



Language Policy in Istria, Croatia – Legislation Regarding Minority Language Use

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Abstract. Due to its rich and turbulent history and its geographical position Istria is a rather multicultural and multilingual (also multidialectal) European region the biggest part of which belongs to Croatia. It is a region populated by members of different minority groups and the most prominent one is the Italian minority. Because of its cultural and linguistic diversity it is an interesting area for analysing language policy on both national and regional levels. In this paper the official documents on language issues are analysed in order to show how some of the “European” recommendations are implemented and how different languages, dialects as well as language issues, e.g. official bilingualism and standard languages in education, are treated by official bodies in the region. These issues and questions become even more important at present because of the approaching access of the country to full membership in the European Union. In order to understand what this membership and the preparations for it can bring and how it can influence language issues and policy, the analysis also includes the discussion of some undergoing changes influenced by European policies.

Keywords: language policy, minority language, Croatia, Istria

Context

Characterized by “young” democracy and independency (gained from former Yugoslavia in early 1990s) Croatia is a rather interesting case for the study of language policy. According to *the Constitution of the Republic of Croatia*, article 12

“The Croatian language and the Latin script shall be in official use in the Republic of Croatia.” Even though the official language is named and prescribed by the *Constitution* the language situation is not that simple. At the time of Croatia’s accession to EU some language issues have arisen, like the position of Croatian in the European Union what makes the question of the language policy even more intriguing. Considering article 12 of the *Constitution* about the official language one could conclude that Croatia is a monolingual state, but in the second part of the same article it is stated that “In individual local units, an other language and Cyrillic or some other script may be introduced in official use together with the Croatian language and Latin script under conditions specified by law.” So, on the local level there is a possibility to use two different official languages, and possible introduction of another official language is not prescribed by national authorities thus granting a rather big freedom to the units of the local authorities¹. The law does not prescribe the use of another official language on national level. Hence, on the national level the country is declaratively monolingual even though it obviously is not².

The Constitution also guarantees equal rights for the members of all national minorities in the country, regulating by law the protection of their rights and freedom to “express their nationality, to use their language and script, and to exercise cultural autonomy.” (Article 15)

In the early 90’s Croatia inherited the legal model for protection of the minorities from former Yugoslavia, but altered circumstances called for modification of the legal framework. Besides, under the pressure of the international community some changes in the laws regarding the rights of minorities needed to be done. This required changing the *Constitution*, which was followed by the promulgation of new acts and ratification of international conventions. *The Constitutional Act on the Rights of National Minorities* (Constitutional Act) was promulgated in accordance with the principles of the *Universal Declaration of Human Rights*, the *International Covenant on Economic, Social and Cultural Rights*, *UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (UN Declaration), the *Framework Convention of the Council of Europe for the Protection of National Minorities* (Framework Convention), the *European Charter for Regional or Minority Languages* (the Charter), and so on. Croatia became a member of the UN in 1992³ and signed different documents, agreements, covenants and treaties on the

¹ On the other hand in some governmental reports prepared for the European commission about the implementation of the Charter the use of minorities’ languages is guaranteed on all levels, including the national as well.

² Minority language could be exceptionally used in the institution on second level only if the parties used the official minority language in the institutions of the first or local level. (Article 20 of the *Act about the use of languages and scripts of national minorities*).

³ <http://www.una-croatia.org/subpages/id/31/>.

rights of the national minorities that were embedded in the laws of the country. Even though Croatia is still not a full-fledged EU member state it signed the *Framework Convention* in 1996 and the *Charter* in 1997.

Aim

The aim of this paper is to analyse different legal documents on international, national and regional levels dealing with languages and language rights of national or ethnic minorities. In the preamble of the *Constitution* the rights of the minorities are guaranteed and 22 minority groups are recognized as a constitutional part of the country's population. The goal of this paper is to critically examine legal documents regarding the rights of minorities to use their languages as well as reports on their implementation. Special attention is paid to the analysis of the situation in the region of Istria, a bilingual region in which Croatian and Italian are officially recognized. We tried here to see how international legal acts, conventions and recommendations have been integrated into national and regional legal instruments and the extent to which they were implemented in the respective part of Croatia by using the top-down approach. Our main corpus consist of relevant legal documents, and we analyze their content and discourses on language, culture and identity.

