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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN THE SLOVAK REPUBLIC**

**2nd monitoring cycle**

- A.     Report of the Committee of Experts on the Charter**
- B.     Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the Slovak Republic**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to examine the real situation of the regional or minority languages in the State, to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers has adopted, in accordance with Article 15.1, an outline for the periodical reports that a Party is required to submit to the Secretary General. The report shall be made public by the government concerned. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its Part II and in more precise terms all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee's first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee's role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, with a view to obtaining a just and fair overview of the real language situation. After a preliminary examination of a periodical report, the Committee submits, if necessary, a number of questions to the Party concerned on matters it considers unclear or insufficiently developed in the report itself. This written procedure is usually followed up by an on-the-spot visit of a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

## CONTENTS

<b>A.</b>	<b>Report of the Committee of Experts on the application of the Charter in the Slovak Republic .....</b>	<b>4</b>
	<b>Chapter 1 - General new developments and background information.....</b>	<b>4</b>
	1.1. Introduction.....	4
	1.2. The work of the Committee of Experts.....	4
	1.3. General issues arising from the evaluation of the report.....	4
	1.3.1 Number of speakers of regional or minority languages.....	4
	1.3.2 The 20%-threshold.....	5
	<b>Chapter 2 - Conclusions of the Committee of Experts on how the State authorities have reacted to the recommendations of the Committee of Ministers (RecChL(2007)1) .....</b>	<b>7</b>
	<b>Chapter 3 - The Committee of Experts' evaluation in respect of Parts II and III of the Charter.....</b>	<b>9</b>
	3.1 The evaluation in respect of Part II of the Charter.....	9
	3.2 The evaluation in respect of Part III of the Charter.....	13
	3.2.1 <i>Romani</i> .....	13
	3.2.2 <i>Hungarian</i> .....	29
	3.2.3 <i>German</i> .....	45
	3.2.4 <i>Ruthenian</i> .....	61
	3.2.5 <i>Ukrainian</i> .....	77
	3.2.6 <i>Czech</i> .....	93
	3.2.7 <i>Bulgarian, Croatian and Polish</i> .....	99
	<b>Chapter 4 - Findings of the Committee of Experts in the second monitoring round .....</b>	<b>113</b>
	Appendix I: Instrument of ratification.....	115
	Appendix II: Comments by the Slovak authorities.....	117
<b>B.</b>	<b>Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the Slovak Republic.....</b>	<b>121</b>

# **A. Report of the Committee of Experts on the application of the Charter in the Slovak Republic**

adopted by the Committee of Experts on 24 April 2009  
and presented to the Committee of Ministers of the Council of Europe  
in accordance with Article 16 of the Charter

## **Chapter 1 General new developments and background information**

### **1.1. Introduction**

1. The Slovak Republic signed the European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) on 20 February 2001 and ratified it on 5 September 2001. The Charter entered into force with regard to the Slovak Republic on 1 January 2002.
2. The instrument of ratification is set out in Appendix I to this report.
3. In accordance with Article 15.1 of the Charter, the second periodical report on the application of the Charter in the Slovak Republic was presented on 30 July 2008.

### **1.2. The work of the Committee of Experts**

4. This second evaluation report is based on the information obtained by the Committee of Experts from the second report of the Slovak Republic and additional information provided by the authorities during the on-the-spot visit (12-13 February 2009). In addition, the Committee of Experts obtained information through interviews held with representatives of bodies and associations of most national minorities. Representatives of the Czech and Ruthenian national minorities did not attend the meetings. The Committee of Experts has received four statements pursuant to Article 16.2 of the Charter (Association of Hungarian Pedagogues in the Slovak Republic, Gramma Language Office, Theatre Thalia [all with respect to the Hungarian language]; Croatian Cultural Association in the Slovak Republic). The statements will be dealt with later in the report. The present report reflects the policies, legislation and practice prevailing around the time of the on-the-spot visit (March 2009). Any later contributions and developments will be taken into account in the next report of the Committee of Experts concerning the Slovak Republic.
5. The report contains detailed recommendations that the Slovak authorities are encouraged to take into account in order to develop their policy on regional or minority languages. The Committee of Experts has, on the basis of its detailed recommendations, also established a list of proposals for general recommendations to be addressed to the Slovak Republic by the Committee of Ministers, as provided in Article 16.4 of the Charter.
6. The Committee of Experts wishes to express its gratitude to the Slovak authorities for the co-operation it has enjoyed. In addition, the co-operation with the bodies and associations representing the speakers of the regional or minority languages during the on-the-spot visit was very positive.
7. The present report was adopted by the Committee of Experts on 24 April 2009.

### **1.3 General issues arising from the evaluation of the report**

#### *1.3.1 Number of speakers of regional or minority languages*

8. As the next census will only be carried out in 2011, the Committee of Experts has not received any new official data on the number of speakers of the regional or minority languages. Besides, the Slovak authorities have confirmed in the additional information submitted to the Committee of Experts that the census results regarding national minority affiliation in general do not accurately reflect the real situation. This concerns in particular the Roma.<sup>1</sup> In the last census (2001), 89.920 persons declared that they belong to this minority. According to the Slovak authorities, however, “[e]xperts estimate that the real population of

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<sup>1</sup> 1<sup>st</sup> Report of the Committee of Experts, paragraph 14

the Roma national minority is several times larger (according to the results of a sociological survey in 2004 there are around 320.000 Roma in Slovakia, demographic estimates speak of 400.000 to 500.000 Roma).” Further inaccuracies have been created by considerable inter-minority fluctuations of persons declaring themselves as Ruthenian or Ukrainian. In addition, the Carpathian German Association underlines that the large majority of the approximately 40.000 Germans, as a result of historical experience, do not declare their minority affiliation in censuses.

9. The Committee of Experts considers the lack of reliable data as problematical, given that the census results serve as a basis for the allocation of funding, broadcasting time and the use of minority languages in relations with administrative authorities (20%-threshold, cf. below). In particular, the inaccuracy of the available data and the volatility inherent in ten-yearly censuses limit the capacity of the Slovak authorities to plan and take consistent and constant action for the protection and the promotion of the minority languages.<sup>2</sup> This in turn makes it difficult for the Committee of Experts to evaluate whether the Slovak Republic fulfils its undertakings under the Charter.

10. The Committee of Experts therefore encourages the Slovak authorities to take steps to collect, in co-operation with the speakers, reliable data concerning the number of users of the regional or minority languages and their geographic distribution. For example, the Slovak authorities could carry out sociological surveys regarding all linguistic groups, following the examples of surveys regarding the Roma. Estimates of the number of users of minority languages could be based on local/municipal indicators such as the existence of minority-related associations, events, education or the number of subscriptions to print media in that language.<sup>3</sup>

### 1.3.2 The 20%-threshold

11. The Slovak Republic declared at the time of ratification that “pursuant to Article 1, paragraph b, of the Charter, (...) the term ‘territory in which the regional or minority language is used’, also regarding the application of Article 10, shall refer to the municipalities in which the citizens of the Slovak Republic belonging to national minorities form at least 20 % of the population, according to the Regulation of the Government of the Slovak Republic N. 221/1999, dated 25 August 1999.” The Slovak authorities clarified subsequently that this 20%-threshold applies exclusively to the use of regional or minority languages in dealings with the administration (i.e. to Article 10 of the Charter) and not in other areas covered by the Charter. With respect to those languages whose speakers are concentrated, the 20%-threshold is met in a number of municipalities (Hungarian: 511 municipalities; Ruthenian: 68; Romani: 57; Ukrainian: 18<sup>4</sup>). In addition, it has no practical relevance for the Czech language, given its “quasi-official status” and the fulfilment by the Slovak Republic of all undertakings under Article 10 for Czech.

12. In its 1<sup>st</sup> evaluation report, the Committee of Experts noted nonetheless that the 20%-threshold amounts to a territorial reservation which is incompatible with the Charter. Therefore, it concluded that Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20%-threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

13. The Committee of Experts also observed that the 20%-threshold appeared in any case too high as the number of people justifying protection measures under the Charter would commonly be well below this percentage. In particular, it observed that the threshold deprived Bulgarian and Polish, whose speakers did not attain the threshold in any municipality, of protection under Article 10, thus undermining the ratification of the Charter. The Committee of Experts also found that the threshold was an obstacle for Croatian and German whose speakers attained the threshold in only one municipality respectively. In view of the narrow margins<sup>5</sup> in the latter two cases, the Committee of Experts considered that a move below the threshold in the next census would hamper a consistent and constant implementation of Article 10. Consequently, the Committee of Experts “encourage[d] the Slovak authorities to assess in what areas the regional or minority language speakers are traditionally present in sufficient numbers for the purpose of the undertakings entered into by the Slovak Republic under Article 10, in all those cases not qualifying under the 20% requirement, and to apply Article 10 in those areas.”<sup>6</sup> **In addition, the Committee of Ministers of the Council of Europe**

<sup>2</sup> 1<sup>st</sup> Report of the Committee of Experts, paragraph 45

<sup>3</sup> Cf. 3<sup>rd</sup> Report of the Committee of Experts in respect of Sweden, paragraph 10

<sup>4</sup> Cf. additional information received from the Slovak authorities, p. 10

<sup>5</sup> The number of persons belonging to the Croatian national minority in Bratislava-Jarovce/Hrvatski Jandrof exceeds the 20%-threshold by five. In Krahule/Blaufuß (German), the margin equals six persons; cf. annexes 5 and 6 to the 1<sup>st</sup> periodical report.

<sup>6</sup> 1<sup>st</sup> Report of the Committee of Experts, paragraphs 42-47, 324

**recommended to “review the requirement that regional or minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational.”**

14. While the Slovak authorities have not carried out an assessment of the numbers of speakers, they provided the Committee of Experts with relevant statistical information. According to the 2001 census<sup>7</sup>, the highest number of persons belonging to the **Bulgarian** national minority at municipal level can be found in Bratislava-Ružinov (114 persons) and the highest number of persons belonging to the **Polish** national minority in the municipality of Bratislava-Petržalka (103 persons). Without making explicit reference to the application of Article 10, the Slovak authorities have already in the 1<sup>st</sup> monitoring cycle assessed where the German and Croatian national minorities have, irrespective of the 20%-threshold, their “main areas of residence” in the light of the 2001 census.<sup>8</sup> According to that assessment, the “main areas of residence” of the **German** minority correspond to the municipality where the threshold is met (Krahule/Blaufuß, 24.3% / 35 persons) and a number of other municipalities where Germans represent up to 18.4% of the population. As far as the **Croatian** minority is concerned, 44% of the persons belonging to this group live in two municipalities: Bratislava-Jarovce/Hrvatski Jandrof, where they represent 20.4% (244 persons) of the population and attain the threshold, and Bratislava-Čunovo (16.2% / 148 persons). In its first evaluation report, the Committee of Experts noted that Bratislava-Čunovo appeared to qualify as an area where Article 10 of the Charter could be applied.<sup>9</sup> It follows from the above that the absolute numbers of Bulgarians in Bratislava-Ružinov (114) and of Poles in Bratislava-Petržalka (103) are by and large similar to the number of Croats in Bratislava-Čunovo (148) but that their relative numbers (percentages) differ significantly.

15. The Committee of Experts repeats its observation made in the 1<sup>st</sup> evaluation report that the decision by the Slovak Republic to apply Article 10 of the Charter to Bulgarian and Polish was a very ambitious step and a strong commitment that needs to be welcomed. As the demographic situation of both languages was known to the Slovak authorities when making this commitment, the Committee of Experts recalls that the provisions of Article 10 concerned must be applied in order not to undermine the ratification of the Charter. This inevitably presupposes to reconsider the 20%-threshold.<sup>10</sup> A lowering of the threshold to 10%, as requested by representatives of the Hungarian-speakers during the on-the-spot visit, would in itself not solve the problem of the application of Article 10 to Bulgarian and Polish, given that the speakers of both languages do not reach that percentage either. With regard to languages to which thresholds based on relative numbers (percentages) cannot easily be applied, flexible measures should be taken “according to the situation of each language” (as required by the Charter inter alia in Article 10). Therefore, the Slovak authorities should also determine what *absolute* “number of residents who are users of regional or minority languages” (Article 10) they consider sufficient to apply the undertakings under Article 10 to Bulgarian and Polish in at least one municipality respectively. Similar flexible and specific measures “according to the situation of each language” should also be considered regarding other languages with a view to ensuring a consistent and constant implementation of Article 10.

16. The Committee of Experts underlines in this context that, upon ratification of the Charter, the Slovak Republic provided in the 2001 Act on the Public Defender of Rights that all languages covered by the Charter may be used in communication with the Public Defender of Rights (Ombudsman). This right can also be exercised in areas where less than 20% of the population belong to a given national minority. There are ten regional Ombudsman offices. During the on-the-spot visit, the Ombudsman confirmed that the submission form is available in all languages covered by the Charter and is regularly used by citizens to file complaints, which are then processed in the language concerned. The Committee of Experts considers the possibility to use languages covered by the Charter in relation with the Ombudsman irrespective of the 20%-threshold as best practice. It is of the view that this practice may serve as a model to solve the problems created by the 20%-threshold with regard to the application of Article 10 of the Charter.

***The Committee of Experts urges the Slovak authorities to determine, in co-operation with the speakers, in what areas the regional or minority language speakers are traditionally present in sufficient numbers for the purpose of the undertakings entered into by the Slovak Republic under Article 10, in all those cases not qualifying under the 20%-threshold, and to apply Article 10 in those areas.***

<sup>7</sup> Štatistický úrad Slovenskej republiky (ed.): Sčítanie obyvateľov, domov a bytov 2001, Základné údaje, Národnostné zloženie obyvateľstva

<sup>8</sup> Annexes 5 and 6 to the 1<sup>st</sup> periodical report

<sup>9</sup> 1<sup>st</sup> Report of the Committee of Experts, paragraphs 635, 643

<sup>10</sup> 1<sup>st</sup> Report of the Committee of Experts, paragraphs 592-593

**Chapter 2. Conclusions of the Committee of Experts on how the State authorities have reacted to the recommendations of the Committee of Ministers (RecChL(2007)1)**

**Recommendation no. 1:**

*“improve and complete the legislative framework in the light of the obligations entered into by the Slovak Republic upon its ratification of the Charter, and in particular:*

*(i.) review the requirement that regional or minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational;*

17. The Slovak Republic has not reviewed the 20%-threshold, which it considers “adequate”. In the view of the Committee of Experts, however, the 20%-threshold is far too high as the number of people justifying protection measures under the Charter would commonly be well below this percentage. It represents a serious obstacle to an adequate implementation of the Charter. In particular, the Committee of Experts observes that the threshold deprives Bulgarian and Polish, whose speakers do not attain the threshold in any municipality, of protection under Article 10, thus undermining the ratification of the Charter. The Committee of Experts also notes that the threshold constitutes a particular obstacle for Croatian and German whose speakers attain the threshold in only one municipality respectively.

*(ii.) review the restrictions on the use of regional or minority languages arising as a consequence of the State Language Act;*

18. With a view to implementing the Charter, amendments to the State Language Act are under consideration which would ensure the right to use a minority language in contracts of employment and technical documents and ensure the right to use a minority language in social care facilities. However, changes would be needed also concerning other aspects of the State Language Act such as, for example, the restrictions of the use of minority languages on radio and television.

*(iii.) remove the restrictions on the right to use regional or minority languages in court;*

19. The legislation in question has not been amended. There is still no formal guarantee for the use of a regional or minority language before judicial authorities for persons who do have a command of Slovak.

*(iv.) guarantee women the right to adopt or use family names in regional or minority languages;”*

20. The administrative practice pertaining to the use of family names in minority languages has changed. The surname of a female person will be entered in her birth certificate or marriage certificate without the Slovak female inflection at her parents’ or her own written request. All subsequent official extracts and statements of data entered in the register are made with this form of the surname. A female person may also use her surname at birth in official documents without the grammatical suffix.

**Recommendation no. 2:**

*“improve the provision of regional or minority language education, in particular concerning teacher-training, and set up a body in charge of monitoring the measures taken and progress achieved;”*

21. The situation of teacher training has not substantially changed. The Methodological Pedagogical Centre cannot be considered a dedicated methodological centre for regional or minority language education. Also, the funding is insufficient. The undertakings entered into by the Slovak Republic in the field of education require a more structured approach to teacher training.

22. Minority language education is not proactively organised by the authorities unless they are approached by parents or pupils. Further problems are created by the lack of continuity in minority language education from pre-school through primary to secondary and technical and vocational education. The situation of Ukrainian-language education has worsened at pre-school, primary and technical/vocational level. There were no improvements for German (not present at secondary and technical/vocational level), Bulgarian, Croatian and Polish (absent from all levels of education). The number of subjects taught in Hungarian has decreased.

23. There exists no supervisory body with a specific task to monitor effectively the teaching of regional or minority languages.



**Recommendation no. 3:**

*“improve the provision of broadcast and print media in all regional or minority languages;”*

24. The broadcasting time on television has increased for all regional or minority languages, but there were decreases in radio broadcasting time for German and Ukrainian. Regarding the print media, there are no newspapers (i.e. periodicals that are published at least weekly) in Romani, German, Ukrainian, Czech, Bulgarian, Croatian and Polish.

**Recommendation no. 4:**

*“promote awareness and tolerance vis-à-vis the regional or minority languages and the cultures they represent as an integral part of the cultural heritage of the Slovak Republic, both in the general curriculum at all stages of education and in the media;”*

25. The Slovak authorities have supported cultural events which raise awareness of minority cultures vis-à-vis the majority population (e.g. the Festival of Minority Cultures – the Minority Culture Summer). In the area of education, a National Plan of Human Rights Education for the period of 2005–2014 deals with minorities, but the implementation of this national plan is pending. No sufficient information is available with regard to awareness-raising in the media.

**Recommendation no. 5:**

*“concerning the Romany language:*

*(i.) ensure that Romany language education is provided where there is a demand for it and inform Roma parents about its availability;*

*(ii.) accelerate the implementation of a curriculum for the Romany language;*

*(iii.) abolish without delay the practice of unjustified enrolment of Roma children in schools for children with special needs;”*

(i.) Minority language education is only provided when the authorities are approached by parents or pupils. No measures have been taken to raise awareness of parents about the availability of minority language education.

(ii.) The experimental use of Romani in primary, secondary and technical/vocational schools has been successfully completed. It led to a curriculum for Romani-language education and has accelerated the standardisation of Romani. In addition, textbooks have been developed, though not yet for all grades. After completion of the pilot projects, a structured approach is needed which would lead to a systematic introduction of Romani-language education at all levels.

(iii.) The Slovak authorities have implemented several projects which aimed at the abolishment of the unjustified enrolment of Roma children in special schools. However, the still relatively high number of Roma in special schools for pupils with mental disabilities is a result of the use of inadequate tests for assessing school maturity and intelligence potential which do not take into account the linguistic (Romani) background of the children. New tests have been introduced and are expected to eliminate this shortcoming.

**Recommendation no. 6:**

*“take measures to provide Ruthenian language education at all levels.”*

26. The Institute for Regional and Minority Studies at Prešov University has a Ruthenian Language and Culture Department offering teacher training programmes focused on Ruthenian. An independent Ruthenian Language and Culture Institute created in 2008 complements the Department’s activities with its educational and scientific research projects. However, only one primary school has started to teach in Ruthenian during the reporting period. Consequently, Ruthenian remains largely absent from education.



## Chapter 3 The Committee of Experts' evaluation in respect of Parts II and III of the Charter

### 3.1 The evaluation in respect of Part II of the Charter

27. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its 1<sup>st</sup> report and for which it did not receive any new elements requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage. Under Part II, this concerns Articles 7.1.a, d, e and i.

#### **Article 7 – Objectives and principles**

##### *Paragraph 1*

*In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:*

...

- b the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;*

28. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts noted that it was possible that as a result of administrative divisions a group of speakers in a given territory was no longer present in sufficient numbers for the purpose of the relevant undertakings entered into under the Charter. This observation concerned in particular the effects of Act No. 221/1996 on the Territorial and Administrative Division of the Slovak Republic. The Committee of Experts encouraged the Slovak authorities to address this issue and to report on it in the next periodical report.

29. The 2<sup>nd</sup> periodical report does not deal with this issue.

30. The Committee of Experts requests the Slovak authorities to report about this issue in the next periodical report.

- c the need for resolute action to promote regional or minority languages in order to safeguard them;*

31. In 2006, the Slovak Government adopted a policy statement on minority languages, which announced inter alia that the Government would prepare a draft law on the financing of minority cultures and establish an Office for Minorities. A number of legislative texts to implement the policy statement are currently under preparation. The Committee of Experts welcomes these initiatives and encourages the Slovak authorities to pursue them further.

##### *Romani*

32. On 29 July 2008, the standardisation of Romani in the Slovak Republic was solemnly proclaimed in the National Council. The Committee of Experts considers that the standardisation of Romani represents clearly "resolute action" to promote Romani and commends the Slovak authorities on this achievement.

- f the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;*

33. According to the 2<sup>nd</sup> periodical report, the Government approved a Concept of Education and Instruction of National Minorities in 2007. The Concept is the first comprehensive document that elaborates on issues of education of national minorities in general.

##### *Romani*

34. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts encouraged the Slovak authorities to:  
"- give clear instructions to the head teachers on the obligations arising from the Charter in the field of education and on the resulting measures aimed at providing teaching of and in Romany at the various stages;  
- accelerate the implementation of a curriculum for the Romany language;  
- abolish without delay the practice of unjustified enrolment of Roma children in special schools;  
- raise awareness among Roma parents and school authorities about the rights of Roma parents and children and about the advantages of bilingualism."

35. In addition, the Committee of Ministers of the Council of Europe recommended to “abolish without delay the practice of unjustified enrolment of Roma children in schools for children with special needs.”

36. With regard to instructions to the head teachers and the implementation of a curriculum for Romani and awareness-raising, the Committee of Experts refers to its evaluation of Article 8 (Chapter 3.2.1 below).

37. The number of Roma enrolled in special schools for pupils with mental disabilities remains relatively high. The segregation is the result of the previous use of tests for assessing school maturity and intelligence potential which do not take into account the linguistic (Romani) background of the child. New tests have been introduced and are expected to eliminate this shortcoming. In addition, the Slovak authorities have prohibited segregation in the 2008 Act on Training and Education (Schools Act). While welcoming the progress that has been made, the Committee of Experts reiterates the need for further resolute action to abolish the unjustified enrolment of Roma children in special schools.

***The Committee of Experts urges the Slovak authorities to abolish without delay the practice of unjustified enrolment of Roma children in special schools.***

*g the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;*

38. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts encouraged the Slovak authorities “to develop facilities aimed at enabling non-speakers of a regional or minority language to learn it if they so desire.”

39. The 2<sup>nd</sup> periodical report does not provide any information about measures aimed at providing the facilities in question.

***The Committee of Experts urges the Slovak authorities to develop facilities aimed at enabling non-speakers of a regional or minority language to learn it if they so desire.***

*h the promotion of study and research on regional or minority languages at universities or equivalent institutions;*

*Ruthenian*

40. In the 1<sup>st</sup> monitoring cycle, there existed no university department devoted to the Ruthenian language and culture, but a study programme “Ruthenian language and culture” had been launched at Prešov University. The Committee of Experts requested the Slovak authorities to provide further information on that programme.

41. According to the 2<sup>nd</sup> periodical report, the Institute for Regional and Minority Studies at Prešov University has a Ruthenian Language and Culture Department offering teacher training programmes for Ruthenian. In 2008, an independent Ruthenian Language and Culture Institute was set up to complement the Department’s activities with educational and scientific research projects. The Committee of Experts commends the Slovak authorities on the progress that has been made.

## **Paragraph 2**

*The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.*

42. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts encouraged the Slovak authorities to “take the necessary steps to remove the clauses of Act No. 270/1995 which lead to unjustified distinction, exclusion, restriction or preference relating to the use of regional or minority languages in the Slovak Republic.” **In addition, the Committee of Ministers of the Council of Europe recommended to “review the restrictions on the use of regional or minority languages arising as a consequence of the State Language Act.”**

43. In their 2<sup>nd</sup> periodical report, the Slovak authorities state that the legislation on safeguarding and strengthening the status of the state language (Constitution, State Language Act and related regulations) is

not in conflict with the right of persons belonging to national minorities to use their mother tongue in official communication. However, the Committee of Experts notes that there are still a number of instances where the State Language Act (Act. No. 270/1995) expressly imposes the use of Slovak, thus discouraging the use of minority languages in the relevant areas. A modification of the law is necessary to bring it into conformity with the obligations under the Charter.

44. In 2006, the Government adopted an Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance for the Period of 2006-2008. The activities of the action plan focus on several areas of social and cultural life with an emphasis on raising the knowledge level of the citizens in the area of human rights, and prevention of negative phenomena in society, including discrimination and racism. The Committee of Experts welcomes this initiative.

