

Appendix II: Comments by the Government of Croatia

RE: Observations on the opinion of the Expert Committee on the Second Report by the Republic of Croatia on the implementation of the European Charter for Regional or Minority Languages

In relation to the recommendations of the Expert Committee regarding the Second Report of the Republic of Croatia on the implementation of the European Charter on Regional or Minority Languages, the following is emphasized:

- In the second report on the European Charter for Regional or Minority Languages, data are given on the proportion of each minority in the population and also the number of those who speak each minority language. From the data given in 2001 it is clear that in relation to the census of there has been an overall reduction in the representation of national minorities, and as a result of this also a reduction in the number of those who speak each minority language.

There are many reasons for this. First of all it has to be emphasised that according to the census of 2001, the population of the Republic of Croatia had decreased by more than three hundred thousand inhabitants in comparison with the 1991 census. The reasons for this reduction in the population may be found on the one hand in the reduced birth rate, and on the other hand in migration of population.

All this is indicative of the certain process of the assimilation of members of minorities despite the fact that the Republic of Croatia is taking a large number of measures to encourage the preservation of cultural autonomy and linguistic identity. The regulations on the education of national minorities in their mother tongue and the new Act on Education in the Languages and Scripts of National Minorities adopted in 2001 open a very wide range of possibilities for the education of members of national minorities in minority languages, according to models adapted as much as they can be to meet their needs. The Act on the Use of the Languages and Scripts of National Minorities of 2001, as well as the regulations previously valid (the Ordinance on the Equal Official Use of the Language and Script of National Groups of 1981) offered broad freedom in the use of minority languages in proceedings before state bodies. All these measures however have not led to an increase in the number of those who speak minority languages, which is in line with the existing trends in other states, indicating the increasing assimilation of national minorities into the majority groups.

Despite the negative trends it is considered to be important to emphasize that all the measures aimed at preserving the cultural autonomy of individual minorities are being taken in cooperation with representatives of these minorities who are actively involved in the adoption of regulations regarding their status, such as for example the adoption of the Constitutional Act on the Rights of National Minorities in the Republic of Croatia, where agreements were reached with the representatives of national minorities in the Croatian Parliament. It is particularly pointed out that according to the provisions of the Constitution of the Republic of Croatia it is the exclusive right of the individual to declare or not to declare his or her nationality. All citizens of the Republic of Croatia were acquainted with this regulation during the conduct of the population census and some members of the population abstained from declaring their nationality and their mother tongue.

In the light of the above it may be concluded that the reduction in the number of those who speak minority languages was the result on the one hand of changes in the population following the war in the Republic of Croatia, and on the other hand of the overall negative demographic trends in Croatia.

- In relation to the Recommendation regarding the statement given about Part III of the European Charter, it is pointed out that the statement is in line with the provisions of Article 12, paragraph 2 of the Constitution of the Republic of Croatia, according to which it is possible to introduce a minority language into equal official use only in certain local units.

The Constitutional Act on the Rights of National Minorities in the Republic of Croatia prescribes the equal official use of minority languages in those local units where members of national minorities constitute at least one third of the population, whilst in other local units a minority language may be introduced into equal official use alongside Croatian by the statute of the municipality, or the town.

As has been expressed in conversations with representatives of the Expert Committee for monitoring the implementation of the European Charter for Regional or Minority Languages in the Republic of

Croatia there is an equal number of municipalities or towns where the equal official use of a minority language has been introduced by the statute, as municipalities or towns, where it has been introduced on the basis of the legal provisions. This indicates the fact that at a local level there is no resistance to the use of minority languages, especially not in areas where they are traditionally in use. It should also be pointed out that the languages, about the introduction of which a declaration was given by the Republic of Croatia on the occasion of the ratification of the European Charter for Regional or Minority Languages, are traditionally present and in equal official use in the Republic of Croatia, and there was no request made to extend the range of languages stated by the Republic of Croatia as being subject to the European Charter.

It is particularly pointed out that this statement mentioned on the range of languages subject to the European Charter is not in itself a hindrance to introducing the equal official use of other languages if a need for this existed. In this context it is emphasized that neither the Constitutional Act on the Rights of National Minorities in the Republic of Croatia, nor the Act on the Use of the Language and Script of National Minorities in the Republic of Croatia, in any way prevent the introduction of the equal official use of any language in relation to which this kind of need arises. We therefore believe that there is no need to amend the statement.

- In relation to the request in the Recommendations that it should be possible to submit written and oral petitions to state bodies in minority languages, it is pointed out that in the initial report and also in the Second Report on the Implementation of the European Charter for Regional or Minority Languages, it is clear that this possibility already exists and that it existed according to the regulations in force in the Republic of Croatia even before 1997 when the European Charter for Regional or Minority Languages was ratified. Moreover in the reports, numerical data are given on the number of such cases and we therefore believe that this Recommendation is entirely unnecessary.

All the above also relates to the Recommendation on the facilitation of communication at a local level in a minority language. In all local units where a minority language is in equal official use, citizens are able to communicate in that minority language not only with bodies of local units, but also with the territorial official bodies of state administration and the judiciary. There are data about all this in the Reports now submitted.

- In relation to the Recommendation on the need to encourage the use of bilingual notices with the names of places, it is pointed out that this obligation was established by the Act on the Use of Languages and Scripts of National Minorities in the Republic of Croatia and that this was already done traditionally on the basis of regulations in force before the Act on the Use of Languages and Scripts of National Minorities in the Republic of Croatia came into force.
- In relation to the Recommendation relating to the use of minority languages in services offered by public services, it is pointed out that this obligation does not arise from the legislation of the Republic of Croatia. However, individual public services in their contact with citizens, use minority languages and also employ clerks who have direct contact with clients under the condition that they speak the minority language (for example the Croatian Electricity Board in the Istarska County).