questionnaire sent by the Committee of Experts that they are currently considering the launch of a radio and television programme in Czech, with technical and financial assistance from the European Union. Considering that, apart from German (see below), Czech is the only regional or minority language in Vojvodina that is not yet present at RTV Vojvodina, the Committee of Experts encourages the Serbian authorities to take measures to promote the broadcasting of a radio and television programme in Czech at RTV Vojvodina.

#### *German*

36. In the first evaluation report, the Committee of Experts encouraged the Serbian authorities to support applications by the German speakers for radio broadcasts that can be received in all parts of Vojvodina and to assist a newsletter published at regular intervals.

37. According to the second periodical report, TV Panonija broadcast a weekly television programme in German in co-operation with the National Council of the German Minority until 2010. In addition, Radio Subotica continues to broadcast a weekly programme in German (30 minutes) which is produced by freelancers. In order to make these broadcasts sustainable and to cover all parts of Vojvodina, the national council applied to Radio Television Vojvodina for a radio programme in 2010 and a television programme (30 minutes per month) in 2011. Furthermore, the national council intends to apply for state support for a bilingual newsletter. During the on-the-spot visit, the Serbian authorities stated their willingness to consider such applications. In their replies to the questionnaire sent by the Committee of Experts, they also confirmed that they are currently considering the launch of a radio and television programme in German, with technical and financial assistance from the European Union. The Committee of Experts encourages the Serbian authorities to take measures to promote the broadcasting of a radio and television programme at RTV Vojvodina and to support a newsletter.

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

#### *Macedonian*

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

39. According to the second periodical report, the presence of Macedonian in the media remains good. There exists a radio and a television programme broadcast by RTV Vojvodina. In addition, the Serbian authorities have supported a number of publications in Macedonian which are also distributed in Central

Serbia (a newspaper; the *Sunica* children's magazine; the *Videlo* magazine for literature, art and culture; books in Macedonian, Serbian translations of books written by Macedonian authors and Macedonian translations of books written by Serbian authors). However, the Committee of Experts lacks more specific information regarding the situation of Macedonian in Central Serbia and asks the Serbian authorities to provide such information in the next periodical report.

#### *Vlach*

40. In the first evaluation report, the Committee of Experts “encouraged the Serbian authorities to adopt a structured policy for the protection and promotion of Vlach and to strengthen its use in public life.”

41. In the field of the media, the Serbian authorities have supported radio and television programmes in Vlach, covering news and Vlach customs. Furthermore, television programmes in Romanian broadcast from Zaječar have been subsidised. However, the Committee of Experts has no further information at its disposal (broadcast time, length of the programme, regularity) and asks the Serbian authorities to submit such information in the next periodical report. Moreover, three cultural projects have been supported by the Serbian authorities. In addition to the observations made above (cf. 1.3.2), the Committee of Experts observes that the promotional measures currently applied to Vlach do not adequately reflect the demographical situation of Vlach (relatively high number of speakers, compact settlement). In general, there does not seem to be any structured policy to facilitate and/or encourage the use of Vlach in public life.

***The Committee of Experts urges the Serbian authorities to take without delay the necessary measures for the promotion and protection of Vlach in public life in a differentiated approach respecting the wishes of the speakers.***

- 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;*

42. In the first evaluation report, the Committee of Experts had not been informed of any body or council where representatives of the national minorities meet. In light of the new information received, the Committee of Experts now considers that the Republic of Serbia Council for National Minorities, which acts as an umbrella body for the individual national minority councils, can serve this purpose. Furthermore, the individual national minority councils facilitate the maintenance and development of links within language groups, in the fields covered by this Charter, as well as the establishment of cultural relations with other groups in the state using different languages.

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

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

#### *Awareness-raising*

44. There are three models of 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 minority language, bilingually, or in Serbian with the possibility of learning the minority language “with elements of national culture” (about two to four hours per week). At least 15 pupils or parents have to request the establishment of a minority language class. While this threshold is too high for the purposes of the Charter, minority language classes can also be set up at the request of less than 15 pupils or parents if the authorities approve it. The Serbian authorities informed the Committee of Experts in the first monitoring cycle of numerous cases where classes have been set up with very few pupils (two pupils, for example). However, the Committee of Experts also noted that very few representatives of the minority language speakers were aware of this exemplary practice. In light of the above, the Committee of Experts “encouraged 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”.

45. In their replies to the questionnaire sent by the Committee of Experts, the Serbian authorities state that there is no standard procedure for informing parents and/or pupils of the possibility to set up minority language classes with less than 15 pupils. In addition, the authorities have no clear information at their disposal as to how such information is provided, as the manner in which this is done differs from one school to another. The Committee of Experts considers that more awareness-raising about the virtues of, and opportunities for, minority language education is needed as many parents are under the impression that such teaching would be cumbersome and counterproductive for the development of their children. Furthermore, the Committee of Experts reiterates that a threshold of 15 pupils is too high for the purposes of the Charter as the speakers of a number of minority languages in Serbia are unlikely to attain it. The Committee of Experts therefore urges the Serbian authorities to inform pupils and parents more actively of the possibility to set up minority language classes with less than 15 pupils and to encourage them to make use of it.

*Teaching of/in Part II languages*

46. In the first evaluation report, the Committee of Experts also “encourage[d] 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.” Furthermore, the Committee of Ministers recommended Serbia to “**introduce teaching of/in Part II languages at primary and secondary levels.**”

*Czech*

47. With regard to Czech, the Committee of Experts specified the aforementioned recommendations by encouraging 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).”

48. According to the second periodical report, however, Czech is still not taught within any of the three models mentioned above. According to the 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). The Committee of Experts urges the Serbian authorities to investigate the situation with a view to providing for the teaching of/in Czech within the three models of minority language education at all appropriate stages 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*

49. According to the second periodical report, a bilingual kindergarten has been set up in Subotica with two groups using German with Serbian and one group using Hungarian with Serbian. Representatives of the National Council of the German Minority have informed the Committee of Experts that 65 parents have applied for the establishment of bilingual primary school classes in Subotica to ensure continuity for those children who will leave the bilingual kindergarten in 2011. Furthermore, preparations are underway to apply the model of bilingual kindergarten education in other cities of Vojvodina. The Committee of Experts welcomes the introduction of bilingual pre-school education. It encourages the Serbian authorities to ensure that the children can continue their bilingual education at primary and secondary levels in Subotica and to start bilingual education also in other places where German is used (e.g. in Novi Sad, Sombor, Vršac, Pančevo and Zrenjanin).

*Macedonian*

50. In the first evaluation report, the Committee of Experts asked the Serbian authorities to submit additional information about the teaching of Macedonian.

51. According to the second periodical report, the three models mentioned above are currently not applied to Macedonian. However, the National Council of the Macedonian Minority has prepared the curricula for “Macedonian with elements of national culture” to be taught from the first to the fourth grade of primary school. Such teaching may in the future be offered if there is demand for it. The Committee of Experts welcomes the progress that has been made and encourages the Serbian authorities to provide for the teaching of/in Macedonian at all appropriate stages.

*Vlach*

52. The Serbian authorities state in the second periodical report that Vlach is not taught at any level of education since it is not standardised. Furthermore, the Committee of Experts notes that there are Vlach speakers who are interested in the teaching of “Romanian with elements of national culture”. As regards Vlach, the Committee of Experts considers that the lack of standardisation should not necessarily need to lead to a complete absence of Vlach from education. Rather, Vlach could be used orally in kindergarten and in certain subjects of primary and secondary education as well as in extra-curricular activities in which written communication plays no or a limited role. As far as Romanian is concerned, the Serbian authorities may consider applying the models of minority language education to those pupils who (or whose parents) so request. The Committee of Experts is of the view that there is room for a differentiated, rather than a uniform and rigid approach to minority language education, permitting the use of both Vlach and Romanian in conformity with the actual demand by the speakers. Consequently, the Serbian authorities are invited to carry out their surveys at the beginning of each school year in such a way that pupils (or parents) can choose between Vlach and (standard) Romanian. The Committee of Experts also urges the Serbian authorities to introduce Vlach into education even before a possible standardisation is achieved.

*Bunjevac*

53. According to the second periodical report, the subject “Bunjevac speech with elements of national culture” is taught at primary schools in Subotica and Sombor (total number of pupils in 2010: 171). The Committee of Experts welcomes the progress that has been made. However, Bunjevac is not present at kindergarten and secondary levels. The Committee of Experts encourages the Serbian authorities to take the appropriate measures so that the pupils who currently study the subject “Bunjevac speech with elements of national culture” can continue this subject at secondary level, and to introduce Bunjevac in kindergarten.

***The Committee of Experts urges the Serbian authorities to provide for the teaching of/in Part II languages within the three models of 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;***

54. In the first evaluation report, the Committee of Experts asked the Serbian authorities to provide information about the application of this provision to Albanian, Bosnian, Bulgarian, Czech, German, Macedonian, Romani, Ukrainian and Vlach and to report about the availability of facilities enabling adult non-speakers of regional or minority languages to learn them.

55. According to the second periodical report, facilities providing for the teaching of Albanian, Bosnian, Bulgarian, Romani and Ukrainian are also attended by persons not belonging to the respective national minorities. As regards the Part II languages, this provision has not been implemented so far for Czech, Macedonian and Vlach to which the models of minority-language education are not being applied so far. Apart from one bilingual kindergarten, German is taught as a foreign language and not within the models of minority-language education. The Committee of Experts encourages the Serbian authorities to provide facilities enabling non-speakers of Czech, German, Macedonian and Vlach living in the area where these languages are used to learn them if they so desire.

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

56. The Committee of Experts notes that this provision is not implemented with regard to Vlach which remains completely absent from higher education.

***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.***

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

58. In the first evaluation report, the Committee of Experts encouraged 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 the Charter. In addition, the Committee of Experts asked the Serbian authorities to clarify to what extent the financial support by the authorities of Vojvodina to transnational exchanges organised by associations of national minorities benefit Czech and German. The Serbian authorities had also not provided any information with respect to Vlach.

59. In light of the replies by the Serbian authorities to the questionnaire sent by the Committee of Experts, this provision has not been applied to Czech, German and Vlach. However, the Serbian authorities stated their willingness to conclude new agreements with interested states where these languages are used as majority or minority languages to promote appropriate types of transnational exchanges in the fields covered by the Charter. The Committee of Experts welcomes this and encourages the Serbian authorities to promote, for each Part II language, appropriate types of transnational exchanges in the fields covered by the Charter.

## **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.***

60. In the first evaluation report, the Committee of Experts asked the Serbian authorities to provide information about the further development of the draft law against discrimination.

61. According to the second periodical report, the Law on Prohibition of Discrimination (2009) prescribes that causing and inciting inequality, hate and intolerance on the grounds of minority languages are severe forms of discrimination, which result in the initiation of a trial and ordering of sanctions. As regards special measures in favour of 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). The Committee of Experts, however, 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".

### 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.*

62. In the first monitoring cycle, the Committee of Experts had received complaints by the National Council of the Vlach Minority about widespread stereotypes in the Serbian society at large with regard to the Vlach speakers. On the same occasion, the National Council of the German Minority informed the Committee of Experts that history textbooks still present the German speakers predominantly in the context of World War II as “state enemies”. Furthermore, the Committee of Experts had received complaints from representatives of the Bulgarian speakers according to which history textbooks presented that linguistic group in a negative light. In light of the above, the Committee of Experts “encourage[d] 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.” Furthermore, the Committee of Ministers recommended that the authorities **“promote awareness and tolerance in Serbian society at large vis-à-vis the regional or minority languages and the cultures they represent”**.

63. In their replies to the questionnaire sent by the Committee of Experts, the Serbian authorities state that the process of drafting new regulations has been launched which shall provide guarantees for the elimination of the presentation of certain national minorities in a stereotyped way in all textbooks. The Committee of Experts welcomes this initiative and encourages the Serbian authorities to pursue the steps taken.

64. According to the second periodical report, several activities have been implemented as part of the project “Affirmation of Multiculturalism and Tolerance in Vojvodina” of the Autonomous Province of Vojvodina. The projects covered television and radio competitions of pupils in history and culture of national minorities, TV documentaries, the organisation of an “Ethno Day” (presentations of national minorities living in Vojvodina, including linguistic cultural and historical characteristics) by pupils in Vojvodina, and exhibitions. Another project concerned the creation of the travelling exhibition “At home at the Danube – Living Together of Germans and Serbs in Vojvodina”, which has been successfully presented in Vojvodina and Germany. The Committee of Experts reiterates<sup>3</sup> that the extent to which a 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 the initiatives taken.

65. The Committee of Experts urges 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.*

66. In the first evaluation report, the Committee of Experts “encourage[d] 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.” Furthermore, it encouraged the Serbian authorities to make additional efforts to ensure that the speakers of Albanian and Czech are also represented by national minority councils.

67. According to the second periodical report, the adoption of the Law on the National Councils of the National Minorities (2009) has created a stable legal basis for the functioning of national councils of national minorities in the Republic of Serbia. Furthermore, the new decree on the Council of the Republic of Serbia for National Minorities (Article 5) prescribes that the Council shall meet at least four times a year. At the request of at least half of the national councils, the president of the Council is obliged to convene a meeting within a period not longer than 30 days. Since the elections of 6 June 2010, the speakers of Albanian and Czech are also represented by national minority councils. The election of both councils can be attributed to an awareness-raising campaign by the Serbian authorities which had aimed at mobilising persons belonging to national minorities to participate in the elections. The Committee of Experts commends the Serbian authorities on the considerable efforts they have displayed in this respect.

### Paragraph 5

<sup>3</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts on Croatia, ECRML (2005) 3, paragraph 39; 2<sup>nd</sup> Report of the Committee of Experts on Sweden, ECRML (2006) 4, paragraph 63

*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.*

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

### 3.2. 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**

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

70. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

For Albanian

Article 8, paragraph 1 e (ii);  
Article 11, paragraph 1 f (ii); paragraph 2;  
Article 12, paragraph 1 a;  
Article 13, paragraph 1 c.

For Bosnian

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

For Bulgarian

Article 8, paragraph 1 e (ii);  
Article 11, paragraph 1 f (ii), paragraph 2;  
Article 12, paragraph 1 a;  
Article 13, paragraph 1 c.

For Croatian

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

For Hungarian

Article 8, paragraph 1 e (ii);  
Article 11, paragraph 1 f (ii), paragraph 2;  
Article 12, paragraph 1 a, c;  
Article 13, paragraph 1 c.

For Romani

Article 8, paragraph 1 e (ii);  
Article 11, paragraph 1 f (ii), paragraph 2;  
Article 12, paragraph 1 a, c;  
Article 13, paragraph 1 c.

For Romanian

Article 8, paragraph 1 e (ii);  
Article 11, paragraph f (ii), paragraph 2;  
Article 12, paragraph 1 a;  
Article 13, paragraph 1 c.

For Ruthenian

Article 8, paragraph 1 e (ii);  
Article 11, paragraph 1 f (ii), paragraph 2;  
Article 12, paragraph 1 a, c;  
Article 13, paragraph 1 c.

For Slovak

Article 8, paragraph 1 e (ii);  
Article 11, paragraph 1 f (ii), paragraph 2;  
Article 12, paragraph 1 a, c;  
Article 13, paragraph 1 c.



For Ukrainian  
 Article 8, paragraph 1 e (ii);  
 Article 11, paragraph 1 e (i), f (ii), paragraph 2;  
 Article 12, paragraph 1 a;  
 Article 13, paragraph 1 c.

