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EXERCISE OF THE RIGHTS TO EDUCATION OF PERSONS BELONGING TO NATIONAL MINORITIES IN MOTHER TONGUE AND SCRIPT IN EASTERN CROATIA

INTRODUCTION

Exercise of the right to education in mother tongue is significantly important for preservation and protection of identity of persons belonging to national minorities.¹ Further on, this contributes to promotion of diversity, building of tolerance and understanding, and preservation of multicultural characteristics of a society. Aiming to integrate to wider community, persons belonging to national minorities educated in the language and script they use have the right and are obliged to also learn the official language of the country where they live.²

The right to education in mother tongue and script of persons belonging to national minorities in the Republic of Croatia is being exercised based on the article 11 of the Constitutional Law on the Rights of National Minorities (CLNM), provisions of the Law on Education in the Language and Script of National Minorities (LELSNM), and in accordance with relevant international instruments.

This document overviews part of the problems related to the exercise of persons belonging to national minorities in primary and secondary schools in eastern Croatia, and relays on the content of the roundtable discussion:

"Exercise of the right to education of persons belonging to national minorities in Eastern Croatia"³ held on 19 December, 2005, in Vukovar.

This document aims to raise public awareness on the problems in relation to respecting the rights of persons belonging to national minorities to education, and to contribute to the efforts and initiatives made aiming to overcome detected problems.

NATIONAL LEGISLATIVE FRAMEWORK

Legislative framework for the exercise of the rights of persons belonging to national minorities to education in their mother tongue is regulated by provisions of the CLNM and LELSNM. Existing framework satisfies all preconditions for quality organization and implementation of education in the language and script of national minorities that request such education and fulfill the minimum requirements.

The education of persons belonging to a national minority is performed in pre-school institutions, primary and secondary schools and other school institutions with the education in the language and script of particular national minority, as well as in other forms of education (seminars, summer and winter schools etc.), under the conditions and in the manner stipulated by the LELSNM.⁴ Universities organize and conduct the education of kindergarten and school teacher for the jobs in relation to the education in the language and script of a national minority on the components containing characteristics of a national minority⁵.

Education of students belonging to national minorities is conducted on the basis of three models of organization and performance of teaching:

Model A, the entire teaching is performed in the language and script of a national minority with the obligation to teach Croatian language and the language of respective minority for the same number of hours. The students have the right and are obliged to learn additional subjects important to their minority community. This kind of a teaching model is conducted in a special institution, but can also be performed in an institution with teaching in Croatian language in special classes with teaching in a minority language and script;

Model B, in accordance to which the teaching is conducted bilingually, natural sciences are taught in Croatian language whilst social science classes are taught in the language of a minority. Teaching is conducted in an institution with teaching in Croatian language, but is special classes;

Model C, in accordance to which the teaching is performed in Croatian language with additional 5 school hours intended for training of language and culture of a national minority. Additional 5 school hours per week include teaching about the language and literature of a national minority, geography, history, music, and art.

Special forms of education (seminars, summer and winter schools, correspondent and consultative classes) are organized for those students for whom it is impossible to organize regular classes in accordance with the models A, B, or C. Ministry of Science, Education and Sport co-finances organization and performance of special forms of teaching.

All models of organization and performance of teaching in minority language and script are integral part of the education system of the Republic of Croatia, and the Ministry of Science, Education and Sport finances the expenses. The Ministry provides for the additional specific purpose funds for co-financing of translation and production of textbooks, professional training of teachers, student competition expenses, etc.⁶ Material conditions and working premises for the work of educational institutions are provided by a unit of local Self-government that is, in case it does not have additional funds, obliged to request for additional funds from the Settlement Fund.

The right to education in minority language to persons belonging to Roma National Minority is recognized through the National Program for Roma.