Legislation on the national level and the main concepts

Article 5 of the *Constitutional Act* defined a national minority as “a group of Croatian nationals whose members traditionally inhabit the territory of the Republic of Croatia, its members having ethnic, linguistic, cultural and/or religious characteristics different from other citizens and want to preserve these characteristics.”⁴ According to this act, only minority groups which traditionally inhabit the country are recognized as national minorities; other groups of people and other minorities such as “new” inhabitants are excluded. In 1997 the *Aliens Act* which regulates the conditions for the entry and stay of foreigners or “aliens”⁵ as labelled in legal terminology, was promulgated. We can expect that in the future, especially after the full accession of Croatia in EU, some changes will be needed in the *Aliens Act* dealing with foreigners because some changes probably will occur in the domain of the labour market.⁶

⁴ <http://www.mvep.hr/zakoni/pdf/312.pdf>.

⁵ Alien is “a person who is not a citizen of the country.” (<http://dictionary.law.com/Default.aspx?selected=2382>)

⁶ Some changes probably occur even though analysts do not expect remarkable number of immigrant workers because of the specificity of the Croatian labour market and economic situation. See <http://www.vecernji.hr/vijesti/priljev-migranata-hrvatsku-nakon-ulaska-europsku-uniju-clanak-377731>

From these definitions of minorities and aliens, it is clear that these terms are connected with the concept of citizenship which is also one of the main differences between the two groups, and accordingly between the rights reserved for each of them. In European context aliens, mostly migrants, are sometimes labelled as “new” minorities, while the national or ethnic groups traditionally residents are labelled as “old” minorities. In the Croatian context the “new” minorities are those national groups which used to be a constitutive part of the former Yugoslavia, and after the breakdown of Yugoslavia they remained in the states where they constitute a minority nowadays (see Tatalović, 2005).

There is no one overall accepted definition of the minority; there is no international legal definition so even in the *Framework Convention* the definition of a minority is not given leaving to the authorities of respective states to define a minority taking social, political, cultural, historical, linguistic and other relevant circumstances into account. Probably one of the mostly used definitions is the one given by Capotorti: “A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.”⁷

The criteria for considering and labelling a group as a minority are rather questionable, as they usually take into considerations sheer numbers of group members, the geographical argument (the minority is connected to a certain region), and history (the time when the minority group entered the country). However, none of these criteria is especially stipulated internationally. In the *Constitution* the concept of citizenship is chosen, while in the “older” constitutions the concept of autochthony was used. In Croatian legislation the term used is ‘national minority’ while some other countries prefer the term ‘ethnic minority’. For a definition of these terms the concepts of language, culture, origin, territory, history and number of the members are important as well as some ‘subjective’ elements, including the feelings of belonging, the will to belong to a respective group and so on. Analysing the laws on minority’s rights in which free use of the minority language is one of the basic rights displays the importance of the language as an element and marker of these identities.

It is rather important to notice that the changed and “renewed”, consolidated 2010 *Constitution* differs from the previous ones, among other things with regard to the number of listed constitutional minorities. In the preamble of 1990 *Constitution* Croatia was established as the national state of the Croatian people and the members of other nations and minorities: Serbs, Muslims, Slovenians, Czechs, Slovaks, Italians, Hungarians, Jews, and others. In the 1997 *Constitution* the recognized

⁷ http://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf.

minorities were Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Ruthenians and others⁸. In the consolidated text of the 2010 *Constitution* the number of recognized minorities grew to 22 as listed in the first part *Historical foundations*: “the Republic of Croatia is hereby established as the nation state of the Croatian nation and the state of the members of its national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Rusyns,⁹ Bosniaks, Slovenians, Montenegrins, Macedonians, Russians, Bulgarians, Poles, Roma, Romanians, Turks, Vlachs, Albanians and others who are citizens and who are guaranteed equality with the citizens of Croatian nationality and the right to the exercise their national rights in compliance with the democratic norms of the United Nations and the countries of the free world.”