## **Article 8 – Education**

### *General issues*

71. In the first monitoring cycle, the Committee of Experts identified three structural problems that affected the availability and quality of regional or minority language education: the overall shortage of teachers qualified to teach in regional or minority languages, the lack of compulsory professional development courses and the lack of teaching materials produced specifically for regional or minority language education. The Committee of Experts encouraged 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. Furthermore, the Committee of Ministers recommended that the Serbian authorities “**strengthen teacher training and provide adequate teaching materials for all regional or minority languages**”.

72. According to the second periodical report, in 2007 the authorities adopted a strategy on specialised education development, which deals with issues related to the general further training and professional development of teachers. As for regional or minority language teachers, the authorities propose as a solution the cooperation with other states pursuant to agreements in the fields of education and protection of national minorities. No specific information is provided with respect to the practical implementation of this initiative. With respect to teaching materials the authorities refer to the new Law on Textbooks and other Teaching Aids, which regulates the publishing of textbooks in regional or minority languages, as well as their import from other states. They also underline the role of the National Councils of National Minorities in preparing the textbooks.

73. The Committee of Experts has been informed however that in practice the problems identified in the first evaluation report have not been solved. According to the representatives of the speakers, there is still a shortage of teachers with respect to Hungarian education, as well as a lack of teachers for certain subjects (history, mathematics, geography, physics, chemistry, biology and English) in Romanian.

74. As for further training of teachers, the representatives of the speakers have pointed out that, for example, only one seminar for teachers involved in Romanian-language education has been organised in Serbia and the certificates attained in Romania are still not recognised. The problem related to the recognition of certificates has also been raised with reference to Croatian.

75. With respect to teaching materials, in most cases these are still translated from Serbian and with significant delays. Textbooks may be imported from abroad, upon approval, but this varies from one language to another. The imported textbooks cover only certain subjects or certain grades and with reference to Romanian, for example, the speakers have pointed out that they may only be used as additional teaching material and are also more expensive. Moreover, there are no pre-school teaching materials in Albanian and no textbooks in Bulgarian for third grade social sciences in primary school, the material used for the fourth grade has not yet been approved and adequate textbooks are still lacking for the entire secondary education, pending the educational reform.

***The Committee of Experts urges 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.***

76. The authorities have pointed out that new legal provisions have been adopted in Serbia in the reporting period (see paragraphs 137-140 of the 2<sup>nd</sup> periodical report). The 2009 Law on Fundamentals of Educational System provides that education for persons belonging to national minorities takes place in their mother tongue. Exceptionally, this may also be carried out bilingually or in Serbian. Primary and secondary schools may offer individual educational programmes for minority languages, too, for pupils who do not know the language of teaching. The Serbian authorities have also pointed out that, as part of their mandate, the National Councils of the National Minorities are involved at various levels in policy making in the minority language education.

## Paragraph 1

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

### **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;*

77. In the first monitoring cycle the Committee of Experts considered the undertaking fulfilled for Albanian, Bosnian, Bulgarian, Hungarian, Romani, Ruthenian and Slovak, partly fulfilled for Croatian and Romanian, and not fulfilled for Ukrainian. It encouraged the Serbian authorities to strengthen pre-school education for Croatian and Romanian and to provide pre-school education in Ukrainian.

78. According to the second periodical report, pre-school education entirely in **Albanian**, as well as bilingual education is available. Bilingual groups were organised for the first time in the reporting period. However, the number of children attending pre-school education in Albanian decreased to 843 in the 2009/2010 school year.

79. Pre-school education in **Bosnian** is organised in Novi Pazar by the Islamic Community Board and it is attended by 140 children.

80. With regard to **Bulgarian**, 330 children attend bilingual education, as in the previous monitoring cycle.

81. The number of children attending pre-school education in **Croatian** increased from ten to 58 in 2009/2010, while the number of those taking part in bilingual education dropped from 53 to 20. The overall number has thus slightly increased (by 15). The Committee of Experts still considers these numbers to be extremely low considering the number of Croatian-speakers.

82. The number of children attending pre-school education in **Hungarian** dropped from 4,680 in the previous monitoring cycle to 4,447 in 2009/2010. However, the number of children attending bilingual education has increased from 510 to 946.

83. With regard to **Romani**, according to the second periodical report, no pre-school education in Romani is organised in Serbia. However, the authorities state that in Vojvodina, in 2007/2008 and 2008/2009, approximately 1,000 children were involved annually in the programmes of care and education for children from six months to primary school age in Romani. In seven municipalities and two towns in Central Serbia, non-governmental organisations of Romani-speakers, supported by donations, organise bilingual education in Serbian and Romani for Romani-speaking children. In the two towns, between 55 and 230 children have attended this form of pre-school education.

84. The number of children attending pre-school education in **Romanian** dropped from 189 to 138 in 2009/2010, while the number of children attending bilingual education increased from 57 to 106. The overall situation remains the same. The Committee of Experts maintains its opinion that these numbers are extremely low considering the number of Romanian-speakers in Vojvodina.

85. 171 children attended pre-school education in **Ruthenian** in 2009/2010, a slight decrease compared to the previous monitoring cycle.

86. With regard to **Slovak**, the number of children attending pre-school education entirely in this language decreased to 785 in 2009/2010, while the number of those taking part in bilingual education slightly increased to 66. The Committee of Experts considers the overall number of 851 children relatively low bearing in mind the number of Slovak-speakers in Vojvodina.

87. There is still no pre-school education in **Ukrainian**. According to the authorities, parents have expressed no interest for education in Ukrainian for their children. The Committee of Experts recalls (see under Article 7.1.f) that more awareness-raising about the virtues of, and opportunities for, bilingual education is needed, as parents are sometimes under the impression that bilingual teaching would be cumbersome and counterproductive for the development of their children. It could be envisaged, for example, that the responsible authorities regularly provide parents of newly-born children with an information package about the opportunities of mother-tongue or bilingual education in the minority languages concerned. The authorities also state that a *Ukraine Language Summer School* is organised, offering various activities on the basis of different curricula for different age groups. Teachers from Ukraine are also invited to hold classes, since there are not enough trained teachers in Serbia for all the activities involved.

88. The Committee of Experts maintains that the undertaking is fulfilled for Albanian, Bosnian, Bulgarian, Hungarian, Ruthenian and Slovak and partly fulfilled for Croatian and Romanian. It considers the undertaking partly fulfilled for Romani and not fulfilled for Ukrainian. The Committee of Experts urges the Serbian authorities to strengthen pre-school education for Croatian, Romani (Central Serbia) and Romanian and to offer pre-school education in Ukrainian.

### **Primary education**

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

89. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. Nevertheless it encouraged the Serbian authorities, in co-operation with the speakers, to strengthen primary education for Croatian and Romanian and also to provide in the next periodical report more detailed information with regard to measures taken to promote Romani primary education in Central Serbia.

90. According to the second periodical report, the number of children attending primary education in **Albanian** dropped from 9,173 in 2006/2007 to 8,327 in 2009/2010.

91. With regard to **Bosnian**, the number of pupils attending teaching of Bosnian with elements of national culture has increased, reaching 10,644 in the 2009/2010 school year. However, in the first evaluation report, the Committee of Experts had noted that a demand for Bosnian primary education in the municipalities of Priboj and Nova Varoš seemed to exist, but no teaching of Bosnian took place. According to the representatives of the Bosnian-speakers, the situation has remained unchanged.

92. With respect to **Bulgarian**, the Committee of Experts had been made aware in the first monitoring cycle that there was a need for Bulgarian-medium education also in Dimitrovgrad, although it was unclear whether a request to this end had been made. According to the second periodical report, primary education in Bulgarian has been made available both in Bosilegrad and Dimitrovgrad, in two schools and was attended in 2009/2010 by 46 pupils. The number of children attending teaching of Bulgarian with elements of national culture in Bosilegrad and Dimitrovgrad decreased to 1,330 in 2009/2010. Teaching of Bulgarian with elements of national culture has been introduced at one primary school in Ivanovo (town of Pančevo) and is attended by 16 pupils from the fifth to the seventh grade. The subject is not offered in the first four grades, as no adequate textbooks exist.

93. The number of children attending primary education in **Croatian** has increased from 197 to 319. The number of pupils attending Croatian with elements of national culture also slightly increased to 374 in 2009/2010. However, the Committee of Experts maintains that the number of pupils attending Croatian-language primary education is extremely low given the number of Croatian-speakers in Bačka. According to the representatives of the Croatian-speakers the low numbers of children attending primary education in Croatian are due to the lack of textbooks and of teachers. The authorities have informed the Committee of Experts that the import

and use of certain textbooks and workbooks from Croatia has been approved. Consultations are also underway concerning the status of the teachers from Croatia teaching in Serbia pursuant to the bilateral agreement in the fields of culture, education and sport.

94. The number of children attending primary education in **Hungarian** has dropped from 17,128 to 16,168. The number of pupils learning Hungarian with elements of national culture has also decreased from 2,088 to 1,463.

95. With respect to **Romani**, in the first evaluation report, the Committee of Experts commended the Serbian authorities for the efforts undertaken to promote Romani primary education in Vojvodina and encouraged them to provide more detailed information with regard to measures taken to promote Romani in Central Serbia. According to the second periodical report, 695 pupils attend classes of Romani with elements of national culture in Vojvodina, a number significantly lower than in the previous monitoring cycle (1,266). In relation to the absence of education in Romani, the authorities state that there is a need to select the variety of the Romani language, to approve subsequently textbooks and teaching materials and to train teachers. As for measures taken to promote Romani in Central Serbia, the authorities refer to the 105 pedagogical assistants employed in primary schools in the region. They have also informed the Committee of Experts that there are legal obstacles to approving primary education in Romani in Central Serbia and that an initiative to this end should be launched primarily by the National Council of the Roma National Minority, defining the number of pupils, the schools where Romani education should be organised and the persons responsible for drafting the textbooks. This information should be relayed to the authorities along with a request for a change in the Annual Curricula of Schools and proposals for changes and additions to the rules on educational degrees of teaching staff members who would teach in Romani.

96. The number of children attending primary-school classes in **Romanian** in Vojvodina has decreased from 1,444 to 1,258. These numbers still represent 60% of the Romanian-speaking pupils. The number of pupils learning Romanian with elements of national culture has dropped from 469 to 244. In Ovča (Belgrade-Palilula) primary teaching in Romanian has been organised for five pupils and teaching of Romanian with elements of national culture for twelve pupils. The representatives of the Romanian-speakers have expressed their concern about the merger of classes in the primary school in Kuštilj, where teaching in Romanian is organised, especially since they see this as the first step to the future closure of the school. They have also pointed out that a request for the independent running of the school in Torak/Torac was sent to the authorities three years ago, but no reply has been received.

97. The number of pupils attending primary education in **Ruthenian** has dropped from 607 to 523. There has also been a slight decrease to 266 in 2009/2010 of the number of pupils attending Ruthenian with elements of national culture.

98. The number of pupils attending primary education in **Slovak** has also decreased to 3,178 and the number of those attending teaching of Slovak with elements of national culture in Vojvodina remained nearly the same (620 in 2009/2010). Teaching of Slovak language with elements of national culture was also organised for 43 pupils from the first to eighth grades at a primary school in Boljevci/Bol'ovce (city municipality of Surcin).

99. With regard to **Ukrainian**, the number of children attending teaching of the language with elements of national culture has remained nearly the same (114 in 2009/2010). Ukrainian with elements of national culture was taught for the first time in 2009/2010 for 25 pupils in Budisava (local community in the territory of Novi Sad).

100. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Ruthenian, Slovak and Ukrainian. Nevertheless, it again encourages the Serbian authorities, in co-operation with the speakers, to strengthen primary education for Croatian and Romanian. The Committee of Experts considers the undertaking partly fulfilled with respect to Romani. It encourages the authorities to take measures to promote Romani primary education in Central Serbia.

### **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;*

101. In the first monitoring cycle, the Committee of Experts considered this undertaking fulfilled for Albanian, Bulgarian, Hungarian, Ruthenian and Slovak and partly fulfilled for Romanian. It was not in a position to conclude on the fulfilment of this undertaking with regard to Bosnian, Croatian, Romani and Ukrainian. The Committee of Experts encouraged the Serbian authorities to strengthen secondary education for Romanian and to provide in the next periodical report information about the application of the present undertaking to Bosnian, Croatian, Romani and Ukrainian.

102. According to the second periodical report, the number of children attending secondary education in **Albanian** has significantly increased, from 1,041 to 2,431 pupils, at two grammar schools in Bujanovac and Preševo/Preshevë.

103. There is no teaching in **Bosnian** or teaching of Bosnian at secondary level.

104. With regard to **Bulgarian**, in 2009/2010 25 pupils attended secondary education in Bulgarian at one grammar school in Dimitrovgrad. However, according to the representatives of the Bulgarian-speakers, for 2010/2011 a similar class has not been approved. The number of pupils attending Bulgarian with elements of national culture decreased to 490 in 2009/2010.

105. Secondary education in **Croatian** is organised at one grammar school in Subotica and was attended by 32 pupils in 2009/2010. Teaching of Croatian with elements of national culture was not organised in 2007-2009.

106. The number of pupils attending secondary education in **Hungarian** has remained nearly the same (1,140).

107. There is no secondary education in **Romani** or teaching of Romani. The authorities refer to the same issues as in the case of primary education: the need to select the variety of the Romani language, and subsequently to approve textbooks and teaching materials and train teachers. The authorities also state that teaching of Romani with elements of national culture is optional in secondary schools and it is financed by the local administrations, depending on the number of interested students and financial resources at local level.

108. With regard to **Romanian**, 119 pupils attended secondary-school teaching in Romanian in Vršac/Vârșeț in 2009/2010, while 28 pupils in Vršac/Vârșeț and Kovačica attended classes teaching Romanian with elements of national culture. Although the overall number has slightly increased (by 27), the Committee of Experts maintains its view that it is extremely low considering the number of Romanian-speakers.

109. The number of pupils attending secondary education in **Ruthenian** has slightly decreased (60 in 2009/2010). Teaching of Ruthenian with elements of national culture has been organised since 2007/2008 at one grammar school in Novi Sad and in Šid since 2008/2009. In both schools it was attended by 41 pupils in 2009/2010.

110. The number of pupils attending secondary education in **Slovak** also decreased to 344 in 2009/2010. The number of pupils attending Slovak with elements of national culture has remained the same (34).

111. No secondary education in **Ukrainian** or teaching of Ukrainian is provided, according to the authorities due to a lack of interest from the pupils. The authorities also inform the Committee of Experts that teaching of Ukrainian with elements of national culture is optional in secondary schools and it is financed by the local administrations, depending on the number of interested pupils and financial resources at local level (see also paragraph 108 above).

112. The Committee of Experts considers the undertaking fulfilled for Albanian, Bulgarian, Hungarian, Ruthenian and Slovak, partly fulfilled for Croatian and Romanian and not fulfilled for Bosnian, Romani and Ukrainian. It encourages the authorities to take measures, including awareness raising measures and financial measures, to provide, within secondary education, at least for the teaching of Bosnian, Romani and Ukrainian, as an integral part of the curriculum to those pupils who so wish in a number considered sufficient.

### **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;

113. In the first monitoring cycle, the Committee of Experts considered this undertaking fulfilled for Albanian and Hungarian and partly fulfilled for Romanian and Slovak. It was not able to reach a conclusion regarding Bosnian, Bulgarian, Croatian, Romani, Ruthenian and Ukrainian. Therefore, the Committee of Experts encouraged 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.

114. According to the second periodical report, the number of pupils attending technical and vocational education in **Albanian** decreased to 1494 in 2009/2010.