However, evaluating legislative framework for education in minority language, the Council of Europe Advisory Committee for Framework Convention for Protection of National Minorities (AC FCNM) has concluded that "there is a degree of legal uncertainty in the Croatian legislation concerning the conditions and procedures for the implementation of educational models envisaged in the Croatian LELSNM, compounded by the disputes as to the respective responsibilities of state, county and municipal authorities for such schools" and recommended Croatian authorities to "clarify the rules and responsibilities concerning the implementation of educational models envisaged in the Croatian LELSNM."⁷

EDUCATION OF PERSONS BELONGING TO NATIONAL MINORITIES IN MOTHER TONGUE AND SCRIPT IN EASTERN CROATIA

According to the 2001 census results, eastern Croatia comes under the areas in the Republic of Croatia with the highest concentration of different national minorities. Persons belonging to national minorities make around 20% of the entire population of Vukovar-Sirmium County and around 13% of the population in Osijek-Baranja County.

Seven minority communities in eastern Croatia exercise the right to education in mother tongue and script in accordance with one or two previously explained models: Serbian and Hungarian in accordance with the model A and C; Slovakian, Ruthenian, Ukrainian, German and Austrian in accordance with the model C.

Only Hungarian community exercises teaching in accordance with the model A in specially registered institutions in the area of Osijek-Baranja County with 253 students in total in Educational and Cultural Hungarian Center in Osijek (primary and secondary education), and primary schools in Lug and Zmajevac; and in primary school in Korodj in the area of Vukovar-Sirmium County.

Serb students, around 3.500 of them, are being educated in Serbian language and Cyrillic script in six special primary schools and 17 mixed primary and secondary schools in the areas of Osijek-Baranja and Vukovar-Sirmium Counties. Although in practice, these schools work as special minority schools with teaching in Serbian language and Cyrillic script, they are not officially registered as such. Institutions in charge did not meet the requests of Serbian community representatives despite the positive opinion on this initiative by the Ministry in charge and the Vukovar-Sirmium County passed in 2002. However, it is possible that the primary school in the village of Trpinja is soon to be registered as the school with education in Serbian language and Cyrillic script since they have already issued the approval by the Vukovar-Sirmium County as their founder.

Organization and application of teaching in accordance with the model C isn't significantly problematic in eastern Croatia. However, the Committee of Experts for monitoring and evaluation of the implementation of the European Charter on Regional or Minority Languages encourages the Croatian authorities to strengthen education in primary schools for the Slovak, Ruthenian and Ukrainian Languages and to at least introduce the teaching of the Slovak, Ruthenian and Ukrainian languages within secondary education.⁸

Ministry of Science, Education and Sport, according to the technical and material possibilities, takes series of measures aimed towards ensuring of conditions for quality education in minority languages and overcoming of certain difficulties in relation to the organization and performance of teaching.

The Ministry fulfilled their legal obligation and appointed advisors for monitoring of the implementation of education in languages and scripts of national minorities in 2005. The Ministry makes efforts in order for the rest of the advisors for teaching in Ruthenian and Ukrainian languages to be appointed.

Despite significant funds for translation, production, acquiring and printing of primary schools textbooks in languages and scripts of national minorities were provided, still, not all the needs are satisfied. Although this problem mostly affects students belonging to not numerous minority

communities, around 40% of primary school textbooks in Serbian language and Cyrillic script need to be ensured to fulfill the needs of the most numerous - Serbian community. The Ministry also takes care about the need to produce new textbooks that would be coordinated with the Knowledge Catalogue and the Croatian National Education Standard (CNES). Provision of adequate secondary school textbooks remains problematic for the students belonging to particular minorities and can influence decision by certain students to choose the education in their mother tongue and script.⁹

Further on, in accordance with the LEISNM, the Ministry intensively works on the establishment and bringing of school curriculums plans and programs whose content is related to the specific characteristics of a national minority which was to be done by the end of 2000, meaning six months as of the day the LEISNM became effective.

Teams of activists for professional training of teachers teaching in Serbian, Hungarian and Slovakian languages were established in eastern Croatia. The Ministry, for the first time, plans to include professional minority training into the Catalogue of Professional Meetings in 2006. Insurance of adequate teachers, however, remains to be the real problem for certain minorities, especially those not numerous.