According to 2001 Census¹⁰ there are 331.383 members of these groups, making up 7,47 percent of the population. The largest groups include Serbs (201.631), Bosniacs (20.755), Italians (19.636), Hungarians (16.595), Albanians (15.082), Slovenians (13.173), Czechs (10.510), and Roma (9.463).¹¹ Comparing to the previous (1991) census the number of minority members is decreased due to the war and political, economical, social and other changes that happened after Croatia’s proclamation of independence. Such strong demographical changes are responsible for the fact that today there are no territorially homogeneous minority groups; on contrary they are rather dispersed. Only few minorities thus fulfil the ‘territoriality condition’. For instance, the biggest numbers of Italians live in Istria, Hungarians and Serbs live in East Slavonia and Czechs can be found in a few counties in the north-western part of Croatia. However, a number of members of these groups live all over the country.

In the first version of the *Constitution* Muslim were recognized as a minority which is rather interesting, as they are normally considered a religious group and not a national one. However, Muslims were recognized as a nationality in former Yugoslavia and this tradition was maintained in the earliest version of the *Constitution*. While in the second version there was no mentioning of the Muslims at all; in the recent version of the *Constitution* this group is replaced by the national minority of Bosniacs.

Initially Slovenes, Roma and others were not recognized but were placed into the category of “others” thus having been put in an unequal position compared to the groups recognized by the *Constitution*. It is interesting to note that these minorities were recognized by the *Constitutional Act* adopted in 2002 and by the *Constitution* only in 2010.

⁸ Narodne novine 56/90; 135/97.

⁹ Ruthenians.

¹⁰ The most recent 2011 census data will be available in 2013.

¹¹ http://www.uljppnm.vlada.hr/index.php?option=com_content&view=article&id=9&Itemid=51.

The recognition of Roma¹² minority included in the 2010 *Constitution* is probably influenced by the EU officials and bodies monitoring the progress of Croatia in implementing the laws and conventions on the rights of the minorities. The position and problems, rights and recognition of this group are of special interest not only for Croatian government, but in the EU as well, where they are seen as being in a very delicate position. In accordance with these European “trend”, a special chapter is dedicated to the protection of the rights of Roma in the *Action Plan for implementation of the Constitutional Act on the Rights of National Minorities* (Action Plan). In 2003 the *National Programme for the Roma* is presented with the aim to develop an overall and a long-term plan for the improvement of the life of Roma and to prevent their marginalisation. Another important project is a *Decade for the Inclusion of the Roma* (2005-2015) in which government organizes different activities in order to implement agreed measures. According to the reports, some improvements can be observed, but the situation is still rather difficult, and Roma still meet prejudice from the majority. In September 2012 Roma children were not allowed to enter school by locals protesting in front of the institution what caused strong public reactions and comments by interested parties, government and public.

In this paper we are primarily interested in the language policy concerning minorities so laws regulating the use of minority languages are of special interest here. Two laws regulating the use of minority language adopted in May 2000 are: the *Act about the right on education in a minority language* and the *Act about the use of language and script of the national minorities* which are based on the articles 12 and 15 in the *Constitution*, and elaborated in the *Constitutional Act*.

The *Act about the use of language* includes the rights to use the minority language and script in private and public sphere, in the official spheres (e.g. courts, local governmental bodies, and so on), to have access to the information in the language and script of the minority groups, to use personal and family names in the minority language (*Law about the personal name*), to use bilingual personal documents, and others. Minority languages can be official on the territory of local units where the members of a minority make up the majority in the unit or when they “comprise at least one third of the population” (article 12(1) of the *Constitutional Act*) or if the local units decide by the statute to use a minority language as the official language. In these local units, cities, communes, and districts minority languages are equal to Croatian in the public and official spheres, like at the meetings of representative, executive, administrative and juridical bodies, on city signs, street and place names, and geographical names. The

