



Organization for Security and Co-operation in Europe

Mission to Croatia

Field Centre Vukovar

Ive Tijardovića 60, 32 000 Vukovar, Croatia

Phone: +385 32 428 452

Fax: +385 32 428 466

E-Mail: vukovar@oscecro.org

**MINORITY EDUCATION
IN THE REPUBLIC OF CROATIA:**

**A CASE STUDY
IN VUKOVAR-SIRMIUM COUNTY**

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Acknowledgements:

Authors: Steve Degenève and Richard Gowan

Contributors:

Fernando de Medina-Rosales (Coordination and Legal advice)

Đuro Ivkovic (legal questions),

Tatjana Cvitkovic and Mandica Metes
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GLOSSARY

Kindergartens: non-compulsory pre-school institutions.

Primary schools: Primary schooling consists of eight grades. In grades 1-4, classes are taught by single teachers, but thereafter they are taught by different teachers for each subject. Many schools consist of a **main school** offering teaching at all grades and **sub-schools**, usually offering grades 1-4 only. Sub-school pupils travel to a main school from grade 5. In both sub-schools and main schools, pupils from different grades may be taught together in **combined classes** (or “**combinations**”) to compensate for low numbers.

Secondary schools: are divided up into a variety of categories offering different types of education, of which the most common are “grammar”, “economic” and “trade-technical”. Courses usually last three or four years.

Law on Education in Minority Language: Refers in this paper to the “Law on the Education in the Language and Script of National Minorities” adopted in 2000 by the Croatian Parliament.

Minority education: Program of education, through which members of national minorities can develop their knowledge of their language and culture. We will refer in this paper to three models of minority education (models, schemes and forms will be used interchangeably):

- **Mother tongue education** (or Model ‘A’): All lessons take place in the language and script of the national minority with compulsory teaching of the Croatian language.
- **Bilingual education** (also referred to as Model ‘B’): The natural sciences are taught in Croatian and the social science subjects or the national group of subjects are taught in the language and script of the national minority (is not offered in Vukovar-Sirmium County).
- **Nurturing classes** (or Model ‘C’): Special program, which is added to the complete program of teaching in the Croatian language. It normally runs for five school hours a week and teaches the language, literature, history, geography and art of the national minority.

Schools with education in minority language: Designates in this paper “school institutions with the education in the language and script of a national minority” mentioned in CLNM (Article 11) and the LAW ON EDUCATION IN MINORITY LANGUAGE. These are independent public institutions providing mother tongue education for members of a minority.

Class departments: Designates in this paper “class departments and educational groups” mentioned in Article 4 of the LAW ON EDUCATION IN MINORITY LANGUAGE. They are educational units providing mother tongue education for members of a minority within a school institution offering education in another language (usually Croatian).

Monolingual school: School in which education is offered only in one language, be it Croatian or a minority language.

Dual-language school: school consisting of a section offering Croatian-language education and a separate section offering minority mother tongue education, usually for all grades.

EXECUTIVE SUMMARY

The Mission Activity Plan foresees the production of a ‘concept paper on education issues, including minority education in Eastern Slavonia’. The present document represents a contribution to this concept paper. Through an in-depth case study of Vukovar-Sirmium (V-S) County, we attempt to shed light on issues that are relevant to not only this County but also the rest of the Danube region and the Republic of Croatia as a whole. The Croatian legislative framework of minority education will be explored in Part I. A detailed account of the level of access to minority education in Vukovar-Sirmium County will be presented in Part II. Part III is devoted to the establishment of ‘schools with education in minority language’ for the Serb minority in the Danube region. In Part IV, the quality of education provided through minority education schemes will be examined.

The Legislative Framework of Minority Education

The Croatian legislative framework regulating minority education is extremely progressive as it grants to persons belonging to national minorities the right to be taught in their mother tongue at all levels of the educational system, if conditions regarding a minimum number of students are met. However, necessary implementing regulations from the Ministry of Education are missing. Other forms of minority education provided in practice -bilingual education and the teaching of the language and culture as a subject (hereafter: nurturing classes)- lack a clear legislative basis, and are being regulated only through internal directives of the Ministry of Education –if at all.

The relationship between the CONSTITUTIONAL LAW ON NATIONAL MINORITIES (hereafter: CLNM) and the LAW ON THE EDUCATION IN THE LANGUAGE AND SCRIPT OF NATIONAL MINORITIES (hereafter: LAW ON EDUCATION IN MINORITY LANGUAGE) is very problematic. As a result the attributes of the two fundamental institutional structures provided by law for offering mother tongue education, and the relation between them, are unclear and inconsistent.

The first of these structures is that of independent public institutions, designated in both the CLNM and the LAW ON EDUCATION IN MINORITY LANGUAGE as “school institutions with the classes in the language and script of a national minority”(hereafter ‘schools with education in minority language’). They are described as the primary option for conducting mother tongue education and given important privileges, but are not properly defined. In particular, the conditions and procedure for their establishment, and whether and under what conditions they have to deal with Croatian language pupils, remains unclear.

The second type of structure is that of “class departments and educational groups (...) in minority language” within Croatian language schools (hereafter: ‘class departments’). Those constitute a very flexible mechanism for responding to the diversity of local situations. Minority pupils can be educated in their language in these classes within a Croatian-language school, even where minority communities are very small. But they are not endowed with any right with regard to a number of essential standards –the provision and training of teachers, advisors and inspectors who master the minority language-, which are granted only to ‘schools with education in minority language’. The conditions under which they are to be set up are not clearly regulated either.

Depriving 'class departments' in minority language from clear entitlements to a number of essential pedagogical standards contravenes a number of international agreements on minority rights, and can also be held to represent a form of discrimination under the European Convention of Human Rights and its First Protocol, because it compromises the effectiveness of the education dispensed to pupils following certain schemes of minority education. From a political point of view, it is counterproductive, as it contributes to fostering a sense of legal insecurity among minorities and their requesting the establishment of 'schools with education in minority language' even where the situation of 'class departments' in minority language is in fact satisfactory.

There is thus a need to extend to minority 'class departments' within Croatian language schools many of the pedagogical advantages now reserved to 'schools with education in minority language', and to clearly put the latter under the same obligation to set up 'class departments' in Croatian language, should the need arise. In this way, the gap between these forms of education would become much narrower, and both the incentives for setting up such schools and the fears it arises would diminish, without in any way curtailing the educational rights of the minority.

Access to Minority Education in Vukovar-Sirmium County

The level of access to minority education in Vukovar-Sirmium County is very high. 80% of members of national minorities live in local self-government units in which mother tongue education or nurturing classes are available to their community. No national minority of any significant size has been denied access to minority education. 94% of all minority members belong to five minorities, which in Vukovar-Sirmium County receive either mother tongue education or nurturing classes: the Hungarians, Ruthenians, Serbs, Slovaks and Ukrainians. The two communities in the County with more than 250 members that do not, -the Albanians and Bosniaks- have either made no request (Albanians) or chosen to focus on religious instruction rather than linguistic or cultural education (Bosniaks).

There is a clear distinction between the Serbs and other minorities. The Serb minority is unique in having a very widespread access to mother tongue education at all levels of the educational system (from kindergartens to secondary schools). Schemes of minority education have also their greatest bearing with this community: while Serbs make up 80% of minority-members in V-S County, Serbian-language children represent 95% of the primary-school pupils receiving a form of minority education.

All other minorities have access almost exclusively to nurturing classes, with mother tongue education playing only a limited role with the Hungarians and the Slovaks. Minority education is provided for all these minorities at the primary level only. In all cases, however, the model of minority education provided corresponds to the expressed wish of the minorities involved, and does not result from unequal treatment by the Croatian authorities. Nor has any minority been denied minority education at other educational levels, although practical factors affect the provision of such schooling: current plans to establish Ruthenian Kindergartens are largely dependent on the speed of the reconstruction process. The Slovaks may put forward a request to extend nurturing classes to the secondary level, but are yet to do so.

The Croatian authorities generally play a positive role in promoting access to minority education. The onus of proposing forms of access to minority education and determining levels of desire for such education (i.e. surveying parents) typically remains with schools and

minority associations. The Ministry of Education has by and large adopted a permissive approach to many of these initiatives, overlooking minor irregularities in their formulation and implementation. It has rejected no post-war request for minority education. If the current Hungarian proposals and Slovak reforms were accepted, they would expand nurturing classes beyond the pre-war limits. In general, in terms of both mother tongue education and nurturing classes, the Croatian authorities are frequently prepared to support minority education for relatively small minority communities and maintaining very small 'class departments'.

Establishment of 'Schools with Education in Minority Language' for the Serb minority in the Danube region

The Serbian minority in Vukovar-Sirmium County is provided with a very comprehensive web of schools providing mother tongue education. During the reintegration process, dual-language schools were established, with considerable autonomy for the Serbian-language section of the school. The Ministry of Education has since approved statutes for both monolingual Serbian schools and dual-language schools that grant them most of the privileges reserved under the law to 'schools with education in minority language'. Thus, in reality, these Serbian language schools or school-sections enjoy most of the advantages of 'schools with education in minority language'. However, this is not a right entrenched in Croatian law, and this legal insecurity contributes to proposals to transform them into 'schools with education in minority language'.

The Joint Council of Municipalities (JCM) proposed to establish a coherent network of Serbian 'schools with education in minority language' in the Danube region. The right of the Serb minority in the Danube region to establish such schools is founded in law, and is not disputed by the Ministry of Education. The proposal that the Government of Croatia should establish in a single act a coherent geographical network of such schools is sound, as the Serb minority is settled over a relatively large but geographically fairly coherent area. Only such a systematic procedure would allow the maximisation of access to such schools for members of the minority, and take into account the situation of persons not belonging to this minority.

One essential point, which would need to be clarified beforehand, concerns the creation of 'class departments' for Croatian language pupils within such schools if the need arises. The main reason for JCM and many principals pressing for the status of 'schools with education in minority language' is their assumption that these institutions would be entitled to refuse to set up such 'class departments'. The current law is indeterminate on this issue. However, Croatian law allows the provision of mother tongue education for minorities through 'class departments' throughout the country, 'where numbers warrant'. In practice, in Vukovar-Sirmium County, this proviso is triggered at very low levels of demand. It would seem reasonable to ensure the same should apply to Croatian-language pupils. The LAW ON EDUCATION IN MINORITY LANGUAGE provides that members of the national minority will form a majority of the management body of a 'school with education in minority language' and will have priority with regard to enrolment. Under these conditions, the establishment of 'class departments' in Croatian language within such institutions would in no way threaten the educational rights of the minority. We therefore consider that legislative amendments should clearly put 'schools with education in minority language' under the obligation of setting up 'class departments' in Croatian language, if a request is expressed in sufficient numbers and held reasonable (no Croatian-language institution in the immediate vicinity).

Considered in this light, some elements of JCM's proposal stand out. The transformation of current monolingual Serbian-language primary schools in municipalities where Serbs constitute an overwhelming majority of the population seems to meet all existing legal requirements. The creation of new schools out of the division of dual-language primary and secondary schools, however, involves complex issues. In Vukovar, where the Croatian and Serbian sections of such schools already have a large degree of independence, it would be feasible and tend to ease current organisational problems. Outside Vukovar, dual-language schools currently allow maintaining education in Serbian language in Serbian villages within Croat-majority municipalities, and the reorganisation proposed by JCM seems of little long-term practical value. The Ministry of Education would thus be justified in carefully studying this proposal before reaching any decision.

One important question relates to the establisher of such schools. Under the current law, any level of government can establish a 'school with education in minority language'. A request from the City of Vukovar, approved by the County of Vukovar-Sirmium County, is currently awaiting the approval of the Ministry of Justice for the transfer to the city of Vukovar of the establisher's rights with regard to six primary schools. However, some of these schools are concerned by the request made one year and half ago for the establishment of 'schools with education in minority language' in the Danube region. Currently, pedagogical standards for both minority and standard education, as well as clear regulations for granting or revoking the status of 'school with education in minority language', are lacking. Under these circumstances, it is impossible to foresee the potential impact of transferring these schools to local self-government units on the procedure of establishment of 'schools with education in minority'. We therefore consider that any such transfer should be postponed until all questions surrounding the establishment of 'schools with education in minority language' for the Serb minority in the Danube region are solved.

The decision by the Government of Croatia over the creation of such a network should be preceded by a very broad consultation. JCM still has an important role to play in the near future, but the Serbs' Councils of National Minorities of both Vukovar-Sirmium and Osijek-Baranja County should increasingly be the primary interlocutors of the Government, as they have been democratically elected to represent the Serb minority in those counties. Local Councils of National Minorities of individual localities affected should also be involved, and the role of school officials and local authorities in this process should be clarified. On the side of the Government, it appears that only the top level of the Ministry of Education in Zagreb is seized of the issue, and deals with it in an ad-hoc fashion and little transparency. Other parts of the State administration seem disoriented, and minorities suspect that decisions will be arbitrarily taken. How the State administration is to deal with this issue should be clearly stipulated in publicly available directives, and this is another case where the State administration's proceedings should be much more transparent.

Quality of Minority Education

The principle of non-discrimination makes it compelling that the standard of education provided to pupils following a scheme of minority education should not be lower than the education provided in the general system of education. In this regard, the Croatian legislative framework is extremely deficient, because it guarantees a number of essential standards for minority education *only* to 'schools with education in minority language', leaving other forms of minority education without clear entitlements. This is in particular the case with regard to

teachers, advisors and inspectors. The lack of legal safeguards with regard to essential pedagogical standards for certain forms of minority education can be held in itself to represent an unreasonable and unacceptable differential treatment, and to violate Article 14 in conjunction with Article 2 of the First Protocol of the European Convention of Human Rights.

In practice, five issues are of paramount importance for the provision of an effective system of minority education: the formulation of minority curricula; the availability and competence of minority-language teachers; the supply of minority-language textbooks; the supervision for minority teaching; and the overall resources devoted to minority education.

Schools with minority education schemes are allocated their fair share of *financial resources*. The slow reconstruction process has restricted access to minority education for some communities, but there were no discriminatory practices in this regard.

The situation regarding *curricula* is generally good. The Ministry of Education has adopted a flexible approach to the development of minority teaching programmes. Minority organisations have played a proactive role in drawing up curricula, although a lack of official guidance tends to complicate and slow this process.

The *training of minority teachers* represents a long-term problem for Serbian-language education. There is a sufficient supply of Serbian-language teachers at present, but current training facilities in Zagreb do not produce enough teachers to prevent a shortage to emerge in the future. The training of teachers for other minorities is relatively well assured primarily through cooperation with their kin-States.

A *lack of textbooks* specific to the Croatian curriculum affects all communities receiving minority education, although all are allowed to import books from abroad for the teaching of their own language. The problem is most serious for those receiving full minority mother tongue education: no primary-level Hungarian-language textbooks have been licensed for use in Croatia but one dealing with teaching the Hungarian language itself. Efforts to translate Croatian textbooks into Serbian have covered only half of necessary titles at the primary level and none at the secondary level. While teachers improvise various strategies to deal with these problems, the shortage of books has a clear detrimental effect.

The lack of *advisers and inspectors* to set and monitor standards of minority education compounds these problems. No such figures had been appointed to cover the affairs of Vukovar-Sirmium County's minorities prior to 2002-3. It seems that some advisers and inspectors were appointed this year for some minorities, but which appointment was made with regard to which minority has remained surprisingly unclear.

The situation regarding the provision of textbooks, supervision and inspection, is thus thoroughly unsatisfactory, and it is difficult to understand why the Ministry of Education could not introduce much needed improvements. The lack of transparency on such matters is surprising: precise information could be obtained neither from the County State Administration nor from the Regional Office of the Ministry of Education in Osijek. What constitutes basic information on essential aspects of the State educational system regarding minorities should be publicly available without having to address the highest level of the Ministry of Education in Zagreb.

