



SERBIAN DEMOCRATIC FORUM

# FINAL MONITORING REPORT

ON EMPLOYMENT AND EDUCATION OF SERBIAN NATIONAL MINORITY IN  
THREE COUNTIES

## Chapter 1: EMPLOYMENT

In the creation of a framework for the protection of national minorities for the Republic of Croatia, the issue of protection of the Serbian minority community was always of particular importance. Namely, with a share of about 5% of the population, the Serb minority is the largest in Croatia, and because of the consequences of the war, the position of the minority is certainly the most sensitive. Numerous studies show that the risk of social exclusion for the Serb minority is far the largest, and that, apart from the Serb minority, only a minority of Roma minority is exposed to such a high risk of social isolation and social exclusion.

An additional problem is the fact that the Serb community in a large part of Croatia, in the areas affected by war and reintegrated into the Croatian state-legal system "Storm" or before that "Blizzard", mainly makes a "returnee" population. After 1995, he escaped to Bosnia and Herzegovina or Serbia. State institutions have for a long time prevented return, tolerated the destruction of refugees' property and thus prevented their return, and administrative barriers to return were established for some time. Only after 2000 began a more intensive return of refugees and reconstruction in the war and after the liberation operations of destroyed houses.

Different was the position of the Serbian community in the Danubian region, which was reintegrated into the Croatian legal order by the 1995 agreement of the Erdut Agreement. Unlike the areas covered by "Flash" and "Storm", in the area of Podunavlje, therefore, the area of peaceful reintegration, the pre-war number of members of the Serbian national community was mostly retained, but during the integration and after that a system of national ghettoisation was established. Minimal contact between the two communities, living in the same space, but only with each other and not with each other. The fundamental difference in the position of members of the Serb community in the Danubian region, in relation to the position of the members of the community in the areas covered by "Flash" and "Storm", is that the members of the Serbian community are not threatened with social exclusion and the members of the community were at the beginning a process that is equally represented in public services, state administration and administrative apparatus of local self-government. In these areas, the political dimension of the division of influence between the two communities in local self-government was guaranteed, even before the Constitutional Law on the Rights of National Minorities was adopted in 2002, regulating the right to representation / proportional representation of members of national minorities in representative Bodies and bodies performing executive affairs at the level of local and regional self-government.

The problem of minority protection in Croatia, when it comes to the Serbian minority community, is largely due to the fact that the position of the community in different parts of Croatia is so deeply different. The minority political class evaluated that its political position was largely protected by the arrangement resulting from the Erdut Agreement because it protects the acquired rights in that part of Croatia and guarantees its representation in the state administration at the four ministries. Such a model, however, generates the maintenance of low intensity tensions among national communities, and inter-ethnic relations have been established as a kind of "faded" political problem.

The maintenance of the "low intensity conflict" model has never been in the interest of those who have advocated the concept of civil society development and friendly co-operation between peoples. Therefore, unlike the "minority political class", which all its arrangements, including the political coalition with the ruling nationalists, sought to achieve within the framework of what came out of the Erdut agreement, "minority civil society" supported the initiative for universal resolution of minority Problem and the creation of a minority protection framework that will be functional throughout the state territory. Only in 2002, as a condition

for Croatia's signing of the Stabilization and Association Agreement with the EU, the universal framework of minority protection was established by the adoption of the Constitutional Act on the Rights of National Minorities.

The legislature's intent when adopting the Constitutional Act on the Rights of National Minorities was to provide the presumption that each "group of Croatian citizens whose members are traditionally residing in the territory of the Republic of Croatia and whose members have ethnic, linguistic, cultural and / or religious characteristics other than other citizens and Their desire to preserve these features, "as the Constitutional Law defines minorities, truly preserves their identity. Another is equally important the intent of the Constitutional Act to ensure the continuity of the plurality of the part of Croatia, where minorities, especially the Serbian minority community, traditionally represented a significant part of the population. Hence the concept of the right to proportional representation of minorities in the bodies of local and regional self-government, as well as in the administrative and administrative apparatus and the judiciary, as defined by the Constitutional Act, in particular Article 22 thereof.