115. With regard to **Bosnian**, one religious school in Novi Pazar provides education in Bosnian.

116. Since 2009/2010 teaching in **Bulgarian** has been organised at the Secondary School for Tourism in Dimitrovgrad for 16 pupils. Teaching of Bulgarian with elements of national culture takes place at two schools in Bosilegrad and Dimitrovgrad and is attended by 161 pupils.

117. With regard to **Croatian** technical and vocational education, the Committee of Experts has been informed by the authorities that since 2010/2011 three courses at the School of Polytechnics in Subotica are taught in Croatian as well.

118. The number of pupils attending technical and vocational education in **Hungarian** decreased from 5,484 to 5,362 in 2009/2010. Teaching of Hungarian with elements of national culture was organised in 2007 for four pupils in Subotica/Szabadka and five pupils in Temerin, as well as in 2008 for three pupils in Ada.

119. With respect to **Romani**, the authorities have informed the Committee of Experts that teaching of Romani with elements of national culture is optional in secondary schools and it is financed by the local administrations, depending on the number of interested students and financial resources available at local level. The Committee of Experts has however no specific information concerning the teaching of Romani within technical and vocational education.

120. With regard to **Romanian**, the number of pupils attending technical and vocational education in Romanian in Alibunar increased slightly from 107 to 118 in 2009/2010. The Committee of Experts maintains that this number is low considering the number of Romanian-speakers.

121. Teaching of **Ruthenian** with elements of national culture was organised for the first time in 2008/2009 for two pupils at the medical school in Novi Sad.

122. With regard to **Slovak**, the number of pupils attending technical and vocational education in Slovak has remained nearly the same (97 in 2009/2010). The Committee of Experts considers that these numbers are extremely low considering the number of Slovak-speakers.

123. With regard to **Ukrainian** the authorities have informed the Committee of Experts that teaching Ukrainian with elements of national culture is optional in secondary schools and it is financed by the local administrations, depending on the number of interested students and financial resources available at local level. The Committee of Experts has however no specific information concerning the teaching of Ukrainian within technical and vocational education.

124. The Committee of Experts considers the undertaking fulfilled for Albanian, Bulgarian, Hungarian, partly fulfilled for Bosnian, Croatian, Romanian, Ruthenian and Slovak and not fulfilled for Romani and Ukrainian. It urges the Serbian authorities to strengthen technical and vocational education for Bosnian, Croatian, Romanian, Ruthenian and Slovak and to take measures to ensure the application of this undertaking for Romani and Ukrainian.

### **University and higher education**

e ...

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

125. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled for all languages. However, it encouraged the Serbian authorities to provide information about the number of students studying Bosnian and Croatian at university and in higher education.

126. According to the information received in the second monitoring cycle, in 2009/2010 40 students attended courses at the State University's Department of Philosophic-Philological Studies in Novi Pazar, within the Department of Serbian Language and Literature, where **Bosnian** is an optional subject. The studies may lead to a degree in Serbian language, in Bosnian language or, the most frequent choice of students, in Serbian-Bosnian languages. 30 students were enrolled in 2009/2010 at the University of Novi Pazar, in the Department of Serbian/Bosnian Languages as Teaching Subjects, where Bosnian is also an optional subject and the studies may lead to a degree of teacher of Serbian or teacher of Bosnian.

127. As regards **Croatian**, no information is provided on the number of students studying the language at the Department of South Slavic Philology of the Faculty of Philology in Belgrade.

128. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled for all languages. Nevertheless, the authorities are requested to provide information on the number of students studying Croatian as a higher education subject.

### **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;*

129. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled for Hungarian and Romani. It was 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 encouraged the Serbian authorities to provide information in the next periodical report on measures taken in order to promote adult education for all Part III languages.

130. No such information is provided in the second periodical. With respect to **Hungarian**, the authorities refer again only to the number of persons involved in adult education in Hungarian as a teaching language (93). As for **Romani**, the authorities report on the number of Roma attending education for adults either in Serbian or Hungarian.

131. In light of this information, the Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled for Hungarian. It asks the authorities to provide specific information on the extent to which they favour and/or encourage the offering of Hungarian as a subject of adult and continuing education. The Committee of Experts considers the undertaking not fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Romanian, Ruthenian, Slovak and Ukrainian. Given the lack of specific information concerning Romani in adult education, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and requests further information in the next periodical report. The Committee of Experts urges the Serbian authorities to take measures to favour and/or encourage the offering of all Part III languages as subjects of adult and continuing education.

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

132. In the first evaluation report, the Committee of Experts considered the undertaking partly fulfilled, as the undertaking was implemented only for minority language-speaking pupils, who are taught the regional or minority language "with elements of national culture". It encouraged 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.

133. In the second monitoring cycle, the authorities have informed the Committee of Experts that in primary education, in multicultural communities, it is possible to depart to a certain extent from the regular curricula in history, music and visual arts, the world around us and the basics of the society and to present subjects from the history and culture reflected by the regional or minority languages in the area. It is not clear to the Committee of Experts to what extent this ensures the teaching of the history and the culture reflected by the regional or minority languages in practice. It therefore asks the authorities to provide specific information in this respect in the next periodical report.

134. The Committee of Experts has also been informed that the Serbian authorities have translated and disseminated teaching materials for the history of Romani-speakers, prepared by the Council of Europe. The Committee of Experts compliments the Serbian authorities for this.

135. The Committee of Experts considers the undertaking partly fulfilled.

## Article 9 – Judicial authorities

### *General issues*

136. In the first monitoring cycle, the Committee of Experts noted that as Romani and Ukrainian were not in official use in any municipality of Serbia, Article 9 of the Charter could not be applied to these languages. Referring to the general observations made with regard to the declaration by Serbia on the territorial application of the Charter, the Committee of Experts encouraged the authorities to take the necessary measures to ensure the application of Article 9 to these languages.

137. Regarding the other Part III languages, the Committee of Experts noted a decline in use before judicial authorities, mainly due to the lack of encouragement and occasionally discouragement of the speakers to use regional or minority languages in courts, as well as to practical obstacles, for instance shortage of staff who spoke these languages and financial problems. However, the Serbian authorities had already taken measures to address especially the problems related to the shortage of staff. The Committee of Experts encouraged them to pursue these commendable measures further. The Committee of Experts was also 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. It encouraged the Serbian authorities to actively inform citizens about the possibility of using a regional or minority language in courts. Furthermore the Committee of Ministers recommended that the Serbian authorities “**secure the implementation of [Article] 9, in particular regarding Romani and Ukrainian [...]**”.

138. In the second periodical report, the authorities do not provide any information on the use of Romani and Ukrainian in courts. They report on measures taken to increase the number of interpreters and judges for Romani and Ukrainian. According to the representatives of the speakers, Ukrainian has not been used in courts.

139. As to measures taken to actively inform citizens about the possibility of using a regional or minority language in courts, the authorities refer to the obligation of each court to inform the parties about the languages officially used in the territory of the court and to request the party to declare the language it chooses for the proceedings. They also report that, according to the legal provisions in force, at the entrance of the court buildings, the name of the court is written in the language and script in official use. If the court officially uses a regional or minority language, besides the Serbian language and the Cyrillic script, the text is written in accordance with the order envisaged by a special relevant law.

140. The authorities also mention that a brochure and a poster on *Judiciary Reform for All Citizens* have been printed by the Ministry of Justice and sent to courts to inform persons belonging to national minorities of their rights and the new network of courts.

141. No further information is provided with respect to the active encouragement of citizens to use a regional or minority language in courts, through bi- or multilingual notices and signs in court buildings, and information in public announcements or court forms. The authorities have however declared that in the future they intend to pay more attention to positive measures in order to facilitate the use of minority languages in courts. The Committee of Experts would welcome more information in this respect in the next periodical report.

142. A reform in the field of judiciary took place in the reporting period. The new Law on Seats and Regions of Courts and Public Prosecution Offices entered into force in January 2010 and the 138 municipal courts have been reorganised into 34 magistrate courts, each with its own court units. Specialisation within the network of courts has also been foreseen to strengthen the efficiency and quality of judgements. The Law on Judges and the Law on Public Prosecution Offices forbid discrimination and provide that the national composition of the population, the adequate representation of the members of the national minorities and the knowledge of the professional legal terminology in minority languages shall be taken into consideration when electing and proposing candidates for judges and prosecutors.

143. However, the Committee of Experts has been informed during the on-the-spot visit that representatives of the speakers of most languages are dissatisfied with the judicial reform. In the case of Albanian, the number of Albanian-speaking judges appointed in Vranje, which covers the municipalities of Preševo/Preshevë and Bujanovac, is too low according to the speakers and the use of Albanian is



increasingly difficult in the larger court units. According to the Bulgarian-speakers, criminal as well as other proceedings are conducted in Pirot, and, although interpreters are used, the costs are borne by the party. No Romanian judges were appointed in the courts in Vršac/Vârșeț and Zrenjanin/Zrenianin, nor any candidates at the Prosecution Office. The representatives of the Hungarian-speakers still see as a problem the fact that 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, as well as the fact that the minutes and decisions have to be concurrently drawn up in Serbian. The representatives of the Slovak-speakers have also informed the Committee of Experts that knowledge of Slovak was not taken into consideration when appointing judges in areas where the language is in official use.

144. The Committee of Experts notes that there are still practical problems related to the use of regional or minority languages in courts. As to the judicial reform, the Committee of Experts points out that the reorganisation must not constitute an obstacle to the promotion of regional or minority languages. Citizens should be actively encouraged to use regional or minority languages in court.

145. The second periodical report also states that the amended Article 11 paragraph 3 of the Law on Official Use of Language and Script provides that official use of languages of national minorities also implies in particular, *inter alia*, the use of languages of national minorities in administrative and court proceedings and conduct of administrative and court proceedings in minority languages.

### 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;*

146. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian and Slovak, although there seemed to exist practical obstacles in exercising the right to use these languages. It encouraged the authorities to provide information on measures taken to overcome these practical obstacles. The Committee of Experts was not in a position to conclude with regard to Romani, Ruthenian and Ukrainian. It encouraged the Serbian authorities to provide information in the next periodical report on steps taken to guarantee the accused the right to use these languages in practice.

147. In the second periodical report, the authorities provide information on the use of Hungarian and Romanian in a number of cases for the entire criminal proceedings or by the accused. They also report that Albanian has been used by the accused in criminal proceedings. The authorities also state that regional or minority languages have been used by the accused in cases at the Novi Sad/Újvidék/Nový Sad High Court and the Subotica/Szabadka High Court, where Croatian, Hungarian, Ruthenian and Slovak are used. However, it is unclear which of these languages is concerned, which makes it impossible for the Committee of Experts to reach a conclusion about the practical fulfilment of this undertaking concerning Ruthenian.

148. No information concerning Romani and Ukrainian is provided in the second periodical report. According to the representatives of the speakers, Romani has, however, been used in two cases in Subotica and one case in Novi Sad.

149. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled for Albanian, Bosnian, Croatian, Hungarian, Romanian and Slovak. It has not enough information to conclude with respect to Bulgarian, Romani, Ruthenian, and Ukrainian and asks the authorities to provide information about the application of this undertaking to these languages.

**a** ...

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

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

150. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Ruthenian and Slovak. It encouraged the Serbian authorities to provide information regarding Romani and Ukrainian.

151. No information concerning Romani and Ukrainian is provided in the second periodical report. With respect to other languages, the authorities inform the Committee of Experts that Hungarian and Romanian have been used in a number of cases for the entire criminal proceedings and that in one case one witness used Albanian. Regional or minority languages have been used by witnesses or participants at the Municipal Courts in Alibunar and Kovačica/Antalfalva, as well as at the Novi Sad/Újvidék/Nový Sad High Court, where Hungarian, Romanian, Ruthenian and Slovak are used.

152. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled for Albanian, Bosnian, Croatian, Hungarian, Romanian, Ruthenian and Slovak. It has not enough information to conclude with respect to Bulgarian, Romani and Ukrainian and asks the authorities to provide information about the application of this undertaking to these languages.

***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;***

153. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled for Bosnian, Bulgarian, Croatian, Hungarian, Romanian and Slovak. It encouraged the authorities to provide information regarding Albanian, Romani, Ruthenian and Ukrainian.

154. In the second periodical report, the authorities state that Albanian has been used in two cases, by a party and by a witness respectively. They also report on cases in which Hungarian, Romanian and Slovak have been used either for the entire civil proceedings or by the parties or witnesses. The authorities also refer to the use of minority languages in cases at the Municipal Courts of Alibunar and Kovačica/Antalfalva, as well as at the High Court in Subotica/Szabadka, where Croatian, Hungarian, Romanian and Slovak are in official use. In the High Court in Subotica/Szabadka, the court only covered expenses in four cases.

155. No information is provided with respect to Romani, Ruthenian and Ukrainian. The authorities state that there are no available data on the use of these languages in court.

156. The Committee of Experts considers the undertaking fulfilled for Albanian, Bosnian, Croatian, Hungarian, Romanian and Slovak. It has not enough information to conclude with respect to Bulgarian, Romani, Ruthenian and Ukrainian and would welcome more information on the implementation of this undertaking.

***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;***

157. In the first evaluation report, the Committee of Experts was not in a position to conclude with respect to this undertaking and encouraged the Serbian authorities to provide information in the next periodical report about the actual oral use of the Part III languages as far as hearings are conducted in administrative disputes.

158. No information on the actual oral use of regional or minority languages in administrative matters is provided in the second periodical report. The authorities report that the new Law on Administrative Disputes, adopted at the end of 2009, provides that the rules governing the civil proceedings, including those concerning the use of language and script, shall apply accordingly to procedural matters not regulated by it.

159. The Committee of Experts is again not in a position to conclude with respect to this undertaking. The authorities provide no information concerning the actual oral use of the Part III languages as far as hearings are conducted in administrative disputes. The Committee of Experts asks the Serbian authorities to provide further information in this respect in the next periodical report.

## **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*

160. In the first monitoring cycle, the Committee of Experts did not receive any specific information about this undertaking. It reserved its conclusion until it had received the relevant information in the next periodical report.

161. In the second monitoring cycle, the Committee of Experts has been informed that there are no recorded cases of courts denying the validity of legal documents because they were drafted in a regional or minority language.

162. The Committee of Experts considers the undertaking fulfilled.

### Paragraph 3

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

163. In the first evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It noted the lack of balance in the implementation of the undertaking for the different Part III languages, as well as the absence of a general legal obligation to make available in regional or minority languages the most important national statutory texts and of a structured policy in this field. The Committee of Experts was of the view that the absence of translated laws hampered the development of the regional or minority languages in the legal field. It encouraged 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.

164. In the second periodical report, the authorities state that national statutory texts (e.g. the Constitution of the Republic of Serbia, the Law on Prohibition of Discrimination, the Law on the National Councils of the National Minorities) have been translated into the minority languages officially used in Vojvodina, i.e. Croatian, Hungarian, Romanian, Ruthenian and Slovak.

165. No further information concerning the other Part III languages is provided in the second periodical report. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled for Croatian, Hungarian, Romanian, Ruthenian and Slovak. The Committee of Experts asks the Serbian authorities to provide information concerning the other Part III languages in the next periodical report. It urges 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*

166. In the first evaluation report, the Committee of Experts noted that the application of most provisions of Article 10 to Romani and Ukrainian was not possible as neither of the languages was in official use at local level. It encouraged the Serbian authorities to take the necessary measures to ensure the application of Article 10 to Romani and Ukrainian. Furthermore, the Committee of Ministers recommended that the Serbian authorities “**secure the implementation of [Article] 10, in particular regarding Romani and Ukrainian [...]**”.