RECOMMENDATIONS

- 1) We recommend that the OSCE Mission to Croatia, prior to producing a concept paper on minority education:
 - Verifies with the Ministry of Education, and other relevant authorities at the central level, whether the main findings of this report are correct.
 - Obtains from the Ministry of Education:
 - Any regulations and instructions having an influence on minority education, which are not mentioned in this report;
 - An exhaustive list of institutions formally recognised by the Ministry of Education as “school institutions with the classes in national minority language and script”;
 - A comprehensive assessment of the current situation with regard to “school institutions with the classes in national minority language and script” , including:
 - procedures followed by the Ministry of Education for their establishment and registration
 - whether past provisions, instructions and regulations, issued on the basis of previous laws (such as the 1979 LAW ON UPBRINGING AND EDUCATION IN THE LANGUAGES OF NATIONALITIES), are still valid or applied in practice
 - instructions relating to, or practice followed, with regard to the setting up of “class departments or educational groups” in Croatian language within such institutions .
 - Conducts a limited field-research in relation to existing “school institutions with the classes in national minority language and script” of other minorities in other parts of Croatia, in particular with regard to:
 - The procedure leading to their establishment and registration;
 - The entity founding those schools;
 - Whether and under what conditions tuition in Croatian language is conducted.
- 2) On the basis of the research conducted in Vukovar-Sirmium County, and pending the above-mentioned complementary information, we suggest that the OSCE Mission to Croatia takes into consideration the following *provisional* list of recommendations when advising Croatian authorities with regard to minority education:

a) That the Parliament of the Republic of Croatia:

- Considers amending Article 11 of the CLNM, in order to bring under the protection of the CLNM minority education provided outside the framework of “school institutions with the classes in national minority language and script”.
- Amends the LAW ON THE EDUCATION IN THE LANGUAGE AND SCRIPT OF NATIONAL MINORITIES, in order to:
 - Extend privileges currently guaranteed to “school institutions with the classes in national minority language and script” under Articles 15(2) and 39-41 to “class

departments and educational groups”, thus ensuring that all forms of mother tongue education are equally entitled to teachers, inspectors and advisors having full command of the minority language, as well as importing textbooks from other countries with the approval of the Ministry of Education;

- Amend Article 4 so as to ensure that “school institutions with the classes in national minority language and script” are to set up “class departments and educational groups” in Croatian language, should the wish be expressed and numbers warrant.
- Adopts pedagogical standards for all levels of education, as stipulated e.g. in Article 6 of the LAW ON PRE-SCHOOL EDUCATION and article 11 of the LAW ON PRIMARY EDUCATION, taking due account of the provisions in articles 3 and 4 of the LAW ON THE EDUCATION IN THE LANGUAGE AND SCRIPT OF NATIONAL MINORITIES that provide for smaller minimum numbers for “school institutions with the classes in national minority language and script” and “class departments and educational groups” in minority language.
- Enacts clear legislation regulating forms of minority education other than mother tongue education, such as bilingual education and the teaching of a minority language as a subject, and authorises the Government of Croatia to repeal the Declaration contained in its instrument of ratification of the European Charter for Regional or Minority Languages with regard to Article 1, Paragraph b of the Charter.

b) That the Ministry of Education:

- Uses Article 18 of the LAW ON EDUCATION IN MINORITY LANGUAGE to regulate the manner of application of the provisions regarding “school institutions with the classes in national minority language and script”, and in particular:
 - Provides a clear definition of this kind of institution;
 - Clarifies the procedure for their establishment, registration and the conditions under which their status of “school institutions with the classes in national minority language and script” can be revoked;
 - Clarifies the conditions they have to fulfil, such as rules of educational continuity, and number of pupils;
 - Provides that a coherent geographical network of such institutions can be established in a single act with regard to an area compactly settled by a national minority, so as to maximise the access of pupils belonging to the minority and minimise the potential adverse affects on pupils not belonging to this minority.
- Adopts regulations regarding the implementation of provisions of minority education, which are currently either not regulated or provided for only in internal directives of the Ministry of Education, in particular:
 - Clarifies conditions and procedures under which ‘class departments or educational groups’ in minority language can be established;
 - Establishes clear thresholds upon which such ‘class departments or educational groups’ should be provided, and *indicative* guidelines as to the conditions under which such groups could be established when the above-mentioned thresholds are not reached.

- Ensures that all such regulations are widely available, through:
 - Publishing them on the website of the Ministry of Education;
 - Ensuring that local and regional levels of Administration involved in educational matters are fully cognisant of their content and disseminate them upon request;
 - Ensuring that competent bodies provide Councils of National Minorities with those regulations.
- Takes all necessary steps in order to ensure that education provided to pupils attending schemes of minority education will be as effective as education provided to pupils attending education in Croatian language, and in particular:
 - Provides adequate facilities for training and hiring a sufficient number of qualified teachers for minority language education;
 - Ensures that textbooks are available for all classes and grades, in particular for mother tongue education, provided in sufficient numbers, and remain under licence for a reasonable time;
 - Appoints advisers and inspectors for those minorities still without them, and clarifies the role that Councils of National Minorities have to play in the appointment process;
 - Assists more actively small minorities to prepare curricula for nurturing classes;
 - Actively seeks to further cooperation with other States for the resolution of these issues, including kin-States, and also exploring the possibility of cooperation with the authorities and minority organisations of the Autonomous Province of Vojvodina.
- With regard to minority education in Vukovar-Sirmium County:
 - Maintains the high level of access to minority education currently available to the various minorities;
 - Thoroughly studies pending requests from representatives of the Serb minority in the Danube region regarding the establishment of ‘schools with national minority education’, and establishes an open process of consultation with the Councils of National Minorities of both Osijek-Baranja and Vukovar-Sirmium County, the Joint Council of Municipalities (JCM), and the Councils of National Minorities of the Serb minority in the municipalities affected, with local and regional authorities, and with school officials;
 - Upon conclusion of this process of consultation, establishes in a single act a network of “school institutions with the classes in national minority language and script” for the Serb minority in the Danube region, taking into account as far as possible the legitimate interests of the various parties;
 - Recommends to the Ministry of Justice to postpone approving the transfer of the establisher’s rights on school institutions from the County to local self-government units, until conditions for granting or revoking the status of “school institutions with the classes in national minority language and script” have been clearly regulated, and a decision on the establishment of such schools for the Serb minority in the Danube region has been taken.

INTRODUCTION

The Concept of Minority Education

The right of persons belonging to national minorities to preserve and develop their identity, and particularly their language, is at the heart of all international standards on minority rights¹. To a considerable extent, the ability of a minority group to perpetuate essential components of its identity, and in particular the ability of a linguistic group to reproduce itself over time, depends upon policy choices in the area of public education. It is therefore no surprise that the educational rights of minorities are covered by many international standards², and are, for instance, one of only three areas of issues on which general guidelines have been issued by the OSCE HCNM³. As the Hague Recommendations state, “the right of persons belonging to national minorities to maintain their identity can only be fully realised if they acquire a proper knowledge of their mother tongue during the educational process”⁴. At the same time, such choices also involve high personal stakes for individuals, both in terms of self-esteem and identity as well as in terms of economic and social benefits. And there is always a tension between protecting the minorities’ identity and promoting a common national identity. Educational rights of minorities are therefore a subject of intense debate both within minority communities themselves and between the minorities and majority populations, even in countries with a lasting and satisfying scheme of minority education⁵.

Importance of minority education questions in Vukovar-Sirmium County

Vukovar-Sirmium County is a very good setting for a case study on minority education in Croatia for two reasons.

Firstly, the Serb minority was granted specific guarantees in the field of education during the reintegration process of the former UNTAES area into Croatia, and was guaranteed that a reform of the area’s schools would not occur without consulting the Serbs’ representatives. Questions relating to the Serbs’ rights in the field of education have remained prominent since the reintegration. Since the enactment of new Croatian laws on minority education, the question of how to apply this new legislative framework to the Danube region’s Serbs while preserving what they see as the rights they acquired during the UNTAES-period has remained

¹ Article 27 of the INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, Article 5 of the FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES (hereafter: FCNM), Paragraph 32 of the Document of the Copenhagen Meeting on the Human Dimension (hereafter: Copenhagen Document).

² articles 12 and 14 of the FCNM, Articles 7 and 8 of the EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES (Charter), Article 4 of the UN DECLARATION ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (hereafter: UN Declaration), Paragraph 34 of the OSCE COPENHAGEN DOCUMENT, Article 2 of the UNESCO CONVENTION AGAINST DISCRIMINATION IN EDUCATION.

³ The Hague Recommendations Regarding the Education Rights of National Minorities. The two other sets of recommendations deal with linguistic rights and the participation of minorities in public life. Although officially produced by a Foundation rather than by the Office of the HCNM, these recommendations are commonly accepted standards within the OSCE area.

⁴ The Hague Recommendations, P. 5, §1.

pending a definitive solution. The Serbs' representatives' advocacy for safeguarding legally a network of schools with Serbian-language education is the object of intense political controversy.

Vukovar-Sirmium County is also of considerable interest for a second reason. It has, in the Republic of Croatia, the highest proportion of inhabitants belonging to a national minority: the highest concentration of Serbs, with an extensive network of schools with Serbian-language education, and many other minorities, with their own educational schemes. It is often overlooked that the post-reintegration development of minority education in the Danube region also involved the restoration of forms of special schooling for other minorities in the region, which had usually existed before 1991 but had disappeared during the war.

It is thus in Vukovar-Sirmium County that the complexities of minority education can be best apprehended, Croatia's legal commitment to minority education tested, and the potentialities, and shortcomings of the current legislative framework on minority education explored⁶. Through an in-depth case study of Vukovar-Sirmium County, we will be able to shed light on issues which are relevant beyond this County, for the Danube region or the Republic of Croatia as a whole.

⁵ Thus the separate school systems established several decades ago in the Italian Autonomous Region of South Tyrol, is still the subject of constant public debate.

⁶ This paper will not be dealing with the question of how multiethnic tolerance can be promoted throughout the educational process, the question of the moratorium of history, or the access of Romas to education. Each of these questions is so complex and differs so much from the emphasis of this paper as to justify a research of its own.

PART I: THE LEGISLATIVE FRAMEWORK OF MINORITY EDUCATION

The current legislative framework regulating the educational rights of minorities has been largely established over the last three years: the 2000 LAW ON THE EDUCATION IN THE LANGUAGE AND SCRIPT OF NATIONAL MINORITIES (hereafter: LAW ON EDUCATION IN MINORITY LANGUAGE) and Article 11 of the 2002 CONSTITUTIONAL LAW ON NATIONAL MINORITIES (hereafter: CLNM)⁷ are the fundamental texts regulating minorities' rights in the educational field⁸. As Article 1 of the LAW ON EDUCATION IN MINORITY LANGUAGE stipulates that it "shall neither change nor repeal the rights of national minorities to education obtained pursuant to earlier regulations", a number of regulations and agreements adopted upon the reintegration of the UNTAES area into Croatia may still be relevant, but the extent to which they are still of significance in view of the high level of protection of protection accorded to minority rights by the laws subsequently adopted by Croatia, and whether they are still binding, particularly in a legal sense, is debatable⁹. Two international treaties, which entered into force in Croatia in 1998, also contain important clauses on minority education: the FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES (hereafter: FCNM) and the EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES (hereafter: Charter). Lastly, a number of bilateral treaties and the 'kin-States' of specific minorities contain important provisions on education¹⁰.

1) The Right to minority education in Croatian law

a) The right to mother tongue education

The CLNM (Article 11) and the LAW ON EDUCATION IN MINORITY LANGUAGE provide that "members of national minorities shall have the right to education in the language and script they use" at "pre-school institutions, primary and secondary schools and other school institutions", and that the "curriculum in minority language shall obligatorily contain a part, the content of which refers to the particularity of the national minority"¹¹. These provisions

⁷ All quotations in this paper to the CLNM and the LAW ON EDUCATION IN MINORITY LANGUAGE refer to the English version of these laws used by the OSCE Mission to Croatia.

⁸ The previous legislative framework was defined essentially by the 1979 LAW ON UPBRINGING AND EDUCATION IN THE LANGUAGES OF NATIONALITIES (valid until 2000) and the 1991 CONSTITUTIONAL LAW ON HUMAN RIGHTS AND FREEDOMS AND THE RIGHTS OF ETHNIC AND NATIONAL COMMUNITIES OR MINORITIES IN THE REPUBLIC OF CROATIA (amended in several occasions and valid until 2002).

⁹ The most important provisions are Paragraph 8 of the Government of Croatia's letter of Intent of 13 January 1997, and Paragraphs B and C of the Declaration of the Government of the Republic of Croatia of 6 August 1997 on Educational Rights for minorities in Eastern Slavonia, Baranja and Western Sirmium. Other provisions deal more with employment issues, which are relevant for a public service of education but will not be the focus of this paper.

¹⁰ The most important bilateral agreements bearing on educational rights of minorities have been concluded with Italy and Hungary. But numerous bilateral agreements (Slovakia, Ukraine, Bosnia and Herzegovina...) also touch upon education and culture.

¹¹ These provisions are contained, with slight stylistic variations, but no difference in content, by Art. 11§1,2 and 4 of the CLNM and Articles 1, 2 and 6 of the LAW ON EDUCATION IN MINORITY LANGUAGE.

conform to the highest international standards from three essential points of view. In the first place, they clearly refer to rights of national minorities, rather than to vague undertakings of the State¹². Secondly, they grant persons belonging to minorities the right to be taught *in* their mother tongue rather than simply *of* their mother tongue¹³. And lastly, they guarantee this right throughout the entire educational process, up to the secondary level¹⁴.

This, of course, does not mean that the right to minority education is unconditional. Taken into conjunction, Articles 1, 3 and 4 of the LAW ON EDUCATION IN MINORITY LANGUAGE imply that the realisation of the right of national minorities to education in their language and script *can* be made dependent on the presence of a minimum number of students. This is in line with international standards on minority educational rights, which all follow a ‘sliding-scale’ approach: public authorities should provide education in (or of) the minority language ‘where appropriate’. This means essentially where the speakers of a minority language are sufficiently numerous and territorially concentrated, and where sufficient demand is expressed¹⁵. The CLNM and the LAW ON EDUCATION IN MINORITY LANGUAGE include further progressive standards as they provide that *lower* minimum demographic thresholds should (or could) apply to the establishment of schools or class departments in minority language than is the case with normal school institutions or class departments in Croatian language¹⁶. There is however no reference as to *what* could be the minimum number of pupils required, nor is it clear as to whether there is a threshold above which families can invoke a *right* to have such classes or schools. The absence of such a thresholds in the law itself can help to be flexible, but the absence of more specific guidelines from the Ministry of Education, in publicly available regulations, leaves a too great degree of discretion to the administration.

b) The right to bilingual education and to teaching *of* a minority language

In its 2003 Report on the Implementation of the Charter, Croatia states that “the members of national minorities realise their constitutional right to education through three basic models and several special forms of education”, and describes those three models as follows:

“MODEL A -All lessons take place in the language and script of the national minority with compulsory teaching of the Croatian language (...)

MODEL B -Teaching is carried out in the Croatian language and the language and script of the national minority, what is known as bilingual teaching. The natural sciences are taught in

¹² Compare with Articles 12§1 and 14 of the Framework Convention, and Paragraph 34 of the Copenhagen Document: all provide that States should *endeavour* to ensure that persons belonging to national minorities have adequate opportunities for instruction of their mother tongue

¹³ Cf Article 14 FCNM, Article 4 of the UN Declaration, Paragraph 34 of the OSCE Copenhagen Document.

¹⁴ Even the Hague Recommendations, which contain the most progressive international standards, suggest a sliding curve for teaching in the minority language: the minority language should be the medium of teaching at the kindergarten level, and the number of subjects taught in the State language should gradually be increased throughout the educational process.

¹⁵ Cf FCNM, Article 14 and Article 8 of the Charter.

¹⁶ Article 11(6) CLNM, and Articles 3 and 4 of the LAW ON EDUCATION IN MINORITY LANGUAGE. There is an inconsistent usage of the words ‘shall’ and ‘may’ in the translated version of the laws, and we are told that the Croatian version lies somewhere in-between. The difference between ‘school institutions’ and ‘class departments’ will be explored in detail in the following sections. At this stage, it is only important to note that, whatever the institutional framework within which mother tongue education is dispensed, State authorities *should* require a lesser minimum number of pupils than is otherwise the norm.

Croatian and the social science subjects or the national group of subjects are taught in the language and script of the national minority (...)

MODEL C -The cultivation of language and culture is a special teaching program which runs for five school hours a week with a complete program of teaching in the Croatian language. The program covers teaching in the language and literature of the national minority, history, geography, music and art (...).¹⁷

These three models will be referred to hereafter as respectively as 'Mother tongue education' (for model A), 'bilingual education (for model B), and 'nurturing classes' (for model C).

