



The Right of Children Belonging to a Minority to Be Educated in Their Language and Script in the Republic of Croatia

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Abstract. The right to education is indispensable to advancing human rights in a democratic society and is essential for enabling an individual to live a dignified life. Language is central to the identity of linguistic minorities and is a very important means of communication in society. Language issues are often the source of claims of discrimination in education. In the Republic of Croatia, children belonging to national minorities have a guaranteed right to be educated in their mother tongue. However, there are gaps between the standards set by the normative framework and practical reality. This study aims to analyse the approach of the Croatian legal order to the issue of education of children in the language and script of their national minority. Then, this study seeks to identify the obstacles that in practice hinder the full realisation of this right and ultimately to propose *de lege ferenda* measures that can contribute to the removal of existing barriers.

Keywords: Croatia, children, education, language, national minority

1. Introduction

The understanding of the right to education as being of essential importance for enabling an individual to live with dignity¹ and an effective antidote against discrimination, ignorance, and prejudice is universally accepted.² Similarly, the fundamental role of language in self-conception and building identity and personality is widely recognised. Linguistic identity is often the key to

1 Hodgkin and Newell, 2007, p. 411.

2 Committee on the Rights of the Child, General comment No. 1 (2001), Article 29 (1): The aims of education, CRC/GC/2001/1, 17 April 2001, para 6. All General comments of the Committee on the Rights of the Child cited as sources in this study are available at United Nations Human Rights, Office of the High Commissioner, no date.

cultural identity and preservation of communities,³ and thus the efforts of the international community aiming at the protection of linguistic minorities are not surprising. The Republic of Croatia is a multinational country with a long history of multilingualism,⁴ during which the Croatian language was sometimes a minority language. The process of the disintegration of Yugoslavia, the war and its consequences hindered for a long time more serious efforts towards the normalisation of relations between national minorities.

It was not until the beginning of the 2000s that more systematic efforts were made to build a comprehensive legal framework for the protection of national minorities. In this process, Croatia has been engaging all levels of the domestic legal order, starting with the Constitution of the Republic of Croatia⁵ (Constitution), which established Croatia as the nation-state of the Croatian nation and the state of the members of its 22 national minority groups which are listed by name in the preamble: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Rusyns, Bosniaks, Slovenians, Montenegrins, Macedonians, Russians, Bulgarians, Poles, Roma, Romanians, Turks, Vlachs, Albanians, and others who are its citizens.

Numerous studies have shown that the education of minority children in their own language results in better academic performance and lower dropout rates. In addition, pupils must always have the opportunity of learning the official language. Bilingualism has many advantages,⁶ and it has been found that the combination of quality teaching in both minority and the official language is more cost-effective in the long term, improves levels of literacy and fluency in both languages, and leads to greater family and community involvement and support.⁷

This study aims to analyse the overall approach of the Croatian legal order towards the right of children belonging to minorities to be educated in their mother tongue as well as the practical reality of exercising that right. This research should reveal which issues represent the most serious barriers for children belonging to minorities in education and what measures can be implemented *de lege ferenda* to achieve the realisation of their right to be educated in their own language to the fullest extent possible.

3 Zhang, 2021, p. 341.

4 The topic of this study does not allow for further discussion on this matter. Succinct overviews can be found in, for example, Babić and Škiljan, 2019; Lewis *et al.*, 2020, pp. 288–292.

5 Ustav Republike Hrvatske (Constitution of the Republic of Croatia), Narodne novine (Official Gazette), no. 56/1990, 135/1997, 8/1998, 113/2000, 124/2000, 28/2001, 41/2001, 55/2001, 76/2010, 85/2010, 5/2014.

6 Marinac *et al.*, 2021, p. 323.

7 United Nations Human Rights, Office of the High Commissioner, 2020, paras. 31, 47–48, 50, 53, 65.

2. Protection of Children Belonging to National Minorities in the Legal Order of the Republic of Croatia

2.1. Fundamental Principles Underlying the Protection of Minority Children and Their Right to Be Educated in Their Own Language

The Constitution⁸ places equal rights and national equality among the fundamental values of the constitutional order of the Republic of Croatia (Article 3). Regardless of language and national origin, all persons are guaranteed fundamental rights and freedoms (Article 14). In addition, members of national minorities are explicitly guaranteed equal rights, freedom to express their national affiliation, to use their language and script, and to exercise cultural autonomy (Article 15). The Croatian language and the Latin script are in official use, but under conditions specified by law, in individual local administrative units (precincts) another language and script may be introduced in official use in addition to the Croatian (Article 12).

Basic principles upon which the Croatian education system is built are also established in the Constitution, most notably by Article 65, which proclaims that education is accessible to all Croatian citizens under the same conditions and in accordance with their abilities; it provides for free compulsory (primary) education. The education system in Croatia includes four stages: pre-school education, primary education, secondary education, and higher⁹ education (university and professional studies).

The Constitutional Act on the Rights of National Minorities¹⁰ established the obligation of the Republic of Croatia to provide education in the languages and scripts of its national minorities and ensure their cultural autonomy as well as access to the media and public information services in their language and script (articles 7 and 11).¹¹

Furthermore, Croatia is a state party to many international instruments on human rights, including those that relate specifically to children as well as minorities,

8 Ustav Republike Hrvatske.

9 This study focuses on children belonging to national minorities, that is, persons up to the age of 18 years. Therefore, we do not deal with the rights of adult members of minorities in the context of higher education.

10 Ustavni zakon o pravima nacionalnih manjina (Constitutional Act on the Rights of National Minorities), Narodne novine, no. 155/2002, 47/2010, 80/2010, 93/2011.