¹² The same apply to Slovenes, as well, but here we mention the situation of Roma only because of the special projects for the protection of Roma minority.

minority languages that are in official use in some local units are: Czech, Hungarian, Italian, Ruthenian, Serbian, and Slovak.¹³

The *Act on education in languages and scripts of national minorities* states that the members of the national minorities have the right to be educated in their language and script at all educational levels, from pre-school until university, and the same applies to other forms of education, including seminars, summer schools, courses, and so on. The realisation of this law is encouraged also by positive discrimination, i.e. it is possible to organize classes with fewer students than usually required (Article 7). The curriculum is suited to a specific minority's language, literature, history, geography and culture and has to be approved by the Ministry of Sciences, Education and Sport. The obligatory study of Croatian in schools and classes held in minorities' languages is nonetheless obligatory¹⁴. Education in the language and script of national minorities is conducted via three basic models and specialized educational frameworks. These models are: Model A – classes in the language and script of the national minority; Model B – bilingual classes and Model C – nurturing language and culture. Besides these three main models there are some other ways of teaching the minority's languages and cultures: class framework in which the language of a minority is taught as the language of the social environment, special classes – summer and winter classes and school, and special programmes for the inclusion of Roma students into the educational system. Members of national minorities propose and chose a model and program in line with existing legislation and their ability to complete the programme.¹⁵ Education in the language and script of national minorities, under different models, is provided for the Czech, Hungarian, Italian, Serbian, Albanian, Austrian and German, Macedonian, Slovak, Slovene, Ukrainian and Ruthenian national minorities. For members of the minorities who do not have organized forms of teaching the language is cultivated through the summer and winter schools and courses and some other educational programmes.¹⁶

Beside different legal acts, documents, conventions and declarations on the protection of the rights of national minorities there are other “tools” for the protection of the minorities' rights. Some of them are bilateral conventions or agreements signed between Croatia and a country from which the minority group originates which is prescribed by the article 6 (1) of the *Constitutional Act*: “The

¹³ Minority languages are in equal and official use in 57 towns and municipalities. (*Application of the Charter*, 4th, p. 6).

¹⁴ The obligatory learning of Croatian is not only prescribed by different educational laws but is connected to the laws about the citizenship where knowledge of Croatian is needed for gaining the citizenship.

¹⁵ About the educational models see www.mzos.hr. Here you can consult the curriculum plans for Czech, Hungarian, Italian and Serbian.

¹⁶ Compare Fourth periodical report, 2010.

Republic of Croatia may conclude international agreements with other states, thus regulating the issue of rights and freedoms of members of national minorities.” Such bilateral agreements were signed with the Republic of Italy in 1996 and with Hungary in 1995.

There are different bodies and organizations (both governmental and non-governmental) in charge of controlling the protection of minorities’ rights, including the *Committee for the human rights and the rights of national minorities* as working body of the Croatian Parliament, the *Office for Human Rights and Rights of National Minorities* of the Croatian Government and the *Counsel for National Minorities* as an autonomous body founded on the basis of the *Constitutional Act* cooperating both with the Parliament and the Government. It is an umbrella organization for the national minorities on the state level that tries to connect institutions and interests of the minorities dealing with integral problems of the minorities. Under the Ministry of Science, Education and Sport in 2008 a *National Minorities Directorate* was established. An office at the state level which deals with the educational issues of national minorities, and holds an important role for the integration of the issues relevant to the education of national minorities and the overall educational policy.

In governmental *Reports on implementing the Constitutional Act*¹⁷ it is stated that the government is determined to protect the rights of minorities and to actualize their rights from the *Constitution*. The protection of the rights includes protection of minorities’ cultural specificities through organizing different cultural activities. These activities are important for expressing cultural autonomy of minorities and the cultural diversity as an important element of Croatian identity. From these different reports it appears that there are less problems in implementing the provisions about the use of language of the minorities and other rights connected with the language, cultural, and religious denomination than with the employment for example.