In fact, what is presented as a coherent set of "three basic models" through which "members of national minorities realise their constitutional right to education"¹⁸, has no foundation in any domestic legal act of the Republic of Croatia. Article 11 of the CLNM protects the right to mother tongue education only¹⁹ (Model 'A'), and so does the LAW ON EDUCATION IN MINORITY LANGUAGE²⁰. Provisions *similar* to those models were only referred to in a July 1996 draft law on minority education, which was not adopted by the Parliament²¹. The only possible legal source for these models would be an international convention ratified by Croatia: the Charter. Article 8 of the Charter lists three models of minority education in almost exactly the same terms²², and Croatia is under the obligation to provide to those pupils who so request and whose number is considered sufficient access to at least *one* of these options. Under Article 140 of the Constitution, the provisions of the Charter are "part of the domestic legal system of the Republic of Croatia and (...) have legal force superior to law"²³. However, when ratifying the Charter in 1997, Croatia made a declaration interpreting the term "territory in which a regional or minority language is used" as referring to those areas in which the official use of the minority language is introduced by the by-laws passed by the local self-government units". This declaration would reduce the applicability of the Charter in Vukovar-Sirmium County to only 4 Serbian municipalities. The validity of this declaration itself is doubtful: it seems to be incompatible with the object and purpose of the Charter, to contradict the spirit of the Croatian

¹⁷ Croatia's second Periodical Report on the Implementation of the Charter, under the point "Article 8 Education". The report cites other special alternatives, such as summer and winter schools, correspondence education, as well as teaching the language of the minority as the language of the environment, as is the case for Italian in the Istarska County.

¹⁸ And is referred to as such by many officials of the Ministry of Education. The State County for Administration referred with great confidence to these models, admitting in the same interview that they never did not know upon which regulation they were founded. Many school principals thought these models were in existence, but were not able to be more precise.

¹⁹ Article 11(1) CLNM: "Members of national minorities shall have the right to education in the language (...) which they use".

²⁰ Only the expression 'other forms of education' in Article 2 of this law appears at first sight to be vague enough to *possibly* be interpreted so extensively as to encompass models B and C. However, even then, this expression is used to refer to "education in national minority language".

²¹ "Final Bill on Education in Languages of Ethnic and National Communities or Minorities", submitted on 26 July 1996 by the Government for adoption to the House of Representatives. There are some differences, however. Article 6 allowed for the establishment of a "bilingual educational institution, class or group" only in units of local self-administration where a minority language is in official use. Article 13 provided for "optional education" in minority language in Croatian-language schools, if so desired by members of the minority, without elaborating on the form and content of these optional classes.

²² The three options offered by the Charter (Article 8 a-d) are that persons belonging to a linguistic group could (a) be educated in their mother tongue or (b) have a substantial part of their education in this language or (c) be taught their language as an integral part of the curriculum.

²³ The Charter entered into force in Croatia on 1 March 1998.

legislative framework on minority education adopted since then²⁴, and to be disregarded by Croatia itself in its most recent report on the implementation of the Charter²⁵. Nevertheless, this declaration was never formally renounced.

Thus, if the above-mentioned declaration regarding the Charter remains valid, only the right to mother tongue education has a legislative basis, which is lacking for the practice followed by the Ministry of Education regarding Models ‘B’ and ‘C’²⁶. It is odd that only mother tongue education is protected in domestic Croatian law, and that more limited forms of minority education have only such an extremely unsecured legislative basis. These models should be clearly anchored in law, with the aim of offering a broader choice to minorities and leaving the choice to minorities, if they express the wish in sufficient numbers, as to what model they want to follow. The precise modalities of their implementation should be regulated, if not in the law itself, then at least in public regulations of the Ministry of Education, rather than in internal directives.

2) Problematic relationship between the CLNM and the LAW ON EDUCATION IN MINORITY LANGUAGE

The relationship between Article 11 of the CLNM and the LAW ON EDUCATION IN MINORITY LANGUAGE is extremely problematic. This situation arises because the Constitutional Law (CLNM) was adopted after the special law (LAW ON EDUCATION IN MINORITY LANGUAGE), and repeats at length provisions of the special law, while omitting others. The meaning of legal terms used in both laws thus becomes unclear. This affects primarily “school institutions with the education in the language and script of a national minority” (hereafter: ‘schools with education in minority language’). They are mentioned in exactly the same terms both in Article 11 of the CLNM and in the LAW ON EDUCATION IN MINORITY LANGUAGE, but are clearly defined in neither, and from the internal context of each law could be interpreted differently.

In the 2000 LAW ON EDUCATION IN MINORITY LANGUAGE, ‘schools with education in minority language’ are cited as *one* among several alternatives for offering mother tongue education, and essentially in *opposition* to “class departments or educational groups” within a school institution in “Croatian language” (hereafter: “class departments”)²⁷. In this context, ‘schools with education in minority language’ clearly appear to be *independent public institutions*.

Article 11 CLNM, on the other hand, which guarantees in its first paragraph the right of minorities to education in their language, refers subsequently *only* to ‘schools with education in

²⁴ As both the CLNM and the LAW ON EDUCATION IN MINORITY LANGUAGE do not make the right to mother tongue education dependent on the official status of the minority language in the self-government units. It is thus absurd that the most comprehensive form of minority education (education totally in the minority language), can be provided anywhere, but that a much more limited form (five hours a week of teaching) can be provided only where the minority language is the official language of the self-government unit.

²⁵ The declaration is not mentioned in Croatia’s second report, which on the contrary specifies that teaching is provided in “Hungarian, Ruthenian, Serbian and Slovak” in V-S County.

²⁶ For instance, instruction from the Ministry of Education to the County Offices for Education on how to organise nurturing classes (Model C) at one level of education (primary classes), Document Nr 532-02/5-00-1 (2000). Note that we are referring here to a mere instruction, and not a regulation of the Ministry, and it is only from an oral explanation of a senior member of the Ministry of Education to an OSCE representative that one can become aware that this instruction should apply to the secondary level of education as well.

²⁷ introduced in Articles 2 and 4. Article 2 also mentions “other forms of education” of less importance “(seminars, summer and winter schools, etc.)”.

minority language’, and mentions *no other form* of minority education. In the context of Article 11 of the CLNM standing alone, ‘schools with education in minority language’ could refer to *all school institutions in which education in a minority language is conducted*²⁸. The following paragraphs of Article 11 CLNM, which deal with specific aspects of minority education (establishment of curricula, training of teachers, supervision, etc.) would all be understandable when applied in general to all institutions offering mother tongue education.

Interpreting Article 11 CLNM in this sense is however fraught with difficulties. As the LAW ON EDUCATION IN MINORITY LANGUAGE is of lesser normative status and supposed to implement the principles set out in the Constitutional Law, it should logically be interpreted within the framework of Article 11 CLNM. However, within the 2000 LAW ON EDUCATION IN MINORITY LANGUAGE, ‘schools with education in minority language’ are clearly distinguished from other forms of minority education and *cannot* be reinterpreted so as to encompass these other forms of minority education without rendering the whole LAW ON EDUCATION IN MINORITY LANGUAGE incomprehensible and totally inoperative²⁹. On the other hand, if the expression of ‘schools with education in minority language’ were to convey a completely different meaning in each law, it would become impossible to foresee the legal effects of the use of this expression in sub-legal or administrative acts. And it would be also inconsistent, as Article 11(2) of the CLNM stipulates that education of members of national minorities in ‘schools with education in minority language’ “shall be performed (...) under the conditions and in the manner stipulated by a special law on the education in the language and script of national minorities”, and the only such law is the 2000 LAW ON EDUCATION IN MINORITY LANGUAGE.

The conclusion would be that the concept of ‘schools with education in minority language’ has to convey the same meaning in both laws, and that this meaning is the one provided by the 2000 LAW ON EDUCATION IN MINORITY LANGUAGE. It is then legally coherent, but is very unsatisfactory: it implies that *only* independent public entities classified as ‘schools with education in minority language’ enjoy the protection of a Constitutional law, and any form of minority education provided in another institutional is protected only under laws of lower normative status. And this has further serious drawbacks, on the one hand because ‘class departments’ in minority language are already poorly provided for within the LAW ON EDUCATION IN MINORITY LANGUAGE, and on the other hand because ‘schools with education in minority language’ are not sufficiently well defined.

3) Characteristics of ‘schools with education in minority language’

The LAW ON EDUCATION IN MINORITY LANGUAGE does not provide a *definition* of ‘schools with education in minority language’. Article 18, which provides that the Ministry of Education “may adopt regulations on the manner of application of the provisions of this law on school institutions in national minority language and script”, was never used³⁰. A number of

²⁸ In all instances, we have closely compared the (translated) English version with the original Croatian text. Our analysis is thus valid when applied to the original text. Indeed, it is the English translation which sometimes introduces minor stylistic variations which are not present in the original.

²⁹ And a negative practical consequence would also be that minorities would lose their protected right to separate educational institutions as defined in the LAW ON EDUCATION IN MINORITY LANGUAGE.

³⁰ This judgement is substantiated by our research and confirmed by Assistant Minister Milic, interview of 25 July 2003.

features of such institutions can be established from the context of the law, while others remain more indeterminate.

a) Primary option for mother tongue education

Read in conjunction, articles 2, 3 and 4 of the LAW ON EDUCATION IN MINORITY LANGUAGE clearly imply that ‘schools with education in minority language’ are designated as the *primary* option for conducting mother tongue education, and that “class departments” within Croatian language schools are a *subsidiary* means for conducting education in a minority language “if there are no conditions for the establishment” of a minority school. This is also the view taken by Croatia in its 2003 Report on the implementation of the Charter, where it states that full scale mother tongue education “as a rule (...) is used in special institutions but may also be used in Croatian language institutions in separate departments”, whereas the reverse is true for bilingual education and nurturing classes³¹. This view is confirmed in another part of the report, when Croatia states that the “education in their languages and scripts” is “carried out in separate classes in Croatian language institutions” *for those minorities* which “do not fulfil the legal conditions” for realising “their right to independent institutions”³².

b) Conditions of Establishment

Article 2 of the LAW ON EDUCATION IN MINORITY LANGUAGE provides that “provisions of other laws and regulations shall be applied to the establishment and legal status” of such schools (...) unless differently stipulated by this law”³³. As the only particular provision regarding the establishment of such schools is that the minimum number of students required may be smaller than for standard educational institutions³⁴, regulations of all general laws on the establishment of school institutions should apply³⁵ to all other aspects. The procedure differs for establishing kindergartens, primary schools and secondary schools, but the laws clearly stipulate that both the Republic of Croatia and a self-government unit can establish such an institution³⁶, and that the approval of the Ministry of Education is always necessary³⁷. The

³¹ Cf note 17. The exact quotation refers to the models ‘A, B, C’, and stipulates that ‘Model A’ (all lessons in the minority language) “as a rule (...) is used in special institutions but may also be used in Croatian language institutions in separate departments”, whereas Model B (bilingual) “takes place as a rule with teaching in the Croatian language, but in separate class groups” and Model C (five elective hours a week) necessarily take place in Croatian language institutions. Why Model C should necessarily take place in Croatian language institutions, and not in a ‘school with education in minority language’ of another minority, is an oddity, given the fact that, under Article 4(2) of the LAW ON EDUCATION IN MINORITY LANGUAGE, full mother tongue education can be provided for a minority within a school institution of another minority.

³² Cf note 17.

³³ Law on Education in Minority Language, Article 2. This provision is more important for its spirit than for its content, as the current legislative framework does not strictly establish a minimum number of pupils for *any* school.

³⁴ LAW ON EDUCATION IN MINORITY LANGUAGE, Article 3.

³⁵ These are essentially the LAW ON INSTITUTIONS, the LAW ON PRE-SCHOOL EDUCATION, the LAW ON PRIMARY EDUCATION, and the LAW ON SECONDARY EDUCATION.

³⁶ Article 7 of the LAW ON PRE-SCHOOL EDUCATION, Article 14 of the LAW ON PRIMARY EDUCATION, Article 25 of the LAW ON SECONDARY EDUCATION. The differences mainly lie in the fact that kindergartens and primary schools can be established by all levels of government units, whereas secondary schools can be established only by regional self-government units or the Republic of Croatia.

conditions for approving the establishment of such an institution are stipulated in almost identical terms in each case, and the most important of them relate to securing the space and equipment, financial resources and number of employees necessary for carrying out an approved program of activity/curriculum³⁷. A ‘school with education in minority language’ could be established where it attracts enough pupils of this particular minority to sustain a viable educational institution. But what this means in practice remains unclear for two reasons: in the first place, the pedagogical standards, which were supposed to be enacted by the Croatian Parliament for all levels of education, were never enacted³⁸. Secondly, the opportunities for setting up sub-schools and combining grades potentially offer a lot of flexibility⁴⁰. Consequently, the exact minimal conditions for setting up such a school remain indeterminate.

The procedure for setting up a ‘school with education in minority language’ has apparently never been specified by the Ministry of Education in a publicly available document. Who is to be consulted and how, what is the role of school boards, local authorities, and minority associations, has never been clearly stipulated. As we will see in Part III, this absence of clarity is a serious drawback and may feed the suspicion that decisions will be taken on an arbitrary basis.

c) Enrolment of Croatian pupils

An essential issue is whether ‘schools with education in minority language’ would be entitled *not* to set up Croatian-language classes. There is no unity of views in this regard, neither among minorities, nor within the State administration⁴¹.

Article 4(2) of the LAW ON EDUCATION IN MINORITY LANGUAGE specifically provides that ‘class departments’ of *another* minority may be established in a “school with education in minority language”. The fact that this provision is not explicitly extended to Croatian language pupils could be interpreted as implicitly denying them the same privilege. Article 7, which states that the enrolment in a ‘school institution with education in minority language’ “shall be conducted under the same conditions as the enrolment to a school institution with (...) classes in the Croatian language” and that “in case a larger number of applicants should apply (...) the students who are members of the national minority shall have priority”, could be read in conjunction with Article 4(2), and thus as applying only to the students of another minority.

³⁷ Article 9 of the LAW ON PRE-SCHOOL EDUCATION, Article 17 of the LAW ON PRIMARY EDUCATION, Article 27 of the LAW ON SECONDARY EDUCATION. Essentially, the higher the level of education of an institution, the higher the level of the governmental unit from which the proposal can emanate. Networks of secondary schools are thus in fact proposed by the regional self-government units, only *endorsed* by the Minister of Education and actually adopted by the Government of Croatia.

³⁸ Article 12 of the LAW ON PRE-SCHOOL EDUCATION, Article 17 of the LAW ON PRIMARY EDUCATION, and Article 29 of the LAW ON SECONDARY EDUCATION.

³⁹ Cf Article 6 of the LAW ON PRE-SCHOOL EDUCATION and Article 11 of the LAW ON PRIMARY EDUCATION.

⁴⁰ Combining grades, for instance, would allow for the creation of minority schools where the number of students is insufficient to establish a class for each grade, yet arguably provide pupils with the necessary continuity of education. One example of such school is the Hungarian primary school of Korod.

⁴¹ The State County of Administration and JCM representatives assumed it would be the case, whereas the head of the County Council of another national minority qualified such view as “idiotic”, and Assistant Minister Milic considered that the LAW ON EDUCATION IN MINORITY LANGUAGE does not contain any clear provision in this regard.

On the other hand, article 4 as a whole refers only to the establishment of ‘class departments’ in minority language, and article 4(2) can be read as simply safeguarding the educational rights of a minority to set up ‘class departments’ in its language *also* in situations where the local school institution is not a standard Croatian-language institution. Article 4 would then be interpreted as being irrelevant to the rights of Croatian-language pupils. Article 7 could be read on its own, thus imposing on a ‘school institution with education in minority language’ the same obligations with regard to enrolment as Croatian language-schools, and indirectly ensuring the right of Croatian-language pupils to be taught in Croatian in this institution⁴², subject only to the provision of Article 7(2) that “in case a larger number of applicants should apply” than the school can provide for, “the students who are members of the national minority shall have priority”.

We did not have access to the drafting history of the LAW ON EDUCATION IN MINORITY LANGUAGE, so as to shed some light on how these provisions should be interpreted⁴³. We also do not have a proper view of the practice followed by such schools, where they exist⁴⁴. Based on the information available, we consider that neither interpretation is wholly persuasive; it is best to consider that the LAW ON EDUCATION IN MINORITY LANGUAGE is unclear on this issue.