### **Paragraph 3**

*The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.*

45. The Committee of Experts reiterates that the extent to which a minority language is protected or promoted is linked to how it is received or perceived by majority language speakers. Regional or minority language protection or promotion is, in many respects, a reflection of the majority's approach and perception. As a result, awareness-raising with the majorities is of the utmost importance. Two fields are especially relevant in this respect: education and the media.<sup>11</sup>

46. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts encouraged the Slovak authorities  
"- to strengthen the efforts in the field of education and media devoted to raising the awareness of the Slovak-speaking majority population about all the regional or minority languages spoken in the Slovak Republic;  
- to promote the acceptance by the Slovak-speaking majority population of the Romany language and culture as an integral part of Slovak history, society and cultural heritage;  
- to concretely promote the specificity of the Ruthenian language."

47. **In addition, the Committee of Ministers of the Council of Europe recommended to "promote awareness and tolerance vis-à-vis the regional or minority languages and the cultures they represent as an integral part of the cultural heritage of the Slovak Republic, both in the general curriculum at all stages of education and in the media."**

48. According to the 2<sup>nd</sup> periodical report, the Slovak authorities have supported cultural events which raise awareness of minority cultures vis-à-vis the majority population (e.g. the Festival of Minority Cultures – the Minority Culture Summer). In the area of education, a National Plan of Human Rights Education for the period of 2005–2014 deals with minorities. No sufficient information is available with regard to awareness-raising in the media.

***The Committee of Experts urges the Slovak authorities to strengthen the efforts in the field of education and media devoted to raising the awareness of the Slovak-speaking majority population about all the regional or minority languages used in the Slovak Republic.***

### **Paragraph 4**

*In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.*

49. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts requested the Slovak authorities to comment on complaints by representatives of the minority language speakers that the Council of the Government of the Slovak Republic for National Minorities and Ethnic Groups meets too infrequently.

<sup>11</sup> Cf. for example the first evaluation report on the implementation of the Charter by Spain, ECRML (2005) 4, paragraph 182, and the second evaluation report of the Committee of Experts on the implementation of the Charter by Croatia, ECRML (2005) 3, paragraph 39.

50. The Slovak authorities informed the Committee of Experts during the on-the-spot visit that the Council has met four times in 15 months. It appears that the frequency of meetings has not changed during the reporting period.

51. The Committee of Experts encourages the Slovak authorities to ensure regular meetings of the Council of the Government of the Slovak Republic for National Minorities and Ethnic Groups.

**Paragraph 5**

*The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, 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.*

52. According to the information provided by the Slovak authorities, the Jewish national minority has been supported financially in the cultural field and in the media. However, it is unclear to what extent these measures have promoted Yiddish. The Committee of Experts requests the Slovak authorities to provide such information in the next periodical report.

### 3.2 The evaluation in respect of Part III of the Charter

53. The languages covered also by Part III of the Charter are Romani, Hungarian, German, Ruthenian, Ukrainian, Czech, Bulgarian, Croatian and Polish.

#### 3.2.1 Romani<sup>12</sup>

54. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its 1<sup>st</sup> report and for which it did not receive any new elements requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage. For Romani, these provisions are the following: Articles 11.2; 12.1.a and 12.1.d

### Article 8 – Education

#### *Preliminary issues*

55. The undertakings entered into by the Slovak Republic under Article 8 require the authorities *to make available* regional or minority language education at the different levels of education. This implies that the offer needs to precede the demand, i.e. that the education has to be organised before the authorities are approached by parents or pupils.<sup>13</sup> Such offer also needs to ensure continuity from pre-school to technical and vocational education in the geographical areas concerned. Representatives of the Romani-speakers stated that, for Romani-language education, these areas are in particular the districts (*okresy*) of Prešov, Sabinov, Vranov nad Toplou, Michalovce, Rožňava and Trebišov. Moreover, the authorities have to actively inform parents and/or pupils about the availability of regional or minority language education and to encourage them to apply for it. **In the 1<sup>st</sup> monitoring cycle, the Committee of Ministers of the Council of Europe recommended to “ensure that Romany language education is provided where there is a demand for it and inform Roma parents about its availability.”**

#### *Paragraph 1*

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

#### *Pre-school education*

- a
  - i *to make available pre-school education in the relevant regional or minority languages; or*
  - ii *to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
  - iii *to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient;*

56. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to inform the Romani-speaking population of the provisions of the Charter in relation to pre-school education and to provide facilities for pre-school education in Romani.

57. The 2<sup>nd</sup> periodical report states that there is no Romani pre-school education. Representatives of the Romani-speakers confirmed this during the on-the-spot visit. Romani is apparently used only as an auxiliary language in pre-schools. In some kindergartens, songs in Romani are sung. No particular initiatives have been taken by the authorities to raise awareness vis-à-vis the Romani-speaking population of their right to pre-school education in Romani.

58. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to inform the Romani-speaking population of the provisions of the Charter in relation to pre-school education, to provide facilities for pre-school education in Romani and to ensure continuity.***

<sup>12</sup>

The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by the Slovak Republic.

<sup>13</sup>

Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of the United Kingdom, paragraph 68

### **Primary and secondary education**

- b**
  - i* to make available primary education in the relevant regional or minority languages; or
  - ii* to make available a substantial part of primary education in the relevant regional or minority languages; or
  - iii* **to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;**
  
- c**
  - i* to make available secondary education in the relevant regional or minority languages; or
  - ii* to make available a substantial part of secondary education in the relevant regional or minority languages; or
  - iii* **to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;**

59. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings partly fulfilled. It encouraged the Slovak authorities

“- to accelerate the introduction of teaching of Romany as an integral part of the curriculum at primary and secondary school level;

- to take urgent measures to cater already now for Roma parents’ demand, namely by issuing clear instructions to all primary school head teachers;

- to raise Roma parents’ awareness on their rights in the field of education and of the Charter obligations, also by using the Romany language”.

60. **In addition, the Committee of Ministers of the Council of Europe recommended to “accelerate the implementation of a curriculum for the Romany language.”**

61. According to the 2<sup>nd</sup> periodical report, Romani language and literature are taught in three primary schools and four (two according to the Romani-speakers) secondary schools as part of the project “Experimental verification of the effectiveness of the curriculum in Roma language and literature in elementary and secondary schools”. In the school year 2006/2007, 219 pupils participated in this project. The Committee of Experts learnt during the on-the-spot visit that the project in question had been successfully completed. It led not only to a curriculum for Romani-language education, but has also accelerated the standardisation of Romani. In addition, textbooks have been developed, though not yet for all grades. The Committee of Experts commends the Slovak authorities on having completed the curriculum several years earlier than originally envisaged. The Slovak authorities should now introduce primary and secondary education in Romani on a wider scale by extending the curriculum to other schools and raise awareness among teachers and parents of this opportunity.

62. The Committee of Experts considers these undertakings partly fulfilled.

***The Committee of Experts urges the Slovak authorities to generally introduce the teaching of Romani as an integral part of the curriculum at primary and secondary school level.***

### **Technical and vocational education**

- d**
  - i* to make available technical and vocational education in the relevant regional or minority languages; or
  - ii* to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
  - iii* **to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;**

63. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities:

“- to accelerate the introduction of teaching of Romany as an integral part of the curriculum in technical or vocational schools;

- to take measures to cater already now for Roma parents’ demand, namely by issuing clear instructions to all school head teachers concerned;

- to raise Roma parents’ awareness on their rights in the field of education and of the Charter obligations, also by using the Romany language.”

64. Romani language and literature and the Roma culture were taught at one vocational school (secondary art school) as part of the aforementioned project (cf. Article 8.1.b/c). In addition, the 2<sup>nd</sup> periodical report refers to a project on a new study programme for Romology at secondary schools. Representatives of the Romani-speakers confirmed during the on-the-spot visit that there is now also a curriculum for the teaching of Romani within technical and vocational education. The Committee of Experts considers that the Slovak authorities should now introduce teaching of Romani in technical and vocational education on a wider



scale by extending the curriculum to other schools and raise awareness among teachers and parents of this opportunity.

65. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts urges the Slovak authorities to generally introduce the teaching of Romani as an integral part of the curriculum at technical and vocational level.***

### **University and other higher education**

- e      i      *to make available university and other higher education in regional or minority languages; or*
- ii     *to provide facilities for the study of these languages as university and higher education subjects;*

66. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to develop the necessary facilities for the study of Romani as a university and higher education subject, covering also the study of the varieties of Romani.

67. According to the 2<sup>nd</sup> periodical report, the Institute of Romological Studies at the University of Nitra is planning to launch a study programme in Roma language, history, literature and culture which will become part of the programme of non-Slavic languages. The Committee of Experts welcomes the plan to launch a study programme as a step towards the fulfilment of this undertaking and considers that the teaching in/of Romani at university level will have positive effects on teacher training.

68. The Committee of Experts considers this undertaking not fulfilled at present. It urges the Slovak authorities to develop the necessary facilities for the study of Romani as a university and higher education subject.

### **Adult and continuing education**

- f      i      *to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or*
- ii     *to offer such languages as subjects of adult and continuing education; or*

69. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

70. The 2<sup>nd</sup> periodical report does not provide any specific information about the offer of Romani as a subject of adult and continuing education. There are no indications that Romani is offered as a subject of adult and continuing education.

71. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to offer Romani as a subject of adult and continuing education.

### **Teaching of the history and the culture**

- g      *to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

72. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled.

73. According to the 2<sup>nd</sup> periodical report, there are two textbooks for the teaching of Roma history, but neither textbook is used sufficiently in practice. Since 2007, there are also accompanying materials available for teaching Roma history and culture at secondary schools. The Committee of Experts acknowledges the progress that has been made. However, the present undertaking concerns also education for non-speakers of regional or minority languages about the specific history and traditions related to these languages. This normally entails including elements of the history and culture which is reflected by the regional or minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.<sup>14</sup>

74. The Committee of Experts considers this undertaking partly fulfilled, but observes that serious shortcomings persist in the teaching of Roma history and culture. It encourages the Slovak authorities to

<sup>14</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Croatia, ECRML 2005 (3), paragraph 100



improve the teaching of Roma history and culture for Roma children and to include elements of the history and culture which is reflected by Romani in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.

### **Basic and further training of teachers**

- h* to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

75. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities to intensify and accelerate their efforts in the field of basic and further teacher training for Romani. In addition, **the Committee of Ministers of the Council of Europe recommended to “improve (...) teacher-training.”**

76. The 2<sup>nd</sup> periodical report refers to the Roma Education, Information, Documentation, Advisory and Consultation Centre (ROCEPO) which provides further training for teachers working in schools with a high number of Roma pupils. However, ROCEPO does not train teachers of Romani. Representatives of the Romani-speakers informed the Committee of Experts during the on-the-spot visit that training is provided for those Romani-teachers who participated in the aforementioned project. A total of 26 persons have passed the teacher examination, which is clearly insufficient to cater for the real demand for Romani-language education.

77. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts urges the Slovak authorities to intensify and accelerate their efforts in the field of basic and further teacher training for Romani.***

- i* to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

78. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports. In addition, **the Committee of Ministers of the Council of Europe recommended to “(...) set up a body in charge of monitoring the measures taken and progress achieved.”**

79. According to the 2<sup>nd</sup> periodical report, a Council of Experts of the Ministry of Education of the Slovak Republic for Education of Roma was formed in 2005. However, it is unclear to what extent this Council is responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Romani and for drawing up public periodic reports of their findings. The Committee of Experts reiterates<sup>15</sup> that this undertaking requires a body dedicated to looking at the teaching of regional or minority languages. In practice, it is possible for an existing body to monitor the measures taken and progress achieved in minority language education and to produce and publish periodical reports.

80. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.***

<sup>15</sup> Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of the United Kingdom, paragraph 131

## Article 9 – Judicial authorities

81. In the 1<sup>st</sup> monitoring cycle, the Committee of Ministers of the Council of Europe recommended to “remove the restrictions on the right to use regional or minority languages in court.”

### Paragraph 1

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

*a in criminal proceedings:*

...

- ii to guarantee the accused the right to use his/her regional or minority language; and/or*
- iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

82. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It encourages the Slovak authorities:

“- to guarantee the right of the accused to use the Romani minority language in criminal proceedings irrespective of whether he or she has also a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution;  
- to provide in the legislation that requests and evidence may be produced in Romani, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.”

83. According to the 2<sup>nd</sup> periodical report, the relevant legislation still limits the right to use a minority language in criminal proceedings by the use of interpreters and translations to cases where the person concerned “does not know the language of the proceedings” (Section 2 paragraph 20 of the Criminal Procedure Code) or “does not [...] understand or speak the language of the proceedings” (ibid., Section 28, paragraph 1). In addition, a translator shall be assigned if “there is a need to translate the record of the statements or other documents” (ibid., Section 28, paragraph 3). Requests and evidence in a regional or minority language do not seem to be admissible if the author has a command of Slovak. There is also no explicit provision in the legislation that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned if she/he has a command of Slovak. No specific provision seems to exist concerning written testimony or requests. Finally, summons do not mention linguistic rights as it is assumed that they are known to everyone.

84. As far as the practical situation is concerned, the 2<sup>nd</sup> periodical report states that interpreters for Romani have been assigned in some cases during the reporting period. There are, however, only very few trained interpreters for Romani available. In conclusion, the Committee of Experts reiterates the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons.<sup>16</sup>

85. The Committee of Experts considers these undertakings partly fulfilled. It urges the Slovak authorities to guarantee the right of the accused to use Romani in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts urges the Slovak authorities to provide in the legislation that requests and evidence may be produced in Romani, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

*b in civil proceedings:*

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*

<sup>16</sup>

Cf. 3<sup>rd</sup> Report of the Committee of Experts in respect of Hungary, paragraph 107

- iii to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;
- c in proceedings before courts concerning administrative matters:
  - ...
  - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
  - iii to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

86. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It encouraged the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use Romani without thereby incurring additional expense, and evidence and documents may be produced in Romani if necessary by the use of interpreters and translations, even if the Romani-speaker has a command of the Slovak language.

87. The 2<sup>nd</sup> periodical report states that in civil proceedings the parties “have the right to use their mother tongue or the official language of the state” (Section 18 of the Civil Procedure Code). “Costs incurred in obtaining evidence ... and the costs resulting from the use of the mother tongue by the party are borne by the State” (ibid., Section 141, paragraph 2). Furthermore, it is said that the legal order of the Slovak Republic allows parties to submit documents and evidence in regional and minority languages without thereby incurring additional expense. The Civil Procedure Code applies mutatis mutandis to court proceedings in administrative cases. However, these provisions represent an implementation in the civil (and administrative) proceedings of the general right to interpretation for non-speakers of Slovak, guaranteed by Article 47.4 of the Constitution, but which is not available to regional or minority language speakers who are also able to speak Slovak.

88. As far as the practical situation is concerned, the 2<sup>nd</sup> periodical report states that interpreters for Romani have been assigned in some cases during the reporting period. There are, however, only very few trained interpreters for Romani available. No information is available regarding proceedings before courts concerning administrative matters. In conclusion, the Committee of Experts reiterates the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons.

89. The Committee of Experts considers these undertakings partly fulfilled. It urges the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use Romani without thereby incurring additional expense, and evidence and documents may be produced in Romani if necessary by the use of interpreters and translations, even if the Romani-speaker has a command of Slovak.

- d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

90. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

91. In the light of the conclusions reached under Article 9.1.b.ii/b.iii/c.ii/c.iii above, the Committee of Experts considers this undertaking partly fulfilled. It encourages the Slovak authorities to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

## Article 10 – Administrative authorities and public services

### *Preliminary issues*

92. The Committee of Experts has already observed that Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20%-threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

### **Paragraph 1**

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

- a ...
- iii *to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or*
- [iv *to ensure that users of regional or minority languages may submit oral or written applications in these languages];*

93. Given that sub-paragraphs a.iii and a.iv represent alternative options, the Committee of Experts will follow its usual practice and apply the highest option (a.iii) *ex officio*.

94. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Slovak authorities to take the necessary measures so that the Romany-speakers may submit oral or written applications and receive a reply in Romany, also in those municipalities where they represent less than 20% of the municipal population, but still a sufficient number for the purpose of the present undertaking.”

95. The 2<sup>nd</sup> periodical report does not deal with this issue. Considering that the Slovak Republic undertook to apply this provision to Romani, the Committee of Experts reiterates that it must be applied in those administrative districts of the State where the Romani-speakers represent less than 20% of the municipal population but still a significant number for the purpose of the present undertaking.

96. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to take the necessary measures so that the Romani-speakers may submit oral or written applications and receive a reply in Romani wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.***

### **Paragraph 2**

97. Pursuant to Slovak legislation, the use of regional or minority languages in relations with local branches of the State administration and local authorities is possible in municipalities where, according to the last census, at least 20% of the population belong to a given national minority. By contrast, the Committee of Experts notes that the use of regional or minority languages in relations with *regional* authorities is not formally permitted.

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- ...
- b *the possibility for users of regional or minority languages to submit oral or written applications in these languages;”*

98. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to “- take the necessary measures so that the Romany-speakers may submit oral or written applications in Romany also in those municipalities where the Romany-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking, - to provide the legal basis required for Romany-speakers to submit oral or written applications in Romany also in relation to regional authorities where the speakers are present in sufficient number.”

99. According to the information that the Committee of Experts has at its disposal, only in a few places is it possible in practice for Romani-speakers to submit oral or written applications in Romani to local authorities, as in most places no organisational measures enabling the authority to deal with such communications have been taken. The 2<sup>nd</sup> periodical report does not contain any information about measures regarding those municipalities where the Romani-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking. Likewise, no measures have been taken to provide the legal basis required for Romani-speakers to submit oral or written applications in Romani also in relation to regional authorities where the speakers are present in sufficient number. In practice, little use is made of Romani in the context of regional or local government even in areas where the 20%-threshold is met. However, there are some positive examples where this is different.

100. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts urges the Slovak authorities to take the necessary legal and organisational measures so that the Romani-speakers may submit oral or written applications in Romani in all municipalities with a sufficient number of speakers, including those municipalities where the Romani-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking.***

- c *the publication by regional authorities of their official documents also in the relevant regional or minority languages;*
- d *the publication by local authorities of their official documents also in the relevant regional or minority languages;*

101. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It encouraged the Slovak authorities to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.

102. According to the 2<sup>nd</sup> periodical report, the situation has not changed. No official documents, including municipal gazettes or official announcements, appear to be published in Romani either at local or at regional level. Local authorities may only publish an outline, but not the official document as such in Romani. No such possibility exists with regard to regional authorities. Furthermore, the present provisions are not applied by regional and local authorities on whose territory Romani-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertakings.

103. The Committee of Experts considers these undertakings not fulfilled.

***The Committee of Experts urges the Slovak authorities to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.***

- f *the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

104. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide information regarding measures to facilitate the implementation of this possibility in practice.

105. The 2<sup>nd</sup> periodical report does not provide any information about the practical implementation of this undertaking. In addition, the use of Romani in sessions of local authorities still depends on the consent of all members of the assemblies. The Committee of Experts considers this an unnecessary and discriminatory pre-condition. Also, this undertaking has not been applied in municipalities where the Romani-speakers represent less than 20% of the population, but are still present in sufficient numbers for the purposes of that undertaking.

106. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to encourage the use of Romani by local authorities in debates in their assemblies, without excluding, however, the use of the official language(s) of the State.

- g** *the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

107. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to take the necessary measures to allow and/or encourage the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional forms of place-names in Romany, including in those municipalities where the Romany-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. The Slovak authorities were also encouraged to provide for this possibility with regard to smaller territorial units within the municipalities.

108. The 2<sup>nd</sup> periodical report does not deal specifically with the aforementioned issue. It is not clear to what extent place-names in Romani (including names of smaller territorial units and streets) are used in municipalities where the 20%-threshold is met. No measures have been taken to allow and/or encourage the use or adoption of place-names in Romani also in those municipalities where the Romani-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. In addition, it is not clear whether names of smaller territorial units within municipalities, and of streets, are in official use.

109. The Committee of Experts considers this undertaking not fulfilled.

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

...

- c** *to allow users of regional or minority languages to submit a request in these languages.*

110. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit information concerning specifically public services in their next periodical report.

111. According to the 2<sup>nd</sup> periodical report, Act No. 184/1999 on the Use of Languages of National Minorities provides that persons belonging to a national minority have the right to file written applications to public authorities also in the minority language in a municipality where the 20%-threshold is met. However, it is not clear whether the notion “public authority” extends to public services. Furthermore, this provision is not complied with in those municipalities where the Romani-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

112. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to allow users of regional or minority languages to submit a request in these languages to public services, including in those municipalities where the users do not attain the 20%-threshold but represent nevertheless a sufficient number of users for the purpose of the present undertaking.

### **Paragraph 4**

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- a** *translation or interpretation as may be required;*

113. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide further information.

114. According to the 2<sup>nd</sup> periodical report, public authorities in a municipality where the 20%-threshold is met have the obligation “to create conditions for the use of that minority language”. Apart from the specific case of the registering of births, there does not seem to exist an explicit formal basis for the provision of translation or interpretation and there is no evidence of translation being provided in practice. Furthermore, this provision is not complied with in those municipalities where the Romani-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.



115. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to provide translation and interpretation, including in those municipalities where the speakers of regional or minority languages do not attain the 20%-threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

- c *compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

116. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide further information.

117. According to the 2<sup>nd</sup> periodical report, requests by public service employees having a knowledge of Romani to be appointed in the territory in which Romani is used are usually approved.

118. On the basis of the information provided by the Slovak authorities, the Committee of Experts considers this undertaking fulfilled.

### **Paragraph 5**

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

119. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to take the necessary measures to allow in all cases the use or adoption of family names in the regional or minority languages, at the request of those concerned.” In addition, **the Committee of Ministers of the Council of Europe recommended to “guarantee women the right to adopt or use family names in regional or minority languages.”**

120. According to the 2<sup>nd</sup> periodical report, the surname of a female person will be entered in her birth certificate or marriage certificate without the Slovak female inflection at her parents’ or her own written request. All subsequent official extracts and statements of data entered in the register are made with this form of the surname. From the information that the Committee of Experts received during the on-the-spot visit, it appears that a female person may also use her surname at birth in official documents without the grammatical suffix.

121. The Committee of Experts considers this undertaking fulfilled.

## **Article 11 – Media**

### **Paragraph 1**

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

- a *to the extent that radio and television carry out a public service mission:*

...

- iii *to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

122. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to increase the frequency of the time-slots allocated to the Romany language on public radio and television.” In addition, **the Committee of Ministers of the Council of Europe recommended to “improve the provision of broadcast (...) in all regional or minority languages.”**

123. According to the 2<sup>nd</sup> periodical report, Radio Patria (Slovenský rozhlas) broadcast 66 hours in Romani in 2006 (1<sup>st</sup> monitoring cycle: 26 hours). The Slovak authorities informed the Committee of Experts during the on-the-spot visit that Slovenská televízia broadcast 48.6 hours in Romani in 2007 (1<sup>st</sup> monitoring cycle: 12.2 hours). In addition, a new programme “Minority News”, which is broadcast weekly (seven minutes) in different minority languages, also uses Romani.



124. The Committee of Experts welcomes the considerable increase in broadcasting time. In general, however, the presence of Romani in public broadcasting remains symbolical, which reduces the effectiveness and attractiveness of this broadcasting. The Committee of Experts reiterates the great importance of the electronic media, especially television, for the promotion of regional or minority languages in modern societies. In particular, a regular and predictable (e.g. weekly) presence of a regional or minority language on radio and television can enhance considerably its social prestige.<sup>17</sup>

125. The Committee of Experts considers this undertaking partly fulfilled, but observes that the number of hours in which Romani-language programmes are broadcast on public radio and television is still insufficient to meet the demand.

***The Committee of Experts urges the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Romani language on public radio and television.***

***b*** ...

***ii*** *to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

126. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Slovak authorities to comment on it in their next periodical report, with particular attention to the obligation for private radio stations to have all the broadcasting translated into Slovak, which constitutes an obvious burden for a private radio.

127. While the 2<sup>nd</sup> periodical report does not provide any numbers of licence holders that broadcast in Romani, representatives of the Romani-speakers confirmed during the on-the-spot visit that there is actually no private broadcasting of radio programmes in Romani. The Committee of Experts notes that this is the result of the fact that private radio stations are obliged to have all the broadcasting translated into Slovak. The requirement to translate radio broadcasts is clearly unfeasible and in any event discourages commercial radios from broadcasting in a minority language, rather than encouraging them in conformity with the present undertaking. Regular broadcasts in regional or minority languages could be encouraged through financial incentives or by including the use of such languages among the criteria for allocating frequencies.<sup>18</sup>

128. The Committee of Experts considers this undertaking not fulfilled.

***c*** ...

***ii*** *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

129. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

130. While the 2<sup>nd</sup> periodical report does not provide any numbers of licence holders that broadcast in Romani, representatives of the Romani-speakers confirmed during the on-the-spot visit that there is actually no private broadcasting of television programmes in Romani. The Committee of Experts notes that this is the result of the fact that private television channels are obliged to have all programmes subtitled in Slovak. Subtitling is certainly of interest from the point of view of the Charter, but this requirement puts private television stations wanting to broadcast also in Romani at an economic disadvantage compared to private television stations broadcasting only in Slovak. It therefore discourages private television channels from broadcasting in a minority language, rather than encouraging them in conformity with the present undertaking. As noted above, regular broadcasts in regional or minority languages could be encouraged through financial incentives or by including the use of such languages among the criteria for allocating frequencies.

131. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts encourages the Slovak authorities to remove the existing restrictive requirements for private television and radio broadcasters offering programmes in minority languages.***

<sup>17</sup>

Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Switzerland, paragraph 118

<sup>18</sup>

Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Hungary, paragraph 128

- d*            **to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;**

132. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

133. The 2<sup>nd</sup> periodical report refers to two new laws. The Digital Broadcasting Act of 2007 liberalised the authorisation scheme for television and radio broadcasting and creates room for the creation of new platforms for the provision of on-line services. Furthermore, the Audiovisual Act of 2008 provides for the possibility of presenting audio-visual works also in the original language (including minority languages), except that programmes for children under twelve cannot be broadcast in regional or minority languages at times when children want to watch television (Section 17 paragraph 4). However, according to the information that the Committee of Experts has at its disposal, neither of the acts have so far encouraged and/or facilitated the production and distribution of audio and audiovisual works in Romani.

134. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages, also ensuring that minority language programmes on digital television are available for children at suitable times.

- e*            *i*            **to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;**

135. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled.

136. It follows from the additional information that the Committee of Experts received from the Slovak authorities during the on-the-spot visit that they support two bimonthly periodicals in Romani (“Romano Nevo Lil”, which is mainly in Slovak, and “Most – Híd – Phurt”). Representatives of the Romani-speakers informed the Committee of Experts that there also exists a quarterly in Romani (“Luludí”). The Committee of Experts observes nonetheless that a “newspaper” within the meaning of the present provision has to be published at least once per week,<sup>19</sup> which does not apply to any of the mentioned publications.

137. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to take appropriate measures to enable at least one newspaper to be published in Romani with sufficient frequency.***

- f*            ...  
*ii*            **to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;**

138. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

139. The Committee of Experts is not in a position to conclude on this undertaking and requests the Slovak authorities again to comment on it in their next periodical report.

### **Paragraph 3**

***The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.***

140. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

141. According to the 2<sup>nd</sup> periodical report, the Slovak Television Council and the Slovak Radio Council are the competent bodies to approve broadcasting concepts and plans also in respect of the languages of national minorities. Both councils are composed of 15 members which are elected by the National Council. However, it is not clear to the Committee of Experts how the interests of national minorities are represented in each body.

<sup>19</sup> Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of Serbia, paragraph 267

142. The Committee of Experts is not in a position to conclude on this undertaking and requests the Slovak authorities to comment on it in their next periodical report.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

...

*b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

*c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

143. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on these undertakings and asked the Slovak authorities to comment on them in their next periodical report.

144. The 2<sup>nd</sup> periodical report does not provide specific information about the implementation of this undertaking in respect of Romani.

145. The Committee of Experts is not in a position to conclude on these undertakings and requests the Slovak authorities to comment on them in their next periodical report.

*e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

146. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It requested the Slovak authorities to provide information regarding staff at the disposal of the bodies who organise or support such activities.

147. According to the 2<sup>nd</sup> periodical report, all organisations fostering, developing and presenting national minority cultures (national minority museums, theatres) are headed by persons belonging to the relevant national minority.

148. The Committee of Experts considers this undertaking fulfilled.

*f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

149. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled.

150. According to the 2<sup>nd</sup> periodical report, the Roma national minority has its own grant commission composed of persons belonging to that minority.

151. The Committee of Experts considers this undertaking fulfilled.

*g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

152. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Slovak authorities to clarify how the Forum Institute for Research of National Minorities performs the activities referred to in the present undertaking with specific regard to Romani.

153. According to the information that the Committee of Experts has gathered during the on-the-spot visit, the Fórum inštitút pre výskum menšín (Forum Institute for Research of National Minorities) is neither a public or state-supported institution, nor does it deal with Romani. The Committee of Experts has not been made aware of other bodies relevant for this undertaking.

154. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in Romani.

### **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

155. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on these undertakings and asked the Slovak authorities to comment on them in their next periodical report.

156. According to the 2<sup>nd</sup> periodical report, the Slovak authorities may financially support cultural activities and facilities related to minority languages even if the language concerned has no traditional presence in the region concerned. Such support may also be granted irrespective of the population share of the minority language speakers in the respective area. The Committee of Experts commends the Slovak authorities on this flexible approach. However, no examples of such support in respect of Romani have been provided.

157. The Committee of Experts is not in a position to conclude on this undertaking and requests the Slovak authorities to comment on it in their next periodical report.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

158. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide further information in their next periodical report.

159. According to the 2<sup>nd</sup> periodical report, the Slovak authorities support Roma folklore groups that present their culture abroad, in particular in the Czech Republic. The Committee of Experts would welcome information in the next periodical report about other initiatives presenting Romani as part of the Slovak cultural heritage. In addition, it hopes that the cultural activities which the City of Košice will organise as the European Capital of Culture in 2013 will also reflect the traditional presence in Košice of several regional or minority languages, including Romani.

160. The Committee of Experts considers this undertaking fulfilled.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*

161. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life.

162. The 2<sup>nd</sup> periodical report states that, according to the State Language Act (Section 8.2), written legal actions in labour relations (e.g. employment contracts) or a similar labour relation are made in the state language. However, the Labour Code does not explicitly include provisions that would forbid or exclude the possibility of having such a contract also concluded in a minority language, when the parties to the labour relations so agree. With regard to consumer protection, written information is given in Slovak which is without prejudice to the parallel use of other languages (Consumer Protection Act, Sections 11-12). The Slovak authorities informed the Committee of Experts during the on-the-spot visit that, with a view to implementing the Charter, an amendment to the State Language Act is currently under consideration which would ensure

the right to use a minority language in contracts of employment and technical documents. The Committee of Experts welcomes this step and looks forward to receiving further information in the next periodical report.

163. The Committee of Experts looks forward to the adoption of the amendment to the State Language Act which might lead to the fulfilment of this undertaking.

*b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*

164. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

165. As in the previous monitoring cycle, the Committee of Experts was not informed of any such prohibition.

166. The Committee of Experts considers this undertaking not fulfilled.

*c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

167. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on these undertakings and asked the Slovak authorities to comment on them in their next periodical report.

168. The 2<sup>nd</sup> periodical report refers to the Antidiscrimination Act (2004) and, in particular, positive action measures undertaken by the authorities in accordance with Section 8a.

169. The Committee of Experts considers this undertaking fulfilled.

## **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

...

*c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*

170. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in Romany even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the Romany-speakers are traditionally present in sufficient numbers for the purpose of the present undertaking.

171. According to the 2<sup>nd</sup> periodical report, establishments such as children's homes, crisis centres, resocialisation centres and social care facilities are prepared to receive and treat persons in minority languages. Persons using a minority language are preferentially employed by the social care facilities in those regions where a regional or minority language is used, and the personnel of these facilities communicate both in Slovak and in the minority language.

172. The Committee of Experts notes that this practice has no formal basis at present. The State Language Act (Section 8.4) still provides that the "communication between healthcare professionals and patients shall be usually conducted in the official language" and that "it can be conducted in a language that makes communication with the patient possible" if the patient does not have a command of Slovak. However, the Slovak authorities informed the Committee of Experts during the on-the-spot visit that, with a view to implementing the Charter, an amendment to the State Language Act is currently under consideration which would ensure the right to use a minority language in social care facilities. The Committee of Experts welcomes this step and looks forward to receiving further information in the next periodical report.

173. The Committee of Experts considers this undertaking not fulfilled at present. It urges the Slovak authorities to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in Romani even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the Romani-speakers are present in sufficient numbers for the purpose of the present undertaking.

## Article 14 – Transfrontier exchanges

*The Parties undertake:*

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

174. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude and asked the Slovak authorities to clarify if the agreements with Hungary, Poland, Germany and the Czech Republic also foster contacts between Romani-speakers living in these various countries.

175. The 2<sup>nd</sup> periodical report does not report about this undertaking.

176. The Committee of Experts is not in a position to conclude on this undertaking and requests the Slovak authorities to comment on it in their next periodical report.



### 3.2.2 Hungarian<sup>20</sup>

177. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its 1<sup>st</sup> report and for which it did not receive any new elements requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage. For Hungarian, these provisions are the following: Articles 8.1.a.i; 8.1.e.i; 9.2.a; 11.2; 12.1.d; 12.1.f; 12.3 and 14.a.

## Article 8 – Education

### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

#### **Primary school education**

***b i to make available primary education in the relevant regional or minority languages;***

178. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled but requested clarifications on the risk that small schools in smaller villages may be closed for financial reasons.

179. The 2<sup>nd</sup> periodical report does not comment on this aspect. In a statement pursuant to Article 16.2 of the Charter, the Association of Hungarian Pedagogues in the Slovak Republic informed the Committee of Experts that the number of classes taught in Hungarian at primary schools has decreased. Also, there seem to be problems with the provision of updated textbooks.

180. The Committee of Experts considers this undertaking fulfilled at present. Nevertheless, it requests the Slovak authorities to provide information, in the next periodical report, on the risk that small schools in smaller villages may be closed for financial reasons.

#### **Secondary education**

***c i to make available secondary education in the relevant regional or minority languages;***

181. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled and requested the Slovak authorities to clarify the situation of secondary schools whose number was much smaller than that of pre-schools and primary schools.

182. The 2<sup>nd</sup> periodical report indicates an increase in the number of secondary schools providing Hungarian-medium education from eleven in the 1<sup>st</sup> monitoring cycle to 19 *gymnasia* at present. In addition, seven secondary schools (eight in the 1<sup>st</sup> monitoring cycle) provide bilingual education.

183. The Committee of Experts considers this undertaking fulfilled.

#### **Technical and vocational education**

***d i to make available technical and vocational education in the relevant regional or minority languages;***

184. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled and requested the Slovak authorities to clarify the situation of technical and vocational education.

185. It is not clear from the 2<sup>nd</sup> periodical report whether the number of technical and vocational schools teaching in Hungarian has changed. However, the Association of Hungarian Pedagogues in the Slovak Republic informed the Committee of Experts that the number of classes taught in Hungarian at such schools has decreased and that there are not sufficient textbooks available as apparently textbooks from Hungary may not be used.

186. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Slovak authorities to ensure that technical and vocational education remains available in Hungarian, in conformity with the present undertaking.

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<sup>20</sup> The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by the Slovak Republic.



### **Adult and continuing education**

*f i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages;*

187. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude and asked the Slovak authorities to clarify this point in their next periodical report.

188. The 2<sup>nd</sup> periodical report does not provide specific information about the offer of Hungarian as a subject of adult and continuing education.

189. The Committee of Experts is not in a position to conclude and requests the Slovak authorities to clarify this point in their next periodical report.

### **Teaching of the history and the culture**

*g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

190. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude in this respect and asked the Slovak authorities to provide further information in their next periodical report.

191. The 2<sup>nd</sup> periodical report provides only information about the teaching of the history and the culture which is reflected by Hungarian in Hungarian-language education. By contrast, the Association of Hungarian Pedagogues in the Slovak Republic informed the Committee of Experts that in practice the history and the culture which is reflected by Hungarian is not even taught in schools which provide teaching in/of Hungarian. At any rate, the Committee of Experts reiterates that the present undertaking concerns also education for non-speakers of regional or minority languages about the specific history and traditions related to these languages. This normally entails including elements of the history and culture which is reflected by the regional or minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.<sup>21</sup> In the case of Hungarian (and the other regional or minority languages, see below), no appropriate textbooks are available. Furthermore, the Committee of Experts learnt during the on-the-spot visit that, in a new textbook for the 4<sup>th</sup> grade, topographical names in Hungarian had to be replaced by Slovak names (cf. Article 10.2.g).

192. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts encourages the Slovak authorities to make arrangements to ensure the teaching of the history and the culture which is reflected by Hungarian.***

### **Basic and further training of teachers**

*h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

193. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities “to broaden the offer of training in Hungarian with a view to including a greater variety of subjects, among others the scientific ones. It also encourage[d] the Slovak authorities to adopt a structured approach to further training of teachers.” In addition, **the Committee of Ministers of the Council of Europe recommended to “improve (...) teacher-training.”**

194. The 2<sup>nd</sup> periodical report states that a Methodological Pedagogical Centre has been established to provide further education inter alia for school teachers who use Hungarian. However, the Association of Hungarian Pedagogues in the Slovak Republic informed the Committee of Experts that the Methodological Pedagogical Centre provides further training of teachers of primary and secondary schools only to a very limited extent. Also, the funding seems to be insufficient. The situation of basic teacher training in Hungarian does not seem to have changed. It is provided by the universities of Komárno/Komárom (where pre-school pedagogy is also taught), Nitra and Dunajská Streda/Dunaszzerdahely. The Committee of Experts considers that the very high undertakings entered into by the Slovak Republic in the field of education require a structured approach to teacher training. The Slovak authorities might therefore consider the proposal made by the

<sup>21</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Croatia, ECRML 2005 (3), paragraph 100

Association of Hungarian Pedagogues in the Slovak Republic to establish a dedicated methodological centre for regional or minority language education.

195. The Committee of Experts considers this undertaking partly fulfilled. It urges the Slovak authorities to adopt a structured approach to further training of teachers.

- i* to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

196. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.” In addition, **the Committee of Ministers of the Council of Europe recommended to “(...) set up a body in charge of monitoring the measures taken and progress achieved.”**

197. The 2<sup>nd</sup> periodical report refers to the Council for National Minority Education as a relevant advisory body to the Minister of Education. However, there are no indications that the Council actually monitors the measures taken and progress achieved in establishing or developing teaching in and of Hungarian, and draws up public periodic reports. During the on-the-spot visit, the Association of Hungarian Pedagogues in the Slovak Republic stated that other relevant institutions, namely the State Pedagogy Institute (Štátny pedagogický ústav), the State Institute for Professional Education (Štátny inštitút odborného vzdelávania), the Methodological Centre (Metodické centrum) and the National Institute of Certified Measures of Education (Národný ústav certifikovaných meraní vzdelávania), do not have the capacity to monitor minority language education. The Association of Hungarian Pedagogues consequently requested to set up a dedicated body. Against this background, the Committee of Experts reiterates<sup>22</sup> that this undertaking requires a body dedicated to looking at the teaching of regional or minority languages. In practice, it is possible for an existing body to monitor the measures taken and progress achieved in minority language education and to produce and publish periodical reports.

198. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.***

## Article 9 – Judicial authorities

199. In the 1<sup>st</sup> monitoring cycle, **the Committee of Ministers of the Council of Europe recommended to “remove the restrictions on the right to use regional or minority languages in court.”**

### Paragraph 1

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

- a* in criminal proceedings:
    - ...
    - ii* to guarantee the accused the right to use his/her regional or minority language; and/or
    - iii* to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;
- if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

200. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings partly fulfilled. It encouraged the Slovak authorities:

<sup>22</sup> Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of the United Kingdom, paragraph 131

“- to guarantee the right of the accused to use the Hungarian language in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution;  
- to provide in the legislation that requests and evidence may be produced in Hungarian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.”

201. According to the 2<sup>nd</sup> periodical report, the relevant legislation still limits the right to use a minority language in criminal proceedings by the use of interpreters and translations to cases where the person concerned “does not know the language of the proceedings” (Section 2 paragraph 20 of the Criminal Procedure Code) or “does not [...] understand or speak the language of the proceedings” (ibid., Section 28, paragraph 1). In addition, a translator shall be assigned if “there is a need to translate the record of the statements or other documents” (ibid., Section 28, paragraph 3). It follows from this that requests and evidence in a regional or minority language do not seem to be admissible if the author has a command of Slovak. There is also no explicit provision in the legislation that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned if she/he has a command of Slovak. No specific provision seems to exist concerning written testimonies or requests. Finally, summons do not mention linguistic rights as it is assumed that they are known to everyone.

202. As far as the practical situation is concerned, the 2<sup>nd</sup> periodical report states that interpreters for Hungarian have been assigned in a number of cases to persons belonging to the Hungarian national minority. This was confirmed by representatives of the speakers during the on-the-spot visit. While noting the implementation of this undertaking in practice, the Committee of Experts reiterates the need to clarify and complete the legal framework.

203. The Committee of Experts considers these undertakings partly fulfilled. It urges the Slovak authorities to guarantee the right of the accused to use Hungarian in the criminal proceedings irrespective of whether he or she also has a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts urges the Slovak authorities to provide in the legislation that requests and evidence may be produced in Hungarian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

**b in civil proceedings:**

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**
- iii to allow documents and evidence to be produced in the regional or minority languages,**

**if necessary by the use of interpreters and translations;**

**c in proceedings before courts concerning administrative matters:**

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**
- iii to allow documents and evidence to be produced in the regional or minority languages,**

**if necessary by the use of interpreters and translations;**

204. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings partly fulfilled. It encouraged the Slovak authorities “to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use the Hungarian language without thereby incurring additional expense, and evidence and documents may be produced in Hungarian if necessary by the use of interpreters and translations, even if the Hungarian-speaker has a command of the Slovak language.”

205. The 2<sup>nd</sup> periodical report states that in civil proceedings the parties “have the right to use their mother tongue or the official language of the state” (Section 18 of the Civil Procedure Code). “Costs incurred in obtaining evidence ... and the costs resulting from the use of the mother tongue by the party are borne by the State” (ibid., Section 141, paragraph 2). Furthermore, it is stated that the legal order of the Slovak Republic allows parties to submit documents and evidence in regional and minority languages without

thereby incurring additional expense. The Civil Procedure Code applies mutatis mutandis to court proceedings in administrative cases. However, these provisions represent an implementation in the civil (and administrative) proceedings of the general right to interpretation for non-speakers of Slovak, guaranteed by Article 47.4 of the Constitution, but which is not available to regional or minority language speakers who are also able to speak Slovak.

206. As far as the practical situation is concerned, the 2<sup>nd</sup> periodical report states that interpreters for Hungarian have been assigned in a number of cases to persons belonging to the Hungarian national minority. In most cases the reason for assigning an interpreter was a request on grounds that the party's mother tongue was Hungarian, in which the person concerned was able to express himself/herself better, even though the party had a command of Slovak. While noting the implementation of this undertaking in practice, the Committee of Experts reiterates the need to clarify and complete the legal framework.

207. The Committee of Experts considers these undertakings partly fulfilled. It urges the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use the Hungarian language without thereby incurring additional expense, and evidence and documents may be produced in Hungarian if necessary by the use of interpreters and translations, even if the Hungarian-speaker has a command of the Slovak language.

*d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.*

208. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

209. In the light of the conclusions reached under Article 9.1.b.ii/b.iii/c.ii/c.iii above, the Committee of Experts considers this undertaking partly fulfilled. It encourages the Slovak authorities to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

### **Paragraph 3**

*The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

210. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

211. According to the 2<sup>nd</sup> periodical report, most of the laws which directly implement constitutional rights of persons belonging to a national minority have been translated into Hungarian. However, amendments to such laws are frequently not available in Hungarian. In addition, the Committee of Experts was informed during the on-the-spot visit that also national statutory texts which do not relate to national minorities have been translated into Hungarian.

212. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Slovak authorities to ensure that amendments to the most important national statutory texts are also available in Hungarian.

## **Article 10 – Administrative authorities and public services**

### *Preliminary issues*

213. The Committee of Experts has already observed that Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20%-threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

## Paragraph 1

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

- a ...
- ii *to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages;*

214. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide further information in their next periodical report.

215. According to the 2<sup>nd</sup> periodical report, officers of district offices usually have a command of Hungarian, and they use this language in communication with persons who apply to them in Hungarian. This is also the case regarding the police, registrars and, in territories with a significant presence of the Hungarian minority, specialised state administration authorities (e.g. district environment offices). However, according to the information that the Committee of Experts has at its disposal, it is not possible to apply in Hungarian for official instruments and documents (e.g. identity cards, driving licences, passports). Representatives of the Hungarian-speakers complained during the on-the-spot visit that the State authorities do not encourage Hungarian-speakers to use their language in relations with the local branches of the State authorities. In addition, this provision is not applied in those administrative districts where the Hungarian-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertaking.

216. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts encourages the Slovak authorities to take the necessary measures so that the Hungarian-speakers may submit oral or written applications and receive a reply in Hungarian, wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.***

## Paragraph 2

217. Pursuant to Slovak legislation, the use of regional or minority languages in relations with local branches of the State administration and local authorities is possible in municipalities where, according to the last census, at least 20% of the population belong to a given national minority. By contrast, the Committee of Experts notes that the use of regional or minority languages in relations with *regional* authorities is not formally permitted.

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- a *the use of regional or minority languages within the framework of the regional or local authority;*

218. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled in the case of regional authorities and partly fulfilled in the case of local authorities. It encouraged the Slovak authorities "to take the necessary measures to allow and/or encourage the wider use of Hungarian within all aspects of the framework of the regional or local authority, and to provide the legal basis for introducing the use of Hungarian at regional level where the speakers are present in sufficient number."

219. It is not clear from the information contained in the 2<sup>nd</sup> periodical report whether the use of Hungarian *within* local and regional authorities (*okresy*) is formally permitted and implemented in practice. Representatives of local authorities stated during the on-the-spot visit that Hungarian is de facto used within local authorities. This provision is not applied in those municipalities where the Hungarian-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertaking.

220. The Committee of Experts considers this undertaking partly fulfilled in the case of local authorities and not fulfilled in the case of regional authorities.



***The Committee of Experts urges the Slovak authorities to take the necessary measures to allow and/or encourage the wider use of Hungarian within all aspects of the framework of the regional or local authority, and to provide the legal basis for introducing the use of Hungarian at regional level where the speakers are present in sufficient number.***

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

221. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled at local level and not fulfilled at regional level. It encouraged the Slovak authorities to “- take the necessary measures so that the Hungarian-speakers may submit oral or written applications in Hungarian also in those municipalities where the Hungarian-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking, - to provide the legal basis required for Hungarian speakers to submit oral or written applications in Hungarian also in relation to regional authorities where the speakers are present in sufficient number.”

222. According to the information that the Committee of Experts gathered during the on-the-spot visit, users of Hungarian actually do submit oral or written applications in Hungarian to local authorities in municipalities where they represent at least 20% of the population. Some degree of practical implementation of this undertaking may de facto also occur in municipalities where the Hungarian-speakers represent less than 20% of the population. Formally, however, Hungarian-speakers may not submit oral or written applications in Hungarian in those municipalities where they represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking. Furthermore, there is no legal basis which would allow Hungarian-speakers to submit oral or written applications in Hungarian in relation to regional authorities.

223. The Committee of Experts considers this undertaking partly fulfilled at local level and not fulfilled at regional level.

***The Committee of Experts urges the Slovak authorities to - take the necessary measures so that the Hungarian-speakers may submit oral or written applications in Hungarian including in those municipalities where the Hungarian-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking, - to provide the legal basis required for Hungarian speakers to submit oral or written applications in Hungarian also in relation to regional authorities where the speakers are present in sufficient number.***

*c the publication by regional authorities of their official documents also in the relevant regional or minority languages;*  
*d the publication by local authorities of their official documents also in the relevant regional or minority languages;*

224. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered undertaking (c) not fulfilled and undertaking (d) partly fulfilled. It encouraged the Slovak authorities “to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.”

225. According to the 2<sup>nd</sup> periodical report, the situation has not changed. Local authorities may only publish an outline, but not the official document as such in Hungarian. No such possibility exists with regard to regional authorities. Furthermore, the present provisions are not applied by regional and local authorities on whose territory Hungarian-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertakings. Nevertheless, the information received during the on-the-spot visit indicates that some degree of de facto implementation of this undertaking may occur in some municipalities.

226. The Committee of Experts considers undertaking (c) not fulfilled and undertaking (d) partly fulfilled.

***The Committee of Experts urges the Slovak authorities to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.***

- f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

227. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities “to take the necessary measures to ensure that the right to use Hungarian in debates of municipal assemblies is guaranteed also with regard to municipalities where the Hungarian-speakers represent less than 20% of the population but still a sufficient number for the purpose of the present undertaking. Furthermore, the condition that all present consent to the use of Hungarian for conducting a session of a local authority should be removed; Hungarian or Slovak should be used in accordance with the choice of the speakers and appropriate provision be made for translation and/or interpretation during the session.”

228. During the on-the-spot visit, the attention of the Committee of Experts was drawn to the fact that, in practice, Hungarian is only used in municipalities where more than 50% of the population belongs to the Hungarian minority. The right to use Hungarian in debates of municipal assemblies is not guaranteed with regard to municipalities where the Hungarian-speakers represent less than 20% of the population but still a sufficient number for the purpose of the present undertaking. Furthermore, the condition that all members present must consent to Hungarian being used for conducting a session of a local authority has not been removed. The Committee of Experts considers this an unnecessary and discriminatory pre-condition.

229. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts urges the Slovak authorities***  
***- to take the necessary measures to ensure that the right to use Hungarian in debates of municipal assemblies is guaranteed also with regard to municipalities where the Hungarian-speakers represent less than 20% of the population but still a sufficient number for the purpose of the present undertaking***  
***- to remove the condition that all members present must consent to Hungarian being used for conducting a session of a local authority***  
***- to use Hungarian and Slovak in accordance with the choice of the speakers and to make appropriate provision for translation and/or interpretation during the session.***

- g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

230. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities “to take the necessary measures to allow and/or encourage the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in Hungarian also in those municipalities where the Hungarian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. The Slovak authorities [were] also encouraged to provide for this possibility with regard to smaller territorial units within the municipalities.”

231. No measures have been taken to allow and/or encourage the use or adoption of place-names in Hungarian in those municipalities where the Hungarian-speakers do not attain the 20%-threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

232. In places where the Hungarian-speakers attain the 20%-threshold, the Hungarian name of the municipality only and, where applicable, of the streets are used. There are no indications of the adoption or the use of names of smaller territorial units within such municipalities. The Committee of Experts repeats the observation made in the 1<sup>st</sup> evaluation report that the term “place-names” within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names (“la toponymie” in the French version of the Charter) of that municipality that can be officially used, for example in documents or in the signage. Public inscriptions/signs for tourists in areas where Hungarian is traditionally used (e.g. Bratislava) do not mention place-names in Hungarian although the 20%-threshold does not apply to such information.

233. In a statement pursuant to Article 16.2 of the Charter, the Gramma Language Office informed the Committee of Experts that about 100 traditional and correct forms of place-names in Hungarian are prevented from being officially used because of the impossibility to adopt or use Hungarian place-names which were used between 1867 and 1918 and between 1938 and 1945. Traditional Hungarian place-names apparently cannot be used either with respect to places that were renamed after a Slovak person in 1948.



234. In places where the Hungarian-speakers attain the 20%-threshold, the Hungarian name of the municipality appears on separate and very small place-name signs. The Committee of Experts notes that the purpose of this undertaking is to give the minority language public visibility. This objective is not reached if the place-name signs are too small to be read. In addition, signposts within municipalities are not bilingual.

235. The Committee of Experts learnt during the on-the-spot visit that, in a new textbook for the 4<sup>th</sup> grade, topographical names in Hungarian had to be replaced by Slovak names.

236. The Committee of Experts considers this undertaking partly fulfilled. It requests the Slovak authorities to comment on the issues raised in the preceding five paragraphs in the next periodical report.

***The Committee of Experts urges the Slovak authorities to take the necessary measures to allow and/or encourage the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in Hungarian also in those municipalities where the Hungarian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. The Slovak authorities are also urged to provide for this possibility with regard to smaller territorial units within the municipalities.***

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

...

- b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or*
- [c to allow users of regional or minority languages to submit a request in these languages.]*

237. Given that sub-paragraphs b and c represent alternative options, the Committee of Experts will follow its usual practice and apply the highest option (b) *ex officio*.

238. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of these undertakings and asked the Slovak authorities to elaborate further.

239. According to the 2<sup>nd</sup> periodical report, Act No. 184/1999 on the Use of Languages of National Minorities provides that persons belonging to a national minority have the right to file written applications to public authorities in the minority language in a municipality where the 20%-threshold is met. The public authority concerned shall reply in the minority language, in addition to Slovak (Section 2.3). However, it is not clear whether the notion “public authority” extends to public services. Furthermore, this provision is not complied with in those municipalities where the Hungarian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

240. The Committee of Experts is not in a position to conclude on the fulfilment of these undertakings and requests the Slovak authorities to provide the relevant information in the next periodical report.

### **Paragraph 4**

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- a translation or interpretation as may be required;*

241. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude. It asked the Slovak authorities to submit further practical information, including regarding the areas where the Hungarian-speakers do not attain the 20% threshold of the municipal population but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

242. According to the 2<sup>nd</sup> periodical report, public authorities in a municipality where the 20%-threshold is met have the obligation “to create conditions for the use of that minority language”. Apart from the specific case of the registering of births, there does not seem to exist an explicit formal basis for the provision of translation or interpretation and there is no evidence of translation being provided in practice. Furthermore, this provision is not complied with in those municipalities where the Hungarian-speakers do not attain the 20%

threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

243. The Committee of Experts is unable to conclude and requests the Slovak authorities to provide practical information on the availability of translation and interpretation in areas where the Hungarian-speakers represent a sufficient number of speakers for the purpose of the present undertaking.

- c *compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

244. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was unable to conclude and asked the Slovak authorities to comment on this undertaking in their next periodical report.

245. The 2<sup>nd</sup> periodical report does not provide any specific information in this regard.

246. The Committee of Experts is unable to conclude and requests the Slovak authorities to comment on this undertaking in their next periodical report.

### **Paragraph 5**

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

247. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to take the necessary measures to allow in all cases the use or adoption of family names in the regional or minority languages, at the request of those concerned.” In addition, **the Committee of Ministers of the Council of Europe recommended to “guarantee women the right to adopt or use family names in regional or minority languages.”**

248. According to the 2<sup>nd</sup> periodical report, the surname of a female person will be entered in her birth certificate or marriage certificate without the Slovak female inflection at her parents’ or her own written request. All subsequent official extracts and statements of data entered in the register are made with this form of the surname. It appears that a female person may also use her surname at birth in official documents without the grammatical suffix.

249. The Committee of Experts considers this undertaking fulfilled.

## **Article 11 – Media**

### **Paragraph 1**

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

- a *to the extent that radio and television carry out a public service mission:*

...

- iii *to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

250. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled. However, it noted that the State Language Act required that all television programmes be subtitled in Slovak, which prevented the broadcasting of live programmes in Hungarian. The Committee of Experts therefore encouraged the Slovak authorities to enable live programmes to be broadcast in Hungarian, given that they have a higher viewing rate. In addition, **the Committee of Ministers of the Council of Europe recommended to “improve the provision of broadcast (...) in all regional or minority languages.”**

251. The 2<sup>nd</sup> periodical report does not contain the requested information. During the on-the-spot visit, representatives of the Hungarian-speakers confirmed that the aforementioned problem persists. Consequently, the observations made by the Committee of Experts in its 1<sup>st</sup> evaluation report remain valid.

252. According to the additional information that the Committee of Experts received from the Slovak authorities, Radio Patria (Slovenský rozhlas) broadcasts twelve hours per day in Hungarian. In addition, Slovenská televízia broadcast 163 hours in Hungarian in 2007 (1<sup>st</sup> monitoring cycle: 140 hours). The presence of Hungarian in public service television remains more or less symbolical, which reduces the effectiveness and attractiveness of this broadcasting. The Committee of Experts reiterates the great importance of the electronic media, especially television, for the promotion of regional or minority languages in modern societies. In particular, a regular and predictable presence of a regional or minority language on radio and television can enhance considerably its social prestige.<sup>23</sup>

253. The Committee of Experts considers this undertaking fulfilled regarding radio and partly fulfilled regarding television. It urges the Slovak authorities to enable live television programmes in Hungarian.

***The Committee of Experts encourages the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Hungarian language on public television.***

b ...

ii *to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

254. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

255. While the 2<sup>nd</sup> periodical report does not provide any numbers of licence holders that broadcast in Hungarian, representatives of the Hungarian-speakers confirmed during the on-the-spot visit that there is actually no private broadcasting of radio programmes in Hungarian. The Committee of Experts notes that this is the result of the fact that private radio stations are obliged to have all the broadcasting translated into Slovak. The requirement to translate radio broadcasts is clearly unfeasible and in any event discourages commercial radios from broadcasting in a minority language, rather than encouraging them in conformity with the present undertaking. Regular broadcasts in regional or minority languages could be encouraged through financial incentives or by including the use of such languages among the criteria for allocating frequencies.<sup>24</sup>

256. The Committee of Experts considers this undertaking not fulfilled.

c ...

ii *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

257. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

258. According to the 2<sup>nd</sup> periodical report, 18 local television stations in southern parts of the Slovak Republic provide television broadcasting in Hungarian. The Committee of Experts notes that private television channels are obliged to have all programmes subtitled in Slovak. Subtitling is certainly of interest from the point of view of the Charter, but this requirement puts private television stations wanting to broadcast also in Hungarian at an economic disadvantage compared to private television stations broadcasting only in Slovak. It therefore discourages private television channels from broadcasting in a minority language, rather than encouraging them in conformity with the present undertaking. As noted above, regular broadcasts in regional or minority languages could be encouraged through financial incentives or by including the use of such languages among the criteria for allocating frequencies.

259. The Committee of Experts considers this undertaking nevertheless partly fulfilled.

***The Committee of Experts encourages the Slovak authorities to remove the existing restrictive requirements for private television and radio broadcasters offering programmes in minority languages.***

d *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

<sup>23</sup>

Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Switzerland, paragraph 118

<sup>24</sup>

Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Hungary, paragraph 128

260. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

261. The 2<sup>nd</sup> periodical report refers to two new laws. The Digital Broadcasting Act of 2007 liberalised the authorisation scheme for television and radio broadcasting and creates room for the creation of new platforms for the provision of on-line services. Furthermore, the Audiovisual Act of 2008 provides for the possibility of presenting audio-visual works also in the original language (including minority languages), except that programmes for children under twelve cannot be broadcast in regional or minority languages at times when children want to watch television (Section 17 paragraph 4). However, according to the information that the Committee of Experts has at its disposal, neither of the acts have so far encouraged and/or facilitated the production and distribution of audio and audiovisual works in Hungarian.

262. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages, also ensuring that minority language programmes on digital television are available for children at suitable times.

*e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;*

263. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled. Nevertheless, it encouraged the Slovak authorities to reflect on how a legal basis could be created and a strong basis for continued support be provided. The Committee of Experts also asked the Slovak authorities to comment on how public advertising is allocated. In addition, **the Committee of Ministers of the Council of Europe recommended to “improve the provision of (...) print media in all regional or minority languages.”**

264. In 2007, the Ministry of Culture granted SKK 1 000 000 (€ 33 194) to the daily newspaper “Új Szó”. According to the additional information provided by the Slovak authorities during the on-the-spot visit, they have also supported three weekly, 13 monthly, four bi-monthly, three quarterly and one half-yearly periodicals in Hungarian.

265. The 2<sup>nd</sup> periodical report states that Act No. 81/1966 on Periodical Press and other Mass Media does not contain any specific provisions concerning periodical or non-periodical press of national minorities. Consequently, there exists no clear legal basis for print media in regional or minority languages. According to representatives of the Hungarian-speakers, grants are distributed on the basis of projects and cover only a small portion of the costs. This seems to confirm the observation made in the first evaluation report that there is no strong basis for continued support. No information is available on how public advertising is allocated.

266. The Committee of Experts considers this undertaking fulfilled. Nevertheless, it urges the Slovak authorities to create a legal basis for continued support of newspapers in regional or minority languages and to provide information, in the next periodical report, on how public advertising is allocated.

*f i to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media;*

267. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

268. According to the 2<sup>nd</sup> periodical report, national minorities are allocated dedicated funds for press through the Ministry of Culture’s grant scheme. No information is available on how the additional costs of other media using Hungarian are covered.

269. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Slovak authorities to provide information, in the next periodical report, on how the additional costs of other media using Hungarian are covered.

### **Paragraph 3**

***The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.***

270. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

271. According to the 2<sup>nd</sup> periodical report, the Slovak Television Council and the Slovak Radio Council are the competent bodies to approve broadcasting concepts and plans also in respect of the languages of national minorities. Both councils are composed of 15 members which are elected by the National Council. However, it is not clear to the Committee of Experts how the interests of national minorities are represented in each body.

272. The Committee of Experts is not in a position to conclude on this undertaking and requests the Slovak authorities to comment on it in their next periodical report.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

***With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:***

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;***

273. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled. Nevertheless, it requested the Slovak authorities to comment on complaints that the implementation of this undertaking had no legal basis.

274. The 2<sup>nd</sup> periodical report clarifies the legal basis.<sup>25</sup>

275. The Committee of Experts considers this undertaking fulfilled.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***
- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

276. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of these undertakings and asked the Slovak authorities to comment on it in their next periodical report.

277. According to the 2<sup>nd</sup> periodical report, the Ministry of Culture supports translations of works in minority languages into Slovak (e.g. belles-lettres, scientific literature in arts and social sciences), for example through grants to the Kaligram publishing house. Furthermore, the Ministry of Culture supports publishing and publication activities of the Hungarian national minority publishing houses for publishing translations of literature in Hungarian.

278. The Committee of Experts considers these undertakings fulfilled.

- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;***

279. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information.

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<sup>25</sup> in particular Order of the Ministry of Culture No. MK-4601/2007-110/17430 on granting subsidies within the competence of the Ministry of Culture (2007); Guideline of the Ministry of Culture No. MK-1378/2008 – 10/4567 on granting subsidies (2008)

280. According to the 2<sup>nd</sup> periodical report, all organisations fostering, developing and presenting culture of national minorities in the Slovak Republic, national minority museums run by the Ministry of Culture and relevant regional theatres are headed by persons belonging to the national minority concerned.

281. The Committee of Experts considers this undertaking fulfilled.

- g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

282. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude and asked the Slovak authorities to clarify this point in the next periodical report.

283. According to the 2<sup>nd</sup> periodical report, the Slovak authorities support in particular the Fórum inštitút pre výskum menšín (Forum Minority Research Institute) that collects, archives and publishes works on the national minorities in the Slovak Republic. In addition, it carries out related research and publishes the yearbook “National Minorities in the Slovak Republic” in Slovak and Hungarian. While noting that the activities of the Fórum inštitút are relevant under the present undertaking, the Committee of Experts was informed during the on-the-spot visit by representatives of the Hungarian-speakers that the Fórum inštitút does not receive state support. The Committee of Experts has not been made aware of any other bodies relevant for this undertaking.

284. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It requests the Slovak authorities to clarify whether financial support is provided to the Fórum inštitút or whether there are other institutions relevant for this undertaking.

## **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

285. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude and asked the Slovak authorities to clarify this point in the next periodical report.

286. According to the 2<sup>nd</sup> periodical report, the Slovak authorities may financially support cultural activities and facilities related to minority languages even if the language concerned has no traditional presence in the region concerned. Such support may also be granted irrespective of the population share of the minority language speakers in the respective area. The Committee of Experts commends the Slovak authorities on this flexible approach. However, no examples of such support in respect of Hungarian have been provided.

287. The Committee of Experts considers this undertaking formally fulfilled. It encourages the Slovak authorities to allow, encourage and/or provide appropriate cultural activities and facilities for Hungarian in territories other than those in which Hungarian is traditionally used.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*

288. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life.”

289. The 2<sup>nd</sup> periodical report states that, according to the State Language Act (Section 8.2), written legal actions in labour relations (e.g. employment contracts) or a similar labour relation are made in the state language. However, the Labour Code does not explicitly include provisions that would forbid or exclude the possibility of having such a contract also concluded in a minority language, when the parties to the labour



relations so agree. With regard to consumer protection, written information is given in Slovak which is without prejudice to the parallel use of other languages (Consumer Protection Act, Sections 11-12). The Slovak authorities informed the Committee of Experts during the on-the-spot visit that, with a view to implementing the Charter, an amendment to the State Language Act is currently under consideration which would ensure the right to use a minority language in contracts of employment and technical documents. The Committee of Experts welcomes this step and looks forward to receiving further information in the next periodical report.

290. The Committee of Experts considers this undertaking fulfilled.

*b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*

291. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

292. As in the previous monitoring cycle, the Committee of Experts was not informed of any such prohibition.

293. The Committee of Experts considers this undertaking not fulfilled.

*c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

294. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

295. The 2<sup>nd</sup> periodical report refers to the 2004 Antidiscrimination Act (Section 8a).

296. The Committee of Experts has not received any complaints and considers this undertaking fulfilled.

## **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

...

*c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*

297. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in Hungarian even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the Hungarian-speakers are present in sufficient numbers for the purpose of the present undertaking.”

298. According to the 2<sup>nd</sup> periodical report, establishments such as children’s homes, crisis centres, resocialisation centres and social care facilities are prepared to receive and treat persons in minority languages. Persons using a minority language are preferentially employed by the social care facilities in those regions where a regional or minority language is used, and the personnel of these facilities communicate both in Slovak and in the minority language. Representatives of the Hungarian-speakers informed the Committee of Experts during the on-the-spot visit that most specialised hospitals are located outside the Hungarian-speaking area with the consequence that Hungarian-speaking patients cannot necessarily use their language.

299. The Committee of Experts notes that the use of minority languages in social care facilities has at present no formal basis. The State Language Act (Section 8.4) provides that the “communication between healthcare professionals and patients shall be usually conducted in the official language” and that “it can be conducted in a language that makes communication with the patient possible” if the patient does not have a command of Slovak. However, the Slovak authorities informed the Committee of Experts during the on-the-spot visit that, with a view to implementing the Charter, an amendment to the State Language Act is currently under consideration which would ensure the right to use a minority language in social care facilities. The Committee of Experts welcomes this step and looks forward to receiving further information in the next periodical report.

300. The Committee of Experts considers this undertaking partly fulfilled. It urges the Slovak authorities to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in Hungarian even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the Hungarian-speakers are present in sufficient numbers for the purpose of the present undertaking.

#### **Article 14 – Transfrontier exchanges**

*The Parties undertake:*

...

**b** *for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

301. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled. Still, it requested the Slovak authorities to comment on complaints that with the exception of some funds allocated by the Ministry of Culture, there was no financial involvement on the part of the Slovak authorities.

302. The 2<sup>nd</sup> periodical report does not comment on this issue.

303. The Committee of Experts considers this undertaking fulfilled. Nevertheless, it requests the Slovak authorities to provide information, in their next periodical report, on the financial involvement of the Slovak authorities.

### 3.2.3 German<sup>26</sup>

304. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its 1<sup>st</sup> report and for which it did not receive any new elements requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage. For German, these provisions are the following: Articles 8.1.e.ii; 11.2; 12.1.d and 12.1.f.

## Article 8 – Education

### *Preliminary issues*

305. The undertakings entered into by the Slovak Republic under Article 8 require the authorities *to make available* regional or minority language education at the different levels of education. This implies that the offer needs to precede the demand, i.e. that the education has to be organised before the authorities are approached by parents or pupils.<sup>27</sup> Such offer also needs to ensure continuity from pre-school to technical and vocational education in the geographical areas concerned. Representatives of the German-speakers stated that, for German-language education, these areas are the districts (*okresy*) of Bratislava, Prievidza, Turčianske Teplice, Žiar nad Hronom, Stará Ľubovňa, Kežmarok, Poprad, Spišská Nová Ves, Gelnica, Košice and Košice-okolie. Moreover, the authorities have to actively inform parents and/or pupils about the availability of regional or minority language education and to encourage them to apply for it.

### **Paragraph 1**

***With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:***

#### ***Pre-school education***

- a
  - i *to make available pre-school education in the relevant regional or minority languages; or*
  - ii *to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
  - iii *to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient;*

306. In the 1<sup>st</sup> monitoring cycle, this undertaking was not fulfilled as there was only the pre-school in Chmel'nica using some degree of German. The Committee of Experts considered this offer insufficient to cater for the demand of the German-speakers and encouraged the Slovak authorities to make available at least a substantial part of pre-school education in German to those pupils whose families so request and whose number is considered sufficient.

307. According to the 2<sup>nd</sup> periodical report, no pre-school uses German wholly or substantially. The pre-schools in Chmel'nica and Gelnica, however, use some degree of German. Representatives of the German-speakers stated during the on-the-spot visit that the lack of continuity discourages many parents who are interested in pre-school education in German from requesting it. On the whole, the offer remains insufficient to cater for the demand of the German-speakers.

308. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to make available at least a substantial part of pre-school education in German to those pupils whose families so request and whose number is considered sufficient.***

#### ***Primary education***

- b ...
- iii *to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*

309. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts did not conclude on the fulfilment of this undertaking. It requested the Slovak authorities to comment on how the teaching of German is adjusted in

<sup>26</sup>

The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by the Slovak Republic.

<sup>27</sup>

Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of the United Kingdom, paragraph 68

accordance with adequate methodology and attainment targets for pupils who have or aspire to have German as a mother tongue.

310. The 2<sup>nd</sup> periodical report states that, within the network of minority language schools, one primary school teaches in German and five primary schools provide some additional teaching in German. In addition, representatives of the German-speakers stated during the on-the-spot visit that this teaching is not adjusted in accordance with adequate methodology and attainment targets for pupils who have or aspire to have German as a mother tongue. No teaching materials seem to be available for the 1<sup>st</sup> and 2<sup>nd</sup> grades.

311. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Slovak authorities to provide, within primary education, for the teaching of German as an integral part of the curriculum and to ensure that there is an offer of teaching of German in all areas where there is a sufficient number of German-speakers.

### **Secondary education**

- c
  - i to make available secondary education in the relevant regional or minority languages; or
  - ii to make available a substantial part of secondary education in the relevant regional or minority languages; or
  - iii **to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;**

312. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts did not conclude on the fulfilment of this undertaking. It requested the Slovak authorities to comment on complaints by the German-speakers that secondary schools do not take into account the specific needs of pupils who have or aspire to have German as a mother tongue (methodology, attainment targets).

313. According to the 2<sup>nd</sup> periodical report, no secondary school teaches German as an integral part of the curriculum. Some secondary schools, however, offer extended teaching of German, though not as an integral part of the curriculum. Representatives of the German-speakers stated during the on-the-spot visit that this teaching is not adjusted in accordance with adequate methodology and attainment targets for pupils who have or aspire to have German as a mother tongue.

314. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to provide, within secondary education, for the teaching of German as an integral part of the curriculum and to ensure that there is an offer of teaching of German in all areas where there is a sufficient number of German-speakers.

### **Technical and vocational education**

- d
  - i to make available technical and vocational education in the relevant regional or minority languages; or
  - ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
  - iii **to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;**

315. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to develop an offer of technical and vocational education providing for the teaching of German as an integral part of the curriculum.”

316. According to the 2<sup>nd</sup> periodical report, there is no vocational or technical school providing for the teaching of German as an integral part of the curriculum.

317. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to provide for the teaching of German as an integral part of the curriculum at primary, secondary, technical and vocational education and to ensure continuity between the different levels of education.***

## **Adult and continuing education**

- f*
  - i* to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or
  - ii* to offer such languages as subjects of adult and continuing education;

318. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

319. The 2<sup>nd</sup> periodical report does not provide information about facilities offering German as a subject of adult and continuing education.

320. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and requests the Slovak authorities to comment on it in their next periodical report.

- g* to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

321. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide further information in their next periodical report.

322. While the 2<sup>nd</sup> periodical report does not provide specific information about this issue, representatives of the German-speakers informed the Committee of Experts during the on-the-spot visit that the history and the culture which is reflected by German is neither taught in schools which teach German as a regional or minority language, nor in other schools. The Committee of Experts recalls that the present undertaking concerns education for pupils using regional or minority languages but also education for non-speakers about the specific history and traditions related to the regional or minority languages spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the regional or minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.<sup>28</sup> Such teaching is relevant in the case of the German language as well, given that historical prejudices vis-à-vis the German-speakers remain strong in the Slovak Republic.

323. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts encourages the Slovak authorities to make arrangements to ensure the teaching of the history and the culture which is reflected by German.***

- h* to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

324. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to plan and provide basic and further training of teachers as required to implement the undertakings chosen by the Slovak Republic under Article 8.” In addition, **the Committee of Ministers of the Council of Europe recommended to “improve (...) teacher-training.”**

325. The 2<sup>nd</sup> periodical report does not provide any specific information about this issue. Representatives of the German-speakers informed the Committee of Experts during the on-the-spot visit that there exists no proper teacher training system for German which would provide the methodological training needed to teach pupils who have or aspire to have German as a mother tongue. The training of teachers for the 1<sup>st</sup> level of primary schools is carried out only in the form of German language studies at the University in Nitra. In the absence of a dedicated public teacher training system, further training for teachers is organised by the Carpathian German Association. There is a clear shortage of teachers and a lack of any serious planning in the area of teacher training. On the whole, the Committee of Experts notes that the situation has not improved since the 1<sup>st</sup> monitoring cycle.

326. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to plan and provide basic and further training of teachers as required to implement the undertakings chosen by the Slovak Republic under Article 8.***

<sup>28</sup>

Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Croatia, ECRML 2005 (3), paragraph 100

- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

327. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.” In addition, **the Committee of Ministers of the Council of Europe recommended to “(...) set up a body in charge of monitoring the measures taken and progress achieved.”**

328. The 2<sup>nd</sup> periodical report refers to the Council for National Minority Education as a relevant advisory body to the Minister of Education. However, there are no indications that the Council monitors the measures taken and progress achieved in establishing or developing teaching in and of German, and of drawing up public periodic reports. The Committee of Experts reiterates<sup>29</sup> that this undertaking requires a body dedicated to looking at the teaching of regional or minority languages. In practice, it is possible for an existing body to monitor the measures taken and progress achieved in minority language education and to produce and publish periodical reports.

329. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.***

## Article 9 – Judicial authorities

330. In the 1<sup>st</sup> monitoring cycle, **the Committee of Ministers of the Council of Europe recommended to “remove the restrictions on the right to use regional or minority languages in court.”**

### Paragraph 1

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

- a in criminal proceedings:*

*...*

- ii to guarantee the accused the right to use his/her regional or minority language; and/or*  
*iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

331. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It encouraged the Slovak authorities:  
“- to guarantee the right of the accused to use the German language in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution;  
- to provide in the legislation that requests and evidence may be produced in German, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the speaker has a command of Slovak.”

332. According to the 2<sup>nd</sup> periodical report, the relevant legislation still limits the right to use a minority language in criminal proceedings by the use of interpreters and translations to cases where the person concerned “does not know the language of the proceedings” (Section 2 paragraph 20 of the Criminal Procedure Code) or “does not [...] understand or speak the language of the proceedings” (ibid., Section 28,

<sup>29</sup> Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of the United Kingdom, paragraph 131



paragraph 1). In addition, a translator shall be assigned if “there is a need to translate the record of the statements or other documents” (ibid., Section 28, paragraph 3). It follows from this that requests and evidence in a regional or minority language do not seem to be admissible if the author has a command of Slovak. There is also no explicit provision in the legislation that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned if she/he has a command of Slovak. No specific provision seems to exist concerning written testimony or requests. Finally, summons do not mention linguistic rights as it is assumed that they are known to everyone.

333. As far as the practical situation is concerned, it appears from the information appended to the 2<sup>nd</sup> periodical report that interpreters for German have been assigned in some cases to foreigners. However, representatives of the German-speakers informed the Committee of Experts that German has not been used by German-speaking citizens of the Slovak Republic in criminal proceedings. In conclusion, the Committee of Experts reiterates the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons.<sup>30</sup>

334. The Committee of Experts considers these undertakings not fulfilled. It urges the Slovak authorities to guarantee the right of the accused to use the German language in the criminal proceedings irrespective of whether he or she also has a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts urges the Slovak authorities to provide in the legislation that requests and evidence may be produced in German, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the speaker has a command of Slovak.

**b in civil proceedings:**

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**
- iii to allow documents and evidence to be produced in the regional or minority languages,**

**if necessary by the use of interpreters and translations;**

**c in proceedings before courts concerning administrative matters:**

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**
- iii to allow documents and evidence to be produced in the regional or minority languages,**

**if necessary by the use of interpreters and translations;**

335. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It encouraged the Slovak authorities “to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use the German language without thereby incurring additional expense, and evidence and documents may be produced in German if necessary by the use of interpreters and translations, even if the German-speaker has a command of the Slovak language.”

336. The 2<sup>nd</sup> periodical report states that in civil proceedings the parties “have the right to use their mother tongue or the official language of the state” (Section 18 of the Civil Procedure Code). “Costs incurred in obtaining evidence ... and the costs resulting from the use of the mother tongue by the party are borne by the State” (ibid., Section 141, paragraph 2). Furthermore, it is said that the legal order of the Slovak Republic allows parties to submit documents and evidence in regional and minority languages without thereby incurring additional expense. The Civil Procedure Code applies *mutatis mutandis* to court proceedings in administrative cases. However, these provisions represent an implementation in the civil (and administrative) proceedings of the general right to interpretation for non-speakers of Slovak, guaranteed by Article 47.4 of the Constitution, but which is not available to regional or minority language speakers who are also able to speak Slovak.

337. As far as the practical situation is concerned, it appears from the 2<sup>nd</sup> periodical report that interpreters for German have been assigned in some civil proceedings to foreigners. No information is available

<sup>30</sup> Cf. 3<sup>rd</sup> Report of the Committee of Experts in respect of Hungary, paragraph 107

regarding administrative proceedings. However, representatives of the German-speakers informed the Committee of Experts that German has not been used by German-speaking citizens of the Slovak Republic in civil or administrative proceedings. In conclusion, the Committee of Experts reiterates the need to clarify and complete the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons.

338. The Committee of Experts considers these undertakings not fulfilled. It urges the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use German without thereby incurring additional expense, and evidence and documents may be produced in German if necessary by the use of interpreters and translations, even if the German-speaker has a command of Slovak.

*d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.*

339. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

340. In the light of the conclusions reached under Article 9.1.b.ii/b.iii/c.ii/c.iii above, the Committee of Experts still considers this undertaking not fulfilled. It encourages the Slovak authorities to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

## **Article 10 – Administrative authorities and public services**

### *Preliminary issues*

341. The German-speakers attain the 20%-threshold in one municipality (Krahule/Blaufuß). However, the Committee of Experts has already observed that Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20%-threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

### **Paragraph 1**

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

*a ...*

*iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or*

*[iv to ensure that users of regional or minority languages may submit oral or written applications in these languages]*

342. Given that sub-paragraphs a.iii and a.iv represent alternative options, the Committee of Experts will follow its usual practice and apply the highest option (a.iii) *ex officio*.

343. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of these undertakings and asked the Slovak authorities to comment on them in their next periodical report.

344. The 2<sup>nd</sup> periodical report does not provide the requested information. Representatives of the German-speakers informed the Committee of Experts during the on-the-spot visit that it is not possible to apply in German for identity cards, driving licences, passports and similar official instruments and documents. Considering that the Slovak Republic undertook to apply this provision to German, the Committee of Experts reiterates that it must be applied in those administrative districts of the State where the German-speakers represent less than 20% of the population but where there is still a significant number for the purpose of the present undertaking.

345. The Committee of Experts considers these undertakings not fulfilled.

***The Committee of Experts encourages the Slovak authorities to take the necessary measures so that the German-speakers may submit oral or written applications and receive a reply in German, wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20%-threshold still existing in Slovak legislation.***

**Paragraph 2**

346. Pursuant to Slovak legislation, the use of regional or minority languages in relations with local branches of the State administration and local authorities is possible in municipalities where, according to the last census, at least 20% of the population belong to a given national minority. By contrast, the Committee of Experts notes that the use of regional or minority languages in relations with *regional* authorities is not formally permitted.

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

...

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

347. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to  
“- take the necessary measures so that the German-speakers may submit oral or written applications in German also in those municipalities where the German-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking,  
- to provide the legal basis required for German-speakers to submit oral or written applications in German also in relation to regional authorities where the speakers are present in sufficient number.”

348. According to the information that the Committee of Experts has at its disposal, there is in practice no possibility for German-speakers to submit oral or written applications in German to the local authority of Krahule/Blaufuß as no organisational measures enabling the authority to deal with such communications have been taken. Also, no measures have been taken to enable German-speakers to submit oral or written applications in German also in those municipalities where the German-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking. Consequently, this provision is not complied with in the majority of the areas where German-speakers are traditionally present. Likewise, there is no legal basis which would allow German-speakers to submit oral or written applications in German also to regional authorities where the speakers are present in sufficient number. Finally, it is not possible to apply in German for identity cards, driving licences, passports and similar official instruments and documents.

349. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to***  
***- take the necessary measures so that the German-speakers may submit oral or written applications in German, including in those municipalities where the German-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking***  
***- to provide the legal basis required for German-speakers to submit oral or written applications in German also in relation to regional authorities where the speakers are present in sufficient number.***

*c the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

*d the publication by local authorities of their official documents also in the relevant regional or minority languages;*

350. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It encouraged the Slovak authorities “to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.”

351. According to the 2<sup>nd</sup> periodical report, the legal situation has not changed. Local authorities may only publish an outline and not the official document as such in German. No such possibility exists with regard to regional authorities. Furthermore, the present provisions are not applied by regional and local authorities on

whose territory German-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertakings. Neither the local authority of Krahule/Blaufuß, nor any other local or regional authority has published official documents, including municipal gazettes or official announcements, in German.

352. The Committee of Experts considers these undertakings not fulfilled.

***The Committee of Experts urges the Slovak authorities to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.***

*f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

353. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide practical information in the next periodical report.

354. According to the information that the Committee of Experts has at its disposal, the local authority of Krahule/Blaufuß does not use German in debates in its assembly. Also, the right to use German in debates of municipal assemblies is not guaranteed with regard to municipalities where the German-speakers represent less than 20% of the population but still a sufficient number for the purpose of the present undertaking. In any event, all present would have to consent to the use of German for conducting a session of a local authority, which the Committee of Experts considers an unnecessary and discriminatory pre-condition.

355. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to encourage the use of German by local authorities in debates in their assemblies, without excluding, however, the use of the official language(s) of the State.

*g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

356. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities "to take the necessary measures to allow and/or encourage the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in German also in those municipalities where the German-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. The Slovak authorities [were] also encouraged to provide for this possibility with regard to smaller territorial units within the municipalities."

357. According to the information that the Committee of Experts has at its disposal, the municipality of Krahule/Blaufuß does not use place-names in German for smaller units within the municipality. Regarding those municipalities where the German-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking, no measures have been taken to allow and/or encourage the use or adoption of place-names (including names of smaller territorial units and of streets) in German. The Committee of Experts considers that this leaves out the vast majority of the municipalities where the German-speakers are traditionally present and where they constitute a significant number for the purpose of the present undertaking. Public inscriptions/signs for tourists in areas where German is traditionally used do not mention place-names in German either although the 20%-threshold does not apply to such information.

358. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts urges the Slovak authorities to take the necessary measures to allow and/or encourage the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in German also in those municipalities where the German-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. The Slovak authorities are also encouraged to provide for this possibility with regard to smaller territorial units within the municipalities.***

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

...

**c** *to allow users of regional or minority languages to submit a request in these languages.*

359. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit specific information concerning public services in their next periodical report.

360. According to the 2<sup>nd</sup> periodical report, Act No. 184/1999 on the Use of Languages of National Minorities provides that persons belonging to a national minority have the right to file written applications to public authorities also in the minority language in a municipality where the 20%-threshold is met. The public authority concerned shall reply in the minority language, in addition to Slovak (Section 2.3). However, it is not clear whether the notion “public authority” extends to public services. Furthermore, this provision is neither complied with in Krahule/Blaufuß, nor in those municipalities where the German-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

361. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to allow users of regional or minority languages to submit a request in these languages to public services, including in those municipalities where the users do not attain the 20%-threshold but represent nevertheless a sufficient number of users for the purpose of the present undertaking.

### **Paragraph 4**

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

**a** *translation or interpretation as may be required;*

362. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit more detailed information.

363. According to the 2<sup>nd</sup> periodical report, public authorities in a municipality where the 20%-threshold is met have the obligation “to create conditions for the use of that minority language”. Apart from the specific case of the registering of births, there does not seem to exist an explicit formal basis for the provision of translation or interpretation and there is no evidence of translation being provided in practice. Furthermore, this provision is neither complied with in Krahule/Blaufuß, nor in those municipalities where the German-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

364. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to provide translation and interpretation, including in those municipalities where the speakers of regional or minority languages do not attain the 20%-threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

**c** *compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

365. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to comment on it in their next periodical report.

366. According to the 2<sup>nd</sup> periodical report, requests by public service employees having a knowledge of German to be appointed in the territory in which German is used would be approved.

367. On the basis of the information provided by the Slovak authorities, the Committee of Experts considers this undertaking formally fulfilled.



## Paragraph 5

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

368. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to take the necessary measures to allow in all cases the use or adoption of family names in the regional or minority languages, at the request of those concerned.” In addition, **the Committee of Ministers of the Council of Europe recommended to “guarantee women the right to adopt or use family names in regional or minority languages.”**

369. According to the 2<sup>nd</sup> periodical report, the surname of a female person will be entered in her birth certificate or marriage certificate without the Slovak female inflection at her parents’ or her own written request. All subsequent official extracts and statements of data entered in the register are made with this form of the surname. From the information that the Committee of Experts received during the on-the-spot visit, it appears that a female person may also use her surname at birth in official documents without the grammatical suffix.

370. The Committee of Experts considers this undertaking fulfilled.

## Article 11 – Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

a *to the extent that radio and television carry out a public service mission:*

...

iii *to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

371. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled regarding radio and not fulfilled regarding television. It encouraged the Slovak authorities “to increase the frequency of the time-slots allocated to the German language on public television.” In addition, **the Committee of Ministers of the Council of Europe recommended to “improve the provision of broadcast (...) in all regional or minority languages.”**

372. According to the 2<sup>nd</sup> periodical report, Radio Patria (Slovenský rozhlas) broadcast 17 hours in German in 2006 (1<sup>st</sup> monitoring cycle: 26). In addition, the Slovak authorities informed the Committee of Experts during the on-the-spot visit that Slovenská televízia broadcast 6.5 hours in German in 2007 (1<sup>st</sup> monitoring cycle: 1.9). The new programme “Minority News”, which is broadcast weekly (seven minutes) in different minority languages, is not yet available in German. During the on-the-spot visit, representatives of the German-speakers stated that the broadcasting time on television should be extended and the programme be broadcast in the evening in order to reach a wider audience.

373. With regard to radio, the Committee of Experts regrets the substantial decrease in broadcasting time in German. Concerning television, the Committee of Experts acknowledges that the broadcasting time allocated to German has slightly increased. In general, however, the presence of German in public service broadcasting remains symbolical, which reduces the effectiveness and attractiveness of this broadcasting. The Committee of Experts reiterates the great importance of the electronic media, especially television, for the promotion of regional or minority languages in modern societies. In particular, a regular and predictable (e.g. weekly) presence of a regional or minority language on radio and television can enhance considerably its social prestige.<sup>31</sup>

374. The Committee of Experts considers this undertaking not fulfilled since the number of hours allotted to German-language programmes is so low that its presence on radio and television is merely symbolical.

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<sup>31</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Switzerland, paragraph 118



***The Committee of Experts urges the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the German language on public radio and television.***

b ...

ii *to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

375. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

376. While the 2<sup>nd</sup> periodical report does not provide any numbers of licence holders that broadcast in German, representatives of the German-speakers confirmed during the on-the-spot visit that there is actually no private broadcasting of radio programmes in German. The Committee of Experts notes that this is the result of the fact that private radio stations are obliged to have all the broadcasting translated into Slovak. The requirement to translate radio broadcasts is clearly unfeasible and in any event discourages commercial radios from broadcasting in a minority language, rather than encouraging them in conformity with the present undertaking. Regular broadcasts in regional or minority languages could be encouraged through financial incentives or by including the use of such languages among the criteria for allocating frequencies.<sup>32</sup>

377. The Committee of Experts considers this undertaking not fulfilled.

c ...

ii *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

378. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

379. While the 2<sup>nd</sup> periodical report does not provide any numbers of licence holders that broadcast in German, representatives of the German-speakers confirmed during the on-the-spot visit that there is actually no private broadcasting of television programmes in German. The Committee of Experts notes that this is the result of the fact that private television channels are obliged to have all programmes subtitled in Slovak. Subtitling is certainly of interest from the point of view of the Charter, but this requirement puts private television stations wanting to broadcast also in German at an economic disadvantage compared to private television stations broadcasting only in Slovak. It therefore discourages private television channels from broadcasting in a minority language, rather than encouraging them in conformity with the present undertaking.

380. As noted above, regular broadcasts in regional or minority languages could be encouraged through financial incentives or by including the use of such languages among the criteria for allocating frequencies.

381. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts encourages the Slovak authorities to remove the existing restrictive requirements for private television and radio broadcasters offering programmes in minority languages.***

d *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

382. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

383. The 2<sup>nd</sup> periodical report refers to two new laws. The Digital Broadcasting Act of 2007 liberalised the authorisation scheme for television and radio broadcasting and creates room for the creation of new platforms for the provision of on-line services. Furthermore, the Audiovisual Act of 2008 provides for the possibility of presenting audio-visual works also in the original language (including minority languages), except that programmes for children under twelve cannot be broadcast in regional or minority languages at times when children want to watch television (Section 17 paragraph 4). However, according to the information that the Committee of Experts has at its disposal, neither of the acts have so far encouraged and/or facilitated the production and distribution of audio and audiovisual works in German.

<sup>32</sup>

Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Hungary, paragraph 128

384. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in German, also ensuring that minority language programmes on digital television are available for children at suitable times.

e i *to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;*"

385. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities "to take appropriate measures to enable at least one newspaper to be published in German with sufficient frequency." In addition, **the Committee of Ministers of the Council of Europe recommended to "improve the provision of (...) print media in all regional or minority languages."**

386. The main publication of the German-speakers ("Karpatenblatt") has remained a monthly publication. However, a "newspaper" in conformity with the present undertaking has to be published at least weekly.<sup>33</sup> The Carpathian German Association would welcome if the Slovak authorities facilitated the weekly publication of the "Karpatenblatt" as this would ensure more up-to-date information about cultural and other activities of the German-speakers.

387. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to take appropriate measures to enable at least one newspaper to be published in German with sufficient frequency.***

f ...

ii *to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

388. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

389. The Committee of Experts considers this undertaking not fulfilled since there has been no indication that general measures for financial assistance to audiovisual productions have been applied regarding productions in German.

### **Paragraph 3**

*The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

390. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

391. According to the 2<sup>nd</sup> periodical report, the Slovak Television Council and the Slovak Radio Council are the competent bodies to approve broadcasting concepts and plans also in respect of the languages of national minorities. Both councils are composed of 15 members which are elected by the National Council. However, it is not clear to the Committee of Experts how the interests of national minorities are represented in each body.

392. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and requests the Slovak authorities to comment on it in their next periodical report.

<sup>33</sup>

Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of Serbia, paragraph 267

## Article 12 – Cultural activities and facilities

### Paragraph 1

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

393. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled. Still, it requested the Slovak authorities to provide further information and comment on complaints by the German-speakers according to which funds were only granted on the basis of projects and arrived very late.

394. According to the 2<sup>nd</sup> periodical report, the Slovak authorities have supported a number of cultural projects as well as the Carpathian German Cultural Museum in Bratislava and its branches in the German minorities' cultural centres in Nitrianske Pravno and Handlová. The Committee of Experts acknowledges this support. The 2<sup>nd</sup> periodical report does not provide any information on support to theatres and libraries and on the aforementioned complaints regarding the availability of funding. According to representatives of the German-speakers, funding is still project-based (no earmarking) and often allocated with delay. In addition, the German-speakers are facing difficulties in financing the operating costs of their cultural centres which may put their cultural activities at risk.

395. The Committee of Experts considers this undertaking fulfilled.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

396. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of these undertakings and asked the Slovak authorities to comment on it in their next periodical report.

397. The 2<sup>nd</sup> periodical report does not provide any relevant information.

398. The Committee of Experts is not in a position to conclude on the fulfilment of these undertakings and requests the Slovak authorities to comment on them in their next periodical report.

- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

399. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide information regarding staff at the disposal of the bodies who organise or support cultural activities.

400. According to the 2<sup>nd</sup> periodical report, all organisations fostering, developing and presenting culture of national minorities in the Slovak Republic and the national minority museums run by the Ministry of Culture are headed by persons belonging to the national minority concerned.

401. The Committee of Experts considers this undertaking fulfilled.

- g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

402. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Slovak authorities to clarify how the Forum Institute for Research of National Minorities performs the activities referred to in the present undertaking with specific regard to German.

403. According to the information that the Committee of Experts has gathered during the on-the-spot visit, the Fórum inštitút pre výskum menšín (Forum Institute for Research of National Minorities) is neither a public

or state-supported institution, nor does it deal with German. The Committee of Experts has not been made aware of any other bodies relevant for this undertaking.

404. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in German.

### **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

405. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

406. According to the 2<sup>nd</sup> periodical report, the Slovak authorities may financially support cultural activities and facilities related to minority languages even if the language concerned has no traditional presence in the given region. Such support may also be granted irrespective of the population share of the minority language speakers in the respective area. The Committee of Experts commends the Slovak authorities on this flexible approach. However, according to the information gathered during the on-the-spot visit, no such cultural activities and facilities for the German language have been supported during the reporting period.

407. The Committee of Experts considers this undertaking formally fulfilled. It encourages the Slovak authorities to allow, encourage and/or provide appropriate cultural activities and facilities for German in territories other than those in which German is traditionally used.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

408. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

409. According to the information gathered during the on-the-spot visit, the German language and the culture it reflects are not represented in the cultural policy abroad. In particular, information material for tourists about places, regions and sights directly related to the German-speakers (e.g. Spiš, Bratislava, Malé Karpaty) does not refer to the German language and the culture it represents.

410. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to make appropriate provision, in pursuing their cultural policy abroad, for German and the culture it reflects.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*

411. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities “to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life.”

412. The 2<sup>nd</sup> periodical report states that, according to the State Language Act (Section 8.2), written legal actions in labour relations (e.g. employment contracts) or a similar labour relation are made in the state language. However, the Labour Code does not explicitly include provisions that would forbid or exclude the possibility of having such a contract also concluded in a minority language, when the parties to the labour

relations so agree. With regard to consumer protection, written information is given in Slovak which is without prejudice to the parallel use of other languages (Consumer Protection Act, Sections 11-12). The Slovak authorities informed the Committee of Experts during the on-the-spot visit that, with a view to implementing the Charter, an amendment to the State Language Act is currently under consideration which would ensure the right to use a minority language in contracts of employment and technical documents. The Committee of Experts welcomes this step and looks forward to receiving further information in the next periodical report.

413. The Committee of Experts looks forward to the adoption of the amendment to the State Language Act which might lead to the fulfilment of this undertaking.

*b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*

414. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

415. As in the previous monitoring cycle, the Committee of Experts was not informed of any such prohibition.

416. The Committee of Experts considers this undertaking not fulfilled.

*c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

417. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

418. The 2<sup>nd</sup> periodical report refers to the 2004 Antidiscrimination Act (Section 8a).

419. The Committee of Experts has not received any complaints and considers this undertaking fulfilled.

## **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

...

*c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;"*

420. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities "to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in German even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the German-speakers are present in sufficient numbers for the purpose of the present undertaking."

421. According to the 2<sup>nd</sup> periodical report, establishments such as children's homes, crisis centres, resocialisation centres and social care facilities are prepared to receive and treat persons in minority languages. Persons using a minority language are preferentially employed by the social care facilities in those regions where a regional or minority language is used, and the personnel of these facilities communicate both in Slovak and in the minority language. According to the information gathered during the on-the-spot visit, German can usually be used in social care facilities although this is not the result of a staffing policy.

422. The Committee of Experts notes that this practice has no formal basis. The State Language Act (Section 8.4) still provides that the "communication between healthcare professionals and patients shall be usually conducted in the official language" and that "it can be conducted in a language that makes communication with the patient possible" if the patient does not have a command of Slovak. However, the Slovak authorities informed the Committee of Experts during the on-the-spot visit that, with a view to implementing the Charter, an amendment to the State Language Act is currently under consideration which would ensure the right to use a minority language in social care facilities. The Committee of Experts welcomes this step and looks forward to receiving further information in the next periodical report.

423. The Committee of Experts considers this undertaking partly fulfilled. It urges the Slovak authorities to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in German even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the German-speakers are present in sufficient numbers for the purpose of the present undertaking.

#### **Article 14 – Transfrontier exchanges**

*The Parties undertake:*

- a** *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

424. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled as regards transfrontier exchanges with Austria, but requested the Slovak authorities to provide information on the outcome of the draft agreement on transfrontier co-operation between the Slovak Republic and Austria as well as on any existing or planned bilateral or multilateral agreements with other German-speaking countries.

425. The 2<sup>nd</sup> periodical report does not report about this provision.

426. The Committee of Experts is not in a position to conclude on this undertaking. It requests the Slovak authorities to clarify in the next periodical report to what extent agreements with Austria and other German-speaking countries foster contacts between the users of German in the Slovak Republic and in the States concerned in the fields of culture, education, information, vocational training and permanent education.

- b** *for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

427. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to clarify how the existing forms of cross-border co-operation have benefited the German language in the Slovak Republic.

428. According to the 2<sup>nd</sup> periodical report, the Framework Agreement between the Slovak Republic and Austria on Cross-border Cooperation between Territorial Units or Bodies of 2003 furthers cross-border cooperation inter alia in the fields of education and culture. However, representatives of the German-speakers from the Bratislava (border) region stated that the co-operation with Austria has so far not benefited the German language in the Slovak Republic.

429. The Committee of Experts is not in a position to conclude on this undertaking. It requests the Slovak authorities to clarify in the next periodical report how the Framework Agreement between the Slovak Republic and Austria on Cross-border Cooperation between Territorial Units or Bodies benefits the German language in the Slovak Republic.