11 The relevant provisions of the Constitutional Act on the Rights of National Minorities addressing the issue of education in the language and script of the minority are repeated and further elaborated in the Act on Education in the Language and Script of National Minorities and the national pedagogical standards, which are analysed *infra*.

and those documents form part of the Croatian legal order.¹² The most important binding international agreement on children's rights is the Convention on the Rights of the Child¹³ (CRC), which obliges Croatia to respect and ensure the rights outlined in this document to each child within its jurisdiction (hence, regardless of the child's citizenship) without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's language, ethnic or national origin (Article 2). The right of non-discrimination is an absolute right,¹⁴ and this element has to underlie all actions aiming at children's welfare in the broadest sense. Assessing the child's best interests, which has to be taken as a primary consideration in all actions concerning children (Article 3), is a complex activity that should be undertaken in the light of the child's characteristics, including belonging to a minority group as well as the cultural context in which the child lives. An important factor to consider is also the child's situation of vulnerability, and being a member of a minority group is considered a characteristic that puts the child in such a situation.¹⁵

The provisions of the CRC with explicit references to children belonging to minorities can be regarded as an elaboration of the non-discrimination principle in a way that resembles what is sometimes called positive discrimination or affirmative action. Namely, under Article 17, states should take actions with a view to encourage mass media to pay special attention to the linguistic needs of children who belong to minority groups.¹⁶ Setting 'equal opportunities' as a basis for the realisation of the right to education as enshrined in Article 28 reflects that many children suffer discrimination in access to education, and one of the groups especially affected includes children belonging to minorities.¹⁷ Complementary to the right to education are the aims of education elaborated in Article 29, including the development of respect for human rights and fundamental freedoms, for the child's cultural identity, language, and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilisations different from his or her own.

For children belonging to ethnic or other minorities, Article 30 is the core CRC provision,¹⁸ as it establishes their right not to be denied the enjoyment

12 By virtue of Article 141 of the Constitution, international treaties that have been concluded and ratified in accordance with the Constitution and published, and which are in force, form part of the internal legal order of the Republic of Croatia and have primacy over domestic law.

13 Konvencija o pravima djeteta (Convention on the Rights of the Child), Službeni list SFRJ, no. 15/1990, Narodne novine – Međunarodni ugovori, no. 12/1993, 20/1997, 4/1998, 13/1998.

14 Abramson, 2008, p. 40.

15 Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), CRC/C/GC/14, 29 May 2013, paras. 48, 75.

16 Doek, 2009, pp. 282, 286–287.

17 Hodgkin and Newell, 2007, note 1, pp. 407, 416.

18 Doek, 2009, p. 288.

and practice of their own culture and the use of their language. In the course of drafting the CRC, proposals were made to include the explicit recognition of the right of the child to be educated in the language of his or her minority in Article 30, but they remained unsuccessful.¹⁹ Nevertheless, Article 30 is important because significant frustration with the child's ability to use his or her minority language carries the inherent danger of preventing communication first with family members²⁰ but also with other members of the minority group who do not speak the majority language.

The CRC does not provide for the definition of 'minority', but the term is rather broadly interpreted as encompassing children of ethnic, linguistic, and national minorities.²¹ Furthermore, children belonging to minorities are treated as 'children in vulnerable situations', that is, particularly susceptible to violations of their rights²² and, consequently, requiring special attention. For example, states are expected to ensure that the right of the child to express his or her views freely in all matters affecting him or her (Article 12) is implemented for children experiencing difficulties in making their views heard, including minorities and other children who do not speak the majority language.²³

Within the human rights protection system, as established by the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms²⁴ (European Convention on Human Rights, ECHR), the right to education is guaranteed to everyone under Article 2 of Protocol no. 1 to the ECHR, which the European Court of Human Rights (the Court) interprets as the right to access an existing educational system, rather than a right to be taught in the language of one's choice.²⁵ However, if the state assumed responsibility for the provision of primary education in a certain language, the failure to make continuing provision for it at the secondary level could be considered as a denial of the substance of the right to education.²⁶ Deciding on the issue of segregation of

19 Some states expressed unwillingness regarding the duties such a provision would impose on them. For details on the process of drafting Article 30 of the CRC, see Office of the United Nations High Commissioner for Human Rights, 2007.

20 Zhang, 2021, p. 349.

21 Doek, 2009, p. 283.

22 See, for example, Committee on the Rights of the Child, General comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4), CRC/C/GC/19, 20 July 2016, para. 3; Committee on the Rights of the Child, op. cit., note 15, para. 75; Committee on the Rights of the Child, General Comment No. 13 (2011): The right of the child to freedom from all forms of violence, CRC/C/GC/13, 18 April 2011, paras. 43, 72.

23 Committee on the Rights of the Child, General comment No. 12 (2009): The right of the child to be heard, CRC/C/GC/12, 20 July 2009, para. 21.

24 Konvencija za zaštitu ljudskih prava i temeljnih sloboda (Convention for the Protection of Human Rights and Fundamental Freedoms), Narodne novine – Međunarodni ugovori, no. 18/1997, 6/1999, 8/1999, 14/2002, 13/2003, 9/2005, 1/2006, 2/2010, 13/2017.

25 White and Ovey, 2010, pp. 507–508.

26 *Cyprus v. Turkey*, Application no. 25781/94, 10 May 2001, paras. 273–280.