4) Lower protection for ‘class departments’ in minority language

The LAW ON EDUCATION IN MINORITY LANGUAGE contains a number of provisions, which apply to both institutional structures of mother tongue education – ‘schools with education in minority language’ and ‘class departments’: the establishment of a curriculum referring to the particularity of the national minority, the obligation for pupils to learn the Croatian language, the maintenance of pedagogical documentation in both the Croatian and the minority language,

⁴² Article 12 of the CONSTITUTION, which declares Croatian the official language of the Republic of Croatia, read together with Article 27 of the LAW ON PRIMARY EDUCATION and Article 4 of the LAW ON SECONDARY EDUCATION, which provide that education must be carried out in Croatian language, could ensure to every Croatian citizen the right to be taught in the State language.

⁴³ We know that the 1996 draft “Bill on Education in Languages of Ethnic and national Communities or Minorities” provided in its articles 10 and 11 that “those who consider themselves members” of the minority “may enroll” in such an institution, and that “members of the Croatian nation may as an exception enrol (...) if (...) there is still room, provided that classes in the Croatian language are ensured for them”. Three characteristics are here important: (1) Enrolment is normally reserved to ‘members’ of the minority; (2) Croats may exceptionally enrol; (3) then they should however be taught in Croatian language. It is important to note that *none* of these three propositions has been incorporated in the 2000 LAW ON EDUCATION IN MINORITY LANGUAGE (Even proposition (1): the current law focuses on language of instruction rather than ‘membership’ of a minority, and only in case of a too high number of applicants should the members of the minority have priority). We consider it likely that, in the face of the intense controversies caused by those provisions in 1996, the legislator retreated from incorporating any of these divisive propositions in the 2000 LAW ON EDUCATION IN MINORITY LANGUAGE and kept the law deliberately vague.

⁴⁴ A telephone interview with the principal of the Italian Primary school Gelsi, in Istria, seems to indicate that the school provided for education in Italian language for the Italian minority back in the 1950’s, and does provide Croatian language education as well. The current statute of the school does not contain any explicit provision stating that the school is a ‘school with education in minority language’, and refers to the 2000 LAW ON EDUCATION IN MINORITY LANGUAGE in general terms. It does state that the enrolment of candidates for the first grade in Italian language is based on the provisions of the CONSTITUTIONAL LAW ON HUMAN RIGHTS AND FREEDOMS AND RIGHTS OF ETHNIC AND NATIONAL COMMUNITIES OR MINORITIES (an outdated provision) and the LAW ON EDUCATION IN MINORITY LANGUAGE, whereby it remains unclear whether this provides for a privileged enrolment of Italian pupils. The Statute would contain no provision that at least a simple majority of the school board should belong to the Italian minority, but the rulebook on the school board of the school would contain such a provision.

the obligation for the State to provide the funds necessary for the conduct of minority education, the conditions under which students will be enrolled, and the issuance of textbooks in national minority language⁴⁵. In all these cases, there is indeed no need to differentiate between the various institutional structures where mother tongue education is provided.

A number of provisions relate only to ‘schools with education in minority language’, and make sense as those are independent public institutions: the right for the title of the school, the seal and stamp to be written in both Croatian and the minority language, the obligation that at least a majority of the members of the management body to be members of the national minority, the possibility for the school to obtain funds from other sources⁴⁶.

Other provisions which are essential to all forms of minority education apply, against all logic, *only* to ‘school institutions with education in minority language’: the stipulation that teachers will have full command of the language of the national minority or will have been trained in a specific national minority subject, the obligation for the Ministry to provide advisors and inspectors who have full command of the minority language, the obligation to train teachers and enable them to master the content of their profession in the national minority language, and the possibility for the school to use textbooks from the parent country⁴⁷. Those provisions thus do not apply to ‘class departments’ in minority language within Croatian language school institutions. In all these cases, what is at case is that forms of minority education other than ‘schools with education in minority language’ are arbitrarily deprived of a guaranteed access to a number of essential *pedagogical standards*⁴⁸.

The situation is particularly bizarre for monolingual schools, which offer minority mother tongue education at all grades, but are not officially registered as ‘school institution with education in minority language’: they do not enjoy the guarantees reserved to institutions registered as ‘schools with education in minority language’, but are not ‘class departments and educational groups’ within Croatian institutions, without stretching the meaning of this term. They thus seem to belong to none of the categories envisaged by the LAW ON EDUCATION IN MINORITY LANGUAGE, and their legal entitlements under the law are extremely weak.

The pernicious consequence of this state of affairs is that all schools providing a form of minority education without being officially registered ‘school institution with education in minority language’ are unnecessarily deprived of a number of entitlements.

5) Conclusions

The Croatian legislative framework regulating minority education is extremely progressive as it grants to persons belonging to national minorities the right to be taught in their mother tongue at all levels of the educational system, if conditions regarding a minimum number of

⁴⁵ LAW ON EDUCATION IN MINORITY LANGUAGE, Articles 6, 8, 11, 16 and 7 and 15(1) respectively.

⁴⁶ LAW ON EDUCATION IN MINORITY LANGUAGE, Articles 5, 12, and 16(2) respectively. The case is of course more persuasive for some provisions than others, but none is unreasonable.

⁴⁷ LAW ON EDUCATION IN MINORITY LANGUAGE, Articles 10, 13 and 14, and 15(2). The provision concerning the import of textbooks is significant in the current context (detailed in section IV), and extending it to ‘class departments’ would not be unreasonable, as the approval of the Ministry of Education is always required.

⁴⁸ Article 11(7) CLNM, which provides for the education of school counsellors and teachers, could be interpreted as applying to *all* forms of minority education because it does not mention ‘schools with education in minority language’. It is however the only instance of this kind of ambiguity.

students are met. However, 'schools with education in minority language', which are designated as the primary option for conducting mother tongue education and given important privileges, are not properly defined. 'Class departments', which allow for providing mother tongue education even where minority communities are very small, are not endowed with any right with regard to a number of essential pedagogical standards, and the conditions under which they are to be set up are not clearly regulated either. Other options of minority education ensured in practice -bilingual education and nurturing classes- lack a clear legislative basis, and are being regulated only through internal directives of the Ministry of Education –if at all. The progressive spirit of Croatian legislation on minority education is thus seriously undermined by these inconsistencies. It is to be recommended that the gap between the two main institutional settings for the provision of mother tongue education should be narrowed, and legislative and administrative acts be adopted to clarify the modalities of all forms of minority education.

PART II: ACCESS TO MINORITY EDUCATION IN V-S COUNTY

We will provide an overview, in Vukovar-Sirmium County⁴⁹, of the level of Access to minority education for each minority, ascertain what schemes of minority education are provided (i.e. mother tongue education or nurturing classes), and determine which demographic thresholds apply in practice at the local level.

1) Access of the different minorities to minority education

In the 2002-3 academic year, the network of public schools in Vukovar-Sirmium County included 15 pre-school institutions, 53 primary schools and 15 secondary schools. Roughly a quarter of these 83 institutions offered mother tongue education for at least one minority - in all but two instances, the Serbs⁵⁰. All schools offering minority mother tongue education were inside the former UNTAES area. In 2002-3, nurturing classes were available in three schools – under proposals for additional Hungarian classes, this figure would rise to eight.

a) The Serb minority: widespread access to mother tongue education

Within the county, only the Serb minority (31,644 inhabitants – 15.5% of the population and 80% of all minority members⁵¹) has access to mother tongue education from the pre-school to the secondary level. More than a quarter of kindergarten and secondary schools and more than a fifth of primary schools within the county offer Serbian language education. 70% of Serbs have access to Serbian-language kindergarten in their own locality, and 92% to a primary school offering teaching in their language at all grades⁵². Four secondary schools - all situated in Vukovar - offer Serbian-language schooling. These cover the three main branches of secondary education in the County (grammar, economic and trade-technical courses). The number of pupils enrolled in Serbian-language secondary education is roughly in line with the size of the Serb community.⁵³ Nurturing classes have only an insignificant impact on the Serb minority in the county⁵⁴. JCM has proposed a reorganisation of Serbian-language education in V-S County, but not its expansion to localities where it does not currently exist.

⁴⁹ This part of our paper is the result of an extensive field-survey, and does not allow for extrapolating to other parts of the Country. We were told that the situation even in neighbouring Osijek-Baranja County might differ in some respects.

⁵⁰ Out of 53 primary schools, five offered both Croatian and Serbian teaching, one both Croatian and Slovak teaching, five only Serbian teaching, and one only Hungarian teaching. Four Kindergarten offered Serbian teaching only, and four secondary schools offered both Croatian and Serbian teaching.

⁵¹ Unless otherwise stipulated, all statistics refer to the 2001 Census and refer to minorities as defined by ethnicity.

⁵² Serbian-language kindergartens are located in Vukovar and Borovo, Negoslavci and Trpinja municipalities. Primary schools where some or all pupils are taught in Serbian are found in Vukovar (3), Borovo, Markusica, Negoslavci, Nijemci, Stari Jankovci, Trpinja (2) and the Mirkovci suburb of Vinkovci.

⁵³ Exact estimates are difficult, because the statistical data from different sources (2001 census, school year enrolment of 2002/3, etc.) can be compared only with caution. It is however likely that between 70% and 85% of the County Serbs' enrolled in secondary education follow it in Serbian language. The fact that there is no problem of access is illustrated by the fact that in two of these secondary schools in Vukovar, for the second year running, there were fewer Serbian-language pupils than these institutions could have enrolled.

⁵⁴ They were introduced in Tovarnik municipality in 1998 and discontinued shortly thereafter. In Nijemci municipality, they are given to 2 or 3 children a year in a Croatian-language sub-school to prepare them for transferral to a Serbian-language branch of the same school.

b) Four minorities with significant access to ‘nurturing classes’

In addition to the Serbs, four minorities have access to certain schemes of minority education in primary schools. They typically receive nurturing classes, although two minorities also have a limited access to mother tongue education.

- 2,047 **Hungarians** live in V-S County. Of these, 19% live in the village of Korod, where Hungarian-language education is offered for grades 1-4. Pupils wishing to continue mother tongue education receive free transport to Osijek to do so.⁵⁵ Hungarian teaching for grades 5-8 is planned for Korod itself. No nurturing classes were available in 2002-3, but requests have been made for such classes to be offered in five localities containing 54% of the minority⁵⁶. The Ministry of Education is reported to view these proposals positively. Should all the proposed nurturing classes be formed, 73% of the Hungarian population will live in localities where a variety of minority education is offered to the community.
- The **Slovak** population is 1,338, 82% of whom live in Ilok. Since 1998, the town's (mainly Croatian-language) primary school has offered Slovak mother tongue education in grades 1-4 and nurturing classes in grades 5-8. The mother tongue classes have proved unpopular, and the school and the Slovak Association have agreed that they should be discontinued - nurturing classes will now be offered in all grades⁵⁷. The Slovak Association is considering requesting nurturing classes in Ilok secondary school, and in a primary school in Vrbanja municipality, home to 5% of the Slovak population.
- There are 1796 **Ruthenians** and 476 **Ukrainians** in V-S County. Their minority education, although separate, is closely co-ordinated for cultural reasons. Ruthenians receive nurturing classes in 2 municipalities⁵⁸ (home to 51% of the minority) while Ukrainians receive classes in one of these localities (home to 31% of the group). The Ruthenian-Ukrainian Association has suggested Ruthenian nurturing classes in Vukovar, but this proposal did not create sufficient interest among parents. The Association also wishes to open two minority-language kindergartens, but its plans are largely dependent on the pace of the reconstruction process⁵⁹.

c) Two minorities without access to any minority education

Two groups with more than 250 members do not receive either mother tongue education or nurturing classes anywhere in V-S County. These are the Albanians and Bosniaks.

- The **Albanian** community has 487 members but is not concentrated in specific localities within the county and so far has not requested special classes.

⁵⁵ The costs are shared between the Republic of Hungary, the Association of Hungarians and the Republic of Croatia.

⁵⁶ These are Vukovar, Lovas, Nustar, Stari Jankovci and Tompojevci municipalities.

⁵⁷ The Slovak community in Ilok is divided on this issue, but so far no group of parents have publicly come forward to oppose the Association's decision.

⁵⁸ Tompojevci and Bogdanovci.

⁵⁹ These kindergarten existed prior to 1991 but were destroyed during the war.

- The **Bosniak/Muslim** community is relatively large (about 2000⁶⁰) and geographically concentrated in two contiguous municipalities –Gunja and Drenovci. Its leaders have however chosen to emphasise religious instruction and not to request linguistic-cultural education. 37% of the pupils of Gunja's primary school –accessible to pupils from Drenovci- receive Islamic religious education.

d) Conclusions

94% of all minority members belong to five minorities, which receive at least one variety of minority education: the Hungarians, Ruthenians, Serbs, Slovaks and Ukrainians. No national minority of any significant size has been *denied* access to minority education: the only two groups with significant populations in the county to receive neither variety -the Albanians and Bosniaks- have either made no request or requested religious education only –which was granted to them⁶¹. Altogether, the level of access to some scheme of minority education is very high: 80% of members of national minorities⁶² live in local self-government units in which mother tongue education and/or nurturing classes were available to their community in 2002-3.

The division between schemes of mother tongue education (Model 'A') and nurturing classes (Model 'C') follows almost exactly ethnic lines: the Serb minority has access to the former, and all other minorities (almost exclusively) to the latter. In all cases, however, the model of minority education provided corresponds to the expressed wish of the minorities involved, and does not result from unequal treatment from the Croatian authorities. The Serb minority has so far requested full-scale mother tongue education. The Hungarian minority has requested mother tongue education only in Korod, and is proposing to expand nurturing classes in other locations. The Slovak Association has now decided to discontinue mother tongue education in Ilok in order to strengthen nurturing classes at all grades. The Hungarian proposals and Slovak reforms would expand nurturing classes beyond the pre-war limits⁶³.

With the exception of the Serbs, minority education is provided for all other minorities at the primary level only. No minority has however been denied minority education at other levels: the plans of the Ruthenians to establish Kindergartens are largely dependent on the reconstruction process, and the Slovaks have yet to put forward a request to extend nurturing classes to the secondary level. In the case of the Serbs, mother tongue education is available at all levels, thus fulfilling the most progressive international standards.

⁶⁰ Our data here includes all Slav Muslims, and is adapted from the data of the 2001 Census. See Vukovar Unit's report on *18th May Elections for Councils of Minorities in Self-Government Units*, 13/5/03.

⁶¹ In its instrument of ratification of the Charter, Croatia gave an exhaustive list of languages to which the provisions of the Charter shall apply, excluding both Albanian and Bosnian. Articles 1 and 2(1) of the Charter, read together, make it very questionable whether Croatia is justified in excluding the Bosnian language from the scope of the Charter. The Committee of Experts of the Charter noted that "other languages, such as (...) Bosnian, could fall under part II" and encouraged Croatia to verify whether the Charter should not apply to the Bosnian language. However, in Vukovar-Sirmium County at least, the question is not currently of no practical relevance, as no request was presented by members of these communities for minority language education.

⁶² Unless specified otherwise, all references to demographic data are taken out of the 2001 Census and refer to minorities defined in ethnic terms.

⁶³ No minority in Vukovar-Sirmium County has ever requested 'bilingual education'.

2) ‘Where numbers warrant’: Thresholds implemented in practice

Croatian law provides that minority education schemes can be established with fewer pupils than normally required for standard education, but also that Croatian authorities are entitled not to set them up where there is insufficient demand, whereby the exact thresholds are not defined in any regulation. If the minimum number of students required for minority schooling is unclear in law, what is *in practice* the policy of Croatian Ministry of Education?

a) Provision of minority education for ‘middle-range’ communities

16% of minority members live in 18 communities which number between 150 and 1000⁶⁴ within their local self-government unit (hereafter: middle-range communities). This category is of especial importance to an analysis of the authorities’ attitudes, for these communities are large enough to include sufficient children to make primary-level minority schooling feasible (presuming a strong sense of identity) but only on a small scale⁶⁵. The relative cost of teaching minority pupils from these communities in their locality of residence is inevitably unusually high.