Article 22 of the Constitutional Law states:

1. In the unit of local self-government and the unit of regional self-government (hereinafter: the self-government unit) in which provisions of this Constitutional Act should ensure the proportional representation of members of its representative body belonging to national minorities, the presence of representatives of the national minority in its Executive body.
2. Members of national minorities shall ensure representation in state administration bodies and judicial bodies in accordance with the provisions of a special law, taking into account the participation of members of national minorities in the total population at the level at which the state administration body or the judicial body and the acquired rights are established.
3. Members of national minorities shall be represented in the bodies of the administration of the self-government units in accordance with the provisions of a special law regulating local and regional self-government and in accordance with acquired rights.
4. In filling out the places referred to in paragraphs 2 and 3 of this Article, representatives of national minorities are entitled to the same conditions.

The smallest problem in exercising this right is related to his first "political" move. However, there are also significant problems that arise from the interpretation of the norm in relation to which proportionality is established. Namely, the basis for this, according to Article 20, paragraph 7 of the Constitutional Law on the Rights of National Minorities, is the last census. The problem will not be fully resolved until the results of 2011 census results have been published. Namely, the previous census was conducted in 2001 when the return of refugees only started and, according to the rules under which they were conducted, only those who had been permanently resident in the area six months before the census were listed. At the political level, the problem can be solved, in accordance with the diction of the same paragraph, because the statutes of municipalities, towns and counties can be used to correct changes in the population, but this is almost impossible.

Unlike the business sector, where there is no positive discrimination on the part of the members of the minority communities, there is a constitutional-legal premise for The public sector in the public sector The principle of positive discrimination against members of minority communities, especially those in the area of local or regional self-government, which account for more than 15% of the population and have the right to proportional representation In the representative bodies of local and regional self-government.

The creator of the Constitutional Act has led the idea of ensuring a consociational relationship between national communities, primarily in those local and regional self-government units where members of two national communities live together. Areas of particular national interest are in part the areas in which the majority of the population was a national minority before the war (Knin and Glinski district under the 1991 Constitutional Act). Today, however, only in one county, according to the 2001 census, which is relevant for the exercise of the rights under the current constitutional law, the Serbian minority makes up more than 15 % Of the population (15.45%) Exercises the right to proportional representation in the representative body of regional self-government.

The introduction of the Institute of Positive Discrimination in Employment in the Public Sector, no matter how acceptable and a good idea, has a huge amount of work, which further aggravates the ethhatist tradition. Namely, in the Croatian system of additional protection mechanisms, the ethatist element is overstated - excessive reliance on the state in the wider sense of the word. The fact that a mechanism for the positive discrimination of minority workers in the state bodies is established in the wider sense of the word, and that there is no mechanism to encourage the employment of minority members in the business sector, the issue of minority protection is Defined as an "additional cost", and the minority members suggest that instead of the principle of assuming responsibility for their destiny, in terms of the state guaranteeing equality for everyone in the labor market, solutions to their problems are sought in a paternalistic relationship with The state (in the wider sense of the word).

#### RESEARCH ON EMPLOYEES OF THE NATIONAL MINORITY PEOPLE

The research conducted during 2016 and 2017 on the employment of members of national minorities in public institutions included data from three counties: Karlovac, Sisak-Moslavina and Požega-Slavonia counties in Lipik, Pakrac, Dvor, Vojni , Krnjak and Plaški, On which the project is being implemented. According to the data presented in Table 1, in all the local self-government units surveyed, members of the Serbian national minority are subordinate to the administrative bodies in relation to the share of the population represented by the Serbian national minority.