### 3.2.4 Ruthenian<sup>34</sup>

#### Article 8 – Education

##### *Preliminary issues*

430. The undertakings entered into by the Slovak Republic under Article 8 require the authorities *to make available* regional or minority language education at the different levels of education. This implies that the offer needs to precede the demand, i.e. that the education has to be organised before the authorities are approached by parents or pupils.<sup>35</sup> Such offer also needs to ensure continuity between the different levels of education in the particular geographical areas concerned. Moreover, the authorities have to actively inform parents and/or pupils about the availability of regional or minority language education and to encourage them to apply for it. **In the 1<sup>st</sup> monitoring cycle, the Committee of Ministers of the Council of Europe recommended to “take measures to provide Ruthenian language education at all levels.”**

##### **Paragraph 1**

***With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:***

##### ***Pre-school education***

- a ...
- ii ***to make available a substantial part of pre-school education in the relevant regional or minority languages;***

431. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

432. According to the 2<sup>nd</sup> periodical report, there is no pre-school education in Ruthenian.

433. The Committee of Experts considers this undertaking not fulfilled.

##### ***Primary education***

- b ...
- ii ***to make available a substantial part of primary education in the relevant regional or minority languages;***

434. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

435. The 2<sup>nd</sup> periodical report states that, as from 2008, one primary school will provide instruction in Ruthenian. A further three primary schools teach Ruthenian as an – apparently optional – subject (four classes, 34 pupils). The Committee of Experts notes that the present undertaking requires the provision of a substantial part of primary education in Ruthenian, meaning that in addition to teaching of the language other subjects must also be taught *in* Ruthenian. This provision must form an integral part of the curriculum. In general, the number of schools teaching the Ruthenian language and literature, amounting to eight in the previous monitoring cycle, has considerably diminished.

436. The Committee of Experts considers this undertaking not fulfilled since in most cases Ruthenian is only taught as a subject outside the curriculum without no further subjects being taught in the language.

##### ***Secondary education***

- c ...
- ii ***to make available a substantial part of secondary education in the relevant regional or minority languages;***

437. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

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<sup>34</sup> The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by the Slovak Republic.

<sup>35</sup> Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of the United Kingdom, paragraph 68

438. According to the 2<sup>nd</sup> periodical report, there exists no secondary education in Ruthenian.

439. The Committee of Experts considers this undertaking not fulfilled.

#### **Technical and vocational education**

d ...

ii **to make available a substantial part of technical and vocational education in the relevant regional or minority languages;**

440. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to take measures to ensure a substantial part of pre-school, primary, secondary and technical and vocational education in Ruthenian.”

441. According to the 2<sup>nd</sup> periodical report, there is no technical and vocational education in Ruthenian.

442. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to take measures to ensure a substantial part of pre-school, primary, secondary and technical and vocational education in Ruthenian and to take care that there is a continuous offer at all levels of education.***

#### **University and higher education**

e ...

ii **to provide facilities for the study of these languages as university and higher education subjects;**

443. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to take the necessary measures to accelerate the establishment of facilities for the study of Ruthenian language and culture.”

444. According to the 2<sup>nd</sup> periodical report, education in Ruthenian is provided by the Institute for Regional and Minority Studies – Department of Ruthenian Language and Culture at Prešov University and by the independent Institute of Ruthenian Language and Culture, which was established in 2008. The Committee of Experts welcomes the progress that has been made.

445. The Committee of Experts considers this undertaking fulfilled.

#### **Adult and continuing education**

f i **to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or**

ii **to offer such languages as subjects of adult and continuing education;**

446. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

447. The 2<sup>nd</sup> periodical report refers to the aforementioned Department of Ruthenian Language and Culture at Prešov University and the independent Institute of Ruthenian Language and Culture. The Committee of Experts is of the view that a more decentralized offer of Ruthenian as a subject of adult and continuing education is necessary to fulfil this undertaking.

448. The Committee of Experts considers this undertaking partly fulfilled.

g **to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;**

449. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

450. According to the 2<sup>nd</sup> periodical report, secondary schools which teach the Ruthenian language use a supplementary teaching text for the teaching of Ruthenian history. However, the present undertaking

concerns also education for non-speakers of regional or minority languages about the specific history and traditions related to these languages. This normally entails including elements of the history and culture which is reflected by the regional or minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.<sup>36</sup>

451. The Committee of Experts considers this undertaking partly fulfilled.

*h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

452. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to take urgent and substantial measures to develop a structured and comprehensive approach to teacher training for the Ruthenian language.” In addition, **the Committee of Ministers of the Council of Europe recommended to “improve (...) teacher-training.”**

453. The 2<sup>nd</sup> periodical report limits itself to stating that the Methodological Pedagogical Centre provides further training for teachers in territories where the Ruthenian minority lives. In addition, the University of Prešov offers courses for the training of primary school teachers (grades 1-4). The Committee of Experts lacks the necessary information to assess whether the serious lack of qualified teachers that has been detected in the previous monitoring cycle persists.

454. The Committee of Experts considers this undertaking partly fulfilled.

*i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

455. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.” In addition, **the Committee of Ministers of the Council of Europe recommended to “(...) set up a body in charge of monitoring the measures taken and progress achieved.”**

456. The 2<sup>nd</sup> periodical report refers to the Council for National Minority Education as a relevant advisory body to the Minister of Education. However, the Committee of Experts lacks precise information how that Council monitors the measures taken and progress achieved in establishing or developing teaching in and of Ruthenian, and of drawing up public periodic reports. The Committee of Experts reiterates<sup>37</sup> that this undertaking requires a body dedicated to looking at the teaching of regional or minority languages. In practice, it is possible for an existing body to monitor the measures taken and progress achieved in minority language education and to produce and publish periodical reports.

457. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.***

<sup>36</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Croatia, ECRML 2005 (3), paragraph 100

<sup>37</sup> Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of the United Kingdom, paragraph 131

## Article 9 – Judicial authorities

458. In the 1<sup>st</sup> monitoring cycle, the Committee of Ministers of the Council of Europe recommended to “remove the restrictions on the right to use regional or minority languages in court.”

### Paragraph 1

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

*a in criminal proceedings:*

...

- ii to guarantee the accused the right to use his/her regional or minority language; and/or*
- iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

459. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It encouraged the Slovak authorities:

“- to guarantee the right of the accused to use the Ruthenian language in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution;  
- to provide in the legislation that requests and evidence may be produced in Ruthenian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.”

460. According to the 2<sup>nd</sup> periodical report, the relevant legislation still limits the right to use a minority language in criminal proceedings by the use of interpreters and translations to cases where the person concerned “does not know the language of the proceedings” (Section 2 paragraph 20 of the Criminal Procedure Code) or “does not [...] understand or speak the language of the proceedings” (ibid., Section 28, paragraph 1). In addition, a translator shall be assigned if “there is a need to translate the record of the statements or other documents” (ibid., Section 28, paragraph 3). Requests and evidence in a regional or minority language do not seem to be admissible if the author has a command of Slovak. No specific provision seems to exist concerning written testimony or requests. There is also no explicit provision in the legislation that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned if she/he has a command of Slovak. Finally, summons do not mention linguistic rights as it is assumed that they are known to everyone.

461. As far as the practical situation is concerned, the 2<sup>nd</sup> periodical report states that interpreters for Ruthenian have been assigned in some cases during the reporting period. While noting a certain degree of implementation in practice, the Committee of Experts reiterates the need to clarify and complete the legal framework.

462. The Committee of Experts considers these undertakings partly fulfilled. It urges the Slovak authorities to guarantee the right of the accused to use the Ruthenian language in the criminal proceedings irrespective of whether he or she also has a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts urges the Slovak authorities to provide in the legislation that requests and evidence may be produced in Ruthenian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

*b in civil proceedings:*

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii to allow documents and evidence to be produced in the regional or minority languages,*

*if necessary by the use of interpreters and translations;*

*c in proceedings before courts concerning administrative matters:*

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii to allow documents and evidence to be produced in the regional or minority languages,*

*if necessary by the use of interpreters and translations;*

463. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It encouraged the Slovak authorities “to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use the Ruthenian language without thereby incurring additional expense, and evidence and documents may be produced in Ruthenian if necessary by the use of interpreters and translations, even if the Ruthenian-speaker has a command of the Slovak language.”

464. The 2<sup>nd</sup> periodical report states that in civil proceedings the parties “have the right to use their mother tongue or the official language of the state” (Section 18 of the Civil Procedure Code). “Costs incurred in obtaining evidence ... and the costs resulting from the use of the mother tongue by the party are borne by the State” (ibid., Section 141, paragraph 2). Furthermore, it is said that the legal order of the Slovak Republic allows parties to submit documents and evidence in regional and minority languages without thereby incurring additional expense. The Civil Procedure Code applies *mutatis mutandis* to court proceedings in administrative cases. However, these provisions represent an implementation in the civil (and administrative) proceedings of the general right to interpretation for non-speakers of Slovak, guaranteed by Article 47.4 of the Constitution, but which is not available to regional or minority language speakers who are also able to speak Slovak.

465. As far as the practical situation is concerned, the 2<sup>nd</sup> periodical report states that interpreters for Ruthenian have been assigned in some civil court proceedings during the reporting period. No information is available regarding administrative proceedings. While noting a certain degree of implementation in practice, the Committee of Experts reiterates the need to clarify and complete the legal framework.

466. The Committee of Experts considers these undertakings partly fulfilled. It urges the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use the Ruthenian language without thereby incurring additional expense, and evidence and documents may be produced in Ruthenian if necessary by the use of interpreters and translations, even if the Ruthenian-speaker has a command of the Slovak language.

*d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.*

467. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

468. In the light of the conclusions reached under Article 9.1.b.ii/b.iii/c.ii/c.iii above, the Committee of Experts considers this undertaking partly fulfilled. It encourages the Slovak authorities to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

### **Paragraph 3**

*The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

469. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

470. According to the 2<sup>nd</sup> periodical report, no relevant statutory texts have been translated into Ruthenian.

471. The Committee of Experts considers this undertaking not fulfilled.

## Article 10 – Administrative authorities and public services

### *Preliminary issues*

472. The Committee of Experts has already observed that Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20%-threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

### **Paragraph 1**

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

- a ...
- iii *to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or*
- [iv *to ensure that users of regional or minority languages may submit oral or written applications in these languages;]*

473. Given that sub-paragraphs a.iii and a.iv represent alternative options, the Committee of Experts will follow its usual practice and apply the highest option (a.iii) *ex officio*.

474. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and encouraged the Slovak authorities to provide further information in their next periodical report.

475. The 2<sup>nd</sup> periodical report does not deal with this issue. Considering that the Slovak Republic undertook to apply this provision to Ruthenian, the Committee of Experts reiterates that it must be applied in those administrative districts of the State where the Ruthenian-speakers represent less than 20% of the municipal population but where there is still a significant number for the purpose of the present undertaking. In practice, Ruthenian is used very little in relations with local branches of State authorities. Applications in Ruthenian may not be submitted to competent bodies at local level with regard to official instruments and documents (such as identity cards, driving licences, passports, etc.).

476. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts encourages the Slovak authorities to take the necessary measures so that the Ruthenian-speakers may submit oral or written applications and receive a reply in Ruthenian, wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20%-threshold still existing in Slovak legislation.***

### **Paragraph 2**

477. Pursuant to Slovak legislation, the use of regional or minority languages in relations with local branches of the State administration and local authorities is possible in municipalities where, according to the last census, at least 20% of the population belong to a given national minority. By contrast, the Committee of Experts notes that the use of regional or minority languages in relations with *regional* authorities is not formally permitted.

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- ...
- b *the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

478. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to “- take the necessary measures so that the Ruthenian-speakers may submit oral or written applications in Ruthenian also in those municipalities where the Ruthenian-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking.



- to provide the legal basis required for Ruthenian-speakers to submit oral or written applications in Ruthenian also in relation to regional authorities where the speakers are present in sufficient number.”

479. According to the information that the Committee of Experts has at its disposal, little use is made of Ruthenian in the context of local government in the areas where the 20%-threshold is met. The 2<sup>nd</sup> periodical report does not contain any information about measures regarding those municipalities where the Ruthenian-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking. Likewise, no measures have been taken to provide the legal basis required for Ruthenian-speakers to submit oral or written applications in Ruthenian also in relation to regional authorities where the speakers are present in sufficient number.

480. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities***  
***- to take the necessary measures so that the Ruthenian-speakers may submit oral or written applications in Ruthenian, including in those municipalities where the Ruthenian-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking,***  
***- to provide the legal basis required for Ruthenian-speakers to submit oral or written applications in Ruthenian also in relation to regional authorities where the speakers are present in sufficient number***

- c* the publication by regional authorities of their official documents also in the relevant regional or minority languages;
- d* the publication by local authorities of their official documents also in the relevant regional or minority languages;

481. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It encouraged the Slovak authorities “to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.”

482. The 2<sup>nd</sup> periodical report does not deal specifically with the aforementioned issue. According to the information the Committee of Experts has at its disposal, no official documents such as municipal gazettes or official announcements appear to be published in Ruthenian either at local or at regional level. Local authorities may only publish an outline, but not the official document as such in Ruthenian. No such possibility exists with regard to regional authorities. Furthermore, the present provisions are not applied by regional and local authorities on whose territory Ruthenian-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertakings.

483. The Committee of Experts considers these undertakings not fulfilled.

***The Committee of Experts urges the Slovak authorities to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.***

- f* the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

484. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide practical information in the next periodical report.

485. The 2<sup>nd</sup> periodical report does not provide any information about the practical implementation of this undertaking. In addition, the use of Ruthenian in debates in local assemblies still depends on the consent of all members of the assemblies. The Committee of Experts considers this an unnecessary and discriminatory precondition. Also, this undertaking has not been applied in municipalities where the Ruthenian-speakers represent less than 20% of the population, but are still present in sufficient numbers for the purposes of that undertaking.

486. The Committee of Experts considers this undertaking not fulfilled.

- g* the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.

487. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities “to take the necessary measures to allow and/or encourage the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in Ruthenian also in those municipalities where the Ruthenian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. The Slovak authorities are also encouraged to provide for this possibility with regard to smaller territorial units within the municipalities.”

488. The 2<sup>nd</sup> periodical report does not deal specifically with the aforementioned issue. No measures have been taken to allow and/or encourage the use or adoption of place-names in Ruthenian also in those municipalities where the Ruthenian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. In addition, it is not clear whether Ruthenian names of smaller territorial units within municipalities, and of streets, are in official use. Public inscriptions/signs for tourists in areas where Ruthenian is traditionally used do also not mention place-names in Ruthenian although the 20%-threshold does not apply to such information.

489. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts urges the Slovak authorities to take the necessary measures to allow and/or encourage the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in Ruthenian also in those municipalities where the Ruthenian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. The Slovak authorities are also encouraged to provide for this possibility with regard to smaller territorial units within the municipalities.***

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

...

- c* to allow users of regional or minority languages to submit a request in these languages.

490. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit information concerning specifically public services in their next periodical report.

491. According to the 2<sup>nd</sup> periodical report, Act No. 184/1999 on the Use of Languages of National Minorities provides that persons belonging to a national minority have the right to file written applications to public authorities also in the minority language in a municipality where the 20%-threshold is met. However, it is not clear whether the notion “public authority” extends to public services. Furthermore, this provision is not complied with in those municipalities where the Ruthenian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

492. The Committee of Experts considers this undertaking not fulfilled.

### **Paragraph 4**

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- a* translation or interpretation as may be required;

493. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

494. According to the 2<sup>nd</sup> periodical report, public authorities in a municipality where the 20%-threshold is met have the obligation “to create conditions for the use of that minority language”. Apart from the specific case of the registering of births, there does not seem to exist an explicit formal basis for the provision of translation or interpretation and there is no evidence of translation being provided in practice. Furthermore, this provision is not complied with in those municipalities where the Ruthenian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

495. The Committee of Experts considers this undertaking not fulfilled.

*c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

496. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

497. According to the 2<sup>nd</sup> periodical report, requests by public service employees having a knowledge of Ruthenian to be appointed in the territory in which Ruthenian is used are usually approved.

498. On the basis of the information provided by the Slovak authorities, the Committee of Experts considers this undertaking formally fulfilled.

## **Paragraph 5**

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

499. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report. **The Committee of Ministers of the Council of Europe recommended to “guarantee women the right to adopt or use family names in regional or minority languages.”**

500. According to the 2<sup>nd</sup> periodical report, the surname of a female person will be entered in her birth certificate or marriage certificate without the Slovak female inflection at her parents’ or her own written request. All subsequent official extracts and statements of data entered in the register are made with this form of the surname. It appears that a female person may also use her surname at birth in official documents without the grammatical suffix.

501. The Committee of Experts considers this undertaking fulfilled.

## **Article 11 – Media**

### **Paragraph 1**

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

*a to the extent that radio and television carry out a public service mission:*

*...*

*iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

502. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report. **The Committee of Ministers of the Council of Europe recommended to “improve the provision of broadcast (...) in all regional or minority languages.”**

503. According to the 2<sup>nd</sup> periodical report, Radio Patria (Slovenský rozhlas) broadcast 376 hours in Ruthenian in 2006. The Slovak authorities informed the Committee of Experts during the on-the-spot visit

that Slovenská televízia broadcast 6.5 hours in Ruthenian in 2007 (3.7 hours in the 1<sup>st</sup> monitoring cycle). In addition, a new television programme “Minority News”, which is broadcast weekly (seven minutes) in different minority languages, also uses Ruthenian.

504. The Committee of Experts acknowledges the increase in broadcasting time on television. In general, however, the presence of Ruthenian in public broadcasting remains symbolical, which reduces the effectiveness and attractiveness of this broadcasting. The Committee of Experts reiterates the great importance of the electronic media, especially television, for the promotion of regional or minority languages in modern societies. In particular, a regular and predictable (e.g. weekly) presence of a regional or minority language on radio and television can enhance considerably its social prestige.<sup>38</sup>

505. The Committee of Experts considers this undertaking fulfilled for radio and not fulfilled for television.

***The Committee of Experts urges the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Ruthenian language on public radio and television.***

b ...

ii *to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

506. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

507. It appears from the information that the Committee of Experts has at its disposal that there is no private broadcasting of radio programmes in Ruthenian. The Committee of Experts notes that this is the result of the fact that private radio stations are obliged to have all the broadcasting translated into Slovak. The requirement to translate radio broadcasts is clearly unfeasible and in any event discourages commercial radios from broadcasting in a minority language, rather than encouraging them in conformity with the present undertaking. Regular broadcasts in regional or minority languages could be encouraged through financial incentives or by including the use of such languages among the criteria for allocating frequencies.<sup>39</sup>

508. The Committee of Experts considers this undertaking not fulfilled.

c ...

ii *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

509. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

510. It appears from the information that the Committee of Experts has at its disposal that there is no private broadcasting of television programmes in Ruthenian. The Committee of Experts notes that this is the result of the fact that private television channels are obliged to have all programmes subtitled in Slovak. Subtitling is certainly of interest from the point of view of the Charter, but this requirement puts private television stations wanting to broadcast also in Ruthenian at an economic disadvantage compared to private television stations broadcasting only in Slovak. It therefore discourages private television channels from broadcasting in a minority language, rather than encouraging them in conformity with the present undertaking. As noted above, regular broadcasts in regional or minority languages could be encouraged through financial incentives or by including the use of such languages among the criteria for allocating frequencies.

511. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts encourages the Slovak authorities to remove the existing restrictive requirements for private television and radio broadcasters offering programmes in minority languages.***

<sup>38</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Switzerland, paragraph 118

<sup>39</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Hungary, paragraph 128

- d*            *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

512. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

513. The 2<sup>nd</sup> periodical report refers to two new laws. The Digital Broadcasting Act of 2007 liberalised the authorisation scheme for television and radio broadcasting and creates room for the creation of new platforms for the provision of on-line services. Furthermore, the Audiovisual Act of 2008 provides for the possibility of presenting audio-visual works also in the original language (including minority languages), except that programmes for children under twelve cannot be broadcast in regional or minority languages at times when children want to watch television (Section 17 paragraph 4). However, according to the information that the Committee of Experts has at its disposal, neither of the acts have so far encouraged and/or facilitated the production and distribution of audio and audiovisual works in Ruthenian.

514. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages, also ensuring that minority language programmes on digital television are available for children at suitable times

- e*            *i*            *to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;*

515. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report. **The Committee of Ministers of the Council of Europe recommended to “improve the provision of (...) print media in all regional or minority languages.”**

516. According to the additional information that the Committee of Experts has received from the Slovak authorities during the on-the-spot visit, they grant financial support to one weekly newspaper as well as to one monthly, one bimonthly and one quarterly periodical in Ruthenian.

517. The Committee of Experts considers this undertaking fulfilled.

- f*            *...*
- ii*            *to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

518. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

519. The Committee of Experts considers this undertaking not fulfilled since there has been no indication that general measures for financial assistance to audiovisual productions have been applied regarding productions in Ruthenian.

## **Paragraph 2**

*The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

520. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to clarify whether Ruthenian-speakers in the Slovak Republic can actually receive radio and/or television programmes in Ruthenian from broadcasters located in neighbouring countries.

521. The 2<sup>nd</sup> periodical report does not contain the requested information.

522. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and requests the Slovak authorities to submit information about this issue in the next periodical report.

### **Paragraph 3**

*The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

523. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

524. According to the 2<sup>nd</sup> periodical report, the Slovak Television Council and the Slovak Radio Council are the competent bodies to approve broadcasting concepts and plans also in respect of the languages of national minorities. Both councils are composed of 15 members which are elected by the National Council. However, it is not clear to the Committee of Experts how the interests of national minorities are represented in each body.

525. The Committee of Experts is not in a position to conclude on this undertaking and requests the Slovak authorities to comment on it in their next periodical report.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

526. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit more detailed information in their next periodical report.

527. According to the 2<sup>nd</sup> periodical report, the Slovak authorities have supported the publishing of periodical and non-periodical cultural literature in Ruthenian (e.g. journals on literature, art, fiction, technical, scientific literature). In addition, support was granted to the Alexander Duchnovič Theatre which is the only professional theatre in the world that performs in Ruthenian. In 2007, an independent Museum of the Ruthenian Culture was opened in Prešov which is funded by the authorities. Its director belongs to the Ruthenian national minority. The Committee of Experts commends the Slovak authorities on this initiative.

528. The Committee of Experts considers this undertaking fulfilled.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

529. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

530. The 2<sup>nd</sup> periodical report does not provide any information about whether the Slovak authorities have fostered the different means of access in other languages to works produced in Ruthenian.

531. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and requests the Slovak authorities to submit the relevant information in the next periodical report.



- c** *to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

532. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

533. According to the 2<sup>nd</sup> periodical report, the Slovak authorities have supported translations of literature into Ruthenian. The Committee of Experts requests the Slovak authorities to include information about dubbing, post-synchronisation and subtitling activities in the next periodical report.

534. The Committee of Experts considers this undertaking fulfilled.

- d** *to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*

535. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

536. The 2<sup>nd</sup> periodical report does not provide information that is relevant for this undertaking.

537. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and requests the Slovak authorities to submit the relevant information in the next periodical report.

- e** *to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

538. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It requested the Slovak authorities to provide information regarding staff at the disposal of the bodies who organise or support such activities at present.

539. According to the 2<sup>nd</sup> periodical report, all organisations fostering, developing and presenting culture of national minorities in the Slovak Republic, national minority museums run by the Ministry of Culture and relevant regional theatres are headed by persons belonging to the national minority concerned.

540. The Committee of Experts considers this undertaking fulfilled.

- f** *to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

541. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It requested the Slovak authorities to clarify whether there are separate representatives for Ruthenian and Ukrainian on the Committee for the transfer of earmarked funds.

542. According to the 2<sup>nd</sup> periodical report, the Ruthenian national minority has its own grant commission composed of persons belonging to that minority, representatives of all regions and experts on all areas of culture. The commission is an advisory body to the Minister of Culture and evaluates applications for subsidies for the respective minority and decides on the amount of financial contributions for projects.

543. The Committee of Experts considers this undertaking fulfilled.

- g** *to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

544. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It requested the Slovak authorities to clarify whether the Forum Institute for Research of National Minorities performs the activities referred to in the present undertaking with specific regard to Ruthenian.

545. According to the information that the Committee of Experts has gathered during the on-the-spot visit, the Fórum inštitút pre výskum menšín (Fórum Institute for Research of National Minorities) is neither a public

or state-supported institution, nor does it deal with Ruthenian. The Committee of Experts has not been made aware of any other bodies relevant for this undertaking.

546. The Committee of Experts considers this undertaking not fulfilled.

### **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

547. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to provide further information in their next periodical report.

548. According to the 2<sup>nd</sup> periodical report, the Slovak authorities may financially support cultural activities and facilities related to minority languages even if the language concerned has no traditional presence in the region concerned. Such support may also be granted irrespective of the population share of the minority language speakers in the respective area. The Ruthenian-speaking Alexander Duchnovič Theatre, which performs all over the Slovak Republic, benefits from this in practice.

549. The Committee of Experts considers this undertaking fulfilled.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

550. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to provide further information in their next periodical report.

551. The 2<sup>nd</sup> periodical report does not provide specific information about Ruthenian.

552. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and requests the Slovak authorities to provide further information in their next periodical report.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*

553. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities “to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life.”