Roma children in education, the Court emphasised the state's obligation to protect the identity and lifestyle of children belonging to a minority group as their right to education was of paramount importance.²⁷ The Court's decisions in this area are welcome because they recognise the vulnerability of children belonging to ethnic minorities arising from their status as children and as members of a marginalised social group, as well as from their special educational needs.²⁸ However, some argue that the Court generally overlooks Roma children's status as rights-holders and focuses almost exclusively on their need for special protection.²⁹

The Council of Europe's commitment to the protection of national minorities is most prominently expressed by two instruments addressing minorities' rights – the Framework Convention for the Protection of National Minorities³⁰ (the Framework Convention) and the European Charter for Regional or Minority Languages³¹ (ECRML).

The Framework Convention stresses, *inter alia*, the need to preserve the essential elements of the minorities' identities, including their language (Article 5) and the states parties' duty to take measures in the fields of education³² to foster knowledge of the culture, history, and language of their national minorities (Article 12). In areas inhabited by members of national minorities traditionally or in substantial numbers, as far as possible, state parties must endeavour to ensure that persons belonging to those minorities have adequate opportunities for being taught the minority language (Article 14).

The ECRML is the only legally binding international treaty dedicated specifically to the protection of the rights of linguistic minorities. It incorporates positive obligations of state parties in the field of education, including making available pre-school, primary, and secondary education in the relevant regional or minority languages, at least to pupils whose families so request, and whose number is considered sufficient; furthermore, the states should provide adequate training of teachers required to implement education in minority languages (Article 8).

27 D.H. v. the Czech Republic, Application no. 57325/00, 13 November 2007, paras. 181, 196–210.

28 Fenton-Glynn, 2021.

29 For details, see Peleg, 2018.

30 Zakon o potvrđivanju Okvirne konvencije za zaštitu nacionalnih manjina (Act on Ratification of the Framework Convention for the Protection of National Minorities), Narodne novine – Međunarodni ugovori, no. 14/1997.

31 Zakon o potvrđivanju Europske povelje o regionalnim ili manjinskim jezicima (Act on Ratification of the European Charter for Regional or Minority Languages), Narodne novine – Međunarodni ugovori, no. 18/1997.

32 A detailed overview of the opinions of the Advisory Committee, the supervisory body for the Framework Convention, concerning the rights of minority children in education is provided in Roter, 2015.

2.2. The Croatian Legislative Approach to the Education of Minority Children in Their Mother Tongue

Education in the language and script of national minorities is an integral part of the Croatian education system. The Act on Education in the Language and Script of National Minorities³³ guarantees education in the language and script of the given minority in pre-school institutions, primary and secondary schools, and other educational institutions, as well as through other forms of education (e.g. seminars, summer and winter schools) (Article 2). Upbringing and education in the language and script of the national minority can be carried out in an educational institution, in an educational group, or in a class department (in a school with classes in the language and script of the national minority or a school with classes in the Croatian language and script), which can be established for a smaller number of children/pupils than the number prescribed for those with instruction in the Croatian language (Article 3).³⁴ Educational work is to be carried out by teachers belonging to the national minority who have a complete command of the language of that minority or by teachers who are not members of the minority but have a complete command of its language and script (Article 10).

Besides the general part, education programmes for classes in the language and script of the national minority must also incorporate content related to the uniqueness of the minority (mother tongue, literature, history, geography, and cultural creativity) (Article 6). Pupils enrolled in classes taught in their minority's language also have to learn the Croatian language and the Latin script (Article 8). Publication of textbooks for education in national minority languages is co-financed utilizing the state budget, but schools can also use textbooks from the native countries (Articles 15 and 16).³⁵

2.2.1. Pre-school Education of Children Belonging to National Minorities

Pre-school education, following the Pre-school Education Act,³⁶ is intended for children from the age of 6 months until they start primary school (Article 3). Kindergartens carry out a regular programme of upbringing and education as well as the programme in the language and script of the national minority (articles 3

33 Zakon o odgoju i obrazovanju na jeziku i pismu nacionalnih manjina (Act on Education in the Language and Script of National Minorities), Narodne novine, no. 51/2000, 56/2000.

34 The same rule is stated in the Primary Education Standard, see note 43, Articles 6 and 8, and Secondary Education Standard, see note 44, Articles 3 and 4.

35 The main purpose of this provision is to ensure that the price of textbooks is the same for the parents of children who are educated in national minority languages as the price of textbooks for the parents of children who are educated in Croatian. For details, see Government of the Republic of Croatia, 2023, pp. 100–101.

36 Zakon o predškolskom odgoju i obrazovanju (Pre-school Education Act), Narodne novine, no. 10/1997, 107/2007, 94/2013, 98/2019, 57/2022, 101/2023, 145/2023.

and 15.a). Under Article 15 of the National Pedagogical Standard for Pre-school Education³⁷ (Pre-school Education Standard), pre-school education programmes for children belonging to minorities can be carried out entirely in the language and script of a national minority or bilingually. These programmes are implemented in educational groups of a certain minority and pre-school institutions established for children belonging to national minorities. The programme in the minority language has to be partly conducted in the Croatian language (minimum 10 hours per week per educational group), while bilingual programmes are equally implemented in the Croatian language and the mother tongue of the national minority.

All children have to attend the pre-school programme, a mandatory and free-of-charge programme of educational work with children, in the year before starting primary school (Pre-school Education Act, Article 23.a). Its fundamental purpose is to develop skills, habits, and competencies to help children adapt to changed living conditions and development in the school environment. Competencies that every child should acquire and/or improve during the pre-school programme include communication in the mother tongue, basic communication in foreign languages, and cultural awareness and expression.³⁸ This is especially important for minority children who are not already attending kindergarten, which is often the case with Roma children.