Dependence is most evident in the Municipality of Dvor, where the Serb minority is 71% of the total population, while 21% of the national minority are employed in the public sector. According to a survey conducted by the Serbian Democratic Forum during 2016 and 2017, as shown in the diagrams below, most of the members of the Serbian national minority are unemployed and of the total number of employees, the largest (66.67%) are employed in private Persons (companies and trades) and civil society organizations (14.82%) who have the status of private non-profit organizations. A share of 18.52% refers to employees outside the private sector, which includes employees in public institutions, bodies and companies either through employment contracts or through public works or other measures of active employment policy. A large part of employees outside private companies refers to occasionally employed people through public works. Precisely because of the number of employees in public works, which is a temporary employee, it is not possible to determine the exact proportion of employees in the private and public sector, but given the temporary and occasional nature of employment through public works and because of the nature of the job, indicators indicate that employment In public institutions and societies smaller than the survey showed.

Taking into account the results obtained by conducting a survey among members of the Serbian national minority regarding the implementation of Article 22 of the Constitutional Act on the Rights of National Minorities, it can be concluded that the use of this legal right has

not survived among the minority population. Since no person has invoked Article 22 and exploited the possibility of positive discrimination in employment, it can be concluded that persons at all have no information about the possibility of referring to the quoted Law because they do not want to call it. The research also shows that only 20% of the respondents had any knowledge of the announced tenders, while only 4 of them were invited to the competition.

It is difficult to expect new employment of members of the Serb national minority since the Government's decision of July 2016 prohibits new employment of civil servants and employees in state administration bodies and professional services and offices of the Government of the Republic of Croatia, as well as new employment of civil servants and employees in public services. The only possibility remains open sporadic tenders for vocational training without establishing employment relationships intended for young people. However, considering the educational structure (66.66% of SSS) and the age structure (48) of respondents, it is clear that they do not have any prospects for employment.

#### TRENDS IN EMPLOYMENT OF THE NATIONAL MINORITY DISTRIBUTOR IN THE PUBLIC SECTOR

For more than a decade, the Serbian Democratic Forum has been monitoring the employment of members of the Serbian national minority in the public sector. Research conducted by SDF researchers on this topic shows that despite the persistent social growth, the areas where the Serbian minority community is living is largely excluded from the rush of social development, thus deprived of the third generation of collective human rights. Although a support system for entrepreneurs to create new jobs was established during this period, these incentives mostly circumvent areas of particular national interest. In the 2009 budget for the first time, the funds for stimulating development and employment are reduced, for a respectable 20%. Under such conditions it is clear that there is no policy strategy that could, in the areas concerned, contribute to employment in the business sector. Indeed, since most of the employment in the business sector in these areas in those industrial branches which are, on the one hand, low-profitable and others strongly linked to exports (such as the wood industry), it is to be expected that these areas will be the first and worse than others affected by the economic crisis. Therefore, instead of the growth in the number of employees in the business sector, in the forthcoming period, according to the best scenario, stagnation can be expected, but a more realistic reduction in the number of employees and even modest income in these areas.

When it comes to employment in the public sector, the fact is that, since 2000, it has been continually being nominally limited or completely stopped. Nevertheless, the number of employees has steadily increased, both at the state level and in the areas covered by this survey. The increase in the number of employed persons, however, did not significantly contribute to reducing the disparity between the representation of members of the Serbian minority community in the number of inhabitants and among public sector employees.

At national level, the number of public and public sector employees significantly exceeds the strength of the state budget. In particular, the over-employment in the administrative apparatus of local and regional self-government, as well as the wider range of executive powers at local and regional levels, is particularly emphasized. Do we know that the authorities of the local and regional self-government are the first in which the proportionality of the representation of minority communities in relation to their representation in the population is established, it is obvious that the economic crisis could also at that level even question the level reached Proportional representation.