554. The 2<sup>nd</sup> periodical report states that, according to the State Language Act (Section 8.2), written legal actions in labour relations (e.g. employment contracts) or a similar labour relation are made in the state language. However, the Labour Code does not explicitly include provisions that would forbid or exclude the possibility of having such a contract also concluded in a minority language, when the parties to the labour relations so agree. With regard to consumer protection, written information is given in Slovak which is without prejudice to the parallel use of other languages (Consumer Protection Act, Sections 11-12). The Slovak authorities informed the Committee of Experts during the on-the-spot visit that, with a view to implementing the Charter, an amendment to the State Language Act is currently under consideration which would ensure the right to use a minority language in contracts of employment and technical documents. The Committee of Experts welcomes this step and looks forward to receiving further information in the next periodical report.

555. The Committee of Experts considers this undertaking fulfilled.

*b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*

556. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

557. As in the previous monitoring cycle, the Committee of Experts was not informed of any such prohibition.

558. The Committee of Experts considers this undertaking not fulfilled.

*c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

559. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to provide further information in their next periodical report.

560. The 2<sup>nd</sup> periodical report refers to the 2004 Antidiscrimination Act (Section 8a).

561. The Committee of Experts has not received any complaints and considers this undertaking fulfilled.

## **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

...

*c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*

562. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encourages the Slovak authorities “to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in Ruthenian even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the Ruthenian-speakers are traditionally present in sufficient numbers for the purpose of the present undertaking.”

563. According to the 2<sup>nd</sup> periodical report, establishments such as children’s homes, crisis centres, resocialisation centres and social care facilities are prepared to receive and treat persons in minority languages. Persons using a minority language are preferentially employed by the social care facilities in those regions where a regional or minority language is used, and the personnel of these facilities communicate both in Slovak and in the minority language.

564. The Committee of Experts notes that this practice has no formal basis. The State Language Act (Section 8.4) still provides that the “communication between healthcare professionals and patients shall be usually conducted in the official language” and that “it can be conducted in a language that makes communication with the patient possible” if the patient does not have a command of Slovak. However, the Slovak authorities informed the Committee of Experts during the on-the-spot visit that, with a view to implementing the Charter, an amendment to the State Language Act is currently under consideration which would ensure the right to use a minority language in social care facilities. The Committee of Experts welcomes this step and looks forward to receiving further information in the next periodical report.

565. The Committee of Experts considers this undertaking not fulfilled at present. It urges the Slovak authorities to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in Ruthenian even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the Ruthenian-speakers are present in sufficient numbers for the purpose of the present undertaking.

## Article 14 – Transfrontier exchanges

### *The Parties undertake:*

- a *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

566. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It requested the Slovak authorities to clarify in what way contacts between Ruthenian-speakers in the Slovak Republic and Ruthenian-speakers in Ukraine and other states where Ruthenian is spoken have been concretely fostered in the framework of the existing bilateral and multilateral agreements.

567. The 2<sup>nd</sup> periodical report does not provide the requested information.

568. The Committee of Experts requests the Slovak authorities to clarify in what way contacts between Ruthenian-speakers in the Slovak Republic and Ruthenian-speakers in Ukraine and other states where Ruthenian is spoken have been concretely fostered in the framework of the existing bilateral and multilateral agreements.

### 3.2.5 Ukrainian<sup>40</sup>

569. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its 1<sup>st</sup> report and for which it did not receive any new elements requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage. For Ukrainian, these provisions are the following: Articles 8.1.e.ii and 11.2.

## Article 8 – Education

### *Preliminary issues*

570. The undertakings entered into by the Slovak Republic under Article 8 require the authorities *to make available* regional or minority language education at the different levels of education. This implies that the offer needs to precede the demand, i.e. that the education has to be organised before the authorities are approached by parents or pupils.<sup>41</sup> Such offer also needs to ensure continuity from pre-school to technical and vocational education in the geographical areas concerned. Representatives of the Ukrainian-speakers stated that, for Ukrainian-language education, these areas are the districts (*okresy*) of Bardejov, Medzilaborce and Snina. Moreover, the authorities have to actively inform parents and/or pupils about the availability of regional or minority language education and to encourage them to apply for it.

### **Paragraph 1**

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

### **Pre-school education**

- a ...
- ii ***to make available a substantial part of pre-school education in the relevant regional or minority languages;***

571. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled.

572. According to the 2<sup>nd</sup> periodical report, ten kindergartens provide pre-school education in Ukrainian (243 children) and three kindergartens provide bilingual (Slovak-Ukrainian) pre-school education (96 children). It appears that the number of kindergartens using Ukrainian has considerably decreased compared to the 1<sup>st</sup> monitoring cycle (27 pre-schools). Furthermore, the degree to which Ukrainian is presently used in the bilingual kindergartens, in particular whether “a substantial part” of the education is actually provided in Ukrainian, is unclear. Representatives of the Ukrainian-speakers stated during the on-the-spot visit that the lack of continuity discourages parents from requesting such education.

573. The Committee of Experts nevertheless considers this undertaking partly fulfilled.

### **Primary education**

- b ...
- ii ***to make available a substantial part of primary education in the relevant regional or minority languages;***

574. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled. Nevertheless, it encouraged the Slovak authorities to look into the possibility of increasing the share of subjects taught in Ukrainian.

575. According to the 2<sup>nd</sup> periodical report, there are seven primary schools that teach in Ukrainian (457 pupils) and one bilingual primary school (44 pupils). It appears that the number of primary schools using Ukrainian has considerably decreased compared to the 1<sup>st</sup> monitoring cycle (18). Representatives of the Ukrainian-speakers informed the Committee of Experts during the on-the-spot visit that in some schools the number of subjects taught in Ukrainian has also decreased, which is in contradiction to what the Committee of Experts had recommended in its 1<sup>st</sup> evaluation report.

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<sup>40</sup> The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by the Slovak Republic.

<sup>41</sup> Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of the United Kingdom, paragraph 68

576. The Committee of Experts considers this undertaking partly fulfilled.

### **Secondary education**

c ...

- ii **to make available a substantial part of secondary education in the relevant regional or minority languages;**

577. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled. Nevertheless, it encouraged the Slovak authorities to look into the possibility of increasing the share of subjects taught in Ukrainian.

578. The overall situation has not changed (one grammar school teaching in Ukrainian). In addition, representatives of the Ukrainian-speakers informed the Committee of Experts during the on-the-spot visit that the number of subjects taught in Ukrainian has not increased.

579. The Committee of Experts considers this undertaking fulfilled.

### **Technical and vocational education**

d ...

- ii **to make available a substantial part of technical and vocational education in the relevant regional or minority languages;**

580. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking. It asked the Slovak authorities to clarify how Ukrainian is catered for in technical and vocational fields at the Medical School in Humenné.

581. While the 2<sup>nd</sup> periodical report does not contain the requested information, representatives of the Ukrainian-speakers informed the Committee of Experts during the on-the-spot visit that the Medical School in Humenné no longer uses Ukrainian.

582. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts encourages the Slovak authorities to ensure continuity of Ukrainian-language education at all levels of education.***

### **Adult and continuing education**

- f i *to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or*
- ii **to offer such languages as subjects of adult and continuing education;**

583. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

584. The 2<sup>nd</sup> periodical report refers to Prešov University (Department of Ukrainian Studies and the Institute of Russian, Ukrainian and Slavic Studies). However, the Committee of Experts is of the view that a more decentralized offer of Ukrainian as a subject of adult and continuing education is necessary to fulfil this undertaking.

585. The Committee of Experts considers this undertaking partly fulfilled.

- g **to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;**

586. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

587. According to the 2<sup>nd</sup> periodical report, schools which teach Ukrainian use teaching texts entitled "History of the Ruthenians–Ukrainians". These texts are also used for the oral school leaving exam in history.



However, the present undertaking concerns also education for non-speakers of regional or minority languages about the specific history and traditions related to these languages. This normally entails including elements of the history and culture which is reflected by the regional or minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.<sup>42</sup>

588. The Committee of Experts considers this undertaking partly fulfilled.

*h* **to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;**

589. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and asked the Slovak authorities to provide further information in their next periodical report. **The Committee of Ministers of the Council of Europe recommended to “improve (...) teacher-training.”**

590. Representatives of the Ukrainian-speakers informed the Committee of Experts during the on-the-spot visit that the Department of Ukrainian Studies at Prešov University trains teachers who teach Ukrainian as a subject, but not teachers for Ukrainian-medium education.

591. The Committee of Experts considers this undertaking partly fulfilled.

*i* **to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.**

592. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.” In addition, **the Committee of Ministers of the Council of Europe recommended to “(...) set up a body in charge of monitoring the measures taken and progress achieved.”**

593. The 2<sup>nd</sup> periodical report refers to the Council for National Minority Education as a relevant advisory body to the Minister of Education. However, the Committee of Experts lacks precise information on how that Council monitors the measures taken and progress achieved in establishing or developing teaching in and of Ukrainian, and of drawing up public periodic reports. The Committee of Experts reiterates<sup>43</sup> that this undertaking requires a body dedicated to looking at the teaching of regional or minority languages. In practice, it is possible for an existing body to monitor the measures taken and progress achieved in minority language education and to produce and publish periodical reports.

594. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.***

## Article 9 – Judicial authorities

595. In the 1<sup>st</sup> monitoring cycle, **the Committee of Ministers of the Council of Europe recommended to “remove the restrictions on the right to use regional or minority languages in court.”**

### Paragraph 1

***The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:***

***a*** ***in criminal proceedings:***

<sup>42</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Croatia, ECRML 2005 (3), paragraph 100

<sup>43</sup> Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of the United Kingdom, paragraph 131

- ...
  - ii *to guarantee the accused the right to use his/her regional or minority language; and/or*
  - iii *to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*
- if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

596. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It encouraged the Slovak authorities:

“- to guarantee the right of the accused to use the Ukrainian language in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution;  
- to provide in the legislation that requests and evidence may be produced in Ukrainian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.”

597. According to the 2<sup>nd</sup> periodical report, the relevant legislation still limits the right to use a minority language in criminal proceedings by the use of interpreters and translations to cases where the person concerned “does not know the language of the proceedings” (Section 2 paragraph 20 of the Criminal Procedure Code) or “does not [...] understand or speak the language of the proceedings” (ibid., Section 28, paragraph 1). In addition, a translator shall be assigned if “there is a need to translate the record of the statements or other documents” (ibid., Section 28, paragraph 3). Requests and evidence in a regional or minority language do not seem to be admissible if the author has a command of Slovak. There is also no explicit provision in the legislation that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned if she/he has a command of Slovak. No specific provision seems to exist concerning written testimony or requests. Finally, summons do not mention linguistic rights as it is assumed that they are known to everyone.

598. As far as the practical situation is concerned, the 2<sup>nd</sup> periodical report states that interpreters for Ukrainian have been assigned in a number of cases during the reporting period even though these assignments seem to have concerned foreigners. However, representatives of the Ukrainian-speakers informed the Committee of Experts that Ukrainian has not been used by Ukrainian-speakers in the Slovak Republic in criminal proceedings. In conclusion, the Committee of Experts reiterates the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons.<sup>44</sup>

599. The Committee of Experts considers these undertakings not fulfilled. It urges the Slovak authorities to guarantee the right of the accused to use Ukrainian in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts urges the Slovak authorities to provide in the legislation that requests and evidence may be produced in Ukrainian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

**b in civil proceedings:**

- ...
  - ii *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
  - iii *to allow documents and evidence to be produced in the regional or minority languages,*
- if necessary by the use of interpreters and translations;*

**c in proceedings before courts concerning administrative matters:**

- ...
  - ii *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
  - iii *to allow documents and evidence to be produced in the regional or minority languages,*
- if necessary by the use of interpreters and translations;*

<sup>44</sup> Cf. 3<sup>rd</sup> Report of the Committee of Experts in respect of Hungary, paragraph 107

600. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It encouraged the Slovak authorities “to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use the Ukrainian language without thereby incurring additional expense, and evidence and documents may be produced in Ukrainian if necessary by the use of interpreters and translations, even if the Ukrainian-speaker has a command of the Slovak language.”

601. The 2<sup>nd</sup> periodical report states that in civil proceedings the parties “have the right to use their mother tongue or the official language of the state” (Section 18 of the Civil Procedure Code). “Costs incurred in obtaining evidence ... and the costs resulting from the use of the mother tongue by the party are borne by the State” (ibid., Section 141, paragraph 2). Furthermore, it is said that the legal order of the Slovak Republic allows parties to submit documents and evidence in regional and minority languages without thereby incurring additional expense. The Civil Procedure Code applies *mutatis mutandis* to court proceedings in administrative cases. However, these provisions represent an implementation in the civil (and administrative) proceedings of the general right to interpretation for non-speakers of Slovak, guaranteed by Article 47.4 of the Constitution, but which is not available to regional or minority language speakers who are also able to speak Slovak.

602. As far as the practical situation is concerned, the 2<sup>nd</sup> periodical report states that interpreters for Ukrainian have been assigned in a few cases during the reporting period even though these assignments seem to have concerned foreigners. However, representatives of the Ukrainian-speakers informed the Committee of Experts that Ukrainian has not been used by Ukrainian-speakers in the Slovak Republic in civil and administrative proceedings. In conclusion, the Committee of Experts reiterates the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons.

603. The Committee of Experts considers these undertakings not fulfilled. It urges the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use the Ukrainian language without thereby incurring additional expense, and evidence and documents may be produced in Ukrainian if necessary by the use of interpreters and translations, even if the Ukrainian-speaker has a command of the Slovak language.

*d* **to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.**

604. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

605. In the light of the conclusions reached under Article 9.1.b.ii/b.iii/c.ii/c.iii above, the Committee of Experts considers this undertaking not fulfilled.

### **Paragraph 3**

***The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.***

606. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

607. The 2<sup>nd</sup> periodical report does not provide any relevant information in respect of Ukrainian. The Committee of Experts has no indications that this provision is applied to Ukrainian.

608. The Committee of Experts considers this undertaking not fulfilled.

## **Article 10 – Administrative authorities and public services**

### ***Preliminary issues***

609. The Committee of Experts has already observed that Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20%-threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

## Paragraph 1

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

- a ...
- iii *to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or*
- [iv *to ensure that users of regional or minority languages may submit oral or written applications in these languages;]*

610. Given that sub-paragraphs a.iii and a.iv represent alternative options, the Committee of Experts will follow its usual practice and apply the highest option (a.iii) *ex officio*.

611. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to comment on it.

612. The 2<sup>nd</sup> periodical report does not deal with this issue. Considering that the Slovak Republic undertook to apply this provision to Ukrainian, the Committee of Experts reiterates that it must be applied in those administrative districts of the State where the Ukrainian-speakers represent less than 20% of the municipal population but where there is still a significant number for the purpose of the present undertaking.

613. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts encourages the Slovak authorities to take the necessary measures so that the Ukrainian-speakers may submit oral or written applications and receive a reply in Ukrainian, wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20%-threshold still existing in Slovak legislation.***

## Paragraph 2

614. Pursuant to Slovak legislation, the use of regional or minority languages in relations with local branches of the State administration and local authorities is possible in municipalities where, according to the last census, at least 20% of the population belong to a given national minority. By contrast, the Committee of Experts notes that the use of regional or minority languages in relations with *regional* authorities is not formally permitted.

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- ...
- b *the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

615. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities to  
“- take the necessary measures so that the Ukrainian-speakers may submit oral or written applications in Ukrainian also in those municipalities where the Ukrainian-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking,  
- to provide the legal basis required for Ukrainian-speakers to submit oral or written applications in Ukrainian also in relation to regional authorities where the speakers are present in sufficient number.”

616. According to the information that the Committee of Experts has at its disposal, it is not generally possible for Ukrainian-speakers to submit oral or written applications in Ukrainian to local authorities in areas where the 20%-threshold is met as no organisational measures enabling the authorities to deal with such communications have been taken. The 2<sup>nd</sup> periodical report does not contain any information about measures regarding those municipalities where the Ukrainian-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking. Likewise, no measures have been taken to provide the legal basis required for Ukrainian-speakers to submit oral or written applications in Ukrainian also in relation to regional authorities where the speakers are present in sufficient number.

617. The Committee of Experts considers this undertaking partly fulfilled at local level and not fulfilled at regional level.

***The Committee of Experts urges the Slovak authorities***  
***- to take the necessary measures so that the Ukrainian-speakers may submit oral or written applications in Ukrainian including in those municipalities where the Ukrainian-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking,***  
***- to provide the legal basis required for Ukrainian-speakers to submit oral or written applications in Ukrainian also in relation to regional authorities where the speakers are present in sufficient number***

- c* the publication by regional authorities of their official documents also in the relevant regional or minority languages;
- d* the publication by local authorities of their official documents also in the relevant regional or minority languages;

618. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It encouraged the Slovak authorities “to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.”

619. According to the 2<sup>nd</sup> periodical report, the situation has not changed. No official documents, including municipal gazettes or official announcements, appear to be published in Ukrainian either at local or at regional level. Local authorities may only publish an outline, but not the official document as such in Ukrainian. No such possibility exists with regard to regional authorities. Furthermore, the present provisions are not applied by regional and local authorities on whose territory Ukrainian-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertakings.

620. The Committee of Experts considers these undertakings not fulfilled.

***The Committee of Experts urges the Slovak authorities to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.***

- f* the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

621. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to provide information on its practical implementation.

622. The 2<sup>nd</sup> periodical report does not provide any information about the practical implementation of this undertaking. The use of Ukrainian in debates in local assemblies still depends on the consent of all members of the assemblies. Also, this undertaking has not been applied in municipalities where the Ukrainian-speakers represent less than 20% of the population, but are still present in sufficient numbers for the purposes of that undertaking. The Committee of Experts considers this an unnecessary and discriminatory pre-condition.

623. The Committee of Experts considers this undertaking not fulfilled.

- g* the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.

624. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities “to take the necessary measures to allow and/or encourage the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in Ukrainian also in those municipalities where the Ukrainian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. The Slovak authorities are also encouraged to provide for this possibility with regard to smaller territorial units within the municipalities.”

625. The 2<sup>nd</sup> periodical report does not deal specifically with the aforementioned issue. No measures have been taken to allow and/or encourage the use or adoption of place-names in Ukrainian also in those



municipalities where the Ukrainian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. In addition, it is not clear whether names of smaller territorial units within municipalities, and of streets, are in official use. Public inscriptions/signs for tourists in areas where Ukrainian is traditionally used do also not mention place-names in Ukrainian although the 20%-threshold does not apply to such information.

626. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts urges the Slovak authorities to take the necessary measures to allow and/or encourage the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in Ukrainian also in those municipalities where the Ukrainian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. The Slovak authorities are also encouraged to provide for this possibility with regard to smaller territorial units within the municipalities.***

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

...

*c to allow users of regional or minority languages to submit a request in these languages.”*

627. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit information concerning specifically public services.

628. According to the 2<sup>nd</sup> periodical report, Act No. 184/1999 on the Use of Languages of National Minorities provides that persons belonging to a national minority have the right to file written applications to public authorities also in the minority language in a municipality where the 20%-threshold is met. However, it is not clear whether the notion “public authority” extends to public services. Furthermore, this provision is not complied with in those municipalities where the Ukrainian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

629. The Committee of Experts considers this undertaking not fulfilled.

### **Paragraph 4**

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

*a translation or interpretation as may be required;*

630. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

631. According to the 2<sup>nd</sup> periodical report, public authorities in a municipality where the 20%-threshold is met have the obligation “to create conditions for the use of that minority language”. Apart from the specific case of the registering of births, there does not seem to exist an explicit formal basis for the provision of translation or interpretation and there is no evidence of translation being provided in practice. Furthermore, this provision is not complied with in those municipalities where the Ukrainian-speakers do not attain the 20%-threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

632. The Committee of Experts considers this undertaking not fulfilled.

*c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*



633. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

634. According to the 2<sup>nd</sup> periodical report, requests by public service employees having a knowledge of Ukrainian to be appointed in the territory in which Ukrainian is used are usually approved.

635. On the basis of the information provided by the Slovak authorities, the Committee of Experts considers this undertaking formally fulfilled.

### **Paragraph 5**

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

636. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report. **The Committee of Ministers of the Council of Europe recommended to “guarantee women the right to adopt or use family names in regional or minority languages.”**

637. According to the 2<sup>nd</sup> periodical report, the surname of a female person will be entered in her birth certificate or marriage certificate without the Slovak female inflection at her parents’ or her own written request. All subsequent official extracts and statements of data entered in the register are made with this form of the surname. It appears that a female person may also use her surname at birth in official documents without the grammatical suffix.

638. The Committee of Experts considers this undertaking fulfilled.

## **Article 11 – Media**

### **Paragraph 1**

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

a *to the extent that radio and television carry out a public service mission:*

...

iii *to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

639. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude regarding radio and asked the Slovak authorities to clarify the situation in their next periodical report. With regard to television, the Committee of Experts considered the present undertaking not fulfilled. It encouraged the Slovak authorities “to increase the frequency of the time-slots allocated to the Ukrainian language on public television.” In addition, **the Committee of Ministers of the Council of Europe recommended to “improve the provision of broadcast (...) in all regional or minority languages.”**

640. According to the 2<sup>nd</sup> periodical report, Radio Patria (Slovenský rozhlas) broadcast 394 hours in Ukrainian in 2006. The Slovak authorities informed the Committee of Experts during the on-the-spot visit that Slovenská televízia broadcast 6.5 hours in Ukrainian in 2007 (5.5 hours in the 1<sup>st</sup> monitoring cycle). In addition, a new television programme “Minority News”, which is broadcast weekly (seven minutes) in different minority languages, also uses Ukrainian. Representatives of the Ukrainian-speakers stated during the on-the-spot visit that the broadcasting time on radio had been reduced and that they consider the broadcasting time on television too short and irregular.

641. The Committee of Experts acknowledges the increase in broadcasting time on television. In general, however, the presence of Ukrainian on public service television remains symbolical, which reduces the effectiveness and attractiveness of this broadcasting. The Committee of Experts reiterates the great importance of the electronic media, especially television, for the promotion of regional or minority languages in

modern societies. In particular, a regular and predictable (e.g. weekly) presence of a regional or minority language on radio and television can enhance considerably its social prestige.<sup>45</sup>

642. The Committee of Experts considers this undertaking fulfilled for radio and not fulfilled for television.

***The Committee of Experts urges the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Ukrainian language on public radio and television.***

b ...

ii *to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

643. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

644. While the 2<sup>nd</sup> periodical report does not provide any numbers of licence holders that broadcast in Ukrainian, representatives of the Ukrainian-speakers confirmed during the on-the-spot visit that there is actually no private broadcasting of radio programmes in Ukrainian. The Committee of Experts notes that this is the result of the fact that private radio stations are obliged to have all the broadcasting translated into Slovak. The requirement to translate radio broadcasts is clearly unfeasible and in any event discourages commercial radios from broadcasting in a minority language, rather than encouraging them in conformity with the present undertaking. Regular broadcasts in regional or minority languages could be encouraged through financial incentives or by including the use of such languages among the criteria for allocating frequencies.<sup>46</sup>

645. The Committee of Experts considers this undertaking not fulfilled.

c ...

ii *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

646. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

647. While the 2<sup>nd</sup> periodical report does not provide any numbers of licence holders that broadcast in Ukrainian, representatives of the Ukrainian-speakers confirmed during the on-the-spot visit that there is actually no private broadcasting of television programmes in Ukrainian. The Committee of Experts notes that this is the result of the fact that private television channels are obliged to have all programmes subtitled in Slovak. Subtitling is certainly of interest from the point of view of the Charter, but this requirement puts private television stations wanting to broadcast also in Ukrainian at an economic disadvantage compared to private television stations broadcasting only in Slovak. It therefore discourages private television channels from broadcasting in a minority language, rather than encouraging them in conformity with the present undertaking. As noted above, regular broadcasts in regional or minority languages could be encouraged through financial incentives or by including the use of such languages among the criteria for allocating frequencies.

648. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts encourages the Slovak authorities to remove the existing restrictive requirements for private television and radio broadcasters offering programmes in minority languages.***

d *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

649. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in their next periodical report.

<sup>45</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Switzerland, paragraph 118

<sup>46</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Hungary, paragraph 128

650. The 2<sup>nd</sup> periodical report refers to two new laws. The Digital Broadcasting Act of 2007 liberalised the authorisation scheme for television and radio broadcasting and creates room for the creation of new platforms for the provision of on-line services. Furthermore, the Audiovisual Act of 2008 provides for the possibility of presenting audio-visual works also in the original language (including minority languages), except that programmes for children under twelve cannot be broadcast in regional or minority languages at times when children want to watch television (Section 17 paragraph 4). However, according to the information that the Committee of Experts has at its disposal, neither of the acts have so far encouraged and/or facilitated the production and distribution of audio and audiovisual works in Ukrainian.

651. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages, also ensuring that minority language programmes on digital television are available for children at suitable times.

*e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;*

652. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to clarify whether the Dukl'a magazine and the Nove Žytt'a magazine qualify as "newspapers" within the meaning of the present Charter provision. **The Committee of Ministers of the Council of Europe recommended to "improve the provision of (...) print media in all regional or minority languages."**

653. According to the 2<sup>nd</sup> periodical report, the Slovak authorities grant financial support to three "periodicals" in Ukrainian, including the two mentioned above. The Committee of Experts learnt during the on-the-spot visit that the "Dukl'a" magazine is published bimonthly and the "Nove Žytt'a" magazine fortnightly. In addition, there is a monthly magazine ("Veselka"). However, a "newspaper" in conformity with the present undertaking has to be published at least weekly.<sup>47</sup>

654. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to take appropriate measures to enable at least one newspaper to be published in Ukrainian with sufficient frequency.***

*f ...*

*ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

655. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to provide further information.