Pre-school education currently caters for children from Serbian, Hungarian, Italian, and Czech national minorities.³⁹ Recently, it was recommended that Croatia⁴⁰ provide pre-school education in Ruthenian, Slovakian, Slovenian, and Ukrainian, which have not been used at that level of education before, as well as introduce pre-school education in German and Bayash Romani in additional municipalities or counties.⁴¹

2.2.2. Education in Minority Languages and Scripts in Primary and Secondary Schools

Primary and secondary education in Croatia is regulated by the Primary and Secondary School Education Act.⁴² Primary education is compulsory, lasts for 8

37 Državni pedagoški standard predškolskog odgoja i naobrazbe (National Pedagogical Standard for Pre-school Education), Narodne novine, no. 63/2008, 90/2010, 57/2022.

38 For details on the aims, content, and duration of the pre-school programme, refer to: Pravilnik o sadržaju i trajanju programa predškole (Ordinance on the content and duration of pre-school programme), Narodne novine, no. 107/2014, 57/2022.

39 Government of the Republic of Croatia, 2019, p. 42.

40 Recommendations were issued in the context of the ECRML monitoring process. Under articles 15–17 of the ECRML, the Committee of Experts is the body in charge of monitoring the implementation of this instrument.

41 Council of Europe, 2022.

42 Zakon o odgoju i obrazovanju u osnovnoj i srednjoj školi (Primary and Secondary School Education Act), Narodne novine, no. 87/2008, 86/2009, 92/2010, 105/2010, 90/2011, 5/2012,

years, and is free for all children from 6 to 15 years of age (articles 4 and 12). Programmes implemented by primary schools can be regular and special, the latter including programmes in the languages and scripts of national minorities. Basic aims of education include developing pupils' awareness of national belonging, preservation of historical and cultural heritage and national identity, educating pupils following human rights and children's rights, training them for life in a multicultural world and for respect for diversity and tolerance (articles 4 and 11).

The National Pedagogical Standard for Primary Education⁴³ (Primary Education Standard) and the National Pedagogical Standard for Secondary Education⁴⁴ (Secondary Education Standard) regulate three basic models of organising and conducting classes for pupils belonging to national minorities in primary and secondary schools in Croatia as well as some special forms of teaching.

All classes in Model A are taught in the language and script of the national minority with the obligatory learning of the Croatian language in the same number of hours. Pupils also have the right and obligation to learn additional content important for their particular minority community. This model of teaching is mainly implemented in special schools in which all classes are taught in the minority language, but it can also be carried out in special departments or educational groups in institutions with classes in the Croatian language.⁴⁵

Model B provides for bilingual teaching in such a way that the natural science group of subjects is taught in Croatian, while the social group of subjects is taught in the minority language. This model of teaching is conducted in separate departments in schools with classes in the Croatian language.⁴⁶

For pupils attending Model C, classes are conducted in the Croatian language with an addition of 2 to 5 school hours per week taught in the minority language and dedicated to learning the language and literature of the national minority, geography, history, music, and visual arts. Instructions according to Model C in primary schools are organised in special educational groups.⁴⁷

Currently, under Model A, primary and secondary education in Croatia is provided for Italian, Serbian, and Hungarian national minorities, and only primary education for the Czech minority group. Under Model B, Czech, Hungarian, and Serbian minorities are educated in primary schools and the Czech

16/2012, 86/2012, 94/2013, 152/2014, 7/2017, 68/2018, 98/2019, 64/2020, 133/2020, 151/2022, 155/2023, 156/2023.

43 Državni pedagoški standard osnovnoškolskog sustava odgoja i obrazovanja (Primary Education Standard), Narodne novine, no. 63/2008, 90/2010.

44 Državni pedagoški standard srednjoškolskog sustava odgoja i obrazovanja (Secondary Education Standard), Narodne novine, no. 63/2008, 90/2010.

45 Article 30 of the Primary Education Standard and Article 43 of the Secondary Education Standard.

46 Ibid.

47 Article 11 para. 3 and Article 30 of the Primary Education Standard and articles 4, 5, and 43 of the Secondary Education Standard.

minority in secondary schools. Under Model C, primary education is provided for Albanian, Czech, Serbian, Slovak, Slovenian, Hungarian, Macedonian, German and Austrian, Ukrainian, Rusyn, Russian, Jewish, and Polish minorities, while secondary education is provided for Czech, Macedonian, Hungarian, Russian, Slovak, Slovenian, Serbian, and Italian minorities.⁴⁸

Moreover, special forms of education (e.g. summer schools) about national minority languages and cultures are implemented in collaboration with national minority associations with a view to the preservation of the ethnic, cultural, and linguistic identity of pupils and to enable them to acquire knowledge and skills outside of the standard educational system. Preference in participation in such programmes is given to those pupils who, owing to the objective reason of the location of their residence, are unable to participate in the otherwise established educational models (A, B, and C). Approximately 650 pupils belonging to national minorities participate in summer schools every year.⁴⁹

It was recommended that Croatia make education in Italian (Model A) available in additional municipalities, to provide for Model C teaching of German, Bayash Romani, and Istro-Romanian at the primary level in additional municipalities, and to introduce the teaching of Ukrainian in secondary education. It was observed that the relevant authorities are in principle willing to comply, but the main obstacle is the lack of adequately trained teachers.⁵⁰

In the 2021/2022 school year, education in primary and secondary schools in national minority languages and scripts under all models (A, B, and C) included a total of 8,349 pupils in 241 educational institutions,⁵¹ in 1,001 classes/groups with 1,298 teachers.⁵²

Model A included 3,570 pupils in primary schools and 1,074 pupils in secondary schools; Model B is the least represented, with only 51 pupils (45 in primary schools, and 6 in one secondary school); classes under Model C in primary education were attended by 3,368 pupils and 286 pupils in secondary education.⁵³ The literature shows that in the period between the school years 2003/2004 and 2019/2020, there is a trend of an increasing number of children belonging to national minorities included in the pre-school programme (by 34.7%), as well as of children included in primary school education (A, B, and C) by 6.2%. In the same period, the total number of pupils enrolled in the secondary

48 Government of the Republic of Croatia, 2023, p. 90.

49 *Id.*, p. 100.