167. No information on measures taken to ensure the application of this article to Romani and Ukrainian is provided in the second periodical report. The authorities refer to the Law on National Councils of the National Minorities and to their role in approaching the local authorities and introducing the language in official use and state that a joint initiative of authorities in Vojvodina and National Councils of the Roma and Ukrainian minorities, aimed at introducing Romani and Ukrainian in official use in some municipalities, will follow.

### 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*

168. In the first evaluation report, the Committee of Experts noted that there was no general legal basis for the implementation of the undertaking and that in practice, citizens are regularly asked to produce, at their own expense, a Serbian translation of the documents submitted in a regional or minority language. According to the authorities, the shortcomings were due to the lack of linguistically trained staff. Therefore the Committee of Experts welcomed the adoption by the authorities of a plan to increase the participation of persons belonging to national minorities in state administration bodies. It also noted that awareness raising measures among civil servants on the right to submit oral or written applications in regional or minority languages (e.g. through internal circulars) were necessary. The Committee of Experts considered this undertaking formally fulfilled for Hungarian and not fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Romani, Romanian, Ruthenian, Slovak and Ukrainian. The Committee of Experts encouraged 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. Furthermore, the Committee of Ministers recommended to Serbian authorities to ensure that “ [...] **the Part III languages can be used in relations with local branches of the state authorities**”.

169. According to the second periodical report, the Law on the Official Use of Language and Script has been amended. It now provides that persons belonging to any national minority may communicate in the areas where their language is in official use with the state authorities and are entitled to receive a reply in that language. Previously this was only possible for members of a national minority whose population made up more than 2% of the total population of Serbia, which in practice only applied to Hungarian. The Committee of Experts welcomes this amendment as a first step towards the fulfilment of this undertaking. However, the authorities also explain that due to a lack of applications from the speakers, the undertaking has not been implemented in practice.

170. No further information is provided with respect to measures taken to raise awareness of the civil servants on the right to submit oral or written applications in regional or minority languages. According to the representatives of the minority language speakers, problems in practice persist, as institutions require documents to be submitted in Serbian and in Cyrillic script. This is the case, for example, with the Agency for Business Registers, responsible also for keeping the Register of Associations, which requires that documents are translated into Serbian and certified by a translator. The Ministry of Defence also requires that certificates confirming student status issued by universities are translated into Serbian and certified by a translator.

171. In view of the information received, the Committee of Experts considers the undertaking only formally fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Ruthenian and Slovak and not fulfilled for Romani and Ukrainian.

***The Committee of Experts urges the Serbian authorities to take the necessary measures to ensure that users of regional or minority languages may in practice submit oral or written applications in these languages to state authorities.***

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

172. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled, as the state authorities issued personal documents in the regional or minority languages (e.g. identity cards, health insurance booklets, diplomas). It nevertheless asked the Serbian authorities to submit information regarding other documents in the next periodical report.

173. No further information is provided in the second periodical report. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled, but asks the Serbian authorities to provide further information on documents drafted in regional or minority languages by administrative authorities 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;***

174. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled for Albanian, Croatian, Hungarian, Romanian, Ruthenian and Slovak and not fulfilled for Romani and Ukrainian. It was unable to conclude regarding Bosnian and Bulgarian. The Committee of Experts encouraged 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 and asked the Serbian authorities to provide information about the application of this undertaking to Bosnian and Bulgarian in the next periodical report.

175. In the second periodical report, the authorities provide information on the use of languages in administrative proceedings and on certificates from registry books and books of citizens issued in bilingual forms, both at the level of the local authorities. In these cases, Croatian, Hungarian, Romanian, Ruthenian and Slovak have been used. The Committee of Experts points out that the current undertaking covers a wide spectrum of documents and asks the authorities to provide further information in the next periodical report.

176. The authorities also report on applications submitted in Albanian.

177. With respect to Bosnian, the authorities refer to applications submitted in the municipality of Sjenica and state that their number is relatively low.

178. No information is provided in the report with respect to Bulgarian, Romani and Ukrainian. According to the Bulgarian-speakers, there is no encouragement to submit applications in the minority languages and the application forms are provided only in Serbian.

179. As to regional authorities (i.e. the provincial authorities in Vojvodina) applications received in a minority language are mostly in Hungarian.

180. The authorities also state that in Vojvodina, in most towns and municipalities where regional or minority languages are in official use, knowledge of the relevant minority language is a condition for employment and an exam is organised to this end. The certificate issued pursuant to this exam is also recognised by other institutions. The authorities also organise specialised language courses. 21 local authorities have permanently employed interpreters/translators.

181. Based on this information, the Committee of Experts considers that in relation to local authorities, the undertaking is fulfilled for Albanian, Bosnian, Croatian, Hungarian, Romanian, Ruthenian and Slovak and not fulfilled for Romani and Ukrainian. It has not enough information to conclude with respect to Bulgarian. The Committee of Experts asks the Serbian authorities to provide specific and structured information with respect to all languages in the next periodical report. In relation to regional authorities, the Committee of Experts considers the undertaking fulfilled in respect of Hungarian, formally fulfilled in respect of Croatian, Romanian, Ruthenian and Slovak and not fulfilled with respect to Romani and Ukrainian. It asks the authorities to provide specific information concerning the application of this undertaking in practice in Vojvodina in the next periodical report. For Albanian, Bosnian, Bulgarian and Romani (Central Serbia) the undertaking, in relation to regional authorities, is not applicable at present.

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

182. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled for Hungarian, Romanian, Ruthenian and Slovak, partly fulfilled for Croatian, and not fulfilled for Romani (Vojvodina) and Ukrainian. It was not in a position to conclude with regard to Albanian, Bosnian, Bulgarian and Romani (Central Serbia) and requested the Serbian authorities to clarify the application of this undertaking outside Vojvodina.

183. In the second monitoring cycle, the authorities inform the Committee of Experts that the only "regional authorities" in the legal system in Serbia are those of Vojvodina. Here decisions and other documents by the Assembly and the Executive Council are published in the official journal or on the websites of the authorities also in the official languages of the province, namely Croatian, Hungarian, Romanian, Ruthenian, Serbian and Slovak.

184. No regional authorities in Central Serbia exist and therefore no documents are published in regional or minority languages.

185. In light of the information received, the Committee of Experts considers the undertaking fulfilled for Croatian, Hungarian, Romanian, Ruthenian and Slovak. For Albanian, Bulgarian and Bosnian the undertaking is at present not applicable. It considers the undertaking not fulfilled for Romani and Ukrainian. It encourages the authorities to take measures to ensure the publication by regional authorities of their official documents also in Romani and Ukrainian.

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

186. In the first evaluation report, the Committee of Experts noted that although the local authorities are obliged to publish the decisions of local assemblies in the official journal in all official languages of a given municipality, there are practical problems due to a lack of translation departments and financial means. Also, it was not clear which other official documents were published in regional or minority languages. The Committee of Experts considered the undertaking partly fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Ruthenian and Slovak and not fulfilled for Romani and Ukrainian. It encouraged 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.

187. In the second periodical report, the authorities state that local authorities have increased costs related to translations and adequate computer programmes. The Law on Maximum Number of Employees in Local Administration also contains special provisions related to translators in the local authorities in whose territory minority languages are in use.

188. The authorities also refer to the publication of official documents in Albanian, Bosnian, Croatian, Hungarian, Ruthenian and Slovak, in the official journals of municipalities where these languages are in official use. The authorities also report on websites of local authorities, published also in minority languages for Albanian, Bulgarian, Bosnian, Croatian, Hungarian, Romanian and Slovak. There also seem to be some published documents of local authorities in Romani, but the Committee of Experts has not received conclusive information in this respect.

189. According to representatives of the Hungarian-speakers, however, problems in practice due to a shortage of staff and financial means still persist.

190. Based on the information received according to which there exists a wide-spread practice of publication of documents by local authorities in most of the regional or minority languages, the Committee of Experts considers the undertaking fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Ruthenian and Slovak. The Committee of Experts considers the undertaking not fulfilled for Ukrainian. It asks the Serbian authorities to provide specific information concerning Romani.

*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.*

191. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Ruthenian and Slovak. It encouraged 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 were used in practice. The Committee of Experts was not in a position to draw a conclusion with respect to Romani and Ukrainian and encouraged the Serbian authorities to clarify whether there existed place-names in Romani and Ukrainian which fall within the scope of this undertaking. Furthermore, the Committee of Ministers recommended that the Serbian authorities “**take the necessary legal and practical measures to ensure that [...] place names in the regional or minority languages can be used officially in conformity with the tradition and orthography of the languages concerned**”.

192. According to the second periodical report, place-names have been further designated in Albanian, Bosnian, Hungarian, Romanian and Slovak.

193. With respect to Bulgarian, the authorities state that the request of the National Council of the Bulgarian National Minority to the municipality of Dimitrovgrad to use traditional names has not yet been answered and that afterwards the National Council shall establish the traditional place-names in Bulgarian.

194. As for Croatian, eight place-names have been established for local communities in the municipalities of Subotica, Sombor, Apatin, Sremska Mitrovica and Šid.

195. Based on the information received, it is not clear to the Committee of Experts how many of the designated names are actually used in practice. Furthermore, the representatives of the speakers have informed the Committee of Experts that problems still persist with respect to place-names. According to the Bosnian-speakers, place-names in Bosnian are only used in Tutin. Place-names in Croatian are still not used in the locality of Novi Slankamen (municipality of Indija). According to representatives of the Romanian-speakers, several municipalities and local communities do not use their names in Romanian. This is the case of the municipalities of Plandište, Sečanj, Bela Crkva/Biserica Albă, Žitište, Kovin/Cuvin, Kovačica, the

town of Vršac/Vârșeț and the locality Sutjeska/Sărcia (municipality of Sečanj). Street or square names and frequently used institutions' names are not written also in Romanian in the municipalities where the language is in official use. As for Slovak, only place names at the entrance to a municipality are also in the minority language.

196. The authorities have informed the Committee of Experts, after consultations with representatives of Romani-speakers, that there are no traditional place-names in this language. Regarding Ukrainian, they state that the Ukrainian-speakers use phonetically modified Serbian names for towns. However, it is not clear to the Committee of Experts whether these phonetically modified place-names are traditional place-names in conformity with this provision that could be introduced in official use.

197. The Committee of Experts considers this undertaking partly fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Ruthenian and Slovak. The undertaking does not seem to be applicable regarding Romani at present. With regard to Ukrainian, the Committee of Experts asks the Serbian authorities to clarify in the next periodical report whether the Ukrainian language has traditional names for places inhabited by Ukrainian speakers in relevant numbers.

***The Committee of Experts urges the Serbian authorities to take steps to ensure that officially designated place-names in regional or minority languages are used in practice.***

### 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.*

198. In the first evaluation report, the Committee of Experts did not conclude on the present undertaking and asked the authorities to provide more concrete and language-specific information in the next periodical report.

199. In the second periodical report, the authorities state that although the Law on Public Services does not contain specific provisions (see also paragraph 203, 1<sup>st</sup> evaluation report), oral and written applications may be submitted to public services in regional or minority languages, as public services shall act according to the Law on General Administrative Procedure and the Law on Official Use of Language and Script. The companies providing public services (*Elektroprivreda Srbije, Panonske termoelektrane-toplane, Telekom Srbija*) have declared themselves ready to deal with requests in regional or minority languages. However, no such requests seem to have been submitted in practice. *Srbija PTT* has stated that it ensures the implementation of legal regulations in areas where regional or minority languages are officially used.

200. The Committee of Experts considers that there seems to be a legal basis for the implementation of this undertaking, but there is no information on the use of regional or minority languages for submitting requests to public services in practice. The Committee of Experts considers the undertaking formally fulfilled. The Committee of Experts encourages the Serbian authorities to take organisational and practical measures to ensure the possibility for users of regional or minority languages to submit requests to public services in these languages.

### 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.*

201. In the first evaluation report, the Committee of Experts had no information on how local and regional authorities which officially use a minority language 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. It was not in a position to conclude and invited the Serbian authorities to provide specific information in the next periodical report.

202. No such information is provided in the second periodical report.

203. The Committee of Experts is again not in a position to conclude with respect to this undertaking. It underlines that this provision refers to the way the authorities deal with requests from public service employees, whether in state, local or regional authorities or public services, having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.

#### 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.*

204. In the first evaluation report, the Committee of Experts noted some legal uncertainties and practical shortcomings with respect to this undertaking. The Committee of Experts considered that the legal basis for the use of family names in official records and the possibility of issuing bilingual forms needed to be clarified. The Committee of Experts also pointed out that the correct use of names was a basic aspect of the protection of regional or minority languages which directly affects their speakers and it was 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. In view of the very limited information regarding the practical implementation of that legislative framework, it considered the undertaking formally fulfilled and requested the authorities to provide further information in the next periodical report. Furthermore the Committee of Ministers recommended that the Serbian authorities **“take the necessary legal and practical measures to ensure that personal names [...] in the regional or minority languages can be used officially in conformity with the tradition and orthography of the languages concerned”**.

205. In the second periodical report, the authorities state that the amended Law on the Official Use of Language and Script provides that the persons belonging to national minorities may freely choose and use the names of their children, as well as enter these names in all public documents, official records and personal databases, according to the orthography of the language concerned, in parallel with Serbian orthography and script. In Vojvodina, the decision on precise regulation of certain issues on the official use of national minorities' language and script provides that persons belonging to national minorities may enter their names and the names of their children into the registry books in their original form in the script and according to the orthography of the language concerned. The Decision on multilingual forms of certificates from the registry books and entries in the same books allows the local authorities where minority languages are officially used to issue a certificate from the registry books in bilingual forms, if required, and in the way in which it had been originally entered in the registry books. If a name is only entered in the registry books in Serbian the registrar will inform the person on how to request that the name is also entered in the registry book in the original way, after the relevant administrative procedure.

206. A new Law on Registry Books was also adopted in 2009. The certificates from the registry books are issued on the basis of the data contained in the integral texts of the registry books, and they contain the latest data entered in the registry books, including the personal names. The instructions for the application of this law provide that the names of the columns of the certificates from the registry books may also be written in the minority language and script, at the back of the form. According to the Hungarian-speakers, this could lead to a contradiction with the decision and practice to issue bilingual forms in Vojvodina.

207. The authorities also inform of numerous applications for changing names in Hungarian.

208. No further information with respect to the practical implementation to each of the Part III languages is provided in the second periodical report. This is also the case for Albanian, Bosnian, Bulgarian, Romani and Ukrainian, for which the Committee of Experts had lacked information in the previous monitoring cycle. No information is provided with respect to measures taken to raise awareness of civil servants with respect to the use of the correct form of the name in the regional or minority language.

209. The Committee of Experts has been informed that in practice problems have persisted. According to the Albanian speakers, birth certificates in Vranje are issued in Serbian and in Cyrillic script and when identity cards are issued on their basis, mismatches occur in writing the Albanian names. According to the Bulgarian-speakers, Bulgarian is not used in birth registers and marriage registers, because a person would have to apply for a name change. This includes, for example, the suffixes in the case of feminine names at marriage, which can only be added after a procedure on name changing. According to the representatives of the Bosnian-speakers, the orthography and script of Bosnian are not complied with in personal documents. With respect to Croatian, the speakers have pointed out that consistent application of Croatian is necessary, rather than simply copying the text in Latin letters. According to the speakers, Romani is not used at all. Personal documents are rarely issued in Slovak, except in Bački Petrovac/Báčsky Petrovec.



210. In view of the information received, the Committee of Experts maintains its previous conclusion that the undertaking is only formally fulfilled. It asks the Serbian authorities to provide specific information in the next periodical report.