Of these 18 communities in V-S County, three are provided with nurturing classes, three with mother tongue education, and three with free transport to a locality where pupils can receive mother tongue education. By these means, 37% of those living in medium-sized minority communities are provided with some form of access to minority education. If the Hungarian proposals for nurturing classes are accepted, 11 communities will be covered, with 54% of the minority population in medium-sized communities.

The 7 middle-range communities for which access to minority education has *not* been established include 4 Serb groups and single concentrations of Hungarians, Ruthenians and Ukrainians. In almost all cases, these groups do not appear to be interested in minority education. Four of those groups are based in towns and are liable to be well integrated into the majority community– this is true of Ruthenians in Vukovar, and possibly of the Serbs in Ilok. Political circumstances may also shape a group’s attitude to its identity: of the Serb groups without minority teaching, two are outside the former UNTAES area⁶⁶.

The current system is thus very liberal in providing access to both mother tongue education and nurturing classes. The authorities appear to accept the extra costs associated with promoting

⁶⁴ 75% of minority members live in LOCAL SELF-GOVERNMENT UNITs where their community numbers more than 1,000 – all have access to nurturing classes or mother tongue education. 9% live in LOCAL SELF-GOVERNMENT UNITs with fewer than 150 members of their minority – none have any access to either type of education, nor could it be realistically be expected to be sustainable.

⁶⁵ Groups within this range are likely to include between 10 and 100 primary school age children: 10 tends to be the lowest range for setting up a ‘class group’, when combining several grades, whereas 100 tends to be the *de facto* minimum figure of pupils required for a primary school. The average number of pupils in V-S County’s primary schools is 324, but five Croatian-language schools in small communities have between 90 and 125 pupils. Although unusual, schools of this size are thus currently acceptable under exceptional circumstances.

⁶⁶ The Serbs in Ilok constitute the most notable Serb group (566 members) without minority education *within* the UNTAES area. Education in Serbian language teaching there was ended (apparently without consultation) in 1998, and some children still cross the border to Backa Palanka (Serbia) for primary schooling. However, the Serb community in Ilok has not put forward a request for minority education, and is also one of those communities which did not elect a council of national minority on 18 May 2003. JCM did not propose to set up education in Serbian language in this city.

access to minority education. There are some local inconsistencies, and in a few cases school principals seem to have played a role in discouraging the establishment –or continuation- of minority education. However, in such cases, the community was not unequivocally committed or was divided on this issue. There are no cases where a community would have pressed for a viable minority education scheme and would have been denied it.

b) Strength of ‘class departments’

Although it is for schools to organise classes, the Ministry of Education both monitors this process and has to give its approval. While no law or regulation specifically states the minimum size for even *non-minority* primary school classes, the State County Administration routinely refers all classes of fewer than 15 pupils to the Ministry of Education for approval. To date, it has not rejected any proposal. Most but not all principals and education officials interviewed understood that there are no legal or regulatory minima for minority class sizes.

The Croatian authorities have allowed the creation of ‘class departments’ in minority language within school institutions in Croatian-language with relatively small numbers of pupils⁶⁷. In 2002-3, examples of these included Ilaca-Banovci (29 Serbian-language pupils to 125 Croatian-language children) but also Stari Jankovci (70 Serbian to 255 Croatian pupils) and Ilok (11 Slovak to 519 Croatian pupils). The minority sections of these schools have been permitted to run minority-language classes much smaller than their Croatian-language equivalents, sometimes combining up to four grades to create a viable minority class. Ilok organised a combination for 4 minority pupils, while Stari Jankovci and Ilaca Banovci had combinations of 7 and single-grade classes of 6.

Such small classes are of particular importance where minority populations are spread across a number of villages in a Croat-majority locality⁶⁸. Grades 1-4 minority education can be offered in sub-schools in these settlements, with sometimes as few as 6 pupils. In nearly all cases, pupils must go to a main school for grades 5-8, but the existence of some mother tongue education in their villages preserves their communities’ specificity.

The Hungarian-language primary school in Korod is exceptional for having as few as 15 pupils and providing education only for grades 1-4. However, political considerations seem to account for what may be a unique case: this school has been re-established by the Republic of Croatia itself⁶⁹ during the war, within the context of a strong bilateral agreement on minority education between Croatia and Hungary. Its site was not then under the control of the Croatian Republic, and most pupils were taught in exile.

With regard to nurturing classes, which present fewer organisational dilemmas than mother tongue education, the authorities have also proved generally supportive. The total number of pupils receiving Ruthenian classes has consistently been around 60, while the figure for Ukrainian classes has hovered between 15 and 20. These were run on an *ad hoc* basis prior to 2001, with the two minority’s classes being handled by one teacher each. In 2001, the classes

⁶⁷ These schools are popularly known as ‘dual schools’ within Vukovar-Sirmium County, and some of the characteristics of schools offering full-scale education in both Croatian and Serbian will be discussed in part III. class department or educational group in national minority language and script

⁶⁸ Most notably in Stari Jankovci and villages within the local self-government unit of Vukovar.

⁶⁹ Rather than the municipality or the county.

were formalised in accordance with regulations published in 2000, and the Ministry of Education now pays for one full-time and two part-time Ruthenian nurturing teachers, and one part-time Ukrainian teacher. How Hungarian-language classes will be taught is yet to be concluded.

c) Conclusions

The level of access to minority education in Vukovar-Sirmium County is very high. All minorities of significant size receive the form of minority education that they requested. The Serb minority is unique in having a very widespread access to mother tongue education at all levels of the educational system (from kindergartens to secondary schools). All other minorities have access almost exclusively to nurturing classes at the primary level of education. Differences correspond to the expressed wish of the minorities involved, and do not result from unequal treatment by the Croatian authorities.

80% of members of national minorities live in local self-government units in which mother tongue education or nurturing classes is available to their community. The onus of proposing forms of access to minority education and determining levels of desire for such education (i.e. surveying parents) typically remains with schools and minority associations. The Croatian authorities generally play a positive role in promoting access to minority education, and are typically prepared to support minority education for relatively small minority communities and maintaining very small 'class departments'.

PART III: ESTABLISHMENT OF ‘SCHOOLS WITH EDUCATION IN MINORITY LANGUAGE’ FOR THE SERB MINORITY IN THE DANUBE REGION

This section deals with the institutional framework for mother tongue education in the Danube region and raises the question of the establishment of ‘schools with education in minority language’ for the Serbian minority. We will provide a picture of the present situation, analyse JCM’s proposal for the creation of a network of separate educational institutions, and clarify with which actors such organisational questions should be discussed.

1) Current status of schools in Vukovar-Sirmium County⁷⁰

a) Institutions which could be ‘schools with education in minority language’

We can infer from Article 19 of the LAW ON EDUCATION IN MINORITY LANGUAGE that a number of ‘schools with education in minority language’ must already have been in existence when the law was adopted⁷¹. Indeed, the 2000 LAW ON EDUCATION IN MINORITY LANGUAGE did not create such institutions *ex nihilo*. Previous legislation did allow the creation of such institutions for a number of minorities, but not for the Serbs⁷².

In its 2003 Report on the implementation of the Charter, however, Croatia stated that “the Serbian national minority realise their right to teaching in their language in separate institutions *“in pre-school education, but their right to elementary school education in a separate institution has not yet been realised”*⁷³. This implicitly means that a number of Serb

⁷⁰ The research has been conducted essentially with regard to the situation of Vukovar-Sirmium County, but, as far as the Serbian minority is concerned, the problematic investigated will in general be valid for the whole Danube region.

⁷¹ In conjunction with Article 17 and Article 6, it provides that ‘schools with education in minority language’ shall harmonise their general acts with the provision of this law within 9 months of the coming into effect of the LAW ON EDUCATION IN MINORITY LANGUAGE.

⁷² Article 1, 2 and 3 of the 1979 LAW ON UPBRINGING AND EDUCATION IN THE LANGUAGES OF NATIONALITIES, read together, provided that in the Socialist Republic of Croatia the Hungarian, Czech, Slovak, Italian, Ruthenian and Ukrainian nationalities and "other nationalities and ethnic groups" could establish separate educational organizations where education would be carried out in their language. These entitlements were not available to the Serbs, who were a "nation" (the titular group of one Republic of the Socialist Federation of Yugoslavia) and not a "nationality". The 1979 law itself replaced the 1964 LAW ON SCHOOLS WITH TUITION IN THE LANGUAGE OF INDIVIDUAL NATIONALITIES, which may already have included similar provisions. Thus until the independence of Croatia, both Serbs and Croats were taught within the Socialist Republic of Croatia in Serbo-Croatian language and Latin script. After the independence of Croatia, article 15 of the 1991 CONSTITUTIONAL LAW ON HUMAN RIGHTS AND FREEDOMS AND RIGHTS OF ETHNIC AND NATIONAL COMMUNITIES OR MINORITIES (National Gazette 65/91) foresaw that "in towns and other settlements where national (...) minorities represent a relative majority of the population (...) separate educational institutions (...) will be established with classes held in the language (...) of the particular national (...) minority, if such a wish is expressed". This provision was declared "temporarily" non-applicable in 1995 when Croatia regained control of areas densely populated by Serbs pending the result of a new census –*de facto*, this provision remained inapplicable until the 1991 Constitutional Law was replaced by the CLNM.

⁷³ Cf note 17. Our emphasis.

kindergarten have already achieved this status. JCM assumed that it was the case for the four kindergarten of the County, and did not include them in its proposal⁷⁴ to establish ‘schools with education in minority language’ for the Serbs⁷⁵. In a letter of 10 July 2003, however, the city of Vukovar explicitly denies this status to the kindergarten Vukovar II⁷⁶, and refuses to allow it to incorporate in its statute a provision identical to Article 12 of the ‘Law on Education in Minority Language’⁷⁷.

The conviction of JCM and the Serb principal that the kindergartens are already ‘schools with education in minority language’ rests on the approval by the Ministry of Education in 1998 of the Statute of the schools. The statute of the kindergarten Vukovar II⁷⁸ refers in its preamble to the 1979 LAW ON UPBRINGING AND EDUCATION IN THE LANGUAGES OF NATIONALITIES and provides in its Article 2 that the kindergarten “within its activities of pre-school education (...) protects and promotes pre-school education of (...) children of Serb national minority”. None of these provisions can be authoritatively interpreted as implying the status of a ‘school with education in minority language’: the 1979 LAW ON UPBRINGING AND EDUCATION IN THE LANGUAGES OF NATIONALITIES, like the current LAW ON EDUCATION IN MINORITY LANGUAGE, allowed for both separate institutions and class departments for conducting education in a minority language. A general reference to the law is thus inconclusive⁷⁹. If those kindergarten are *not* ‘schools with minority language’, however, it is difficult to see to which kindergartens Croatia was referring in its report on the Charter.

Are schools of other minorities ‘schools with education in minority language’? The statutes of both Hungarian schools of Korod (in Vukovar-Sirmium County) and Zmajevac (in Osijek-Baranja County) mention that their founder is the Republic of Croatia (rather than the municipality or the County), but contain no other provision that would set them apart from other institutions offering education in the language of a minority. No school official could refer to any document from the Ministry of Education, which would confirm their status as ‘school with education in minority language’⁸⁰.

b) Primary and Secondary schools with education in Serbian language

By stating that in its 2003 Report on the implementation of the Charter that “the Serbian national minority realise their right to teaching in their language in separate institutions “in pre-school education, *but their right to elementary school education in a separate institution has not yet been realised*”⁸¹, Croatia declares that all the primary and secondary schools providing

⁷⁴ The JCM proposal will be presented in the second section of this part.

⁷⁵ The principal of the kindergarten of Vukovar II shared this view.

⁷⁶ So does the County State Administration in an interview with OSCE representatives.

⁷⁷ Which provides that at least a simple majority of the school board should belong to the national minority.

⁷⁸ We are told that the statutes of the kindergartens of Borovo, Trpinja and Negoslavci are similar.

⁷⁹ Current statutes of numerous schools providing education in Serbian language provide similar reference to the current Law on Education in Minority Language and education in Serbian language.

⁸⁰ The extreme confusion of the present situation is very apparent, if one considers that the president of the school board of the school of Korod (also president of the Council of National Minority for the Hungarians in Vukovar-Sirmium County) thought the school is a ‘school with education in minority language’, while the principal (his wife) thought the contrary, and the principal of the school of Zmajevac seemed simply uncertain. Prefect Safer included Korod in the list of schools he wrote to in July 2002, when he told them to apply to the Ministry if they wished to be re-registered as ‘school with education in minority language’.

⁸¹ Cf note 17. Our emphasis. Why only the ‘elementary’ level of education is mentioned, and not the secondary, is not clear.

full education in the Serbian language in the Danube region –even those monolingual schools in Serbian-majority areas offering Serbian language education at all grades- are *not* considered as ‘schools with education in minority language’. This view is also confirmed in a letter of the Ministry of Education to JCM, which states that “the Ministry of Education (...) gives positive opinion for the *beginning* of the process of establishment of schools with classes in Serbian language and Cyrillic script in Vukovar-Sirmium and Osijek-Baranja counties”⁸².

c) Consequences of the present status of schools

Thus, all schools currently offering education in Serbian language at the primary and secondary level are *not* entitled to all the privileges reserved under the LAW ON EDUCATION IN MINORITY LANGUAGE to ‘schools with education in minority language’, and most likely this applies to kindergarten as well.

In reality, many monolingual Serbian schools and dual-language schools have adopted in their statutes most of such provisions, and have had those approved by the Ministry of Education, and no school seems to have had such statutes denied⁸³.

However, this *de facto* state of affairs is rather a consequence of the *reintegration process* and of the *current* good will of the Ministry than a permanent, legally entrenched right. They do not have a *right* under the LAW ON EDUCATION IN MINORITY LANGUAGE to have these statutes approved in the first place, and have no *guarantee* that those will not be changed in the future. Of particular significance is here the composition of the school boards, which are responsible for adopting the statutes, choosing the principal of the school, and employment issues. Awareness of the boards’ importance was raised by a recent request by Vukovar city council to the county authorities that the boards of three of the town’s dual-language schools should be dissolved. Although rejected, this highlighted Serb fears that the composition of the boards will eventually be manipulated to their disadvantage⁸⁴. In this context, Article 12 of the LAW ON EDUCATION IN MINORITY LANGUAGE which provides that “at least a simple majority of the members of the management body of a (school institution with education in minority language)

⁸² Letter Nr 532/1-02-1 of 23.05.2002 from Education Minister Strugar to JCM, our emphasis. This letter was an answer of the Ministry of Education to JCM’s application of January 2002 for the establishment of ‘schools with education in minority language’. The letter clearly states that a positive decision from the Ministry of Education is required to confer the status of ‘schools with education in minority language’, which is reasonable given the advantages conferred to ‘schools with education in minority language’.

⁸³ Thus, the Statute of Trpinja primary school (a monolingual school in a municipality where Serbs constitute 89% of the population) provides that the “name of the school “is written in Croatian language and Latin script and Serbian language and Cyrillic script”, that “all stamps and seals of the school are written in the Croatian language and Latin letters and in the Serbian language and Cyrillic script”, that “for pupils, members of Serb national minority, tuition is done in language and script of the Serb national minority”, and the “curriculum (...) also contains special specific (Serbian) programs, and even has this truly amazing provision that “until the Ministry for Education (...) publishes textbooks in Serbian language and Cyrillic script, textbooks of the mother-country would be used”. The provision regarding the right to import textbooks is unique among schools in the County and very intriguing in that, under Article 15 of the LAW ON EDUCATION IN MINORITY LANGUAGE, even minority schools seem to have to receive the approval of the Ministry of Education on a case-to case basis.

⁸⁴ The City Council of the City of Vukovar requested to disband the school boards *inter alia* on the ground that their composition did not match the ethnic composition of the pupils. The County Assembly decided on 10 July both to support the transfer of those schools to the City of Vukovar and to reject the City of Vukovar’s request to disband the school boards.

shall be members of the national minority”, can be seen as one of the most important provisions on ‘schools with education in minority language’.

A last consequence of the Danube region Serbian language schools not being registered as ‘schools with education in minority language’ is that some essential aspects of minority education –supervision, inspection, training and qualification of teachers- are beyond the reach of their statutes altogether⁸⁵.

This state of affairs contributes to Serb principals and politicians holding onto the agreements and declarations passed upon the reintegration of the UNTAES region, or requesting the status of “school institution with education in minority language”, as provided by the LAW ON EDUCATION IN MINORITY LANGUAGE⁸⁶.