50 Council of Europe, 2022, note 41.

51 The list of schools teaching in the languages and scripts of national minorities in the 2021/2022 school year is available at: https://gov.hr/UserDocsImages/Dokumenti/Popis%20%C5%A1kola%20_modeli_%20ABC_2021_%202022.pdf (Accessed: 28 January 2024).

52 Government of the Republic of Croatia, 2023, pp. 90–94.

53 *Ibid.*

school education programme in the language and script of the national minority (A, B, and C) decreased by 24.9%.⁵⁴

During 2019 and 2020, new curricula⁵⁵ were developed for instruction in the languages and scripts of national minorities: the Czech language (Models A and C), the Hungarian language (Models A and C), the Slovak language and culture (Model C), the Serbian language (Models A and Model C), and the Italian language (Model A). Moreover, in 2020, the Curriculum for the Course Subject Roma National Minority Language and Culture in primary and secondary schools (Model C) was adopted, whereby the Roma national minority has been integrated into the education system for the first time, and learning their mother tongue has been made possible, equally for both modules (Bayash and Romani čhib).⁵⁶

3. Disparities between Normative Expectations and Everyday Reality Experienced by Children Belonging to National Minorities in the Croatian Education System

3.1. General State of Affairs

An in-depth examination reveals that, with regard to providing children with education in the language and script of the national minority they belong to, the Croatian education system faces certain challenges making the practical state of affairs somewhat different from the picture one would imagine by looking solely at the relevant pieces of legislation.

Since the adoption of the Anti-Discrimination Act⁵⁷ in 2008, the majority of grievances submitted to the Ombudsman for Children about the discrimination of children referred to the area of education.⁵⁸ Additionally, the education system is continually the most pronounced area of violation of the rights of children

⁵⁴ For details, refer to Bježančević, 2023.

⁵⁵ Pursuant to Article 6 of the Act on the Education in National Minority Languages and Scripts, the curricula for instruction under Models A, B, and C are adopted by the Ministry of Science and Education after receiving opinions from minority associations.

⁵⁶ Government of the Republic of Croatia, 2023, p. 86.

⁵⁷ Zakon o suzbijanju diskriminacije (Anti-Discrimination Act), Narodne novine, no. 85/2008, 112/2012.

⁵⁸ Pravobranitelj za djecu (Ombudsman for Children), Izvješće o radu pravobraniteljice za djecu 2022, Zagreb, 2023, p. 121; Pravobranitelj za djecu, Izvješće o radu pravobraniteljice za djecu 2020, Zagreb, 2021, p. 119; Pravobranitelj za djecu, Izvješće o radu pravobraniteljice za djecu 2018, Zagreb, 2019, p. 120. All annual reports of the Ombudsman for Children are available at Republika Hrvatska (n.d.).

belonging to national minorities,⁵⁹ and the majority of complaints in that category concern Roma children.⁶⁰ The tables below show the trend in the number of applications for the period between 2018 and 2022.⁶¹

Table 1. *Complaints concerning discrimination against children*

Complaints concerning discrimination against children⁶²	2022	2021	2020	2019	2018
in total	31	49	35	42	38
in the education system	23	25	12	27	17
on the basis of national origin	1	4	2	6	1
on the basis of ethnicity	4	1	5	10	4

Table 2. *Complaints concerning the rights of children belonging to national minorities*

Complaints concerning the rights of children belonging to national minorities	2022	2021	2020	2019	2018
in total	23	43	26	47	30
Roma children	16	31	15	33	23

In 2022, research was conducted about the quantitative representation of national minorities, their portrayal, and the qualitative context in which they are presented in primary and secondary school textbooks in Croatia. Although there are positive examples, the analysis points to a generally insufficient representation and a tendency towards collective stereotypes.⁶³ For example, in some cases, the context is insufficiently explained, which contributes to the negative perception of the Serbian minority; mention is made exclusively of Roma who live outside Croatia. These findings correspond to the objections received by the Ombudsman for Children about books used as reading materials in schools that could be used as a platform for spreading negative stereotypes and intolerance towards ethnic and national minorities.⁶⁴ A more serious complaint in this regard concerned a school teacher's inappropriate and discriminatory treatment of pupils based

59 For example: Id., 2023, p. 134; Pravobranitelj za djecu, Izvješće o radu pravobraniteljice za djecu 2021, Zagreb, 2022, p. 134; Pravobranitelj za djecu, Izvješće o radu pravobraniteljice za djecu 2019, Zagreb, 2020, p. 149.

60 Ibid.

61 Sources of the data in the tables are the annual reports of the Ombudsman for Children.

62 Complaints in cases for which the Ombudsman for Children acted on the basis of the Anti-Discrimination Act.

63 Stjepanović, 2022, especially pp. 18–21. Roma, Serbian, Italian, and Hungarian minorities formed the sample population used for the analysis. Research results are intended to be incorporated in future curricular reforms.