***The Committee of Experts urges the Serbian authorities to take the necessary measures to ensure the practical use or adoption of family names in the regional or minority languages.***

## **Article 11 – Media**

211. In the first evaluation report, the Committee of Experts noted the overall impressive offer of radio and television in regional and minority languages in Serbia, in particular in Vojvodina. It considered the undertakings under a.iii, b.ii and c.ii, seen together, as fulfilled and asked for more concrete information in the next periodical report with regard to the situation in Central Serbia.

212. Also in the second monitoring round, despite the recent changes in the media system, this good record persists and public and private broadcasting seen together provide a substantial offer of radio and television programmes in all regional and minority languages in Serbia.

### **General issues**

213. According to the Law on Broadcasting and the Distribution Schedule of Radio Frequencies, the Radio Broadcasting Agency has been issuing licences since 2006, based on a compulsory public tender. The authorities refer to the documentation submitted for the tender and state that an important number of applicants included programmes in minority languages in their schedule.

214. The Committee of Experts has been informed that in practice regional or minority language media has been negatively affected by the privatisation process and by the allocation of frequencies and issuing of broadcasting permits, pursuant to various legal changes. Only a third (404) of the total number of applicants (1,170) for national, provincial, regional and local broadcasting licences received them. Radio stations broadcasting in minority languages, for instance Radio Apatin, Radio Bačka Topola and Radio Kovin, have lost frequencies. Radio Subotica has lost two of its three frequencies, which has led to a decrease in the amount of programmes in regional or minority languages. No local frequencies had been foreseen for Zrenjanin. According to the speakers, no frequency has been foreseen for media broadcasting in Bosnian. One other problem the representatives of the speakers pointed out is that in practice, many broadcasters do not maintain the minority language programmes, which they introduce in their offer only to receive broadcasting frequencies or funds. The Committee of Experts has also been informed that there are contradictions in the legal provisions regulating the media sector. For instance the Law on Local Self-Government and the Law on National Councils of National Minorities allow these entities to establish broadcasting media, which is inconsistent with the Law on Broadcasting and the Law on Public Information. The same problem arises in respect of the draft Law on Illicit Joining and the Publicity of Ownership of Public Media. The Committee of Experts underlines the importance of the coherence among the various legal acts mentioned above and invites the Serbian authorities to comment on these issues in the next periodical report.

215. The Committee of Experts encourages the Serbian authorities to ensure that legal changes in the media sector do not negatively affect the offer of programmes in regional or minority languages.

### **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;***

216. In the first monitoring cycle, the Committee of Experts was informed that Serbia was privatising local television and radio broadcasters. It noted that the lack of regulatory measures ensuring that the broadcasters concerned would continue to make adequate provision for programmes in the regional or minority languages could have serious repercussions on the future situation of these programmes. The Committee of Experts encouraged 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.

217. According to the second periodical report, the authorities have decided to adjourn the privatisation of broadcasters offering programmes in regional or minority languages. Prior to this decision, a third of the broadcasting media had already been privatised. The Rules on the Method of Privatisation of radio and/or television stations of local and regional communities provide however that broadcasters who offer programmes

in regional or minority languages are under an obligation to maintain the programme concept. Furthermore, the Law on Local Self-Government, adopted in 2007, allows municipalities to establish radio stations and television channels in order to broadcast programmes in the regional or minority languages which are in official use, as well as in regional or minority languages which are not in official use, if the broadcasted programme refers to the achieved level of minority rights.

218. However, the Committee of Experts has been informed that the process of privatisation has significantly affected the broadcasting of programmes in regional or minority languages. Two of the radio stations broadcasting in regional or minority languages in Vojvodina, Radio Subotica and Radio Srbobran, were among the first to be included in the privatisation and they had no licence to broadcast during the whole process. Privatisation problems were also pointed out for Radio Sombor and Radio Bačka Topola. The case of Radio Subotica has drawn the special attention of both local and provincial authorities, as well as of non-governmental organisations.

219. In the first monitoring cycle, the Committee of Experts had also been informed about the poor sound quality of radio programmes in Bosnian, Romani, Romanian, Ruthenian, Slovak and Ukrainian and of television programmes in Hungarian, Bosnian, Romanian, Ruthenian and Slovak. It also noted that public broadcasting in regional or minority languages was generally affected by a lack of financial means, qualified journalists and modern equipment. The Committee of Experts invited the Serbian authorities to comment on these aspects.

220. According to the second periodical report, the Ministry of Culture, through annual tenders for co-financing media and productions in minority languages, funds projects covering *inter alia* the production of programmes, the training of journalists and the acquisition of equipment. Funds were also granted to projects concerning training of staff, including one aimed at training and employing Romani-speakers in media institutions. The Provincial Secretariat for Information of Vojvodina launched in 2009 a programme of scholarships for media students, aimed at improving the staff structure of public media institutions, but this has had few results in practice. Annually, the Provincial Secretariat of Information of Vojvodina also issues a tender for equipment, promotion of programmes and information to the public in minority languages. The authorities also acknowledge the reception problems of radio and television programmes in regional or minority languages, but do not propose any solutions for improvements.

221. The Committee of Experts has been informed that public broadcasters offering programmes in regional or minority languages, including RTV Vojvodina, are facing serious financial difficulties. The quality of the programmes, as well as the sound quality are not satisfactory for most of the regional or minority languages. According to representatives of minority language speakers, one problem is the lack of permanent and systematic funding for programmes in regional or minority languages, especially at local and regional level. The Committee of Experts notes that the problems identified in the first monitoring cycle persist. The Committee of Experts encourages the Serbian authorities to take measures to ensure adequate financial and technical conditions for broadcasters offering radio and television programmes in regional or minority languages.

222. In the second periodical report the authorities also provide information about radio stations and television channels broadcasting in regional or minority languages and receiving funds from the authorities, for the production of programmes and technical equipment.

223. At national level, Radio Belgrade broadcasts one programme in Romani. No programmes in regional or minority languages are broadcast by TV Belgrade. There is one weekly television programme (*Građanin*) dedicated to national minorities in Serbia. In Vojvodina, RTV Voivodina (TV Vojvodina and Radio Novi Sad) broadcast radio and television programmes – as far as Part III languages are concerned – in Hungarian, Romani, Romanian, Ruthenian, Slovak, Ukrainian and television programmes in Croatian.

224. One public television channel broadcasts four hours daily in **Albanian**. A public radio station used to broadcast 6.5 hours per day in Albanian, but it ceased to operate in 2009 and is currently waiting for a licence.

225. One public television channel, TV Tutin, broadcasts 24 hours daily in **Bosnian**. Regionalna TV Novi Pazar also broadcasts in Bosnian. The representatives of the speakers have expressed their wish for broadcasting of programmes in Bosnian by the public service of Serbia. The Committee of Experts has not been informed of any public radio stations broadcasting programmes in Bosnian.

226. One public television channel broadcasts 3.5 hours daily in **Bulgarian**, while one public radio station broadcasts 17 hours per day in Bulgarian.

227. The public television channel TV Vojvodina broadcasts six hours monthly in **Croatian** and three public radio stations broadcast from 30 minutes weekly to three hours daily in Croatian.

228. Three public television channels broadcast programmes in **Hungarian**. TV Vojvodina broadcasts 64 hours monthly in Hungarian, including replays and two other public television channels broadcast 30 minutes

daily in Hungarian. Eleven public radio stations broadcast programmes in Hungarian. Radio Novi Sad broadcasts 24 hours daily in Hungarian, Radio Subotica 18 hours, while nine other public stations broadcast programmes varying between one hour weekly to one hour daily. The Committee of Experts has been informed that Radio Subotica has now only one frequency instead of three and therefore it needed to reduce the amount of programmes in regional or minority languages. Also the quality of the programmes continues to be affected by the small number of journalists producing the Hungarian programmes.

229. Six public television stations broadcast programmes in **Romani**. TV Vojvodina broadcasts 58 hours monthly and five other TV stations (four in Central Serbia) broadcast short programmes in Romani (from 30 minutes weekly to four hours monthly). Eight public radio stations broadcast programmes in Romani. At national level, Radio Belgrade broadcasts 30 minutes daily in Romani. Radio Novi Sad broadcasts one hour daily in Romani. According to the speakers, the quality is very poor and the programme does not cover the whole territory where Romani is used. Six other radio stations broadcast programmes in Romani, from one to four hours weekly. Out of these, two are in central Serbia, but one has no licence since 2009.

230. Three public television channels broadcast programmes in **Romanian**. TV Vojvodina broadcasts 58 hours monthly, while two others broadcast from one hour weekly to 2.5 hours daily. The Committee of Experts has been informed by representatives of the Romanian-speakers that the programmes in Romanian still cannot be watched by Romanian-speakers in southern Banat. Seven public radio stations broadcast programmes in **Romanian**. Radio Novi Sad broadcasts five hours daily and six others broadcast from one hour weekly to 2.5 hours daily.

231. The public television channel TV Vojvodina broadcasts 58 hours monthly in **Ruthenian**. Four public radio stations broadcast programmes in Ruthenian: Radio Novi Sad broadcasts five hours daily and three other radio stations broadcast from 30 minutes weekly to 45 minutes daily. As in the previous monitoring cycle, 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. The representatives of the speakers have also pointed out the problem of the outdated technical equipment which the editorial offices in minority languages use in their activity.

232. Three public television channels broadcast programmes in **Slovak**. TV Vojvodina broadcasts 58 hours monthly and two others broadcast from one hour weekly to 2.5 hours daily. Seven public radio stations broadcast programmes in Slovak: Radio Novi Sad broadcasts five hours daily and six others broadcast from one hour weekly to six hours daily.

233. The public television channel TV Vojvodina broadcasts programmes in **Ukrainian** (30 minutes weekly). Three public radio stations broadcast programmes in Ukrainian: Radio Novi Sad broadcast 15 minutes daily and one additional hour weekly and two other stations broadcast one hour weekly.

234. The Committee of Experts refers to the concerns raised above concerning the possible future negative consequences in relation to the financial and technical conditions of broadcasters and underlines the importance of sustaining broadcasting in these languages. Nevertheless, it considers at present the undertaking fulfilled for Bulgarian, Croatian, Hungarian, Romani, Romanian, Ruthenian, Slovak and Ukrainian and, concerning television, also fulfilled for Albanian and Bosnian. There seem to exist problems for radio in Albanian and Bosnian and the Committee of Experts would like to receive information on further developments in this respect in the next periodical report.

*b ...*

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

235. No information on private radio stations broadcasting programmes in **Albanian** is provided in the second periodical report. According to the speakers, there are two radio stations in Bujanovac and one in Preshevo. The Committee of Experts understands that these have not received any support from the authorities.

236. With regard to **Bosnian**, the authorities state that there are plans to begin operating a radio station in Tutin, broadcasting 24 hours daily in Bosnian. According to the representatives of the speakers, two local private radio stations broadcast programmes in Bosnian, for five and twelve hours daily respectively.

237. No information concerning radio stations broadcasting programmes in **Bulgarian** is provided in the second periodical report.

238. According to the information received by the Committee of Experts, there is still no private radio station broadcasting programmes in **Croatian**.

239. One private radio station broadcasts exclusively in **Hungarian** and eleven others broadcast programmes in Hungarian.
240. Six private radio stations broadcast programmes in **Romani**, of which two are in Central Serbia, from one hour monthly to most of the day.
241. One private station broadcasts exclusively in **Romanian** and three private radio stations have Romanian-language programmes, from one hour weekly to four hours per day. The speakers have informed the Committee of Experts that the scope and quality of the programmes is not satisfactory and pointed out that some of the broadcasters only declared formally that they would broadcast in Romanian to obtain a frequency.
242. Four private radio stations broadcast programmes in **Ruthenian**, from 30 minutes weekly to 1.5 hours daily.
243. Six private radio stations broadcast programmes in **Slovak**, from 30 minutes weekly to almost 24 hours in Slovak. According to the representatives of the Slovak-speakers, many broadcasters do not maintain the minority language programmes, which they include in their offer only to receive frequencies and funds.
244. One private radio station now broadcasts programmes in **Ukrainian**, for one hour weekly. The Committee of Experts welcomes this development.
245. The Committee of Experts considers the undertaking fulfilled for Albanian, Bosnian, Hungarian, Romani, Romanian, Ruthenian, Slovak and Ukrainian and not fulfilled for Croatian. It has not enough information to conclude with respect to Bulgarian.
- c ...
- ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*
246. One private television channel in Preševo/Preshevë broadcasts 24 hours daily in **Albanian**. According to the speakers, there are also two television channels in Bujanovac broadcasting in Albanian. The Committee of Experts understands that these do not receive any support from the authorities.
247. One private television channel in Prijepolje broadcasts programmes in **Bosnian**. TV Universa from Novi Pazar also broadcasts twelve hours daily in Bosnian. The Committee of Experts understands that this has not received any support from the authorities.
248. One television channel (TV Pi Canal from Pirot) broadcasts a one-hour weekly programme in **Bulgarian**. The Committee of Experts understands that this has not received any support from the authorities.
249. One private television channel broadcasts programmes in **Croatian** (30 minutes weekly). The Committee of Experts notes that this is a decrease compared to the previous cycle and maintains that the programme is too short.
250. Two private television channels broadcast exclusively in **Hungarian**. Two other channels broadcast programmes in Hungarian, from 30 minutes weekly to twelve hours daily.
251. One private television channel broadcasts programmes in **Romani**, almost 24 hours daily.
252. One private television channel broadcasts twelve hours daily in **Romanian**. The representatives of the speakers refer also to other television channels broadcasting weekly programmes in Romanian. They have informed the Committee of Experts that the scope and quality of the programmes broadcast by private broadcasters is not satisfactory and pointed out that some of the broadcasters only declared formally that they would broadcast in Romanian to obtain a frequency.
253. One private television channel broadcasts 30 minutes weekly in **Ruthenian**.
254. TV Petrovac broadcasts 24 hours daily in Slovak. Two other private television channels broadcast programmes in **Slovak** (30 minutes weekly).
255. There are no private television channels broadcasting in **Ukrainian**.

256. The Committee of Experts considers the undertaking fulfilled for Albanian, Bosnian, Hungarian, Romani, Romanian, Ruthenian, Slovak, partly fulfilled for Croatian and Bulgarian and not fulfilled for Ukrainian. It encourages the Serbian authorities to take measures to extend the broadcasting of private TV programmes in Croatian and Bulgarian and to encourage and/or facilitate the broadcasting of television programmes in Ukrainian on a regular basis.

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

257. In the first evaluation report, the Committee of Experts had no information concerning funding schemes for the promotion and distribution of audio and audiovisual works in regional or minority languages and the volume of the funding. Therefore it was not in a position to give a full assessment on the fulfilment of the undertaking, but based its evaluation on information about support given to individual projects. The Committee of Experts encouraged the Serbian authorities to provide more comprehensive information concerning the funding in the next periodical report.

258. The Committee of Experts considered the undertaking fulfilled for Bulgarian, Croatian, Hungarian, Romani and Ruthenian. It was not in a position to conclude with respect to Albanian, Bosnian, Romanian, Slovak and Ukrainian and encouraged the Serbian authorities to provide more information in the next periodical report.

259. In the second periodical report, the authorities provide information concerning projects financed on the basis of tenders by the Ministry of Culture, the Provincial Secretariat of Information and the Provincial Secretariat of Culture of Vojvodina.

260. The authorities state that they have supported the **Albanian** version of one website and the activity of the editorial office in Albanian of the *Jug Press* regional information agency in Leskovac.

261. With regard to **Bosnian**, the authorities have supported the website of the National Council of the Bosnian National Minority. The Committee of Experts has been informed that the support has been granted only for one year.

262. The authorities have supported the production of a documentary film about the migration of Bulgarians. It is not clear however whether this documentary is in **Bulgarian**.