2) JCM’s proposal to establish “Schools with education in minority language”

a) Essential elements of the proposal

In January 2002, JCM proposed to the Ministry of Education⁸⁷ to establish a coherent network of ‘schools with education in minority language’ in the Danube region. This proposal encompassed *all* primary and secondary institutions currently offering education in Serbian language and focused on the creation of a network of national minority schools rather than the re-registration of individual schools on a case-by-case basis.⁸⁸ This network would be formed by three types of reforms:

- The re-registration of currently-existing Serbian-language primary schools as national minority schools (5 schools concentrating 56% of the County’s pupils engaged in Serbian-language primary education).
- The registration of the present Serbian-language sections of three dual-language primary schools (with 34% of the County’s pupils engaged in Serbian-language primary education) and four secondary schools *within* Vukovar as new national minority schools.⁸⁹

⁸⁵ According to the President of the Board for Education of the JCM, the Ministry of Education would have justified the non-appointment of advisors and inspectors for Serbian-language teaching by the fact that Serbian minority schools had not been formed yet.

⁸⁶ Particularly the Declaration of the Government of the Republic of Croatia of 6 August 1997 on Educational Rights for minorities in Eastern Slavonia, Baranja and Western Sirmium, which stated that “existing schools in the UNTAES area shall remain functional until such time as the school system has been reviewed in consultation with the minority group involved”.

⁸⁷ This proposal is largely similar to a 1999 draft proposal, which was used as a basis of discussions with the Ministry of Education. The new proposal includes reference to the 2000 LAW ON EDUCATION IN MINORITY LANGUAGE. Since the proposal was drawn up, members of the JCM have suggested practical alterations to the plan, but these have not been agreed upon or formally presented.

⁸⁸ The JCM petition covers the whole former UNTAES region, including part of the county of Baranja-Osijek. We will limit ourselves in this section to referring to parts of the proposal concerning Vukovar-Sirmium County.

⁸⁹ The Serbian-language sections of the town’s two “trade-technical” secondary schools would be merged into one institution. The proposal refers to the maintenance of Serbian classes in Vukovar’s Music School and Special School for the educationally disadvantaged. The number of pupils involved is so small and the varieties of education involved so specialised that the classes do not need to be treated here.

- The reorganisation of the Serbian-language sections of three dual-language primary schools *outside* Vukovar (with 10% of the County's pupils engaged in Serbian-language primary education). This would involve (a) reassigning some Serbian-language sub-schools to current Serbian-language schools and (b) creating a new minority school out of the remaining Serbian-language sections of dual-language schools.

b) Right of Serbs to found 'schools with education in minority language'

In its 2003 Report on the implementation of the Charter, Croatia recognised that the Czech, Hungarian and Italian minorities were all more advanced than the Serbs in realising their right to "teaching in their languages and scripts (...) in separate institutions" at various levels of education⁹⁰. There can be therefore no question that the Serb minority in the Danube region enjoys the same *right* to establish 'schools with education in minority language' as other minorities, and in the long run denying this right to the larger minority in Croatia could not but be held discriminatory. Indeed, in an answer to JCM's application, the Ministry of Education agreed to begin the process of establishment of such schools as "the Serb national minority met all conditions to establish schools"⁹¹.

c) Creation of a 'network' of 'schools with education in minority language'

The proposal that the Government of Croatia should create *a coherent network* of such institutions in the Danube region, rather than create such schools on an *ad hoc* basis, makes sense. Where a minority is settled in large numbers over a relatively extensive geographical area (as the Serbs are in contiguous parts of Vukovar-Sirmium and Osijek-Baranja Counties), only a systemic approach can result in the creation of an optimal number of viable educational institutions. Because 'schools with minority education' will not be created in every locality inhabited by the minority, they will tend to serve the needs not only of minority members of the locality where they are situated. The viability of one 'school with education in minority language' –that is, how many pupils it will attract- will thus depend not only on the demographic strength of the minority in the particular locality where it is situated, but also on the overall number of such schools and their geographical distribution within the area inhabited by the minority.

Indeed, it is because the same logic applies to any school that the Law provides that networks of primary schools are to be determined by the County Assembly and networks of secondary schools by the Government of Croatia⁹². From a strictly legal point of view, the current laws envisage the creation of 'networks' only for the various levels of education (primary, secondary, etc.), and not for specific institutions such as 'schools with education in minority

⁹⁰ Respectively at the level of "preschool education" for the Serb minority, "pre-school and elementary education" for the Czech minority and "pre-school, elementary school and high school education" for the Hungarian and Italian minorities.

⁹¹ Letter Nr 532/1-02-1 of 23.05.2002 from Education Minister Strugar to JCM.

⁹² Article 16 of the Law on Primary Education provides that the network of primary schools is determined by the County Assembly in consensus with the Ministry of Education and Article 26 of the Law on Secondary Education provides that the network of secondary schools is enacted *by the Government of Croatia* on the basis of the recommendation of the Ministry of Education upon the proposal of the County Assembly. *De facto*, therefore, even networks of primary schools cannot be enacted without the approval of central authorities.

language'. We use the word 'network' here in a non-legal sense, meaning a 'coherent system'. Consequently, in the case of the Serb minority in the Danube region, the Government should take into consideration the whole area inhabited by the minority, so as to bring about a 'coherent system' of 'schools with education in minority language'. This means that it should refrain from taking individual, *ad hoc* decisions, and establish all such schools in the Danube region in a single act⁹³. However, the creation of such a network involves issues of great complexity, which the Ministry of Education has to thoroughly study in order to assess whether the precise network proposed by JCM is adequate.

d) Formation of Croatian-language 'class departments'

An essential point concerns the creation of 'class departments'⁹⁴ for Croatian language pupils within such schools if the need arises. Nearly all advocates of JCM's proposal assume that 'schools with education in minority language' would not be obliged to set up such 'class departments', and cite this as their main (sometimes even only) motivation for requesting this status. Principals of schools in Serbian-populated localities thus hope that, even if the ethnic composition of the population of their locality were to change in the future, their school would remain monolingual. JCM seems to be concerned essentially with ensuring that the separation of Croat and Serb children into separate educational institutions would become a permanent feature.

We have argued that the law is indeterminate on this matter. We are also aware that this particular issue has proved extremely contentious, so much that it is probably the reason why the 2000 LAW ON EDUCATION IN MINORITY LANGUAGE is so vague in comparison to the 1996 draft "Bill on Education in Languages of Ethnic and National Communities or Minorities". Nevertheless, the question must be posed, and it is impossible to establish any network of 'schools with education in minority language' in the Danube region without clarifying beforehand this point, as depending on the answer, such network may have to be shaped differently.

Croatia's legislation does not only grant minorities the right to set up 'schools with education in minority language'; it also allows for the provision of education in minority language in 'class departments' throughout the country, 'where numbers warrant'. In practice, in Vukovar-Sirmium County, the 'where numbers warrant' proviso is triggered at very low levels of demand, and 'class departments' in minority language are set up for small numbers of minority pupils, thereby allowing the preservation of tiny minority language communities. It would seem only fair to provide Croatian-language pupils with the same opportunity to study in their language (which is the State language) in their locality. Consequently, where Croats happen to live in a place where the closest school is a 'school with education in minority language', and the closest Croatian-language school is at some distance or badly connected, the choice should be theirs, to which school they prefer to send their children. Croatian-language

⁹³ The LAW ON EDUCATION IN MINORITY LANGUAGE could be amended in order to give a legal foundation to 'networks' of 'schools with education in minority language, or Article 18 of the law be used to issue a regulation on this matter.

⁹⁴ We are using the same terminology than is used in article 4 of the LAW ON EDUCATION IN MINORITY LANGUAGE for education in *minority* language. As we have argued that the law is indeterminate on this issue, our usage of this term does not presuppose that it will be possible in the future to use this term in a legal sense in order to refer to education in Croatian language within 'schools with education in minority language'.

‘class departments’ should then be set up within ‘schools with education in minority language’ wherever the wish is expressed in sufficient numbers⁹⁵.

Would this undermine the very purpose of “schools with education in minority language’, or put them under disproportionate hardship? Bearing in mind the entitlements given by law to such schools, and in particular the provision that at least a simple majority of the members of their management body shall be members of the national minority⁹⁶, and that “students who are members of the national minority shall have priority” with regard to enrolment in case more pupils apply than the school is able to accommodate⁹⁷, it is hard to see how setting up such ‘class departments’ could threaten the educational rights of the minority.

Consequently, we consider that ‘schools with education in minority language’ should be under the same obligation as school institutions operating in Croatian language to create ‘class departments’ for children of *any* other linguistic background, if the wish is expressed in sufficient numbers.

e) Analysis of the Content of JCM’s proposal

In the light of the conclusions we have reached in the preceding sections, we are now ready to assess particular aspects of JCM’s proposal.

Two aspects of the January 2002 JCM petition should be relatively uncontroversial. Firstly, the proposed transformation of five currently-existing monolingual Serbian-language primary schools into ‘schools with education in minority language’ seems to meet all existing legal requirements: they are situated in municipalities where Serbs represent between 86% and 96% of the population, and the number of pupils is large enough for the viability of these institutions. In those two localities where there are consequent numbers of Croats, Croatian-language ‘class departments’ could be set up, if the wish were expressed in sufficient numbers.

Secondly, the plan from JCM would not expand Serbian-language teaching to localities where it does not presently exist, would not increase the extent of education in Serbian language, and would not create any school with fewer than 100 pupils. It is thus in line with current Croatian practice⁹⁸.

More controversial is JCM’s suggestion to create new Serbian ‘schools with education in minority language’ out of the division of dual-language primary and secondary schools.

⁹⁵ This problematic is more likely to arise in rural areas: it is already the case that Croats in Trpinja (483 Croats) and Borovo (425 Croats) do not have access to education in Croatian in their municipality. The reason seems to be at present a tacit understanding between JCM and the County State Administration not to raise the issue, the readiness of most Croat parents to send their children to neighbouring schools in education in Croatian or, more rarely, to have them educated in Serbian, and a lack of awareness of their part of any other alternative. In a city like Vukovar, which offers a pattern of schools in both languages, such need is less likely to arise. Nevertheless, even there, many parents may wish their children to go to the closest school, particularly for the lowest grades.

⁹⁶ Article 12(1) of the LAW ON EDUCATION IN MINORITY LANGUAGE.

⁹⁷ Article 12(3) of the LAW ON EDUCATION IN MINORITY LANGUAGE.

⁹⁸ Although the average number of pupils in V-S County’s primary schools is 324, five Croatian-language schools in small communities have between 90 and 125 pupils. Although unusual, schools of this size are thus currently acceptable under exceptional circumstances.

The present Serbian-language sections of dual-language primary and secondary schools within Vukovar would be established as independent ‘schools with education in minority language’. This part of the proposal would resolve some of the problems currently experienced by dual-language schools in Vukovar. Such institutions are usually virtually two schools in educational terms, with the separate language-groups taught in separate shifts by different teaching staffs – teachers are more often shared at the secondary level. Two secondary schools in Vukovar are currently physically divided, the different language sections using separate buildings. For those schools where each language section has enough pupils, establishing the Serbian section as an independent ‘school with education in minority language’ seems feasible. The division of the schools would ease some of the organisational problems arising from the current system of dual-language schools.⁹⁹

Outside the town of Vukovar, some Serbian-language sub-schools would be reassigned to current Serbian-language schools, and a new ‘school with education in minority language’ would be created out of the remaining Serbian-language sections of dual-language schools. However, as noted in Part II, these dual-language primary schools currently support sub-schools in small Serb villages located in Croat-majority municipalities. This allows those villages to maintain their linguistic identity, preserves access to mother tongue education for small numbers of minority pupils, and ensures that minority pupils do not have to travel long distances for mother tongue education¹⁰⁰. JCM envisages that ‘schools with education in minority language’ would be established by linking (rather artificially) Serbian sub-schools in various localities. The new schools would be geographically incoherent, creating potential organisational problems and requiring some Serbian-language pupils to travel greater distances for grades 5-8 schooling than at present¹⁰¹. If advantages currently available solely to ‘schools with education in minority language’ were extended to minority language ‘class departments’, as will be argued in part IV, the case for splitting up dual-language schools outside Vukovar would seem extremely weak.

One aspect missing in the JCM proposal concerns the kindergarten: if the Ministry of Education shares the view of the County and City administration that they are not presently ‘schools with education in minority language’, their re-registration as such should be considered, as they all fulfil the necessary legal requirements¹⁰².

⁹⁹ Principals of dual-language schools in Vukovar typically state that the difficulties connected to maintaining separate Croatian and Serbian sections are manageable but time-consuming. They differ as to whether these difficulties have a negative impact on teaching standards. Relations between Croatian and Serbian-language staff in dual-language schools are usually cordial if not always warm. However, the recent introduction of Croatian-language pupils into the previously Serbian-only Vukovar 4th Primary School has created well-publicised frictions.

¹⁰⁰ These are Stari Jankovci and Ilaca-Banovci primary schools. In the case of the third dual-language primary school outside Vukovar (Mirkovci), Serb pupils are concentrated in a single locality.

¹⁰¹ Serb Teachers and parents at one of the schools involved have declared their opposition to the JCM’s plan.

¹⁰² The kindergarten of Borovo, Trpinja and Negoslavci are situated in municipalities where Serbs represent between 86% and 96% of the population. The difference between the kindergarten of Vukovar I and Vukovar II is not geographical: both encompass several ‘sub-kindergarten’ in various parts of the city, with Vukovar I offering education only in Croatian (and with overwhelmingly Croat pupils), and Vukovar II offering education in Serbian and Croatian (with overwhelmingly Serbian pupils).

f) Establisher of ‘schools with education in minority language’

One important question relates to the establisher of these ‘schools with education in minority language’. The LAW ON EDUCATION IN MINORITY LANGUAGE does not contain any prescription in this regard, so that, in accordance with general regulations on school institutions, kindergarten and primary schools can be established by all levels of government (State, County, Town and Municipality), whereas secondary schools have can only be established by the County or the State. Under ongoing reforms promoting decentralisation, all secondary schools within Vukovar-Sirmium County have been transferred from the Republic of Croatia to the County, and the County has recently supported a request of the town of Vukovar to transfer six primary schools from the County to the town of Vukovar. This request now has to be approved by the Ministry of Justice for the transfer of the founder’s rights to be effective.

Many minority representatives express concerns that such transfers may result in discriminatory treatment in LOCAL SELF-GOVERNMENT UNITS where budgets are tight and inter-ethnic tensions persist, and their fears were highlighted as the request for transferring the six primary schools to Vukovar City was almost simultaneously matched by a request from Vukovar City Council to dissolve the school boards of three of those six schools in order to increase the proportion of Croats within them. County officials were adamant that such transfer are of no practical consequence for minority education provided in those schools, as the town will be under the same obligation as the County to maintain pedagogical standards within these schools, and extra-funds for minority education are to be provided by the State budget.

It is true that, if there were clear pedagogical standards issued at the level of the State, and clear regulations on how to implement the LAW ON EDUCATION IN MINORITY LANGUAGE, such transfer would be not be of extreme significance. However, as we have shown in Part I of this report, both general pedagogical standards and precise regulations on minority education are lacking. Under these conditions, a transfer of schools to the City of Vukovar seems premature. In addition, a decision has not yet been taken by the Ministry of Education concerning the establishment of ‘schools with minority education’ for the Serb minority in the Danube region, and how central authorities intend to proceed in this regard remains thoroughly opaque. A transfer of the founder’s rights and obligations to the City of Vukovar could only complicate an already intricate process¹⁰³. Therefore a decision about this transfer should be postponed until the State has reached a decision about which schools should be recognised as ‘schools with minority language education’ and the Ministry of Education has issued clearer general regulations regarding the establishment and operation of such institutions.

¹⁰³ One interesting question is whether, if the founder’s rights of a school registered as of ‘schools with education in minority language’ are transferred to lower levels of government, the lower level of government would then be entitled to revise this decision. Article 18 of the LAW ON EDUCATION IN MINORITY LANGUAGE has never been used to clarify the conditions of establishment of ‘schools with education in minority language’; this point is currently not regulated in law. On this basis, it is arguable that these schools currently enjoy a higher level of protection if their founder is the Republic of Croatia. It is interesting to note that the Hungarian primary schools of Korod (Vukovar-Sirmium County) and Zmajevac (Osijek-Baranja County) and the Italian Primary school of Gelsi, in Istria, all have as their founder the Republic of Croatia.