64 Pravobranitelj za djecu, 2023, p. 124.

on their national origin, and his unacceptable intervention in the content of textbooks (personal interpretations and manipulations of the past).⁶⁵

During the COVID-19 pandemic, especially during 2020, objections were expressed about the inadequacy of lessons broadcast on the Third Programme⁶⁶ of the Croatian Radiotelevision (HRT), which did not meet the needs of pupils of the Serbian national minority. After the Ombudsman for Children proposed some recommendations, the recording of video lessons and programmes for broadcast on television started in cooperation with the relevant representatives of the Serbian minority. Additionally, teachers and professional associates were involved in designing the content and the implementation of the educational programme in the Italian language. Distance learning for the Hungarian national minority was conducted in virtual classrooms.⁶⁷

Another issue in this area concerns the duty of the HRT to produce and broadcast programmes intended to inform national minorities in the Republic of Croatia in the respective minority languages, including programmes for children.⁶⁸ The implementation of this obligation is elaborated in more detail in the contract between the HRT and the Croatian Government.⁶⁹ HRT broadcasts the weekly documentary programme *Manjinski mozaik* (e.g. 37 episodes in 2021) in minority languages with Croatian subtitles. Every 15th episode is devoted to a particular national minority in its language. Additionally, a weekly multicultural programme titled *Prizma* partly includes features in minority languages. Regardless of recommendations for immediate actions received in the context of the ECRMML monitoring process, no new programmes in minority languages have been introduced, nor was any other change made to allocate sufficient time to each minority language in a programme which would be broadcast at regular intervals.⁷⁰ Furthermore, the HRT does not broadcast any children's programmes in the languages of national minorities.⁷¹

65 The inspection established that the teacher violated the school's Code of Ethics and put some of the students in an unequal position. Pravobranitelj za djecu, 2021, p. 125.

66 This was an educational programme organised cooperatively by the Ministry of Science and Education and the Education and Teacher Training Agency, broadcast by the HRT, in an attempt to compensate for the impossibility of teaching in classrooms during the restrictions related to the pandemic.

67 Pravobranitelj za djecu, 2021, p. 131. All the video lectures are available free of charge on the platform of the Ministry of Science and Education (n.d.).

68 Zakon o Hrvatskoj radioteleviziji (Croatian Radiotelevision Act), Narodne novine, no. 137/2010, 76/2012, 78/2016, 46/2017, 73/2017, 94/2018, 114/2022, 20/2023, Article 9, para. 2(6).

69 The most recent one was concluded for the 2023–2027 period. Ugovor između Hrvatske radiotelevizije i Vlade Republike Hrvatske za razdoblje, particularly Article 49.

70 Council of Europe, 2022, note 41.

71 Some children's programmes and animated films were broadcast in Romani languages in 2021, and only 300 minutes of audio-visual content for children were available in Romani languages in 2022. Pravobranitelj za djecu, 2023, p. 154; Pravobranitelj za djecu, 2022, p. 159; Pravobranitelj za djecu, 2020, p. 146.

Certain specific issues burden the practical implementation of instructions in minority languages and scripts. For example, sometimes different age groups of pupils have classes together, and not everyone can keep up in that situation; parents are motivated by the preservation of their national identity, but pupils are primarily motivated by improving their point grade average; teachers who teach under Model C often have to travel far to comply with the teaching hours assigned to them.⁷² Unfortunately, there have also been reports of nationally motivated peer violence concerning children belonging to the Italian⁷³ and Albanian⁷⁴ national minorities.

Fortunately, there are also positive stories and experiences. For instance, summer schools had a very strong impact on the preservation of Ukrainian culture and national identity in Lipovljani or the fact that in a predominantly Ruthenian village of Petrovci, there were non-Ruthene pupils who attended classes in Ruthenian. There are also successful minority language and culture schools, so-called supplementary schools; for example, the Polish Consultation Centre, operating in Zagreb, provides instruction in Polish Language and Knowledge about Poland which are recognised as instructions under Model C.⁷⁵ The Serbian cultural society 'Prosvjeta' has been continuously and successfully implementing several activities for primary school pupils, who, among other things, are offered a correspondence course programme and free learning of the Cyrillic alphabet.⁷⁶

The key challenges faced by children belonging to national minorities within the Croatian education system concern discrimination against children belonging to the Serbian national minority and discrimination against children belonging to the Roma minority. We take a closer look at these issues in the following subsection.

3.2. Barriers Faced by Serbian Minority Children

Although in Croatia, as previously mentioned, there is a trend of increasing the total number of children belonging to national minorities included in pre-school and primary school education, this does not apply to the Serbian minority. For example, in the 2002/2007 school year, 2,201 pupils attended Model A classes, and 10 years later there were 1,679.⁷⁷ Available data show that in the 2021/2022 school year, there were, in total, 3,201 pupils belonging to Serbian minority included in the educational system at all levels. On the pre-school level, 562 children attended six kindergartens. Model A teaching in the Serbian language

⁷² Lewis *et al.* 2020, pp. 299–305.

⁷³ Pravobranitelj za djecu, 2023, p. 138.

⁷⁴ Pravobranitelj za djecu, 2020, p. 153.

⁷⁵ Lewis *et al.* 2020, pp. 304–305.

⁷⁶ Matić, 2020.