The issue of downsizing in the number of the students being educated in minority languages and scripts was also considered. Although the LEISNM does not establish on the minimal number of the students required for the establishment of a class or the group to be educated in minority language and script, the Ministry showed a high level of understanding for the requests by minority communities. In the town of Beli Manastir, the Ministry approved establishment of the class with teaching in Serbian language and Cyrillic script for only 5 students whilst in Educational and Cultural Hungarian Center in Osijek they have approved establishment of a class with only 4 students. The Ministry did not receive any written complaint for denial of the right to education in accordance to any of the educational models that a minority community decided on.

Despite the Government of the Republic of Croatia announced to clarify and make easier the application of the educational models foreseen by the law through special regulations¹⁰ these did not happen. Amendments to the Law on Secondary Education, despite the announcements, did not clarify the procedures and competencies for establishment and registration of special schools with teaching in minority language and scripts. "Existing misunderstandings will be resolved by adoption of amendments to school statutes and their coordination with the CLNM and LEISNM, and gradual registration of schools with teaching in Serbian language."¹¹

The process of choosing the educational model and the responsibility for the initiation of the procedure were not explained in details in the LEISNM. These have been explained by the Instructions passed by the Ministry that foresees that minority associations are those responsible to choose the model and initiate teaching in a minority language and script. Some of the Vukovar roundtable participants believe that such a solution is lacking and that those parents interested in the matter, local national minority councils and relevant experts should be ensured active participation in the process.¹²

OPENED INTEGRATION AND SEGREGATION ISSUES IN EXERCISE OF THE RIGHT TO EDUCATION OF PERSONS BELONGING TO NATIONAL MINORITIES

Issues of integration and segregation along with the need for strengthening contacts between students from different national communities in eastern Croatia arouse special attention. These issues mostly refer to the problem of physical separation of Croat and Serb students on ethnic ground in schools in Vukovar. There are examples when the students from the same school are attending classes in Croatian or Serbian languages but in separate buildings, or in different shifts. The OSCE High Commissioner for national minorities and the AC FCNM expressed their concerns with such a situation.

The situation concerning establishment and formal registration of special schools with teaching in Serbian language and Cyrillic script resulted in negative politicizing of this issue and public discussions that negatively influence the improvement of interethnic relations between Croatian majority and Serbian minority. These requests are frequently interpreted as a desire of Serbian community for student segregation which could negatively reflect on their further integration into Croatian society.

Serbian representatives, however, stress that their goal is to enable quality integration of the students of Serbian ethnicity with the preservation and protection of identity, and through the exercise of the law guaranteed rights. They, further on, believe that the Serbian community is discriminated in comparison to, for example, Italian, Hungarian and Czech minorities that have already realized the right to establishment of the institutions for education in mother tongue, meaning minority language. The President of the Education Board of the Joint Council of Municipalities – the most influencing Serbian organization in eastern Croatia, Mr. Djuro Podunavac emphasizes that: “for the frequent tendentious violation of the Letter of Intent¹³ and positive laws, but also some objective circumstances (immigration, for instance), some of the rights acquired in the beginning of the period of peaceful reintegration. For all the above, in the fourth year of the integration, we already had 13 schools less, 7 principals less and 15 deputy principals less, while the number of students fell to 4.500 attendees of primary and secondary schools. Current situation is disturbing for us since we have 6 primary schools in which the teaching is conducted exclusively in Serbian language and Cyrillic script (there were 8 of them in the beginning), 17 schools (31 school in the beginning) in mixed areas, 11 school principals out of 18 that we had in the beginning, and 3 deputy principals (coordinators for the program in Serbian language) out of 19 we had in the beginning. Currently there are 3.500 students out of 10.500 we had in the beginning or 4.500 we had in academic year 2001/02.” Talking about additional reasons for intensifying requests for establishment of schools with the curriculum in Serbian language and Cyrillic script, Mr. Podunavac mentioned cases of principals being replaced and posts of deputy principals of Serb ethnicity being cancelled, cancellation or disrespect of program in Serbian language in certain schools, obstruction of employment or the work of Serb teachers in the schools with the program in Croatian language, separation of the students in Vukovar Grammar School, placement of the students attending classes in Serbian language to unconditional buildings, turning of schools with exclusive education in Serbian language into mixed ones, etc.