3) Decision-Making Procedure and consultation mechanisms

When JCM sent its proposal to the Government of Croatia, in January 2002, JCM's right to represent the Serb community in the UNTAES area was not open to doubt. The creation of 'schools with education in minority language' is however exactly the type of issue where the newly elected Councils of National Minorities have an advisory role to play under the CLNM. Furthermore, JCM's proposal deals directly only with the former UNTAES area and leaves out of consideration the situation of Serbs outside this area in Vukovar-Sirmium and Osijek-Baranja Counties. For these reasons, it is to be assumed that the Serb Councils of National Minorities at the county level, which have a legitimate mandate to represent all Serbs in their respective counties, should be closely involved in the decision-making process by the Government. Local Councils of National Minorities of each individual municipality concerned should also be consulted. Given the importance of minority education in Vukovar-Sirmium County, it is essential that *any* reorganisation of the network of schools be done only after full consultation of the Councils of National Minorities involved.

What should be the role of officials of individual schools and parents is not clear. Our field research has shown that there is a considerable degree of disagreement among Serbian principals, deputy-principals and teachers¹⁰⁴. In May 2002, the Government reacted to JCM's proposal, by giving a "positive opinion for the beginning of process of establishment" of 'schools with education in minority language'. Thereafter, County Prefect Safer wrote directly to individual schools cited in JCM's proposal requesting them "to apply to the Ministry of Education and Sport for re-registration of your school"¹⁰⁵. This letter seems to imply that schools are not merely being consulted, but that they must be the authors of requests for the status of 'school with education in minority language'. A majority of the schools contacted by the prefect are believed to have followed his instructions, leaving the role to be played by representatives of the Serb minority unclear¹⁰⁶. In the case of dual-language schools, such a procedure seems to ignore the fact that representatives of each language section of the school may have a different view, and give no chance to those representatives, who are a minority in the school board, to give their opinion.

The involvement of various Croatian administrations is general characterised by much confusion. It is unclear what steps the Ministry of Education has taken since May 2002. The fact that Prefect Safer wrote directly to some *but not all* of the schools cited in JCM's proposal seems to imply that the government may have made a preliminary decision not to consider certain schools without any clear process of consultation, whereby it is unclear who took the

¹⁰⁴ JCM conducted a poll of parents in 2002 that purported to show near-total support for its proposal, the credibility of which is not universally accepted. Our field research indicates that a substantial part of Serbian principals, deputy-principals and teachers working in dual-language schools oppose or criticise JCM's plans, and those from Serbian-only schools largely support it.

¹⁰⁵ Letter of 26.07.2002 from Prefect Safer to the school boards of the primary schools of Borovo Selo, Bobota, Korođ, Negoslavci, Trpinja, Markusica, 4th Primary School Vukovar, 5th Primary School Vukovar, 1st Secondary School Vukovar and 2nd Vukovar School Vukovar.

¹⁰⁶ This information derives from interviews with the principals of some of the schools contacted by Prefect Safer. Representatives of the State Administration Office for V-S County dealing with educational affairs claim to be unaware of the schools' decisions on this matter. Of two Serb principals whose schools have not responded to the prefect's request, one argues that politicians should decide on the change of status while the other is strongly opposed to any such change.

decision to select these schools and on what grounds¹⁰⁷. Local officials of the County State Administration dealing with educational issues seem to play only a passive role with regard to the question of the establishment of 'schools with education in minority language', and representatives of the Regional Offices for Education in Osijek are unavailable for comment. In general, it seems that only a small part of the Ministry of Education in Zagreb is dealing with this issue, in an ad-hoc fashion, which leaves other parts of the State administration disoriented. The absence of clear rules for managing this matter also gives rise to the suspicion that decisions will be arbitrarily taken.

¹⁰⁷ The decision to write to some schools but not others cannot be explained in terms of the balance between Serbian and Croatian pupils within each school. Of those dual-language schools *not* contacted by the prefect, four had Croatian-language majorities at the time of writing but three had Serbian-language majorities. Of the second group, one primary school (Mirkovci) is owned by Vinkovci rather than the county, and it may have been excluded for this reason.

PART IV: QUALITY OF MINORITY EDUCATION

The first part of this paper made it clear that Croatian legislation guarantees a number of essential standards for minority education *only* to ‘schools with education in minority language’, leaving other forms of minority education without clear entitlements. This is in particular the case for the formation of teachers and the provision of advisors and inspectors, to a much lesser extent for textbooks. However, article 14 in conjunction with Article 2, First Protocol of the European Convention of Human Rights should ensure that the standard of education provided to pupils following a scheme of minority education should not be lower than the education provided in the general system of education¹⁰⁸. Five issues¹⁰⁹ are here of paramount importance: the availability of curricula; the availability and competence of teachers; the availability and quality of textbooks; the existence of a satisfactory system of supervision; and the overall resources devoted to minority education¹¹⁰.

1) Curriculum

In its 2003 Report on the implementation of the Charter, Croatia stated that “in co-operation with experts, representatives of national minorities, work on teaching plans and programs is in progress whose content is related to the specific nature of each national minority”¹¹¹. In V-S County this work has been linked to the formalisation of the varieties of minority education set with the Ministry of Education’s approval at reintegration.

a) Mother tongue curricula

Articles 6, 17 and 19 of the LAW ON EDUCATION IN MINORITY LANGUAGE regulate the manner under which the curriculum of education in national minority language is to be adopted by the Ministry of Education, having duly consulted the associations of the national minority in question.

The curricula followed by the three minorities receiving mother tongue education in V-S County since reintegration derived from contrasting origins. That for Hungarians is common to all Hungarian-language schools in Croatia while that for the Serbs is specific to the Danube region. Ilok’s two Slovak mother tongue teachers reportedly designed the minority elements of the curriculum they taught, referring them to the Ministry of Education for approval. This

¹⁰⁸ In the Belgian Linguistic Case, the European Court of Human Rights stated that the right to education includes not only the right to access to educational institutions, but also a right to an *effective* education. *Case relating to certain aspects of the Laws on the use of languages in Education in Belgium*, Judgement of 23 July 1968, Series A, vol. 6, Paras 40-41.

¹⁰⁹ It is arguable that the combination of several grades into one educational group, typically used to maintain mother tongue education for small minority communities, may negatively affect the quality of education offered to children. However, in this case parents are making a conscious decision between various legal options, and give a higher importance to education of their children in the language of their community than to education in separate grades.

¹¹⁰ Even though the situation investigated is the one prevailing in Vukovar-Sirmium County, these issues naturally have a national dimension, so that, for the minorities mentioned, our conclusions should be valid beyond the County.

¹¹¹ Cf note 17.

reflected the unique nature of their classes – there was no need to design a Slovak mother tongue curriculum for use in more than one Croatian school.

Hungarian-language teachers in Korod were able to adopt a curriculum developed during the war period for Hungarian schools outside the so-called ‘RSK’ area. This option was not available to the Serbs: although the *Prosvjeta* cultural association in Zagreb drew up a curriculum for Serbian nurturing classes in the early 1990s, it did not prepare a programme for mother tongue education. In 1997-8 a temporary Serbian-language curriculum was used. In 1998, the multi-ethnic “Danube Region Experts Working Group on Education”, organised by the Ministry of Education, developed agreements on how the curriculum should be altered for long-term use. Details of the minority content of Serbian mother tongue education are available to teachers in officially approved volumes.

All three communities had thus developed a mother tongue curriculum in consultation with the state by the time the LAW ON EDUCATION IN MINORITY LANGUAGE came into force. No teacher, principal or educational official interviewed raised any doubts or problems regarding these curricula.

b) Curricula for nurturing classes

An instruction from the Ministry of Education of 2000¹¹² stipulates that curricula for nurturing classes should be devised by a minority organisation before a request is made to the Ministry of Education to approve such classes. In theory, parents should only be surveyed as to whether they wish children to follow a curriculum after it has been accepted by the Ministry’s Institute for the Promotion of Education.

In reality, nurturing classes were started for the Ruthenian, Slovak and Ukrainian minorities in V-S County after reintegration *before* curricula were agreed for them. The Ministry supported this initiative. In 2002, the Ruthenian-Ukrainian Association helped co-ordinate the preparation of new curricula for the communities it represents. The committees formed to work on the curricula received no formal guidance from the Ministry of Education regarding the substance and methods of their work. However, the curricula they produced have now been approved and implemented.

Slovak nurturing classes in Ilok have been adapted from the model used in other parts of Croatia, and it is also expected that, when Hungarian nurturing classes are introduced, they will follow the format used by the minority in other parts of the country. The few Serbs currently receiving “nurturing” classes are only given language training modelled on the mother tongue curriculum rather the *Prosvjeta* nurturing programme used elsewhere.

Curricula for the majority of nurturing classes are thus being formalised in line with the ministerial instruction. The Ministry takes a lenient view of minor irregularities but is apparently well informed of the classes’ content. However, its essentially passive approach to the preparation of curricula may disadvantage those minorities that lack the experts necessary to draw up educational programmes.

¹¹² Instruction on the procedure of organizing classes in language and culture of national minorities in elementary schools in the Republic of Croatia, 27 October 2000, Nr 532-02/5-00-1.

2) Teaching staff

A minority language and culture can be taught successfully only if there are teachers that are capable of providing quality teaching. This normally implies the establishment of a system for forming teachers, certain hiring requirements, and ideally further training facilities.

Croatian domestic legislation is extremely deficient in this regard, as it requires education in minority language to “be performed by teachers (...) with full command of the language and script of the national minority, whose education “shall be provided at institutions of higher education” or “in another manner”¹¹³, *only with regard to ‘schools with education in minority language’*.

However, under article 8(h) of the CHARTER and article 12(2) of the FCNM, Croatia is under the obligation to “provide the basic and further training of the teachers”¹¹⁴ required to implement education in minority languages.

a) The Serbian dilemma

Nearly 200 teachers are currently involved in Serbian-language schooling in the County. Demand for Serbian teachers is currently met by the large number of Serb teachers who remained in V-S County’s schools at reintegration, when the Ministry of Education simply incorporated those who were teaching at the end of the UNTAES period into the Croatian system. It was assumed that they would be competent in their language and culture, having taught in Serbian for several years. Serbian-language teachers, like all other teachers, receive further training through the organisation ‘Aktiv’, but the topics are general and not specifically targeted at Serbian-language teaching¹¹⁵. As a (limited) remedy, a number of Serbian-language teachers have created informal ‘information exchange’ groups¹¹⁶.

Current Serbian teachers express concern over the lack of new minority teachers to replace them. The Ministry of Education launched a Serbian-language course at the Zagreb Teacher’s Academy in 1999 only, which formed very few teachers (none at all are enrolled to enter in 2003-4). It may fail to have attracted many trainees because of doubts over the future of Serbian teaching. A future shortfall in Serbian teachers might be made up by persons trained in Serbia, but it seems that the nostrification of Serbian diplomas is not devoid of complication¹¹⁷. No Serbian principal or representative interviewed offered a strategy for solving these problems.

¹¹³ LAW ON EDUCATION IN MINORITY LANGUAGE, Articles 10 and 14. Article 11§6 contains a similar provision.

¹¹⁴ Formulation of article 8(h) of the CHARTER. Article 12(2) of the FCNM stipulates that Croatia shall provide “adequate opportunities for teacher training”.

¹¹⁵ Although such specific trainings have been conceived and offered for Italian language schools.

¹¹⁶ Interview with the principal of Stari Jankovci Primary School.

¹¹⁷ Teachers trained in Serbia are allegedly required to take an extra set of exams before being able to work in Croatia – which may demand the equivalent of an extra year of study. This information could not be verified.

b) Other minorities' experiences

The situation of other minorities essentially depends on the strength of their links with their kin-country, and involves fewer numbers: In 2002-3, no more than ten persons gave nurturing or mother tongue classes to non-Serb minority pupils in V-S County.

Hungarian-language teachers benefit from training organised by the Alliance of Hungarian Teachers in Croatia, which maintains strong links with teachers in Hungary itself, and occasionally also from seminars involving the Croatian Ministry of Education. Considerable funds are available from foundations in Hungary for these activities. Slovak-language teachers are invited to Slovakia for seminars on minority education, and it is hoped that teachers will come from Slovakia to work in Croatia in future. The Croatian government has approved this idea. There are plans to train Croatian Ukrainian teachers in Ukraine.

The Ruthenian situation echoes that of the Serbs, in that Ruthenian tertiary education and teacher-training is only available in Serbia. However, when two primary schools employed a Ruthenian teacher trained in Serbia, the Ministry of Education nostrified her qualifications without delay or extra examinations. It is arguable that the criteria for appointing nurturing teachers trained abroad need not be as strict as those for mother tongue teachers.

c) Conclusions

Both the Committee of Experts on the Charter and the FCNM Advisory Committee noted in their last report on Croatia that the lack of teacher training in minority languages¹¹⁸ constituted a severe drawback for minority education, and that the existence of exchange programmes with teachers from Hungary and Slovakia fell short of the need for a “structured establishment of teacher training programmes” for all minority languages. The Committee of Ministers of the Council of Europe recommended that Croatia “provide sufficient (...) teacher training in (...) minority languages”¹¹⁹.

These conclusions remain essentially valid today. Croatia’s effort to further professional training of minority teachers “systematically (...) by means of seminars in their mother countries”¹²⁰ is laudable, and the situation of those communities linked to a mother country with good bilateral cultural and educational relations with Croatia (the Hungarians, Slovaks and Ukrainians) is generally good. But the position of those which have no mother country (the Ruthenians) or whose mother country has more tenuous relations with Croatia (the Serbs) remains problematic.

¹¹⁸ With the exception of Italian.

¹¹⁹ Recommendation RecChL(2001)2 on the application of the European Charter for Regional or Minority Languages by Croatia, 19 September 2001.

¹²⁰ Cf note 17.

3) Textbooks

Article 15 of the LAW ON EDUCATION IN MINORITY LANGUAGE provides only summarily that “general regulations on textbooks¹²¹ shall be applied to the issuance of the textbooks in national minority language and scripts” and that ‘schools with education in minority language’ “may use textbooks from the parent country with the approval of the Ministry of Education”. The latter option is not available to ‘class departments’ in minority language.

In its Second Periodical Report on the Implementation of the Charter, the Government of Croatia gave no specific data on what textbooks were available for minority teachings, describing only the general policy that “the textbooks for members of national minorities are printed or translated every academic year on the recommendation of the minorities” and that the supplementary costs for such textbooks (because of their lower print run) are “borne by the State budget”. While most of the books would be “translated from Croatian”, some were “original textbooks and handbooks” and a “small number” were “imported from the mother countries of the national minority”¹²².

The minorities currently receiving mother tongue primary education in 2002-3 (Serbs, Hungarians, Slovaks) all face severe shortages of textbooks. The Ministry of Education has only licensed one Hungarian-language book (for teaching the Hungarian language itself¹²³). A Slovak textbook was licensed prior to reintegration, but copies of this were no longer available by the time mother tongue education was re-launched in Ilok.

The situation is better for the Serbs at the primary level: while there is no subject for which 2 Serbian language textbooks are available¹²⁴, the proportion of translated textbooks for grades 1 to 8 was of 40% in 2002-3, and is to rise to 56% in 2003-4¹²⁵. The situation remains dreadful at the level of secondary education, for which no Croatian textbooks have been translated into Serbian. Only books for teaching Serbian itself are imported from Serbia.

Pupils receiving nurturing classes use a broad variety of textbooks, usually imported from their respective mother countries. The Ministry of Education has agreed to let Ruthenian pupils to make selective use of books printed in Vojvodina. However, those involved in nurturing classes often find that imported books do not reflect the needs of their classes and declare that they would prefer to use volumes specially prepared in Croatia. The Ministry has responded positively to the suggestion that such volumes be written for the Slovak classes, but the money and expertise required is expected to come from Slovakia.

Under current circumstances, teachers of both mother tongue and nurturing classes are often forced to improvise: many select those parts of foreign textbooks that are compatible with the

¹²¹ Contained in particular in the Law on Textbooks for Primary and Secondary Schools.

¹²² Croatia’s second Periodical Report on the Implementation of the Charter, under the point “institutions in the languages and scripts of national minorities”.