263. With respect to **Romanian**, the authorities have supported the production of a programme for children, one CD and one recording of Romanian music. Considering the number of Romanian-speakers, these measures are insufficient.

264. Regarding **Ruthenian**, the authorities state that they have supported the *Ruthen Press* news agency. On the basis of a tender for production and broadcasting of television programmes in the field of culture and art, the Provincial Secretariat of Culture of Vojvodina granted support to a television channel for the production and broadcasting of the *Rusinski magazin* television programme.

265. The authorities have supported the production of one television programme in **Slovak**. The Committee of Experts maintains that this measure is insufficient, given the size of the Slovak-speaking group.

266. No information is provided with respect to **Ukrainian**.

267. As to the other Part III languages, the Serbian authorities have supported the production of radio and television programmes, CDs, films and websites in **Croatian, Hungarian and Romani**.

268. The Committee of Experts would like to point out that this undertaking refers to the encouragement and/or facilitation of the production and distribution of audio and audiovisual works in the regional or minority languages. Therefore, based on the information received, the Committee of Experts considers the undertaking fulfilled for Croatian, Hungarian and Romani, partly fulfilled for Romanian, Ruthenian and Slovak and not fulfilled for Ukrainian. It has not enough information to conclude with respect to Albanian, Bosnian and Bulgarian. It encourages the authorities to increase support for Romanian, Ruthenian and Slovak and to encourage and/or facilitate the production and distribution of audio and audiovisual works in Ukrainian. It asks the authorities to provide more information with respect to Albanian, Bosnian and Bulgarian.

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

269. In the first evaluation report, the Committee of Experts noted that newspapers were published at least weekly in all regional or minority languages, apart from Bosnian, Romani and Ukrainian. However, based on concrete circumstances and the overall number of publications supported, the Committee of Experts considered the undertaking fulfilled for all languages.

270. According to the second periodical report, a newspaper in **Bosnian** is published weekly and receives support from the authorities.

271. There are one fortnightly and two monthlies in **Romani** and two monthlies and one quarterly in **Ukrainian**. However, the Committee of Experts underlines in this respect that a “newspaper” in conformity with the present undertaking has to be published at least weekly.<sup>4</sup>

272. The authorities have continued to provide support for an important number of newspapers and other publications in minority languages, although their number appears to have decreased compared to the previous monitoring cycle. Nevertheless, the authorities have supported one weekly and one children’s monthly in **Albanian**, one weekly, one fortnightly and one monthly for children in **Bulgarian**, one weekly and two monthlies in **Croatian**, one daily, six weeklies, three monthly and two quarterly publications in **Hungarian**, one weekly and three monthly publications in **Romanian** (two for children and youth, one art magazine), one weekly and two monthlies in **Ruthenian**, one weekly and two monthlies in **Slovak**. The authorities have also continued to provide support to publications covering various genres (literature, art, science, magazines for children) in Bosnian, Croatian, Hungarian, Romani, Romanian, Ruthenian, Slovak, Ukrainian.

273. The Committee of Experts has been informed that the newspapers in minority languages are facing serious financial problems. This problem has been especially pointed out by the representatives of the Bosnian-speakers, the Hungarian-speakers and the Romanian-speakers.

274. The Committee of Experts considers this undertaking fulfilled for Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Ruthenian and Slovak and not fulfilled for Romani and Ukrainian. It encourages the Serbian authorities to encourage and/or facilitate the creation of at least one newspaper in Romani and Ukrainian and the maintenance of the existing newspapers in regional or minority languages.

### 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.*

275. In the first evaluation report, the Committee of Experts was informed that the statute of the Public Broadcasting Service of Serbia provided 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. However, neither the Managing Board and Programme Board of Radio TV Novi Sad, nor the Managing Board of the Public Broadcasting Service of Serbia had representatives of minorities among the members. The Committee of Experts encouraged 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.

276. In the second periodical report, the authorities refer to the obligations of the public broadcasting agencies related to the interests of national minorities as well as to the supervision of these obligations. The authorities explain that these provisions guarantee the representation of the interests of the regional or minority language speakers, although the latter do not have any representatives on the board of directors or the programme boards of the public broadcasting agencies. The authorities also state that, according to the Law on the National Councils of the National Minorities, the national councils give opinions on the procedure of appointment of the members of the board of directors, the programme board and the managing director of the Radio Broadcasting Agency of Serbia and the Radio Broadcasting Agency of Vojvodina, if these agencies broadcast programmes in minority languages, set criteria for the appointment of the programme editor in charge of minority languages, propose to the board of directors of the broadcaster the appointment of the editor in charge of the programme in minority languages among the candidates who meet the criteria and give an opinion on the candidates.

277. The Committee of Experts considers the undertaking fulfilled, as the opinion of national minority councils is taken into account. Nevertheless, considering the strong presence of regional or minority languages in the media, the Committee of Experts invites the Serbian authorities to investigate the possibility of also representing the interests of the users of these languages in relevant media bodies.

## Article 12 – Cultural activities and facilities

### Paragraph 1

<sup>4</sup> Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of Serbia, paragraph 267; 2<sup>nd</sup> Report of the Committee of Experts in respect of the Slovak Republic, paragraph 654.

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

...

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

278. In the first monitoring cycle, due to the lack of information, the Committee of Experts was not in a position to conclude whether this undertaking was fulfilled.

279. In their second periodical report, the Serbian authorities indicate that they have provided grants to support the translation into Serbian of books written in Hungarian, Romani, Romanian, Ruthenian and Slovak. They have also supported the translation of two books from one minority language to another: *Zodijak* by Miroslav Demak from Slovak into Serbian, Hungarian, Romanian and Ruthenian, and *Polumjesec i čekić* by Robert Tili from Croatian into Hungarian.

280. Nevertheless, with regard to Albanian, Bosnian, Bulgarian and Ukrainian, no information has been provided.

281. While taking note of the examples regarding Croatian, Hungarian, Romani, Romanian, Ruthenian and Slovak, the Committee of Experts asks the Serbian authorities to inform whether there is a support scheme for translations into the other Part III languages.

**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;*

282. In its first evaluation report, the Committee of Experts considered this undertaking fulfilled for Hungarian, Romani, Romanian, Ruthenian and Slovak as the translation of books into these five languages was supported by the authorities.

283. In their second periodical report, the Serbian authorities have referred to the translation of works into Bulgarian, Hungarian, Romani, Romanian and Ruthenian.

284. While taking note of the examples regarding Bulgarian, Hungarian, Romani, Romanian and Ruthenian, the Committee of Experts asks the Serbian authorities to inform whether there is a support scheme for translations into the other Part III languages.

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

285. In the first evaluation report, the Committee of Experts had no information about the implementation of this undertaking and invited the Serbian authorities to report about it in their next periodical report.

286. Articles 16 -18 of the Law on the National Councils of the National Minorities give the National Councils the responsibility of establishing cultural institutions to maintain the specific cultural properties and national identity of the national minority concerned and exercise the rights and obligations of the founders. The national councils have the power to appoint one member of the board of directors of the institution concerned, give opinions on the proposed members of the board of directors and give an opinion on the procedure of appointment of the director of the institution concerned. They establish the strategy of cultural development of the national minority, prescribe what institutions and manifestations in the field of culture are of particular importance for the preservation, promotion and development of specific and national identity and propose at least one candidate for the common list of candidates for the election of the National Council of Culture and have other competences in the field of culture. Furthermore, the national councils of national minorities are active participants in the adoption of the final decision on co-financing in each tender procedure.

287. Therefore, the Committee of Experts considers this undertaking fulfilled.

## **Paragraph 2**

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

288. In the first evaluation report, the Committee of Experts did not receive any information about the implementation of this undertaking and invited the Serbian authorities to report about it in their next periodical report.

289. No specific information related to cultural activities in territories other than those in which the regional or minority languages are traditionally used is provided in the second periodical report.

290. Therefore, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and invites the Serbian authorities to report about it in their next periodical report.

#### **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;*

291. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled for Croatian, Hungarian and Romanian. It was not in a position to conclude for Albanian, Bosnian, Bulgarian, Romani, Ruthenian, Slovak and Ukrainian, due to lack of specific information. The Committee of Experts encouraged the Serbian authorities to engage in consultations with Croatia, Hungary and Romania to make the intergovernmental joint committees established by the bilateral agreements on the mutual protection of national minorities 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.

292. According to the second periodical report, the intergovernmental joint committee for national minorities with Croatia resumed its activity and the third and fourth meetings were organised in October 2009 and June 2010. However, the Committee of Experts has been informed by the representatives of the Croatian-speakers that the implementation of the adopted recommendations meets with difficulties in practice. The activity of the intergovernmental joint committee for national minorities with Hungary also resumed and a third meeting was organised in spring 2009. According to the representatives of the Hungarian-speakers the meetings of this body are rare and its recommendations are not implemented. The first meeting of the intergovernmental joint committee with Romania, dealing primarily with procedural matters, was organised in November 2009.

293. The authorities also report on co-operation agreements in the fields of education, culture and sports concluded with Croatia, Hungary, Slovak Republic and Ukraine. They also refer to a subsequent cultural co-operation programme between the Serbian and Slovak ministries of culture for 2010-2013. They report that a co-operation programme in the field of culture for 2009-2011 has been concluded by the two relevant ministries in Serbia and Ukraine and on that basis the Cultural Days of Serbia in Ukraine, involving the Ukrainian national minority in Serbia, were organised in 2009. A similar programme between Serbia and Hungary for 2010-2011 was prepared. The Committee of Experts notes that these programmes mostly address cultural activities, whereas the present undertaking refers also to education, information, vocational training and permanent education.

294. No information is provided in the second periodical report with regard to Albanian, Bosnian, Bulgarian, Romani and Ruthenian.

295. In light of the information received the Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled with respect to Croatian, Hungarian and Romanian. It considers the undertaking also partly fulfilled with respect to Slovak and Ukrainian and not fulfilled with respect to Albanian, Bosnian, Bulgarian, Romani and Ruthenian. The Committee of Experts encourages the Serbian authorities to strengthen the application of the present undertaking with respect to Croatian, Hungarian, Romanian, Slovak and Ukrainian. It also encourages the Serbian authorities to seek to conclude agreements with states where Albanian, Bosnian, Bulgarian, Romani and Ruthenian are used in identical or similar form, in such a way as to foster contacts between the users of these languages in the fields of culture, education, information, vocational training and permanent education.

- 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.*

296. In the first monitoring cycle, the Committee of Experts received no information about this undertaking and requested that the Serbian authorities provide it in the next periodical report.

297. According to the second periodical report, local authorities in Serbia have established cooperation with similar entities in Bulgaria, Croatia, Hungary, Romania and Slovakia. The Provincial Secretariat for Regulations, Administration and National Minorities of the Autonomous Province of Vojvodina co-operates with the Government of Hungary.



298. The Committee of Experts has received no information with respect to Albanian, Bosnian, Romani, Ruthenian and Ukrainian.

299. The Committee of Experts considers the undertaking fulfilled with respect to Bulgarian, Croatian, Hungarian, Romanian and Slovak. The Committee of Experts asks the Serbian authorities to provide information with respect to Albanian, Bosnian, Romani, Ruthenian and Ukrainian in the next periodical report.

## Chapter 4 Findings of the Committee of Experts in the second monitoring round

A. Serbia enjoys a rich linguistic diversity with 15 regional or minority languages, ten of which have been given special protection under Part III of the Charter: Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romani, Romanian, Ruthenian, Slovak and Ukrainian. The other languages are only covered by Part II: Bunjevac, Czech, German, Macedonian and Vlach. In the reporting period, Serbia has explicitly recognised that Bunjevac and Vlach are both covered by Part II of the Charter.

B. 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. In addition, in Vojvodina, a minority language can be in official use if 25% of the population in a local community within a municipality belong to a minority. 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 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 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. One example is the system of national minority councils which grants national minorities a certain level of autonomy in the fields of language and script, education, media and culture. All regional or minority language groups have set up such councils in the reporting period, which is also due to a successful awareness-raising campaign carried out by the authorities. However, due to the economic crisis, the financial allocations to the national councils have had to be reduced which limits the ability of the councils to effectively execute their tasks. Support for the national councils is of great importance and should therefore be strengthened.

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). Another reason is that there are within 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 utmost importance. In this context, it is to be welcomed that new regulations will be drafted which shall eliminate from school textbooks the presentation of certain national minorities in a stereotyped way.

E. 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. While the legal threshold of 15 pupils is too high for the requirements of the Charter, the authorities offer such education in practice even for very few pupils. 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 adequate teaching materials.

F. In general, the state of use on regional or minority languages before courts is relatively good, despite some problems in detail. There have also been some negative side effects of the general judicial reform which need to be addressed. However, the authorities have stated their intention to strengthen positive measures in order to further facilitate the use of minority languages in courts.

G. As regards the use of regional or minority languages in relations with administrative authorities, the Law on the Official Use of Language and Script has been amended. It now provides that persons belonging to any national minority may communicate in the areas where their language is in official use with the state authorities and are entitled to receive a reply in their language. Previously this was only possible for members of a national minority whose population made up more than 2% of the total population of Serbia, which in practice only applied to Hungarian. However, this legal possibility is not yet implemented in practice. Furthermore, there is still a lack of linguistically skilled staff.

H. Serbia has traditionally had a very high level of regional or minority language presence in radio and television broadcasts. The presence of Romani is especially impressive. The Serbian authorities support printed media in all Part III and some Part II languages.

I. There is a substantial offer of cultural activities and facilities relating to regional or minority languages, which are supported by the Serbian authorities.

J. Serbia has granted the same level of protection to all Part III languages in its ratification instrument. The ten languages covered by Part III differ widely with regard to the level of protection previously achieved. For some of the languages the ratification implies an improvement in 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. Since 2010, the speakers of *Albanian* are represented by a national minority council. The situation of Albanian in education remains on the whole good but has slightly declined in the media. A relatively high number of Serbia's undertakings under the Charter remain fulfilled for Albanian. However, there are shortcomings hampering the effective use of Albanian in relations with administrative authorities. Pursuant to the judicial reform, practical problems have arisen with respect to the use of Albanian in courts.

L. The presence of *Bosnian* in schools needs to be strengthened, especially in secondary education. The presence in the media has slightly improved, with television channels broadcasting programmes in Bosnian and a weekly newspaper.

M. The situation of *Bulgarian*-language education remains good, in particular at the lower levels. However, Bulgarian-medium education could still be strengthened. Bulgarian is present on public television and radio, as well as on private television. It is also used in the print media.

N. With regard to *Bunjevac*, the Serbian authorities have confirmed that Part II will apply. Bunjevac is taught in some primary schools within the models of minority-language education, but not at pre-school and secondary levels. While there is some presence of Bunjevac on radio, television and in the print media, it has not yet been introduced in official use in any municipality.

O. The Statute of the Autonomous Province of Vojvodina has been amended to the effect that the *Croatian* language and script is now also officially used by bodies and organisations of Vojvodina. 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. Since 2010, the speakers of *Czech* are also represented by a national minority council. The situation of Czech in the cultural field remains 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 within the models of minority-language education. In the media, two weekly local radio programmes are broadcast in Czech. In addition, a newsletter is published in Czech.

Q. *German* continues to have only a weak presence in public life. Apart from one bilingual kindergarten, German is only taught as a foreign language and not within the models of minority-language education. In the media, a weekly local radio programme is broadcast in German, but the allotment of television broadcasting time at RTV Vojvodina is still pending. There is no newspaper in German.