The European Commission reports on the situation of Croatia are rather similar. The *Croatia 2011 Progress Report* in the context of the minorities concluded that progress has been made in order to protect the minorities and their cultural rights; the public expression of the support for minority rights is on a rather high level leading to the reaffirmation of the position of the minorities in Croatian society as well as the public presentations of the minorities and their members in the media. The conclusion of this report is that the position of minorities continues to improve, even though some problems remain, but one of the main conclusions is that Croatia needs to “strengthen the spirit of tolerance toward the minorities.”¹⁸

¹⁷ Here are analysed the reports of 2007, 2010, and 2011 and the special Report about the implementing of the Action Plan for 2011.

¹⁸ From these reports it could be concluded that there are no significant problems with the minorities’ members, but the situation is not that clear, i.e. during the War for the Independence the 1991

The minority rights are protected also by different non-governmental organizations, some of which are financially supported by the government and some are financed by EU funds. Minority associations and counsels are organized for protecting and implementing the rights of particular minorities. They undertake many activities in the field of culture, publishing and informing, maintaining and improving minorities' national and cultural identity and language. In this way, contributing to multiculturalism of the Croatian society. National minority councils exist on all levels of governance, and they are organized as an ethnic minority representative and consultative body established on local and regional levels with the aim of realizing the needs and resolving the problems of the minorities.

Legislation on international/European level

The most prominent documents for the protection of the rights of national minorities, incorporated in the Croatian laws, are the *UN Declaration*, the *International Covenant on Civil and Political Rights* aiming to promote human rights and fundamental freedoms for all, to protect the minorities' rights to use their language freely in public and private, to use name and surname in the own language, and to express freely the personal identity. The latter is achieved through the use of personal names as an important component of somebody's identity.¹⁹

The Framework Convention is a document entirely devoted to the issue of the national minorities. In November 1996 Croatia signed and in October 1997 the country ratified the *Framework Convention* and its provisions are used for composing the *Constitutional Act* with the intention to put these principles into concrete measures.²⁰ The aim of the *Framework Convention* is "to promote the full and effective equality of national minorities by creating appropriate conditions enabling them to preserve and develop their culture and to retain their identity." The Convention sets out the principles relating to persons belonging to national minorities in the sphere of public life, such as freedom of peaceful assembly, freedom of association, freedom of expression, freedom of thought, conscience and religion, and access to the media, as well as in the sphere of freedoms relating to language, education, cross-border co-operation and so on.²¹ In this convention the

Constitutional Act on Human Rights and Freedoms and the Rights of Ethnic or National Communities or Minorities (the precursor for the nowadays *Constitutional Act*) was abolished in most of its provisions and new laws and acts were adopted which put the minorities in a worse position; see *The Position of National Minorities*, 2005.

¹⁹ More about the application and some possible misinterpretation of the *Covenant* see in de Varennnes, 2001.

²⁰ According to the *Second report*, 2004.

²¹ <http://conventions.coe.int/Treaty/en/Summaries/Html/157.htm>.

language rights of the minorities are rather important because according to Viaut (2004:11) “one of the main identifying features of national minorities is linguistic.”

The European Charter for Regional or Minority Languages is the most prominent document aiming to preserve the minority languages as well as their cultures, traditions, and customs. The aim of this treaty is to protect “historical regional or minority languages of Europe, some of which are in danger of eventual extinction” (*Preamble*). The *Charter* refers to different language issues because language situations sometimes differ significantly across countries. In order to be relevant in such diverse situations different elements of language use are included (the spheres, status of language, territorially connected groups or the groups whose members are rather disperse, and so on). Besides the protection of the endangered languages, some of the rights guaranteed by the *Charter* are: to promote and facilitate the use of the minority or regional languages in speech and writing, in public and private life, to ensure the use of these languages in different fields, like education, justice, administrative and public services, media, cultural activities, economic and social activities and cross-border exchanges.²²

Croatia signed and ratified this document rather early (signed it in November 1997 and ratified it in March 1998). Reasons for such “early” (early comparing to other European countries, which are members of EU, while Croatia still is not) implementing of the recommendations could be numerous. According to Tatalović (2005), the minorities’ rights were one of the requirements for the international recognition of Croatia and one of the international obligations required by the monitoring. The legal and normative regulation of the minorities’ rights and the practical implementation of these rights were considered a measure asserting the process of democratization of the Croatian society, and as such were seen as an important requirement for the integration of the country in the EU’s economic and political sphere.