¹²³ This book is printed in Hungary.

¹²⁴ Croatian-language teachers have several books to choose from for any given course

¹²⁵ These figures are calculated on the basis of textbooks that *should* be translated, and do not include textbooks for English and Croatian, which are not translated, and Serbian, which are imported from Serbia. Including these 21 textbooks, the proportion of *adequate* textbooks for grades 1 to 8 is currently of 58% and is to rise to 70% in 2003-4.

Croatian curriculum, distributing photocopies to pupils¹²⁶. A more common option is to use Croatian textbooks but to hold the classes in the minority language¹²⁷. A third alternative is to use whatever textbooks that were used in the past, including those of the war era or the UNTAES period, meaning that children have to use increasingly damaged copies of books, which are often no more licensed. A last alternative is for teachers themselves to translate textbooks¹²⁸. The extent of each of these practices is unclear, and the legality of some doubtful, but the use of one or the other is widespread.

The Committee of Experts on the Charter noted in its 2001 Report that the lack of teaching materials in minority languages constituted a severe drawback for the teaching of minority languages, and the same view was expressed by the FCNM Advisory Committee, which recommended to solve the problem, if need be, “through bilateral cooperation”¹²⁹. The Committee of Ministers of the Council of Europe recommended that Croatia “provide sufficient teaching materials (...) in (...) minority languages”¹³⁰. Our survey in the current situation in Vukovar-Sirmium County shows that the shortage of textbooks continues to seriously undermine minority education.

4) Professional supervision

Article 13 of the LAW ON EDUCATION IN MINORITY LANGUAGE stipulates that, with regard to ‘schools with education in minority language’, “the Ministry of Education (...) shall be obliged to provide the necessary number of advisors and school inspectors who (...) have full command of the national minority language and script”. There is no corresponding provision regarding other educational institutions, and according to the President of the Board for Education of the JCM, the Ministry of Education would have justified the non-appointment of advisors and inspectors for Serbian-language teaching by the fact that Serbian minority schools had not been formed yet.

In its Second Periodical Report on the Implementation of the Charter, the Government of Croatia stated that in 2001 “the election of school supervisors and advisors began, for education and training in the languages and scripts of national minorities, taken from the ranks of the members of national minorities”¹³¹.

All interviewees concurred that schools where minority education occurs have never been inspected by inspectors specifically dedicated to minority education. Interviews suggest that it is only this year that *some* advisors and inspectors for minority education were nominated: allegedly one advisor for Hungarian, one or two advisors for Serbian. None would have been

¹²⁶ Principals and teachers are reluctant to elaborate on this topic, as this may bring them criticism from the Ministry of Education.

¹²⁷ The teachers then use the Croatian textbook but speak and write on the board in the minority language. See NFF on Ilaca-Banovci.

¹²⁸ Which can also be perilous, as a number of textbooks are eliminated each year from the list of approved textbooks: the LAW ON TEXTBOOKS FOR PRIMARY AND SECONDARY SCHOOLS provides that textbooks are eliminated from the list of approved textbooks if, after 3 years, they are used by less than 10% of the students for whom it is intended (Article 8) or upon decision of the Ministry of Education (Article 17).

¹²⁹ FCNM Advisory Committee Opinion on Croatia, §48. Article 12§2 FCNM provides that the State parties shall “provide adequate (...) access to textbooks”.

¹³⁰ Recommendation RecChL(2001)2 on the application of the European Charter for Regional or Minority Languages by Croatia, 19 September 2001.

¹³¹ Cf note 122.

appointed yet for Ruthenian, Ukrainian and Slovak. This issue remains extremely intransparent: the head of the JCM's Board for Education denies that anyone has been appointed for the Serbs at all, the County State Administration is aware that some nominations may have occurred, but is unaware of the details and refers further questions to the regional office of the Ministry of Education in Osijek, which declines to be interviewed on the grounds that it lacks authorisation¹³².

5) Resources

Educational "resources" include (i) suitable buildings and (ii) materials other than textbooks required for teaching.

The reconstruction of school buildings has created most difficulties: two dual-language secondary schools have not been able to work on a single site in recent years. Work has also been slow on rebuilding the Hungarian-language primary school in Korođ, constricting its operations, and two potential minority kindergartens in Ruthenian-majority villages have not been reconstructed, limiting the communities' access to minority schooling.

However, principals of nearly all schools providing minority education understand that the ongoing process of post-war reconstruction represents serious challenges to all schools, regardless of their pupils' ethnicity and language of education, and state that they receive a correct share of funds for teaching materials and work on buildings¹³³.

6) Conclusions

Schemes of minority education are financially fairly treated and the situation with regard to curricula is good. More efforts are necessary to maintain a suitable pool of teachers in the long-term. The situation regarding the provision of textbooks, supervision and inspection, however, is thoroughly unsatisfactory, and it is difficult to understand why the Ministry of Education could not introduce much needed improvements. This practice does not only undermine schemes of minority education, but can also be held to constitute a practice of discrimination. The monopoly awarded by Croatian law to 'schools with minority language' with regard to essential pedagogical standards can be held in itself to represent an unreasonable and unacceptable differential treatment with other forms of minority education provided by law, and to violate Article 14 in conjunction with Article 2 of the First Protocol of the European Convention of Human Rights.

The State County of Administration for Education was surprisingly uninformed about all issues regarding textbooks, curricula, training of teachers, and supervision for schemes of minority education. They then correctly referred all such questions to the regional office of the Ministry of Education in Osijek, which however claimed not to be authorised to hold a meeting on such matters. It is not normal that local and regional levels of the Ministry of Education are either

¹³² A fax directed to the Office and requesting information about nomination of inspectors also remained unanswered.

¹³³ The only grievance has been that the funds provided by the Ministry of Education to cover the extra-costs of minority education have not been increased for several years (such funds are calculated according to the number of children scholarised).

uninformed, or unwilling, or unable, to provide what should constitute basic public information on essential aspects of the State education system.

In attempting to resolve the specific problems affecting minority education in V-S County, it would be useful to promote cross-border co-operation with minority organisations and the authorities in the Autonomous Province of Vojvodina (Serbia). Prior to 1991, minority education for the Hungarian, Slovak and Ruthenian communities in the Croatian Danube Region was closely co-ordinated with that for their co-nationals in Vojvodina. The same minority textbooks and curricula were used in the two areas, and the University of Novi Sad trained Slovak and Ruthenian teachers. The end of these links has placed a major burden on Slovak and Ruthenian representatives in V-S County, who have had to take on responsibilities (most notably the preparation of curricula) previously handled by their counterparts in Vojvodina. The supply of textbooks and teachers from the Autonomous Province to the Croatian Danube Region has been imperfect. In so much as minority education continues to be organised in Vojvodina and authorities in the Autonomous Province have considerable competencies in this, the establishment of forms of cross-border cooperation in the field of education would be of great benefit to the Slovak and Ruthenian minorities in V-S County¹³⁴. If the Croatian, Serbian and Vojvodina authorities were prepared to agree on common textbooks, curricula and teacher-training standards for the education of these groups, the chances for building inter-state co-operation on Serbian-language education in V-S County might also be improved.

¹³⁴ The Hungarian community is arguably well catered for by the efforts of Hungary itself

ANNEX 1: List of interviews conducted during this research

Kindergarten (principal)

- 1) Kindergarten Vukovar II (Serbian language)

Primary Schools (principals and teachers)

- 1) Lovas (Croatian)
- 2) Tovarnik (Croatian)
- 3) Vukovar 3rd Primary school (Croatian, nurturing classes in Ukrainian/Ruthenian in Petrovci sub-school)
- 4) Cakovci (Croatian, nurturing classes in Ruthenian and soon Hungarian)
- 5) Ilok (Croatian with class departments in Slovak mother tongue education for grades 1-4, nurturing classes in Slovak for grades 5-8)
- 6) Gunja (Croatian, religious classes for Muslim community)
- 7) Ilaca-Banovci (Dual Croatian-Serbian and nurturing Classes in Serbian)
- 8) Vukovar 2nd Primary School (Dual Croatian-Serbian)
- 9) Vukovar 4th Primary School (Dual Croatian-Serbian)
- 10) Stari Jankovci (Dual Croatian-Serbian)
- 11) Mirkovci (Dual Croatian-Serbian)
- 12) Negoslavci (Serbian)
- 13) Markusica (Serbian)
- 14) Trpinja (Serbian)
- 15) Korodj Primary School (Hungarian)

Secondary Schools (principals and teachers)

- 1) Vukovar Gymnasium (Dual Croatian-Serbian)
- 2) 1st Vukovar (Economic) Secondary School (Dual Croatian-Serbian)
- 3) Ilok Secondary School (Croatian, Wine-making)
- 4) 2nd Vukovar (Technical) Secondary School (Dual Croatian-Serbian)
- 5) Vinkovci Gymnasium (Croatian)

Representatives of State Administrations

- 1) County State Administration (three meetings)
- 2) Assistant Minister for Education Milic

Minority Organizations

- 1) President of the JCM Board on Education
- 2) President of Slovak Association, Ilok
- 3) Vice-President of the Slovak County Council of National Minority
- 4) President of the Hungarian County Council of National Minority
- 5) President and Secretary of the Ruthenian-Ukrainian Association
- 6) President of Serbian Association Prosvjeta
- 7) President of the Bosniak County Council of National Minority

Others

- 1) Croat Councilor in Borovo municipality

ANNEX 2: Article 11 of the CLNM

(1) Members of national minorities shall have the right to education in the language and script which they use.

(2) The education of members of a national minority shall be performed in pre-school institutions, primary and secondary schools and other school institutions (hereinafter: school institution), with the education in the language and script which they use, under the conditions and in the manner stipulated by a special law on the education in the language and script of national minorities.

(3) School institutions with the education in the language and script of a national minority may be established and education may be conducted for a smaller number of pupils than the number which is stipulated for school institutions with education in the Croatian language and script.

(4) The curriculum in the language and script of a national minority shall, except for the general part, obligatorily contain a part, the content of which is related to a specific quality of a national minority (mother tongue, literature, history, geography and cultural opus of a national minority).

(5) The right and obligation of pupils educated in the language and script of national minorities shall be to learn the Croatian language and Latin script according to the determined curriculum, apart from their own language and script.

(6) Educational work in a school institution with the education in the language and script of a national minority shall be conducted by teachers from among the ranks of a national minority who have excellent command of the language and script of the national minority, or by teachers who are not from among the ranks of the national minority, but who have excellent command of the language and script of the national minority.

(7) The institutions of higher education shall organise the conduct of the programme of education of school counselors and teachers for the performance of tasks of education in the language and script used by national minorities in a part containing specific qualities of a national minority (mother tongue, literature, history, geography and cultural creativity of a national minority).

(8) Members of national minorities may establish pre-school institutions, primary and secondary schools and institutions of higher education for the purpose of conducting the education of members of national minorities in the manner and under the conditions stipulated by laws.

(9) Pupils attending schools in the Croatian language and script shall be enabled to learn the language and script of a national minority in the manner stipulated by a special law, according to the curriculum determined by the competent central state administration body, along with providing financial means in the state budget and in the budgets of local self-government units.

ANNEX 3: Law on the Education in the Language and Script of National Minorities

Article 1

National minorities in the Republic of Croatia shall exercise the right to education in their language and script (hereinafter: education in national minority language and script) in accordance with the Constitution and the provisions of this Law.

This Law shall neither change nor repeal the rights of national minorities to education obtained pursuant to earlier regulations, and on the basis of international agreements of which the Republic of Croatia is a contracting party.

Article 2

The education in national minority language and script shall be conducted in pre-school institutions, primary and secondary schools and other school institutions (hereinafter: school institution with the classes in national minority language and script), as well as other forms of education (seminars, summer and winter schools etc.), in the manner and under the conditions stipulated by this Law.

Provisions of other laws and regulations shall be applied to the establishment and legal status of school institutions with the classes in national minority language and script and the administration of those institutions, only unless differently stipulated by this Law.

Article 3

A school institution with the classes in national minority language and script may also be established for a smaller number of students than the number determined for the beginning of work of a school institution with the classes in the Croatian language and script.

Article 4

If there are no conditions for the establishment of a school institution in accordance with Article 3 of this Law, the education in national minority language and script shall be conducted in a class department or educational group.

A class department and educational group from Paragraph 1 of this Article shall be established in the school institution with the classes in national minority language and script or school institution with the classes in the Croatian language and script.

A class department and educational group from Paragraph 1 of this Article shall also be established for a smaller number of students than the number of students stipulated for the establishment of a class department and educational group with the classes in the Croatian language and script.

Article 5

The title of an educational institution with the classes in a national minority language and script and the text of its seal and stamp shall be written in the Croatian language and Latin script and in the national minority language and script.

Article 6

The curriculum of education in national minority language and script, along with the general part, shall obligatorily contain a part, the content of which refers to the particularity of the national minority (mother tongue, literature, history, geography and cultural heritage of the national minority).

A part of the curriculum from Paragraph 1 of this Article, the content of which refers to the particularity of the national minority, shall be determined and adopted by the Ministry of Education and Sports, upon obtaining the opinion of the associations of the national minority.

Article 7

The enrolment in a school institution, class department or educational group in national minority language and script shall be conducted under the same conditions as the enrolment to a school institution with the classes in the Croatian language and script, in accordance with the decision on the enrolment.

In case a larger number of applicants should apply for the enrolment in the school institution, class department or educational group then stipulated by the conditions of the announcement for the enrolment, the students who are members of the national minority shall have priority.

Article 8

The students of a school institution, class department or educational group with the classes in national minority language and script, besides their language and script, shall obligatorily learn the Croatian language and Latin script according to the determined curriculum.

Article 9

In the territory in which equal official use of national minority language and script has been stipulated by the statute of municipality or town, the students of a school institution in which classes are held in the Croatian language and script shall be provided with the possibility of learning the language and script of the national minority.

Article 10

Education in a school institution with the classes in a national minority language and script shall be performed by teachers who are members of the national minority with full command of the language of the national minority, i.e. teachers who are not members of the national minority, but have full command of the language and script of the national minority.

Article 11

The pedagogical documentation of a school institution, class department or educational group with the classes in a national minority language and script shall be kept in the Croatian language and Latin script and national minority language and script.

Public school documents shall be issued in the Croatian language and Latin script and in the language and script of the national minority by the school institution from Paragraph 1 of this Article, in accordance with the law.

Article 12

At least a simple majority of the members of the management body of a school institution with the classes in national minority language and script shall be members of the national minority.

Detailed provisions on the composition, conditions and manner of appointment of the members of the management body of a school institution with the classes in national minority language and script shall be stipulated by the statute of the institution.

A person who is a member of the national minority, or who is not a member of the national minority if he/she has full command of the language and script of the national minority, may be appointed the principal of a school institution from Paragraph 1 of this Article.

Article 13

For performing tasks from its scope, pertaining to a school institution with the classes in national minority language and script, the Ministry of Education and Sport shall be obliged to provide the necessary number of advisors and school inspectors who are members of the particular national minority, or persons who have full command of the national minority language and script.

Article 14

The education of teachers for the requirements of a school institution with the classes in national minority language and script shall be provided at institutions of higher education in accordance with the law or they shall be enabled to master the content of the profession, in national minority language and script, in another manner.

Article 15

General regulations on textbooks shall be applied to the issuance of the textbooks in national minority language and script.

School institutions with the classes in national minority language and script may use textbooks from the parent country with the approval of the Ministry of Education and Sports.

Article 16

The state budget shall provide the funds necessary for the regular work of a public school institution, class department and educational group with the classes in national minority language and script.

A school institution with the classes in national minority language and script may obtain funds for its functioning from other sources as well, according to the law.

Article 17

The Ministry of Education and Sports shall adopt the curriculum from Article 6 of this Law, no later than six months from the coming into effect of this Law.

Article 18

The Minister of Education and Sports may adopt regulations on the manner of application of the provisions of this Law on school institutions in national minority language and script.

Article 19

School institutions with the classes in national minority language and script shall harmonise their general acts with the provisions of this Law no later than three months from the adoption of the acts from Article 17 of this Law.

Article 20

With the coming into effect of this Law, the Law on Education in the Languages of Minorities ("Official Gazette," No. 25/79) shall cease to be valid.

Article 21

This Law shall come into effect on the eighth day from the day of its publication in the "Official Gazette."