Results of the research¹⁴ conducted by the Nansen Dialogue Center (NDC) from Osijek in the period from October 2004 to January 2005 on the sample of 14,6% of parents of primary school Croat and Serb children from Vukovar showed that 71,4% examinees are not satisfied with the way the issue of education of persons belonging to national minorities in Vukovar is arranged. Only 1% out of 256 examinees are familiar with the education models for the students belonging to national minorities, 26% of examinees heard about different education models, while 28% of them never even heard about that. According to the research, 71,5% of examinees considers the model C to be the most acceptable for the education of students belonging to national minorities, while only 5,5% of examinees supports the model A. The NDC representatives, on the basis of different researches, conclude that the existing education system in Vukovar is very dangerous for the development of inter-human and international relations, and that it negatively reflects on the integration of Serbian minority.

“AC FCNM acknowledges that the legitimate concern for inter-ethnic dialogue is essential in the war-affected areas and necessitates concerted efforts which could ultimately facilitate integration. At the same time, it needs to be ensured that minority language education is organized in accordance with the law and that no undue differences are made in this respect between various national minorities.”¹⁵ AC FCNM encourages Croatian authorities to take further steps in the educational system to encourage contacts between pupils of different communities.

Committee of Experts on the application of the European Charter on Regional or Minority Languages find that: “Although in some areas intercultural dialogue has considerably improved, in other areas, because of recent war events which have left deep scars in Croatian society, the Serbian language and culture continue to suffer from hostility, resentment and prejudices. Some recent developments are encouraging and seem to go in the right direction, but more needs to be done in the view to presenting Serbian culture and script in the curriculum of the Croatian-speaking population as an integral part of the cultural and linguistic heritage of Croatia. The inclusion of elements of this culture in the curriculum of the Croatian-speaking pupils, on top of the necessary references to the other regional or minority languages are cultures traditionally present in Croatia seems to be one of the priorities in this respect. Additional measures of awareness-raising with the majority population through the national media also seem to be urgently needed.”¹⁶

Ministry of Science, Education and Sport takes series of measures in order to strengthen and intensify contacts between the students of different ethnic background, including efforts for creation of preconditions for application of education in adequate buildings for all students and for in order to avoid that the students are separated in different shifts. Great step forward towards the integration and strengthening of interethnic cooperation was achieved through joint history textbook intended for all students in eastern Croatia concluded by the Ministry and local representatives of Serbian minority.

Some believe that the education of persons belonging to national minorities in separate institutions or classes in a minority language negatively reflects on the local integration of the students since part of them continues education in universities in their mother states and stay there permanently afterwards. National minorities’ representatives, however, possibility to choose and

continue education in prestige faculties in their mother states see as an advantage. Return upon completion of education, the same as in case of the students belonging to majority population, depends on the perspectives they are provided in the Republic of Croatia. Positive step forward

has been achieved with the Law on High Education becoming effective, by which the procedure of recognition of diplomas acquired abroad has been significantly simplified.

REMARKS:

¹ See Hague Recommendations on the rights of national minorities to education

² Ibid

³ Roundtable discussion organized by the Coalition for Promotion and Protection of Human Rights within two-year program "Minority Rights in Practice in Southeast Europe – National Strategy for Croatia". 32 roundtable participants were the representatives of: the Ministry of Science, Education and Sport; Administrative Department for Education, Culture and Sport of Vukovar-Sirmium County; Administrative Department for Social Affairs of Osijek-Baranja County; OSCE mission to Croatia; associations and councils of national minorities; primary and secondary schools' principals; and non-governmental organizations.