R. In respect of *Hungarian*, the Committee of Experts has maintained that almost all undertakings of Serbia under the Charter are fulfilled or partly fulfilled. However, this achievement is partly due, as in the previous monitoring cycle, to the fact that these undertakings, in particular those in education and the media, do not adequately reflect the favourable situation of Hungarian, and higher-level undertakings could be applied to this language.

S. The curriculum for teaching *Macedonian* with elements of national culture has recently been developed and there are plans to introduce such teaching. In the media, Macedonian continues to have 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 has continued to make commendable efforts in promoting *Romani*. It is particularly noteworthy that Romani is present 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. More efforts are needed with respect to education, particularly in Central Serbia.

U. At all levels of *Romanian*-language education, the number of pupils remains too low considering the size of the Romanian language group. 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* remains high, which is reflected by its official status in the Autonomous Province of Vojvodina, in municipalities and courts. 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 even in the municipalities of Bačka Topola, Pančevo and Zrenjanin/Zreňanin despite the very low local 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. There is still no *Ukrainian*-language education at pre-school, secondary and technical 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 television and in private radio.

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 within the models of minority-language education. 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 in to account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1173<sup>rd</sup> meeting on 11 June 2013, 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

### The Republic of Serbia's comments on the second 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, established pursuant to the Article 17 of the European Charter for Regional or Minority Languages (hereinafter: "the Charter"), adopted the Second Report on the Charter's Implementation in Serbia at the session held on 4 May 2011. The report contains proposed recommendations founded on the second cycle of monitoring the Charter's implementation, to be directed to Serbia by the Council of Europe's Committee of Ministers. In accordance with Article 16, Paragraph 3, the Committee of Experts has called upon the Serbian authorities to provide their comments on the Second Report's contents.

Serbia highly esteems the Committee of Experts' activities in the process of supervising the Charter's implementation and welcomes the cooperation it has established with the Committee of Experts during the preparation of the Second Report on the Implementation of the European Charter for Regional or Minority Languages in the Republic of Serbia (hereinafter: "The Second Periodical Report on the Charter's Implementation", reflected in preparation of the additional questionnaire which, in order to collect more detailed data, was sent to the Serbia authorities on 24 November 2010, as well as during the visit of the Committee of Experts' delegation to Serbia between 8 and 10 December 2010.

Serbia considers its compliance with obligations undertaken by ratification of the Charter very important, because preservation of linguistic diversity is one of the most valuable elements of its cultural heritage, contributing to maintenance and development of European cultural wealth and tradition. With that, Serbia is joining Europe in preservation and enhancement of the use of regional or minority languages, as one of the fundamental postulates of the European area's integration. Besides, preservation and development of minority languages as one of the key identity elements of national minorities – the speakers of minority languages – are part of the new minority policy pursued in the country within the process of building a democratic state based on rule of law. Having in mind all the above mentioned, Serbia is sincerely committed to compliance with obligations emanating from the Charter.

The national report on Charter implementation, which is the basis for monitoring, as well as the Report's supplement composed on the basis of the Committee of Experts' questionnaire, was developed and fully based on the principles of transparency.

The Second Periodical Report on the Charter's Implementation was published on the website of the Human and Minority Rights Directorate and made available to the public at: [www.ljudskaprava.gov.rs](http://www.ljudskaprava.gov.rs), which meets the obligation emanating from Article 2 of the Charter. Upon the completion of the second monitoring cycle, the Human and Minority Rights Directorate will publish on its website: the Committee of Experts' Second Report on the Charter's Implementation, the Republic of Serbia's Comments to the Report and the Recommendation of the Council of Europe's Committee of Ministers on the Charter's implementation in Serbia upon the basis of the second monitoring cycle.

Serbia considers that it is of utmost importance for the Charter's implementation to perpetuate an open and constructive dialogue with the bodies competent for its Charter implementation. In these terms, Serbia finds the Second Committee of Experts' Report based on expert analysis of the legal acts, policies and practice implemented in Serbia for minority languages.

Serbia's comments to the Committee of Experts' Second Report were prepared by the Human and Minority Rights Directorate within the Ministry of Human and Minority Rights, Public Administration and the Local Self-Government. During the process of comment development, relevant line ministries and provincial secretariats were consulted.

Starting from the fact that the authorities regularly cooperate with national minority councils as bearers of cultural autonomy in the realms of education, cultural information and the official use of language and script, as well with non-governmental organisations dealing with improvement and protection of minority languages and organisations gathering the representatives of minority language speakers, it is attentively noted that a range of observations and suggestions presented in the Committee of Experts' Second Report is known to the relevant authorities and their solutions are being actively sought.

Bearing in mind the positive nature of the Committee of Experts' Second Report, Serbia is providing the following comments:

## **II Comments on chapter 4 of the second report (sections A – Y)**

### **Section F**

**In general, the state of use of regional or minority languages before courts is relatively good, despite some problems in details. There have also been some negative side effects of the general judicial reform which need to be addressed. However, the authorities have stated their intention to strengthen positive measures in order to further facilitate the use of minority languages in courts.**

The Republic of Serbia's authorities, along with the already taken steps that the Committee of Experts was informed of during the period upon the development of the Second Periodical Report on the Charter's Implementation, are carrying on with the activities toward enhancement of the implementation of the use of minority languages in courts. Within the judiciary reform process in the Republic of Serbia, a special attention was paid to election of judges trained for proceedings in national minority languages, as well as to recruitment of court staff speaking some of the minority languages. According to the Ministry of Justice's data, the number of judges capable of presiding in proceedings in: Hungarian, at the Higher Court in Subotica – is 3, at the Basic Court in Subotica – 13, Novi Sad's Basic Court – 2; in Romanian, at the Basic Court in Pancevo – 2; in Slovakian, Pancevo's Basic Court – 1; in Albanian, Basic Court in Vranje – 5 and in Bulgarian, Basic Court in Vranje – 3.

In order to improve the rights of national minority members to the use of their respective native languages before judiciary bodies, in early 2011 the Ministry of Justice and the Provincial Ombudsman launched an initiative for professional training of judges to be able to preside in proceedings in national minority languages. The judges' training could be held at the Judicial Academy, supported by the Ministry of Justice and the Provincial Ombudsman, who has voiced readiness to coordinate the organisation of professional training within the free legal aid project. Both the Judicial Academy and the Supreme Cassation Court have been informed of this initiative.

In order to reinforce the measures of facilitating the use of minority languages in courts, new Court Rules of Procedure have been adopted, the implementation of which is monitored by the Ministry of Justice. Compared to the previous, these rules, implemented as of 2010, regulate proceedings and submission of decisions in national minority languages in more detail, and the novelty is in the obligation of proceedings' record keeping in minority languages.

**In order to avoid the unnecessary repetition regarding certain sections of Chapter 4 of the Second Periodical Report – the Committee of Experts' Findings in the second monitoring cycle, we would like to refer to the relevant replies presented in Chapters III and IV of our Comments:**

**Regarding Section C: reply to Paragraph 30**

**Regarding Section J: reply to Paragraph 17**

**Regarding Section Y: reply to Paragraph 14**

## **III Comments to chapters 1 and 2 of the second report**

### **Paragraph 10**

**A particular problem exists regarding the Bunjevac and Vlach languages which both reach the thresholds of 15% and 25% in several places. However, the Serbian authorities have informed the Committee of Experts that the Bunjevac and Vlach languages are not officially used in any unit of local self-government because they have not yet been standardised. The Committee of Experts notes that the concept of "official use" in Serbia covers not just written, but also oral communication with citizens for which standardisation is not necessary. Furthermore, there are plans to standardise the Bunjevac and Vlach languages during the coming years. Against this backdrop, the Committee of Experts is of the view that the Serbian authorities should consider flexible interim measures that would introduce official use of Bunjevac and Vlach and thus secure the implementation of the Charter.**

The Republic of Serbia's authorities deem the non-existence of standardised Bunjevac and Vlach languages a realistic obstacle to their introduction into official use in the local self-government units where national minority members reach the legally stipulated limits. Namely, by Article 11, Paragraph 3 of the Law on Official Use of Language and Script it is stipulated that the official use of language and script imply in particular: the use of national minority language in administrative and court procedures and the administrative and court proceedings run in the national minority language; the use of national minority language in communication between bodies with public competences and citizens; issuance of personal documents and keeping official records and personal data collections in national minority languages, accepting those documents in minority languages as valid; the use of national minority languages on voting tickets and electoral materials and use of national minority languages in the work of representative bodies.

It is therefore incontestable that the existence of standardised language is a prerequisite for implementation of this provision, in order to have written communication in a minority language, and the Republic of Serbia's authorities share the Committee's opinion that for spoken communication with the citizens language standardisation is not necessary.

Given that the Bunjevac and Vlach languages are not in official use in any local self-government unit, the Republic of Serbia's regulations prescribe that the bodies or organisations administering procedures provide the use of minority languages for national minority members who exercise their rights and fulfill their obligations before them (Article 16, Point 1 of the Law on Official Use of Language and Script). In that context Paragraph 251 of the Second Periodical Report of the Charter's Implementation should be observed, stating that parties have the right to address local self-government units speaking national minority languages. In practice, there are objective possibilities to exercise this right, apart from some places with low percentage of minority language speakers, because part of the local self-government staff is made of minority language speakers themselves. However, there are no accurate data on spoken referrals of parties in minority languages in local self-government units, because the regulations do not stipulate keeping separate records on that. Still, minority languages are in practice used in spoken communication with local authorities, which is confirmed by data obtained from certain local self-government units. For instance, according to the information provided by the Negotin municipality, where a certain number of Vlach speakers are employed, almost all spoken communication with citizens – Vlach speakers flows in that language.

#### **Paragraph 14**

**According to the Second Periodical Report, the national councils have no competences to establish or proclaim what language is spoken by members of the national minority they represent. Furthermore, the Committee of Experts observes that the divide between those speakers who consider Vlach to be a variety of Romanian and those who consider it a language in its own right hampers the application of the Charter to Vlach. It considers that the Serbian authorities should initiate a dialogue between representatives of all speakers which could lead to a differentiated approach in language promotion, permitting the use of Vlach and (standard) Romanian - rather than only one of the two - in certain fields (e.g. education, media), if such requests are made by a sufficient number of people.**

The Republic of Serbia's authorities consider the absence of standardised Vlach language, i.e. the lack of script, the only obstacle to the full implementation of the Charter to this language, not as the Committee of Experts alleged that "the divide between those who deem the language spoken by the Vlach a variant of Romanian and those who consider it to be a separate language prevents the Charter's implementation to the Vlach language". As stated in Paragraphs 104 and 105 of the Second Periodical Report on the Charter's Implementation, the state undertakes measures to encourage or facilitate the use of the Vlach language in the areas where implementation does not necessitate standardisation, i.e. existence of script of the language (news programmes in broadcast media and culture projects).

In Paragraph 42 of the Second Periodical Report on the Charter's Implementation, the Republic of Serbia's position on the identity of the Vlach national minority and Vlach language was made clear. Starting from the constitutional arrangements (Article 47) and the Law on Protection of the Rights and Liberties of National Minorities (Article 5), the state is in practice governed by the fundamental principles of the freedom of national determination and expression, so in this context it treats the Vlach national minority as a single national identity, and the Vlach language as a separate language spoken by a vast majority of the Vlach. This way the Republic of Serbia has accepted all the specificities implied by a national minority identity, including, in this case, the basis of will voiced at the census and the language they speak. At the 2002 census, of 40,054 persons who declared themselves as Vlach, 91.89% stated that their mother-tongue was Vlach, 7.71% that their mother-tongue was Serbian, 0.30% that their mother-tongue was Romanian, 0.01% that some other languages were their native and 0.08% did not declare what their mother-tongue was or they were not familiar with what their mother-tongue was.



The Law on National Minority Councils defined competences of national minority councils in the areas of education, culture, information in minority languages and the official use of language and script. With election of national minority councils in June 2010, they became the bearers of the right to self-government in these areas. Bearing in mind that a certain number of the Vlach speak Romanian (0.30%), the Vlach National Council has the possibility of finding better solutions to provide the use of language in the areas mentioned by the Committee of Experts, within its competences.

### **Paragraph 17**

**Serbia has ratified the same undertakings in respect of all Part III languages. The Committee of Experts notes as in the previous monitoring cycle that the undertakings which have been chosen by Serbia, in particular those in education and the media, do not adequately reflect the situation of all minority languages. For example, higher-level undertakings could be applied to Hungarian.**

As stated in the replies to the additional questionnaire, when ratifying the Charter, i.e. defining language issues and obligations from Part III of the Charter, the Republic of Serbia had the intention of providing equal level of protection to all languages defined therein, i.e. of transposing identical paragraphs and sub-paragraphs for all of them. Such an intention resulted in defining languages that are in practice provided with protection and improvement, in accordance with national legislation, by at least 35 paragraphs and sub-paragraphs from Part III of the Charter. Providing equal level of protection, as interpreted by the Republic of Serbia's authorities, the same rights are provided for speakers of languages to which the undertaken obligations pertain, be them individual or in community with other members of their group, when regards the language they speak. Understandably, the undertaken obligations are fulfilled in practice depending on many factors, primarily on the number of a certain minority language speakers. The given practice in compliance with obligations emanating from the Charter precisely confirms this fact. However, the authorities emphasise that there is a legislative framework for using reinforced possibilities for speakers of certain minority languages, without frustrating the equal protection level provided with transposing of identical paragraphs and sub-paragraphs for all languages covered by obligations undertaken from Part III of the Charter. Providing the equal protection level, as interpreted by the Republic of Serbia's authorities, the identical rights are provided for speakers of languages pertinent to the obligations undertaken, individually or in community with other members of their group, when regards the language they speak. Arguably, in the social life reality, the obligations undertaken are much more and more often implemented for the Hungarian language because of the large number of its speakers. Such a possibility does not undermine the equal protection level and is recognised, not only with regards to exercising language rights, in the Agreement between Serbia and Montenegro and the Republic of Hungary on protection of the rights of the Hungarian national minority living in Serbia and Montenegro and the Serbian national minority living in the Republic of Hungary. In accordance with Article 2 Paragraph 4 of the Agreement, the successor of which is the Republic of Serbia, the state parties take note of the way of exercising rights envisaged by the Agreement, many of which are the rights regarding use and protection of the Hungarian language, can depend on the number of members of the minority in question. Bearing the given provision in mind, the Republic of Serbia's authorities have taken the position that there is a quite reliable and sustainable legal basis for use of reinforced possibilities provided for the Hungarian language speakers, without frustrating the equal protection level provided by undertaking the identical paragraphs and sub-paragraphs for all languages covered by the obligations from Part III of the Charter. This is clearly explicated in certain places of the reports on the Charter's implementation in form of statistical data.

### **Paragraph 21**

**There is still no stable presence of all Part II languages at primary and secondary school levels within the framework of the models of minority-language education. Bunjevac is taught in some primary schools, but not at pre-school and secondary levels. Czech is not yet taught in the public education system. Apart from one bilingual kindergarten, German is only taught as a foreign language and not within the models of minority-language education. The curriculum for teaching Macedonian with elements of national culture has been developed, but the introduction of such teaching is pending. Vlach remains completely absent from education.**

As noted by the Committee of Experts in the comments, the Republic of Serbia established the education system on/in regional or minority languages long ago. Such practice was reasserted with adoption of the Law on the Bases of Education and Pedagogy System, with its Article 9 providing the possibility for national minority members to get education in their respective mother-tongues, bilingually or in the Serbian language, studying the subject of Native Language with Elements of National Culture. However, as stated on several occasions, the introduction of teaching in/on a minority language into the Republic of Serbia's educational system is primarily up to the national minority councils, since they are the bearers of the right to self-government in the area of education, by Law on National Minority Councils. According to Article 13 of the Law, the minority councils, *inter alia*, propose to the National Education Council the general bases of pre-

school education, curricula for primary and secondary schools and the bases of pedagogy programme, for contents that reflect the identity of a national minority, especially in the areas of history, musical education and visual arts, as well as the primary and secondary school programmes for national minority languages and the language, or speech, of national minority with elements of national culture.