## Chapter 2: EDUCATION

The right to education in their language and alphabet to members of national minorities is realized in accordance with the Constitution of the Republic of Croatia, the Constitutional Law on the Rights of National Minorities and the Law on Education in the Language and Script of National Minorities. In order for the national minority to meet the criterion defined in the Constitutional Law, it is crucial to realize the desire to "preserve the special features" of minority identity. Long-term preservation of minority identity can only be achieved if the minority's special "ethnic, linguistic, cultural and / or religious characteristics" are transferred to the young generations of members of national minorities by socialization, where the educational system plays a key role, both majority and minority. At the same time, it is necessary to enable all other students (the majority people) to learn about these same characteristics of minorities as an integral part of building a common identity of the multicultural community.

With this research, we want to explore the parents' interest in minority education and increase the number of students attending minority education programs that will stimulate the creation of a positive and productive social climate in the local community. Members of national minorities have the possibility to be educated in the mother tongue at all levels of education from pre-school to higher education. Members of national minorities realize their constitutional right to education through three basic models and special forms of education.

- A) MODEL A - teaching in the language and script of national minorities
- B) MODEL B - bilingual teaching
- C) MODEL C - nurturing language and culture
- D) The form of teaching in which the language of the national minority is taught as the middle language
- E) Special forms of instruction: summer school, winter school, correspondence-consultative teaching
- F) Special programs for inclusion of Roma pupils in the educational system

The research carried out within this project showed that parents of children of school age have certain reservations on the implementation of education in the language and script of the national minority. These reserves arise from the position and belonging to the Serbian minority community.

Another important reserve is related to the conviction of part of their parents as their children and "do not like to learn", so that their special supplementary program in the language and script of the national minority is just another unnecessary burden. It is important that a large number of parents believe that education in the language and script of a national minority should not be ethnically exclusive and they want the full social integration of their children into the local community. It is obvious that the fundamental interest of parents is simultaneous social integration and the preservation of those qualities that speak of the special identity of minority members.

### **Chapter 3: RECOMMENDATIONS**

As part of the project, after the research and analysis was conducted, a consultation process was held in which the results of the research and analysis were discussed and recommendations were developed by working groups, which included representatives of different groups in the society. Recommendations have been developed in the area of improving the socioeconomic status of the Serbian national minority and in the field of education. Below are the conclusions of the working groups and their proposals for improving the situation.

In the area of employment and improvement of the socioeconomic status of the Serbian national minority in Croatia, the Working Group has adopted the following conclusions with recommendations:

- The basic recommendation stemming from the results obtained is that it is necessary to increase the information of members of the Serbian national minority on the rights arising from the Constitutional Act on the Rights of National Minorities, specifically in relation to Article 22. For this purpose, it is necessary to organize public forums or info campaigns on which as many persons informed of the mentioned Law. It is also necessary to further alert members of national minorities to use the right referred to in Article 22 of the Constitutional Act.
- Taking into account the above data, it is necessary that the relevant bodies of local self-government units, judiciary and state administration are more consistently applied the provisions of Article 22 of the Constitutional Act on the Rights of National Minorities. For the purpose of ensuring more equal employment in the public sector, it is proposed to introduce some sort of mechanisms for controlling job applications received in order to determine why the persons referred to in Article 22 of the Constitutional Act and the conditions did not have priority for employment.

Until a ghettoization of the Serbian national minority is overcome, minorities in minority language and script will be relatively weakly used minority rights, and without the right to use there is no guarantee of self-sustainability of the Serbian minority community. Only when the culture and knowledge of Serbian minority members become attractive to the national majority will the Serbian language and script education begin to develop. The Working Group has adopted the following conclusions:

- All elements of the system of minority education need to be clearly defined. It is very important to work on strengthening the capacities of its own minority cultural institutions (the type of education) to avoid the past misses and misunderstandings and use the budget funds transparently.
- Encourage minority language and script education, primarily through further enrollment in secondary school enrollment.
- Prescribe penalties for leadership of schools that do not respect or violate minority education regulations.
- Provide teaching curricula and teaching programs in Serbian language and approve the issuance of new textbooks and teaching materials.
- Increase the involvement of minority associations and civil society in the education system of national minorities, as well as the greater engagement of the ministry.



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