⁷⁷ Arbutina, 2018.

was implemented for 1,478 pupils in 27 primary schools. Model B teaching is generally the least represented, and in 2021/2022 it was implemented in only two primary schools and attended by 10 pupils. There were 612 pupils encompassed in instructions under Model C, in 38 primary schools. At the level of secondary education, 500 pupils were provided with teaching under Model A (6 secondary schools). Instructions under Model C were implemented for 39 pupils in 3 secondary schools.⁷⁸

Members of the Serbian national minority highlight the following issues impeding the exercise of the right to education of children in their mother tongue, among others: lack of adequate textbooks in the Serbian language and Cyrillic script, lack of adequately trained teachers, and difficulties in the organisation of transportation for pupils to additional classes. Furthermore, in practice, parents often withdraw their children from classes under Model C in the upper grades of primary school because they believe that their children have learned enough. Classes under Model C are sometimes used by school principals to fill their teachers' time sheets. Consequently, instructions are given by teachers who do not know Cyrillic script and who have never studied Serbian literature and history. Moreover, some counties have ignored the request for transferring the founding rights over schools to local self-government; in other words, this would enable the registration of minority schools that would not be limited by the number of students.⁷⁹

After repeated reports of peer violence between Croatian and Serbian pupils at a secondary school in Vukovar, where children belonging to the Croatian majority and children belonging to the Serbian minority are educated in their own languages and scripts in separate classes, the Ombudsman for Children visited the school. Conversations with pupils revealed that they feared provocations and physical attacks by other pupils because of their national affiliation. In this town, pre-school education and teaching in schools for pupils of the Serbian national minority is carried out in the Serbian language and the Cyrillic script and is practically separated from the teaching for Croatian pupils.

Unfortunately, this is a consequence of the still existing deep ethnic division in Vukovar. The destruction of the primary social networks between Serbian and Croatian people (neighbourhood, friendship, marriage ties) and the perpetuating intolerance have a negative effect on children's learning about coexistence, tolerance, and multiculturalism. The Ombudsman for Children recommended, among other measures, designing and implementing school programmes for the prevention of nationally motivated peer violence as well as enabling the active participation of the pupils themselves in the whole process.⁸⁰

78 Government of the Republic of Croatia, 2023, p. 92.

79 Arbutina, 2018; Opačić, 2021.

80 Pravobranitelj za djecu, 2023, p. 138; Pravobranitelj za djecu, 2022, pp. 137, 178–179, 188–189.

3.3. Discrimination against Roma Minority Children

It is not a new⁸¹ phenomenon by which Roma children throughout Europe face significant obstacles in exercising their right to equal access to education (including costs, residential segregation and isolation, and the language barrier), as well as impediments to receiving quality education (including an inappropriate learning environment, lower curricular standards, negative school–community relations, and discriminatory attitudes by teachers).⁸² Croatia has been pursuing a public policy aiming for the inclusion of members of the Roma national minority since 2003.⁸³

Since then, there has been a noticeable increase in the number of Roma children aged 3–6 years in pre-school education to 31.1%, but this is still a low rate compared to 82.8% of the general population.⁸⁴ Croatia is one of the European countries with the largest discrepancy between the Roma and the general population with regard to pre-school education.⁸⁵

In the 7–14-year age group, 95.3% of Roma children are covered by primary education; however, for 85% of Roma in Croatia, the highest level of completed education is primary school or lower.⁸⁶ Only 31% of young Roma aged 15 to 18 years attend secondary school,⁸⁷ which corresponds to a disappointingly high 71% of young Roma leaving education before reaching secondary school at the European level.⁸⁸ Both in primary and secondary schools, Roma children achieve a lower grade average than that of the general population.⁸⁹

The consequences of the COVID-19 pandemic had a particularly negative impact on Roma children. Educational programme broadcasts on television were inadequate to meet the educational needs of Roma pupils, and they lacked the content that would enable them to improve their knowledge of the Croatian language. Distance learning was a major issue because not only do many Roma children not have a personal computer, laptop, or tablet, but they also do not have access to the Internet, as the infrastructure in Roma settlements is poor or non-existent, and some do not even have electricity. Lack of parental support was additionally pronounced in such circumstances because, in most cases, Roma

81 Hodgkin and Newell, 2007, p. 462.

82 Van den Bogaert, 2019.

83 In 2003, the Croatian Government adopted the National Roma Programme. More details about the ensuing policies and programmes can be found in Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia, 2021, pp. 6–13.

84 *Id.*, p. 25.

85 European Union Agency for Fundamental Rights, 2023, p. 36.

86 Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia, 2021, p. 28.

87 *Id.*, p. 27.

88 European Union Agency for Fundamental Rights, 2023, pp. 37–38.

89 Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia, 2021, pp. 27–28.

parents do not have enough capacity or knowledge to help their children solve tasks within the curriculum or sufficient digital competencies.⁹⁰

In general, the majority of complaints submitted to the Ombudsman for Children in connection with the discrimination of Roma children concern the unavailability of pre-school care and education, dropping out of school, segregated education, and peer violence⁹¹ in schools. With regard to more specific individual applications, the Ombudsman acted upon the application regarding the enrolment of a Roma child in the first grade of secondary school. The child met the requirements for school enrolment, but as he was older than 17 years, he was removed from the system, and the school rejected the parents' request for subsequent enrolment.⁹² It was reported that one kindergarten excluded 12 Roma children because the relevant Ministry failed to transfer the funds for co-financing the parents' share in the costs of the kindergarten.⁹³ There were even reports of insulting and belittling Roma children, calling them derogatory names, and pointing out their lack of knowledge by teachers.⁹⁴