No difference between minority and regional languages is made in the Charter, while immigrant languages and different dialects of official languages are excluded from it. In article 1 the regional or minority languages are defined as: “languages traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State’s population; and different from the official language(s) of that State.” The territory in which the regional or minority languages are used are geographical areas in which these languages are “the mode of expression of a number of people justifying the adoption of the various protective and promotional measures (Article 1 b). Specifying the ‘territoriality principle’ as an important part in the definition of the minority or regional language it is important to define “non-territorial languages” as “languages used by nationals of the State which differ from the language or

²² <http://conventions.coe.int/Treaty/en/Summaries/Html/148.htm>.

languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area." (Article 1, c) *Explanatory Report* (article 33) stresses that the languages covered by the *Charter* are first of all territorial languages, while on the "non-territorial" languages only some of the provisions of the *Charter* are applicable as it is stated in Article 7, part 5 that "the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned."

The last quote implies that traditional presence of the language in the area is equally important for the definition of "non-territorial" languages as well as regional or minority languages. A regional language is defined as "a language spoken in a limited part of the territory of state" in article 18 of the *Explanatory Report*, while the minority language is the language "spoken by a group of persons, which, though concentrated on part of the territory of the state, is numerically smaller than the population in this region which speaks the majority language." The number of speakers is an important element in deciding which language is worth being protected. On the other hand, it is already shown that the number argument is rather problematic. Namely, the *Oslo Recommendations regarding the Linguistic Rights of National Minorities* in recommendation no. 13 states that "where persons belonging to a national minority are present in significant numbers" minority language should be used. It is problematic what a significant number is. According to the Croatian laws, there should be around one third of the members of a minority in order to proclaim minority language as official in a local unit²³, while a minority-based school class can be organized for smaller number of students than is prescribed by the educational curriculum. According to De Varennes (2001: 33) "what is "sufficient" should be interpreted in a generous and flexible way."

The *Charter* is not aimed to protect different dialects of one language, but in the *Explanatory Report* (article 32) this is left to the authorities to decide or to define which dialects are dialects of the same language, and which of them are separate language.²⁴ In the *Fourth periodical report* two dialects of Croatian are mentioned in order to implement some of the provisions (insurance of sustainability through education, identification, documentation, scientific research, preservation, promotion, protection, and so on) of the *Charter* in their protection, because these two dialects have the attribute of a cultural good and are listed in the *Register of Cultural Goods of the Republic of Croatia*, the variant of Hum na Sutli

²³ This number of one third is considered to be too high by the Committee of Ministers, see *Application of the Charter*, 4th, p. 6.

²⁴ For possible consequences of applying the *Charter* on dialects see Viaut (2004).

and the variant of Bednja. Both are variants of the Kajkavian dialect and rather territorially present so the provisions applicable to the regional languages could be applied on these two as well.

The Istro-Romanian language and its variants are mentioned as a cultural good to be protected as well. This group is a rather specific one whose language is recognized as a minority or regional language spoken in a few places in Istria, but members of this group view themselves as a language minority; not the national minority stating their Croatian national identity but Istro-Romanian as a mother tongue. Istro-Romanian is an Eastern Romance language spoken by 200-250 mostly elderly speakers divided in two dialectal groups, northern (in Žejane) and southern (in Kršan); both varieties are mutually intelligible. By the *UNESCO Red Book on Endangered Languages* this language is enlisted as 'seriously endangered'. Due to the speakers of Istro-Romanian considering themselves to belong to the Croatian majority they are not listed in the *Constitution* as a national minority.