In the period after the Second Periodical Report on the Charter's Implementation was developed, the Czech National Minority Council drafted a curriculum for the Czech language with elements of national culture for the first grade of primary school. Upon approval by the Ministry of Education and Science and the procedure of application of sufficient number of interested children, teaching Czech language with elements of the national culture will be organised as well.

#### **IV. Comments on chapter 3 of the second periodical report**

##### **Paragraph 30**

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

The funds for national councils' work, in accordance with provisions of the Law on National Minority Councils, are provided from the budgets of the Republic of Serbia, the Autonomous Province, the local self-government units, donations, and other revenues. The amount of public funds provided for activities of the national councils is determined for each year by the Law on Budget of the Republic of Serbia and by decisions on budget of the Autonomous Province of Vojvodina and local self-government units. More detailed regulation of fund allocation from the Republic of Serbia's budget for funding the work of national minority councils entered into the National Minority Council Register, was defined by the Decree on the Procedure of Allocating Funds from the Budget of the Republic of Serbia for Funding the Work of the National Minority Councils, adopted by the Serbian Government in December 2010. For funding the regular activities, the national councils got the total of 145,148,862.89 dinars from the Serbian national budget in 2010, and the funds envisaged for 2011 are 224,400,000 dinars.

The funds provided from the budget of the Autonomous Province of Vojvodina are allocated, in accordance with decision of the province's relevant authorities, to the national councils that have headquarters on the territory of the autonomous province. From the budget of the Autonomous Province of Vojvodina, the national councils received 30,635,000.00 dinars in 2010, and in 2011, the allocated funds are 40,000,000.00 dinars.

The funds provided from local self-government budgets are allocated, in accordance with decisions of the relevant local authorities, to the national councils representing national minorities that make at least 10% total population in the local self-government unit, or the national minorities the language of which is in official use on the territory of local self-government unit.

The authorities, as stated before, have been making strenuous endeavours to provide financial support, despite economic difficulties, so that the national councils could perform their duties efficiently.

##### **Paragraph 45**

**In their replies to the questionnaire sent by the Committee of Experts, the Serbian authorities state that there is no standard procedure for informing parents and/or pupils of the possibility to set up minority language classes with fewer than 15 pupils. In addition, the authorities have no clear information at their disposal as to how such information is provided, as the manner in which this is done differs from one school to another. The Committee of Experts considers that more awareness-raising about the advantages of, and opportunities for, minority language education is needed as many parents are under the impression that such teaching would be cumbersome and counterproductive for the development of their children. Furthermore, the Committee of Experts reiterates that a threshold of 15 pupils is too high for the purposes of the Charter as the speakers of a number of minority languages in Serbia are unlikely to reach it. The Committee of Experts therefore urges the Serbian authorities to inform pupils and parents more actively of the possibility to set up minority language classes with less than 15 pupils and to encourage them to make use of it.**

The authorities hold the position that learning in/about the national minority language does not depend on the limited number of students, given that the Ministry of Education and Science, within the legal possibilities, accommodates the needs of almost all schools that submit a request for even fewer than 15 students. The activities within each school primarily depend on their development plan, enveloping priorities in attaining the educational and pedagogic goals for a three-to-five year period. As development plans are adopted by administrative bodies, upon the proposal, *inter alia*, of national minority councils, only a proactive approach of

national councils to this issue and their commitment to performing the duties undertaken can accelerate the introduction of optional subject of mother-tongue with elements of national culture into schools, or tuition in mother tongue.

### **Paragraph 52**

**The Serbian authorities state in the Second Periodical Report that Vlach is not taught at any level of education since it is not standardised. Furthermore, the Committee of Experts notes that there are Vlach speakers who are interested in the teaching of "Romanian with elements of national culture". As regards Vlach, the Committee of Experts considers that the lack of standardisation should not necessarily lead to a complete absence of Vlach from education. Rather, Vlach could be used orally in kindergartens and in certain subjects of primary and secondary education as well as in extra-curricular activities in which written communication plays no or a limited role. As far as Romanian is concerned, the Serbian authorities may consider applying the models of minority language education to those pupils who (or whose parents) request so. The Committee of Experts is of the view that there is room for a differentiated, rather than a uniform and rigid approach to minority language education, permitting the use of both Vlach and Romanian in conformity with the actual demand by the speakers. Consequently, the Serbian authorities are invited to carry out their surveys at the beginning of each school year in such a way that pupils (or parents) can choose between Vlach and (standard) Romanian. The Committee of Experts also urges the Serbian authorities to introduce Vlach into education even before a possible standardisation is achieved.**

The Republic of Serbia has fulfilled legal conditions that make education in minority languages possible, as reiterated on several occasions, through existence of three education models in primary and secondary schools: in native language, bilingual and in the Serbian language with the possibility of studying native language with elements of national culture. With election of national councils in 2010, in accordance with the provisions of the Law on National Minority Councils, the councils as the holders of right to self-government were given competences in the area of education. The national councils' competences in the area of education are laid down in Paragraph 35 of the Second Periodical Report on the Charter's Implementation. In accordance, with their competences, the national minority councils become initiators of introduction of tuition in/about national minority languages, for those minority languages that have not been encompassed by the Republic of Serbia's educational system so far. Their engagement will determine the pace at which tuition in national minority language will be introduced or studying the subject of Native Language with Elements of National Culture. Thus, it is up to the Vlach National Council to not only initiate the introduction of the Vlach language before standardisation of this language, but to also decide on the way in which this should be done by proposing curricula for the Vlach language. As for the Committee of Experts' appeal to the authorities to conduct surveys at the beginning of each academic year in such a way that students (or their parents) can choose between Vlach and (standard) Romanian, it should be emphasised that such surveys are under the competences of the national minority councils and school boards.

### **Paragraph 208**

**No further information with respect to the practical implementation to each of the Part III languages is provided in the Second Periodical Report. This is also the case for Albanian, Bosnian, Bulgarian, Romany and Ukrainian, for which the Committee of Experts had lacked information in the previous monitoring cycle. No information is provided with respect to measures taken to raise awareness of civil servants with respect to the use of the correct form of the name in the regional or minority language.**

In order to get the national minority members acquainted with their right to inscription of personal names in registry books in the minority language and script, the Ministry of Human and Minority Rights, Public Administration and Local Self-Government has submitted the notification of the procedure and method of inscription of national minority members in registry books to all administrative bodies entrusted with the affairs of keeping registers and deciding in first-instance procedures in the area of registers, according to the Law on Registers. At the same time, a request was sent out to post this notification on notice boards of local administration, as well as in all areas within local self-government for which books are kept. In local self-government units where, by Statute, national minority language(s) is(are) in official use, this notification is posted in language and script of national minority(-ies) too. Besides, all the agencies entrusted with keeping registry books were given instruction by the Ministry to get national minority members acquainted with the right of inscription of personal names in language and script of the national minority member in all procedures pertinent to inscription of certain facts into registers.

### **Paragraph 214**

The Committee of Experts has been informed that in practice regional or minority language media have been negatively affected by the privatisation process and by the allocation of frequencies and issuing of broadcasting licences, pursuant to various legal changes. Only a third (404) of the total number of applicants (1,170) for national, provincial, regional and local broadcasting licences received them. Radio stations broadcasting in minority languages, for instance Radio Apatin, Radio Backa Topola and Radio Kovin, have lost frequencies. Radio Subotica has lost two of its three frequencies, which has led to a decrease in the amount of programmes in regional or minority languages. No local frequencies were foreseen for Zrenjanin. According to the speakers, no frequency was foreseen for media broadcasting in Bosnian. Another problem the representatives of the speakers pointed out is that in practice, many broadcasters do not maintain the minority language programmes, which they introduce in their offer only to receive broadcasting frequencies or funds. The Committee of Experts has also been informed that there are contradictions in the legal provisions regulating the media sector. For instance the Law on Local Self-Government and the Law on National Minority Councils allow these entities to establish broadcasting media, which is inconsistent with the Law on Broadcasting and the Law on Public Information. The same problem arises in respect of the draft Law on Illicit Concentration and the Transparency of Ownership of Public Media. The Committee of Experts underlines the importance of the coherence among the various legal acts mentioned above and invites the Serbian authorities to comment on these issues in the next periodical report.

The Republic's Broadcasting Agency (RRA), in accordance with the Law on Broadcasting, issues licences upon public calls. Public call is opened announced when, on the basis of broadcasting frequency distribution plan there are possibilities to issue new programme broadcasting licences. At the time when the Broadcasting Development Strategy was adopted, in 2005, the Agency registered, on the basis of public call and data received from the relevant services within the Ministry for Capital Expenditures (telecommunication sector), 755 broadcasters –543 solely radio stations; 73 solely TV stations and 139 stations broadcasting both radio and TV programme. The Agency at the time assessed that the number of active locations/frequencies (transmitters) in Serbia was even larger. At that moment the Radio Frequency Allotment Plan was adopted, clearly determining the allocation of radio and/or TV frequencies at all levels of broadcasting. The plan of radio frequency allotment is adopted by the relevant ministry in charge of telecommunication issues and establishes the radio frequency distribution on the Republic of Serbia's territory, while the Agency, pursuant to the Plan, calls for public competition. When taking decisions on issuing licences, the RRA Council considered the competition documentation according to the criteria published and made available to applicants and all other interested parties. For all public calls one of the criteria that have remained unchanged for civil sector stations is contribution to exercising the right of national minorities, religious communities or an organisation or citizen's association on a specific area they deal with. Namely, the Broadcasting Law (Article 95, Paragraph 4) envisages the civil sector stations to be set up only for local territory and not paying for programme broadcasting licence, only for broadcasting station. In most cases civil sector stations applied for licences with documentation stating that as citizen associations they would broadcast the programme specific for national minorities, be it contents in minority languages or broadcasting specific music in a national minority language. Besides civil sector stations, programmes in national minority languages are broadcast by public media companies still owned by local assemblies.

As for the contradiction of provisions in certain laws pointed to by the Committee of Experts, the authorities share the opinion that the given laws need to be mutually harmonised, so in the forthcoming period the efforts toward that end will be reinforced. The authorities would like to use this opportunity to point to the Committee of Experts to the fact that mentioning the Law on Illicit Concentration and Transparency of Ownership of Public Media in the context of contradictions in legal provisions regulating media sphere is not well-founded, because it is a draft law that is not in force and it cannot be taken as relevant.

### **Paragraph 218**

However, the Committee of Experts has been informed that the process of privatisation has significantly affected the broadcasting of programmes in regional or minority languages. Two of the radio stations broadcasting in regional or minority languages in Vojvodina, Radio Subotica and Radio Srbobran, were among the first to be included in privatisation and they had no licence to broadcast during the whole process. Privatisation problems were also pointed out in case of Radio Sombor and Radio Backa Topola. The case of Radio Subotica has drawn a special attention of both local and provincial authorities, as well as of non-governmental organisations.

In Paragraph 308 of the Second Periodical Report on the Charter's Implementation, there are detailed reasons why privatisation process of broadcast media outlets founded by local assemblies were terminated. Bearing in mind that the process of media privatisation in the Republic of Serbia has been subject of ongoing debates, the authorities deem this issue possible to be resolved by implementation of the Strategy for Development of Public Information System in the Republic of Serbia by 2016, the draft of which is undergoing public hearing now. The Strategy is expected to determine the basic modes of state participation in equity of media, as well as further courses of privatisation. This will decide on the position of national minorities in public information sector, i.e. determine the modes through which national minorities will exercise their right to full, timely and unbiased information in their native languages.

#### **Paragraph 245**

**The Committee of Experts considers the undertaking fulfilled for Albanian, Bosnian, Hungarian, Romany, Romanian, Ruthenian, Slovak and Ukrainian and not fulfilled for Croatian. It has not enough information to conclude with respect to Bulgarian.**

#### **Paragraph 256**

**The Committee of Experts considers the undertaking fulfilled for Albanian, Bosnian, Hungarian, Romany, Romanian, Ruthenian, Slovak, partly fulfilled for Croatian and Bulgarian and not fulfilled for Ukrainian. It encourages the Serbian authorities to take measures to extend the broadcasting of private TV programmes in Croatian and Bulgarian and to encourage and/or facilitate the broadcasting of television programmes in Ukrainian on a regular basis.**

The given positions of the Committee of Experts refer to the Republic of Serbia's obligation to encourage or facilitate regular broadcasting of radio (Paragraph 245) and TV (Paragraph 256) programmes in minority languages, where only private radio and TV broadcasters were taken into consideration when regards compliance with obligations. The reply to question 27 of the additional questionnaire contains also the information on the types of broadcasters of radio and TV programme. As presented, in accordance with the law, a broadcaster can produce and broadcast radio and TV programme, *inter alia*, as a commercial and/or TV station.

Private radio and TV broadcasters work on market principles, which is not to say that they do not broadcast programme in minority languages too, if they have a secure and steady source of funding for such programme production and broadcasting. With measures of financial assistance, the state provides support to such media, on condition that they submit a request in competition procedure for allocation of national or provincial budgetary funds. For example, the Provincial Secretariat for Culture and Public Information of the Autonomous Province of Vojvodina has not received a single competition application demanding funds for radio programme in Croatian so far, possibly because programme in the Croatian language is broadcast continuously by two local radio stations – Radio Subotica and Radio Bac, both publicly owned.

Regarding compliance with private TV channels obligations, the Committee of Experts has been informed that not a single privately owned TV broadcaster does not broadcast programme in Ukrainian. The Provincial Secretariat for Culture and Public Information so far has not received any application demanding funds for TV programme in Ukrainian, while it has financially supported productions in Croatian, like Yu Eco broadcaster from Subotica, in order to make news programme in Croatian regular. This programme was renounced after a while, for reasons unknown to the authorities.

#### **Paragraph 271**

**There are one fortnightly and two monthlies in Romany and two monthlies and one quarterly in Ukrainian. However, the Committee of Experts underlines in this respect that a "newspaper" in conformity with the present undertaking has to be published at least weekly.**

The Republic of Serbia's authorities share the opinion of the Committee of Experts that a monthly does not constitute newspapers in terms of informative media outlet, so the note presented in its Second Report is formally correct. However, it needs to be especially emphasised that these are monthlies that are the only media published in the Romany and Ukrainian languages respectively that are financially supported and encouraged by the government, which does not and cannot have any influence on the frequency of their publication. As in any democratic society, all decisions on informative public media, including the frequency of publication, depend on their founders, in this case the respective National Minority Councils of the Romany and Ukrainian national minorities.

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

### **Recommendation CM/RecChL(2013)3 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Serbia**

*(Adopted by the Committee of Ministers on 11 June 2013  
at the 1173rd meeting of the Ministers' Deputies)*

The Committee of Ministers,

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

Having regard to the instrument of ratification submitted by Serbia on 15 February 2006;

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

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

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

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

1. strengthen teacher training and provide adequate teaching materials for all regional or minority languages;
2. provide teaching of/in the Part II languages within the models of minority language education at all appropriate stages;
3. secure the implementation of Articles 9 and 10, in particular regarding Romani and Ukrainian;
4. take the necessary practical measures to ensure that personal names and place-names in the regional or minority languages can be used officially in conformity with the tradition and orthography of the languages concerned;
5. continue to promote awareness and tolerance in Serbian society at large vis-à-vis the regional or minority languages and the cultures they represent.