Regardless of the 2010 judgment of the Court in the *Case of Oršuš v. Croatia*,⁹⁵ which marked the segregation of Roma children in education as discriminatory, the problem of Roma-only classes persists to this day. This judgment was criticised as being a solution that prioritised the assimilation of Roma children⁹⁶ instead of protecting their diversity. Meanwhile, research shows that receiving education in more socially mixed or integrated schools results in better performance by disadvantaged children.⁹⁷ Segregation of Roma children in education is present across Europe; however, Croatia is one of the countries in which this issue is particularly pronounced, with 53% of Roma children attending a school where all or most of the other children are Roma.⁹⁸

The main cause of segregation is still the insufficient command of the Croatian language, but schools point to other pertinent circumstances, including the lack of trained teachers and assistants,⁹⁹ absence of parental support by Roma parents, the lack of spatial capacity, and the lack of organised transportation for Roma children. The formation of Roma-only classes is partly a consequence of enrolling pupils in schools according to their place of residence, but also of the existing trend of an

90 Pravobranitelj za djecu, 2021, pp. 130–131, 146, 237.

91 Pravobranitelj za djecu, 2020, pp. 140, 152–153.

92 Following the Ombudsman's recommendation, the child was enrolled in school. Pravobranitelj za djecu, 2022, p. 125.

93 Pravobranitelj za djecu, 2020, p. 151.

94 Id., pp. 140, 152.

95 Oršuš and Others v. Croatia, Application no. 15766/03, 16 March 2010.

96 Zhang, 2021, pp. 353–354.

97 Howe and Covell, 2013, pp. 135, 139.

98 This is actually an increase in comparison to 40% in 2016. European Union Agency for Fundamental Rights, 2023, pp. 39–40.

99 See also Council of Europe, 2022.

unsupportive attitude by Croatian parents who do not want their children to attend classes and schools where the majority of pupils are Roma, and thus they transfer their children to other schools with a majority of Croatian pupils.¹⁰⁰

Pre-school education is considered a key stage of the process of acquiring a good command of the official language and learning the mother tongue. Lack of such skills contributes to minority children's lower performance at school.¹⁰¹ The problem of insufficient knowledge of the Croatian language persists even among Roma children who attended the mandatory 1-year pre-school programme. Increasing the inclusion of Roma children in pre-school education, at least for the duration of 2 years before starting school, is stated as an important goal in the National Plan for the Inclusion of Roma 2021–2027, but this measure is still insufficiently implemented.¹⁰²

Taking all the above-mentioned data into account, it is highly unlikely that Croatia will achieve the 2030 targets of the EU Roma Framework,¹⁰³ which include at least 70% of Roma children participating in pre-school, at least 50% of Roma youth finishing secondary school, or at least halving the proportion of Roma children attending segregated primary schools.¹⁰⁴

4. Conclusions

Croatia has built a fairly extensive legal framework for the protection of the right of children belonging to minorities to be educated in their own language and script, but it has yet to deliver and implement effective strategies and measures that will ensure its practical realisation in full. Unfortunately, it is not uncommon in Croatian public discourse for the very mention of multiculturalism issues to stir heated discussions or, at least, result in strong resistance. It is necessary to raise awareness that the education of minority children is not something extraordinary but their right. In the Croatian legal system, minority children are expressly recognised as having the right to education in their own language in addition to the general right to education and the right to preserve their minority identity and culture.

Having access to quality education, including early childhood education, is undoubtedly in the best interests of the child,¹⁰⁵ and therefore relevant legal

100 For details, see Pravobranitelj za djecu, 2023, pp. 124, 137; Pravobranitelj za djecu, 2022, p. 135; Pravobranitelj za djecu, 2020, p. 150; Pravobranitelj za djecu, 2019, p. 132.

101 Roter, 2015, pp. 218–219.

102 Pravobranitelj za djecu, 2022, p. 135; Pravobranitelj za djecu, 2020, p. 150. Pravobranitelj za djecu, 2019, p. 132. Since 2012, the Ombudsman for Children has repeatedly warned about the need to implement this measure.

103 European Commission, 2020.

104 European Union Agency for Fundamental Rights, 2023, pp. 36–39.

105 Committee on the Rights of the Child, 2001, para. 79.

provisions should be more intensively supported by strong action against aggravating factors impeding the realisation of the minority children's right to be educated in their mother tongue. Schools may be willing to abolish the segregation of Roma children or the complete separation of classes for Serbian and Croatian children, but they cannot resolve these extremely complex issues by themselves. Instead, coordination and cooperation of stakeholders on all levels is indispensable. Among many other measures, this includes providing for the necessary training of teachers, putting more effort into implementing the 2-year pre-school programme for Roma children, ensuring that the media fulfil their legal duties in this area, creating and implementing programmes for the prevention of nationally motivated peer violence in cooperation with experts as well as children and their parents, and implementing policies fighting discrimination and prejudice in education.

The organisation of the education system in a way that enables achieving the aims of education as listed in Article 29 of the CRC is a highly complex task. Moreover, at first sight, the aim of promoting understanding, tolerance, and friendship among all people may seem to be incompatible with developing respect for the child's own cultural identity and for the national values of the country in which the child is living. However, the importance of these aims partly lies in the need for a balanced approach which aims to reconcile diverse values through dialogue and respect for difference. Children are capable of playing a unique role in overcoming differences that have historically divided groups of people,¹⁰⁶ but only if they are allowed to do so. Achieving these aims would have multiple effects, both on the children belonging to minorities and the children belonging to the majority population as well as the wider community, thus, truly making national equality a fundamental value of Croatian society.

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106 Committee on the Rights of the Child, 2001, para 4.

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