The signatory states that a minimum of thirty-five paragraphs or subparagraphs should be chosen among the measures, and it will be specified which of the measures will be implemented. Croatia made some reservation in the instrument of ratification, including the provisions of Article 7, paragraph 5 (concerning the non-territorial languages). These are not applicable. The provisions accepted apply however to Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.²⁵ In order to adjust the provisions of the Charter and legislation the term "territory in which the regional or minority languages is used shall refer 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."²⁶ This decision is rather problematic for the members of the Committee of the Experts who stated that it "may produce consequences contrary to the spirit of the Charter and to the fundamental obligations deriving from the treaty" (*Application of the Charter*, 4th, p. 5). By non-applying the *Charter* referring to non-territorial languages, the Roma people are excluded from the rights to use their language and to be educated in their language, but the Roma issue is a rather complex one including some other problems such as the nonexistence of the standardized version of the language in which education can be organized.

²⁵ Even though the *Charter* is not aiming to protect only languages of national minorities in Croatia it is first of all implemented to protect the languages of national minorities.

²⁶ The reservations are listed: <http://conventions.coe.int/treaty/Commun/ListeDeclarations.asp?NT=148&CM=1&DF=&CL=ENG&VL=1>.

Istria – the implementation of laws on regional level

Istria is the region well known for its multiculturalism, multietnicity and multilingualism. Thanks to its turbulent history, and long periods carried out under the rule of “others”, including Italy and the Austro-Hungarian, nowadays Istria is a region populated by different ethnic minorities. Because once all of them used to be members of minority groups in the past they tend to be more tolerant towards others at present (Dukovski, 2000). Istria was inhabited since the Middle Ages and a lot of different groups mixed culturally and socially.

According to 2001 census Istria is inhabited by 206.344 persons. The majority of these are Croats (148.328), followed by Italians (14.284), then Serbs (6.613), Bosniacs (3.077), Albanians (2032) and Slovenians (2020), while other groups (Austrians, Bulgarians, Czechs, Germans, Hungarians, Jews, Macedonians, Montenegrins, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Turks, Ukrainians and Vlachs have less than 1000 members each). All national minorities recognized by the *Constitution* are present in Istria, but only half of them are organized and have minority counsels (Albanians, Bosniacs, Czechs, Hungarians, Italians, Macedonians, Montenegrins, Roma, Slovaks, Slovenians and Serbians). In this census a rather large group of 8.865 people who did not state the national but regional belonging was registered. This is in accordance with political, social and economic changes that occurred in Croatia and Istria in the 1990s causing a strong connection with the region that asserted its territorial or regional identity as more “important” than the national identity (compare Cocco, 2010).

Languages used in Istria are: standard Italian which is in equal use with Croatian in institutions of local and regional government, schools and education institutions, media, and publishing activities. Besides standard Italian and Croatian, dialectal varieties of both languages are used as well, and akin languages such as Istro-Venetian, a variant of the Venetian language mostly spoken in towns on the northwest coast and Istriot, an autochthonous Romance language, and Istro-Romanian. Other minority languages are used as well, but mostly in private spheres because they do not have official status in the region. The official status of Italian is recognized by the Statute of Istrian region and this is the only official bilingual region in Croatia. In other parts of the country the minority languages are in official use only at the local level, not at the regional.

The Italian minority has rights promulgated by different acts and laws mentioned previously, including *the Constitution*, *the Constitutional Act*, *UN Declaration*, *the Framework Convention*, and *the Charter*. The Italian minority is protected also by the Treaty between the Republic of Croatia and Italian Republic concerning minority rights signed in Zagreb in 1996. With this treaty the autochthonous presence of the Italian minority in Croatia is acknowledged and legally acquired rights are guaranteed.

At the local and regional level the Italian minority rights are protected by the Statute of Istrian Region. According to the Statute (article 6) Istria is a multiethnic, multicultural and multilingual community where “the Croatian and the Italian languages are in equal official use in the work of the Regional committees in the self-governing domain.” The Statute recognizes the right of the Italian minority to nurture national and cultural identity through different organizations providing for the members of the minority the use of their rights. Some of the guaranteed rights are: cultural autonomy, use of minority language in public and private, media access, participation in representative, administrative and judicial bodies, participation in public life, protection from discrimination, right on elementary, secondary and university education in their own language and the right to use the national emblems (article 27).