⁴ See CLNM article 11 paragraph 2; LPENM article 2 paragraph 1

⁵ Mother tongue, literature, history, geography and cultural opus of a national minority

⁶ In 2005, the Ministry of Science, Education and Sport ensured 4,5 million HRK, while it is planned to ensure additional 5,5 million HRK of specified-purpose funds in 2006

⁷ See: Advisory Committee for Framework Convention for Protection of National Minorities: Second opinion on Croatia accepted on 1 October, 2004

⁸ See: Report of the Committee of Experts on the application of the European Charter on Regional or Minority Languages in the Republic of Croatia, Second monitoring cycle, published on 7 September, 2005

⁹ See: Advisory Committee for Framework Convention for Protection of National Minorities: Second opinion on Croatia

¹⁰ See: Comments by the GoC on the Advisory Committee for Framework Convention for Protection of National Minorities: Second opinion on Croatia, 13 April, 2005

¹¹ Ibid

¹² It is unclear, for example, who is competent to choose the model and initiate education in a minority language and script in local communities in which there are no minority associations and whether the associations can be more legitimate than a minority council or a representative elected on the elections and whose competencies are established by the provisions of the CLNM?

¹³ Letter of Understanding between the Government of the Republic of Croatia and representatives of local Serbian community from the "peaceful reintegration" period of Croatian Danube Region and the UNTAES mission mandate (1996-1998) that guaranteed series of rights to Serbian community.

¹⁴ Research conducted within the "New School" project of the Nansen Dialogue Center. Research details shall be available in the future on www.ndc.osijek.hr

¹⁵ See: Advisory Committee for Framework Convention for Protection of National Minorities: Second opinion on Croatia

¹⁶ Report of the Committee of Experts on the application of the European Charter on Regional or Minority Languages in the Republic of Croatia, Second monitoring cycle

CONCLUSIONS AND RECOMMENDATIONS

Legislation of the Republic of Croatia guarantee the right to education to persons belonging to national minorities in their mother tongue and script they use with the right and obligation to study Croatian language and Latin script. Education models intended for the persons belonging to national minorities in eastern Croatia, along with their position and quality of the exercise of the right to education, are different depending on the numerousness, organization, tradition of being educated in mater tongue, interest, and concentration of persons belonging to a national minority in particular area, but also on the political will and level of interethnic tolerance and understanding.

Ministry of Science, Education and Sport makes continuous efforts aiming to achieve improvement in quality and conditions needed for the education in minority languages and scripts. But, despite there is some progress, it is necessary to take series of additional measures in that direction:

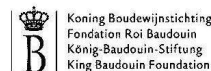
- To, within the shortest time, in accordance with technical and material possibilities, and with active consultations and participation of minority experts, ensure and approve textbooks needed for quality teaching in minority languages and scripts;
- To, in cooperation with minority representatives, consider issues regarding the work and ensuring adequate number of advisors and school supervisors for education in languages and scripts of national minorities;
- To enable and continue professional training of teachers teaching in minority languages and scripts, in accordance with expressed needs;
- To speed up the work on determination and bringing of school curriculums and programs whose content is in relation with the specific characteristics of a national minority;
- To resolve open questions in relation to the application of all models of education in a minority language and script in practice, and to ensure equal technical presumptions for education of all students in accordance with the needs;
- To intensify communication and make efforts in order to resolve existing education related problems of the students in Serbian language and script in eastern Croatia taking into consideration requests of local representatives of Serbian minority, but also opinions of the parents and children, and expert opinions and recommendations of the Advisory Committee of the Framework Convention for Protection of National Minorities, Committee of Experts on the application of the European Charter on Regional or Minority Languages, OSCE High Commissioner for National Minorities, etc.;
- To encourage and enable contacts and cooperation of the students belonging to different ethnic groups through joint actions of all relevant subjects at national and local levels within educational system;
- To introduce intercultural, tolerance and human rights education into education programs for the students and teachers belonging to both majority and minority communities.

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