The Statute (article 25) regulates official bilingualism on different levels and prescribes equal use of Croatian and Italian, like the work of the Assembly and the Government in the region is carried out in both languages, and materials for Regional Assembly and local government sessions are submitted in both languages, as well as conclusions, official notifications and invitations of the representative, executive and administrative bodies.

The official use of Italian is not prescribed only in the units where Italians are a majority, or where they make one third of population, but also in the units decided to give official status to Italian on the basis of the statutes of these units. Italian is in equal and official use in 21 units. Education in Italian is organized following the model A and it is implemented within seven elementary schools and three secondary schools in Istria.²⁷ In order to protect the rights to use the language of the Italian minority the Statute (article 30) encourages learning of Italian as a language of the social environment: “Municipalities and towns with statutory regulation of bilingualism for students of school institutions with education in the Croatian language will provide for and especially encourage the study of the Italian language as a language of social environment.”

The right to associate and establish cultural and other associations is put in use through the organization of the Italian communities associated in the umbrella organization Italian Union as a central organization of the Italian minority. These Italian communities organize numeral cultural manifestations, including the children’s festival “Istria Nobilissima”, the traditional manifestation “Ex tempore”, folklore and musical groups, cultural societies, publishing house which publishes a daily newspapers *La Voce del Popolo*, the magazines *Panorama*, *Arcobaleno*, *La Battana* and books in Italian.

The importance of linguistic diversity for cultural and regional identity is recognized by the Statute where the idea of multiculturalism related to regional

²⁷ See http://www.skole.hr/skole/popis?mod_instance=229_1150_0&pu_zupanja=Istarska.

identity is expressed stating that “the Istrian Region fosters Iстриanism as the traditional expression of regional affiliation of the Istrian multiethnos.” (article 23) The diversity is not seen only in the existence of two different languages but also numerous dialects and varieties as stated in Article 21 “the Istrian Region promotes Istrian national customs, marking national holidays, protection of autochthonous toponyms, and the preservation of local dialects (Chakavian, Cakavian, Cokavian, Cekavian, Kajkavian, Istriotian, Istro-Venetian, Istro-Romanian, and others) through education about the homeland and other activities.”

Istria with its official bilingualism and rather well organized minorities is seen as a good example of the implementation of the laws on the minority rights.²⁸ In different reports on the implementation of the laws on minority rights there is harmony in stating that the Italian minority is best organized and that the situation in Istria is the most satisfactory, even though there is place for some improvements.

Concluding remarks

Here we analysed the legislation concerning the rights of minorities, especially laws and acts dealing with the language, like the right to use the minority language and education in the minority language. We analysed also which international laws and conventions are incorporated in the national ones and how they are understood and implemented by the governmental bodies. A top-down approach was pursued. We started from the analysis of the legal documents from the national and international level to the regional ones.

In analysing the laws concerning the minorities’ rights the importance of language as a characteristic of identity is recognized and emphasised. Language rights belong to the basic ones. Linguistic diversity is seen as an important part of the European identity. On the other hand, cultural diversity is seen as one of the fundamental principles on which the European states are based and the *Charter* “stresses the value of linguistic and cultural diversity as part of Europe’s common heritage.” (See Grin, 2000: 20)

Croatia incorporated different international conventions and acts considering minorities’ rights in its legal frame. The cultural, legal, social and political position of the minorities is very often seen as a measure of democracy and modernity of the society. From different reports it is seen that even though the political and social situation in Croatia was not always favourable for actualization of the minorities’ rights the inclusion of the country in the process of European integration and preparing it for the full-fledged membership in EU positively

²⁸ This idea of Istria being a ‘good’ place for minorities is present in the Croatian public opinion, i.e. comments on the recent problems of the Roma children stated that something like that would not be possible in Istria where the Roma people enjoy an equal position with others.

influenced the position of the minorities (Tatalović, 2005). Multi-ethnicity as a basis for cultural and linguistic diversity gives Croatia “Europeanness” and feeling of belonging to European cultural circle.

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