656. The Committee of Experts considers this undertaking not fulfilled since there has been no indication that general measures for financial assistance to audiovisual productions have been applied regarding productions in Ukrainian.

### **Paragraph 3**

***The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.***

657. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to comment on it in their next periodical report.

658. According to the 2<sup>nd</sup> periodical report, the Slovak Television Council and the Slovak Radio Council are the competent bodies to approve broadcasting concepts and plans also in respect of the languages of national minorities. Both councils are composed of 15 members which are elected by the National Council.

<sup>47</sup>

Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of Serbia, paragraph 267

However, it is not clear to the Committee of Experts how the interests of national minorities are represented in each body.

659. The Committee of Experts is not in a position to conclude on this undertaking and requests the Slovak authorities to comment on it in their next periodical report.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- a** *to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

660. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to provide specific information about the Ukrainian language.

661. According to the 2<sup>nd</sup> periodical report, the Slovak authorities have supported the publishing of periodical and non-periodical cultural literature in Ukrainian. The report also refers to performances of the Alexander Duchnovič Theatre in Ukrainian. However, according to representatives of the Ukrainian-speakers, these performances are almost never in Ukrainian, but in Ruthenian. No information is available with regard to libraries.

662. The Committee of Experts nevertheless considers this undertaking fulfilled, given the support provided to publications in Ukrainian.

- b** *to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- c** *to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

663. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of these undertakings and requested the Slovak authorities to comment on them in their next periodical report.

664. The 2<sup>nd</sup> periodical report does not provide specific information about the application of this provision to Ukrainian.

665. The Committee of Experts is not in a position to conclude on the fulfilment of these undertakings and requests the Slovak authorities to comment on them in their next periodical report.

- d** *to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*

666. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to clarify in their next periodical report whether there are separate representatives on the Committee for the transfer of earmarked funds for the Ukrainian and Ruthenian languages.

667. The 2<sup>nd</sup> periodical report does not provide concrete examples with regard to Ukrainian. From the information that the Committee of Experts has gathered during the on-the-spot visit it appears that there are separate representatives on the Committee for the transfer of earmarked funds for Ukrainian and Ruthenian.

668. The Committee of Experts considers this undertaking fulfilled.

- e** *to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

669. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to provide information regarding staff at the disposal of the bodies who organise or support cultural activities at present.

670. According to the 2<sup>nd</sup> periodical report, all organisations fostering, developing and presenting culture of national minorities in the Slovak Republic, national minority museums run by the Ministry of Culture and relevant regional theatres are headed by persons belonging to the national minority concerned.

671. The Committee of Experts considers this undertaking fulfilled.

*f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

672. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to clarify in their next periodical report whether there are separate representatives on the Committee for the transfer of earmarked funds for the Ukrainian and Ruthenian languages.

673. According to the 2<sup>nd</sup> periodical report, the Ukrainian national minority has its own grant commission composed of persons belonging to that minority, representatives of all regions and experts on all areas of culture. The commission is an advisory body to the Minister of Culture and evaluates applications for subsidies for the respective minority and decides on the amount of financial contributions for projects.

674. The Committee of Experts considers this undertaking fulfilled.

*g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

675. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to clarify how the Forum Institute for Research of National Minorities performs the activities referred to in this undertaking with specific regard to Ukrainian.

676. According to the information that the Committee of Experts has gathered during the on-the-spot visit, the Fórum inštitút pre výskum menšín (Forum Institute for Research of National Minorities) is neither a public or state-supported institution, nor does it deal with Ukrainian. The Committee of Experts has not been made aware of any other bodies relevant for this undertaking.

677. The Committee of Experts considers this undertaking not fulfilled.

## **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

678. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to provide more information in the next periodical report.

679. According to the 2<sup>nd</sup> periodical report, the Slovak authorities may financially support cultural activities and facilities related to minority languages even if the language concerned has no traditional presence in the region concerned. Such support may also be granted irrespective of the population share of the minority language speakers in the respective area. The Committee of Experts commends the Slovak authorities on this flexible approach. However, no examples of such support in respect of Ukrainian have been provided.

680. The Committee of Experts considers this undertaking formally fulfilled. It encourages the Slovak authorities to allow, encourage and/or provide appropriate cultural activities and facilities for Ukrainian in territories other than those in which Ukrainian is traditionally used.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

681. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It requested the Slovak authorities to clarify if and how the Ukrainian language and culture are presented as part of the Slovak cultural heritage in international exhibitions, tourist materials and in general activities of promotion of the Slovak Republic for tourist purposes.

682. The 2<sup>nd</sup> periodical report does not provide specific information about Ukrainian. Representatives of the Ukrainian-speakers confirmed during the on-the-spot visit that their language and culture are not presented as part of the Slovak cultural heritage in international exhibitions, tourist materials and in general activities of promotion of the Slovak Republic for tourist purposes.

683. The Committee of Experts considers this undertaking not fulfilled.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*

684. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities “to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life.”

685. The 2<sup>nd</sup> periodical report states that, according to the State Language Act (Section 8.2), written legal actions in labour relations (e.g. employment contracts) or a similar labour relation are made in the state language. However, the Labour Code does not explicitly include provisions that would forbid or exclude the possibility of having such a contract also concluded in a minority language, when the parties to the labour relations so agree. With regard to consumer protection, written information is given in Slovak which is without prejudice to the parallel use of other languages (Consumer Protection Act, Sections 11-12). The Slovak authorities informed the Committee of Experts during the on-the-spot visit that, with a view to implementing the Charter, an amendment to the State Language Act is currently under consideration which would ensure the right to use a minority language in contracts of employment and technical documents. The Committee of Experts welcomes this step and looks forward to receiving further information in the next periodical report.

686. The Committee of Experts considers this undertaking fulfilled.

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*

687. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

688. As in the previous monitoring cycle, the Committee of Experts was not informed of any such prohibition.

689. The Committee of Experts considers this undertaking not fulfilled.

- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

690. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to comment on it in their next periodical report.

691. The 2<sup>nd</sup> periodical report refers to the 2004 Antidiscrimination Act (Section 8a).



692. The Committee of Experts has not received any complaints and considers this undertaking fulfilled.

### **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

...

- c *to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*

693. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in Ukrainian even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the Ukrainian-speakers are traditionally present in sufficient numbers for the purpose of the present undertaking.”

694. According to the 2<sup>nd</sup> periodical report, establishments such as children’s homes, crisis centres, resocialisation centres and social care facilities are prepared to receive and treat persons in minority languages. Persons using a minority language are preferentially employed by the social care facilities in those regions where a regional or minority language is used, and the personnel of these facilities communicate both in Slovak and in the minority language. Representatives of the Ukrainian-speakers confirmed during the on-the-spot visit that Ukrainian can be used in social care facilities.

695. The Committee of Experts notes that this practice has no formal basis. The State Language Act (Section 8.4) still provides that the “communication between healthcare professionals and patients shall be usually conducted in the official language” and that “it can be conducted in a language that makes communication with the patient possible” if the patient does not have a command of Slovak. However, the Slovak authorities informed the Committee of Experts during the on-the-spot visit that, with a view to implementing the Charter, an amendment to the State Language Act is currently under consideration which would ensure the right to use a minority language in social care facilities. The Committee of Experts welcomes this step and looks forward to receiving further information in the next periodical report.

696. The Committee of Experts considers this undertaking partly fulfilled. It urges the Slovak authorities to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in Ukrainian even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the Ukrainian-speakers are present in sufficient numbers for the purpose of the present undertaking.

### **Article 14 – Transfrontier exchanges**

*The Parties undertake:*

- a *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

697. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to comment on it in their next periodical report.

698. While the 2<sup>nd</sup> periodical report does not provide the requested information, representatives of the speakers confirmed during the on-the-spot visit that contacts between Ukrainian-speakers in the Slovak Republic and Ukrainian-speakers in Ukraine and other states where Ukrainian is spoken have been fostered in the framework of existing bilateral and multilateral agreements.

699. The Committee of Experts considers this undertaking fulfilled.

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

700. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to clarify how the existing forms of co-operation with Ukraine have benefited the Ukrainian language in the Slovak Republic.

701. The 2<sup>nd</sup> periodical report states that, pursuant to the Agreement between the Government of the Slovak Republic and the Cabinet of Ministers of Ukraine on cross-border cooperation of 2000, both countries co-operate in the fields of culture and education. However, it is still not clear how the existing forms of co-operation with Ukraine have benefited the Ukrainian language in the Slovak Republic.

702. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and requests the Slovak authorities to specify in their next periodical report how the existing forms of co-operation with Ukraine have benefited the Ukrainian language in the Slovak Republic.

### 3.2.6 Czech<sup>48</sup>

703. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its 1<sup>st</sup> report and for which it did not receive any new elements requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage. For Czech, these provisions are the following: Articles 10.1.a.iii; 10.2.b; 10.2.c; 10.2.d; 10.2.f; 10.2.g; 10.3.c; 10.4.a; 10.4.c; 10.5; 11.1.a.iii; 12.1.a; 12.1.d; 12.1.f; 14.a. and 14.b.

## Article 8 – Education

### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

- a*
    - i* *to make available pre-school education in the relevant regional or minority languages; or*
    - ii* *to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
    - iii* ***to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient;***
  - b* *...*
  - iii* ***to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;***
  - c* *...*
  - iii* ***to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;***
  - d* *...*
  - iii* ***to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or***
  - e*
    - i* *to make available university and other higher education in regional or minority languages; or*
    - ii* ***to provide facilities for the study of these languages as university and higher education subjects;***
  - f*
    - i* *to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or*
    - ii* ***to offer such languages as subjects of adult and continuing education;***
  - g* ***to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;***
  - h* ***to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;***
  - i* ***to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.***

704. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered that there was no need to conclude on the fulfilment of this undertaking as there was no demand on the part of the speakers for teaching of Czech or in Czech at any level of education. The Committee of Experts decided to revisit the issue should a demand arise.

705. According to the 2<sup>nd</sup> periodical report, the provisions in question are not applied to Czech given its exceptional proximity with Slovak. No demand by the speakers for Czech-language education seems to exist.

706. The Committee of Experts considers that there is no need to conclude on the fulfilment of this undertaking as there is no demand on the part of the speakers for teaching of Czech or in Czech at any level of education. The Committee of Experts will revisit the issue should a demand arise.

<sup>48</sup>

The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by the Slovak Republic.

## Article 9 – Judicial authorities

707. In the 1<sup>st</sup> monitoring cycle, the Committee of Ministers of the Council of Europe recommended to “remove the restrictions on the right to use regional or minority languages in court.”

### Paragraph 1

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

- a *in criminal proceedings:*
  - ...
  - ii *to guarantee the accused the right to use his/her regional or minority language; and/or*
  - iii *to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*
- b *in civil proceedings:*
  - ...
  - ii *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
  - iii *to allow documents and evidence to be produced in the regional or minority languages,*

*if necessary by the use of interpreters and translations;*
- c *in proceedings before courts concerning administrative matters:*
  - ...
  - ii *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
  - iii *to allow documents and evidence to be produced in the regional or minority languages,*

*if necessary by the use of interpreters and translations;*
- d *to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.*

708. Due to the mutual intelligibility of Slovak and Czech, the use of Czech before courts does not cause any problems. Accordingly, any accused and litigant may use his language before judicial authorities, may produce requests and evidence in Czech; no translations are required.

## Article 11 – Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

- ...
- b ...
  - ii *to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*
- c ...
  - ii *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*
- d *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

- e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;
- ...
- f ...
- ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;

709. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of these undertakings and asked the Slovak authorities to comment on them in their next periodical report.

710. The provisions in question are not applied to Czech given the mutual intelligibility with Slovak. No demand by the speakers for Czech-language media seems to exist.

711. The Committee of Experts considers that there is no need to conclude on the fulfilment of these undertakings as there is no demand on the part of the speakers for Czech-language media. The Committee of Experts will revisit the issue should a demand arise.

## **Paragraph 2**

*The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

712. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to comment on whether it remains possible to receive radio and television broadcasting from the Czech Republic in western and central parts of the Slovak Republic.

713. In the light of all the information available, the Committee of Experts considers this undertaking fulfilled.

## **Paragraph 3**

*The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

714. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to comment on it in their next periodical report.

715. In the light of the conclusions reached above, the Committee of Experts considers that there is no need to conclude on the fulfilment of this undertaking as there is no demand on the part of the speakers for Czech-language media. The Committee of Experts will revisit the issue should a demand arise.

## Article 12 – Cultural activities and facilities

### Paragraph 1

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

...

- b** *to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- c** *to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

716. In the light of the mutual intelligibility of Slovak and Czech, the Committee of Experts considers that there is no need to conclude on the fulfilment of this undertaking.

- e** *to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

717. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide information regarding staff at the disposal of the bodies who organise or support cultural activities.

718. According to the 2<sup>nd</sup> periodical report, all organisations fostering, developing and presenting national minority cultures (national minority museums, theatres) are headed by persons belonging to the relevant national minority.

719. The Committee of Experts considers this undertaking fulfilled.

- g** *to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

720. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to clarify how the Forum Institute for Research of National Minorities performs the activities referred to in the present undertaking with specific regard to Czech.

721. According to the information that the Committee of Experts has gathered during the on-the-spot visit, the Fórum inštitút pre výskum menšín (Forum Institute for Research of National Minorities) is neither a public or state-supported institution, nor does it deal with Czech. The Committee of Experts has not been made aware of other bodies relevant for this undertaking.

722. The Committee of Experts considers this undertaking not fulfilled.

### Paragraph 2

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

723. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide further information.

724. According to the 2<sup>nd</sup> periodical report, the Slovak authorities may financially support cultural activities and facilities related to minority languages even if the language concerned has no traditional presence in the region concerned. Such support may also be granted irrespective of the population share of the minority language speakers in the respective area. The Committee of Experts commends the Slovak authorities on this flexible approach. However, no examples of such support in respect of Czech have been provided.



725. The Committee of Experts considers this undertaking formally fulfilled. It encourages the Slovak authorities to allow, encourage and/or provide appropriate cultural activities and facilities for Czech in territories other than those in which Czech is traditionally used.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

726. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide further information.

727. According to the 2<sup>nd</sup> periodical report, Czech folklore, literature, visual arts and design are represented in the Slovak Republic's exhibition spaces abroad.

728. The Committee of Experts considers this undertaking fulfilled.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*

729. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. encourages the authorities “to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life.”

730. The 2<sup>nd</sup> periodical report states that, according to the State Language Act (Section 8.2), written legal actions in labour relations (e.g. employment contracts) or a similar labour relation are made in the state language. However, the Labour Code does not explicitly include provisions that would forbid or exclude the possibility of having such a contract also concluded in a minority language, when the parties to the labour relations so agree. With regard to consumer protection, written information is given in Slovak which is without prejudice to the parallel use of other languages (Consumer Protection Act, Sections 11-12). The Slovak authorities informed the Committee of Experts during the on-the-spot visit that, with a view to implementing the Charter, an amendment to the State Language Act is currently under consideration which would ensure the right to use a minority language in contracts of employment and technical documents. The Committee of Experts welcomes this step and looks forward to receiving further information in the next periodical report.

731. The Committee of Experts looks forward to the adoption of the amendment to the State Language Act which might lead to the fulfilment of this undertaking.

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*

732. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

733. As in the previous monitoring cycle, the Committee of Experts was not informed of any such prohibition.

734. The Committee of Experts considers this undertaking not fulfilled.

- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

735. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide further information.

736. The 2<sup>nd</sup> periodical report refers to the 2004 Antidiscrimination Act (Section 8a).

737. The Committee of Experts has not received any complaints and considers this undertaking fulfilled.

**Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

...

- c *to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*

738. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to clarify whether the “quasi-official status” of Czech supersedes Section 8 para. 4 of Act No. 270/1995 on the State Language.

739. According to the 2<sup>nd</sup> periodical report, establishments such as children’s homes, crisis centres, resocialisation centres and social care facilities are prepared to receive and treat persons in minority languages. Persons using a minority language are preferentially employed by the social care facilities in those regions where a regional or minority language is used, and the personnel of these facilities communicate both in Slovak and in the minority language. Considering the similarities of Czech and Slovak, this undertaking is de facto fulfilled in practice.

740. The Committee of Experts considers this undertaking fulfilled.

### 3.2.7 Bulgarian, Croatian and Polish<sup>49</sup>

741. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its 1<sup>st</sup> report and for which it did not receive any new elements requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage.

742. For **Bulgarian**, these provisions are the following: Articles 11.2; 12.1.d; 12.1.f

743. For **Croatian**, these provisions are the following: Articles 11.2; 12.1.d; 12.1.f

744. For **Polish**, these provisions are the following: Articles 11.2; 12.1.d; 12.1.f; 14.b

## Article 8 – Education

### *Preliminary issues*

745. The undertakings entered into by the Slovak Republic under Article 8 require the authorities *to make available* regional or minority language education at the different levels of education. This implies that the offer needs to precede the demand, i.e. that the education has to be organised before the authorities are approached by parents or pupils.<sup>50</sup> Such offer also needs to ensure continuity between the different levels of education in the particular geographical areas concerned. Moreover, the authorities have to actively inform parents and/or pupils about the availability of regional or minority language education and to encourage them to apply for it.

### **Paragraph 1**

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

- a
  - i *to make available pre-school education in the relevant regional or minority languages; or*
  - ii *to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
  - iii *to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient;*

746. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for Bulgarian. With regard to Croatian and Polish, it was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide further information. The Committee of Experts also asked the Slovak authorities to clarify what is the exact minimum number of pupils required to set up a class at pre-school level.

747. According to the 2<sup>nd</sup> periodical report, there is currently one pre-school that uses **Bulgarian**. However, this pre-school is run by Bulgaria and appears to be, according to representatives of the Bulgarian-speakers, underfunded. However, no primary schools use **Croatian** and **Polish**. The Slovak authorities have also clarified that the minimum number of pupils required to set up a class at pre-school level is 5 or 6. The Committee of Experts is of the opinion that when the Slovak Republic signed up to this undertaking, it had to establish a structured policy to facilitate the possibilities of pre-school education in **Bulgarian, Croatian and Polish**.

748. The Committee of Experts considers this undertaking partly fulfilled for **Bulgarian** and considers that the Slovak authorities should become involved in the provision of pre-school education in Bulgarian in order to ensure that the demand is met. The Committee of Experts considers this undertaking not fulfilled for **Croatian and Polish**.

- b ...
- iii *to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*
- c ...
- iii *to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*

<sup>49</sup> The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by the Slovak Republic.

<sup>50</sup> Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of the United Kingdom, paragraph 68

749. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled with respect to Polish. It encouraged the Slovak authorities “to provide in the relevant geographical areas, within primary and secondary education, for teaching of Polish as an integral part of the curriculum.” With regard to Bulgarian and Croatian, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information in their next periodical report.

750. According to the 2<sup>nd</sup> periodical report, there is currently one bilingual primary and grammar school in Bratislava that uses **Bulgarian**. Since this school is run by Bulgaria, it is unclear whether the Slovak authorities contribute to the financing. In addition, representatives of the Bulgarian-speakers stated during the on-the-spot visit that the minimum number to set up a class at this private school is 16 while it is only 5-6 in the Slovak school system. As a consequence, a substantial number of pupils belonging to the **Bulgarian** minority (more than ten) have failed in two consecutive years to set up a first class. The Committee of Experts considers that the Slovak authorities should reach an agreement with the Bulgarian School with a view to providing, within primary and secondary education, for the teaching of Bulgarian as an integral part of the curriculum, or to provide for such education within the Slovak education system.

751. Persons belonging to the **Polish** minority attend the Polish School of Bratislava, which is a primary and secondary school run by Poland for the children of diplomats. However, this school is not accredited as a regular school. The Committee of Experts considers that the Slovak authorities should reach an agreement with the Polish School with a view to providing, within primary and secondary education, for the teaching of Polish as an integral part of the curriculum, or to provide for such education within the Slovak education system.

752. Despite the relatively favourable pre-conditions for Croatian-language education, given that the Croatian-speakers live concentrated in Bratislava-Jarovce/Hrvatski Jandrof and Bratislava-Čunovo, no primary or secondary school uses **Croatian**. The Committee of Experts is of the opinion that when the Slovak Republic signed up to this undertaking, it had to establish a structured policy to facilitate the possibilities of primary and secondary school education in **Croatian**, for example through lowering the minimum number of pupils required to set up a class. In the light of information received from the Croatian-speakers during the on-the-spot visit, the Committee of Experts also encourages the Slovak authorities to clarify, in co-operation with the speakers, to what extent the Croatian varieties spoken around Bratislava could be included (e.g. oral use) in the teaching of standard Croatian.

753. The Committee of Experts considers these undertakings partly fulfilled for **Bulgarian** and **Polish**. It considers that the Slovak authorities should become involved in the provision of primary and secondary education in Bulgarian and Polish in order to ensure that the demand is met. The Committee of Experts considers this undertaking not fulfilled for **Croatian**.

***The Committee of Experts urges the Slovak authorities to provide in the relevant geographical areas, within primary and secondary education, for the teaching of Bulgarian, Croatian and Polish as an integral part of the curriculum.***

d ...

iii *to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*

754. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled with respect to Bulgarian and Polish. It encouraged the Slovak authorities “to provide in the relevant geographical areas, within technical and vocational education, for teaching of Polish as an integral part of the curriculum.” With respect to Croatian, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information in their next periodical report.

755. According to the 2<sup>nd</sup> periodical report, there is no provision, within technical and vocational education, for the teaching of **Bulgarian**, **Croatian** and **Polish** as an integral part of the curriculum.

756. The Committee of Experts considers this undertaking not fulfilled for **Bulgarian**, **Croatian** and **Polish**.

e i *to make available university and other higher education in regional or minority languages; or*  
ii *to provide facilities for the study of these languages as university and higher education subjects;*

757. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled for Bulgarian and Polish. With respect to Croatian, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information in their next periodical report.

758. According to the 2<sup>nd</sup> periodical report, **Croatian** can be studied as a foreign language at the Universities of Bratislava and Banská Bystrica.

759. The Committee of Experts considers this undertaking fulfilled for **Croatian**. It remains fulfilled for **Bulgarian** and **Polish**.

- f*
  - i* to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or
  - ii* to offer such languages as subjects of adult and continuing education;

760. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking for **Bulgarian**, **Croatian** and **Polish**. It asked the Slovak authorities to submit further information in their next periodical report.

761. The Committee of Experts learnt during the on-the-spot visit that the Polish Institute in Bratislava, which is an institution of Poland, offers Polish-courses once per week. However, it has not been made aware of any initiative taken by the Slovak authorities to apply this provision to the three languages in question.

762. The Committee of Experts considers this undertaking not fulfilled for **Bulgarian**, **Croatian** and **Polish**.

- g* to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

763. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking for Bulgarian, Croatian and Polish. It asked the Slovak authorities to submit further information in their next periodical report.

764. The 2<sup>nd</sup> periodical report states that this provision has not been applied to **Croatian** and **Polish**. With regard to **Bulgarian**, the information provided in the report is insufficient.

765. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking for **Bulgarian**. With regard to **Croatian** and **Polish**, it considers this undertaking not fulfilled.

- h* to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

766. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking for Bulgarian, Croatian and Polish. It asked the Slovak authorities to submit further information in their next periodical report. **The Committee of Ministers of the Council of Europe recommended to “improve (...) teacher-training.”**

767. The 2<sup>nd</sup> periodical report refers to the Methodological Pedagogical Centre. However, there is no information on relevant activities of this centre with regard to teachers of **Bulgarian**, **Croatian** and **Polish**.

768. The Committee of Experts considers this undertaking not fulfilled.

- i* to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

769. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.” In addition, **the Committee of Ministers of the Council of Europe recommended to “(...) set up a body in charge of monitoring the measures taken and progress achieved.”**

770. The 2<sup>nd</sup> periodical report refers to the Council for National Minority Education as a relevant advisory body to the Minister of Education. However, the Committee of Experts lacks precise information how that Council monitors the measures taken and progress achieved in establishing or developing teaching in and of **Bulgarian, Croatian and Polish**, and of drawing up public periodic reports. The Committee of Experts reiterates<sup>51</sup> that this undertaking requires a body dedicated to looking at the teaching of regional or minority languages. In practice, it is possible for an existing body to monitor the measures taken and progress achieved in minority language education and to produce and publish periodical reports.

771. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Slovak authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.***

## Article 9 – Judicial authorities

772. In the 1<sup>st</sup> monitoring cycle, the **Committee of Ministers of the Council of Europe recommended to “remove the restrictions on the right to use regional or minority languages in court.”**

### Paragraph 1

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

a *in criminal proceedings:*

...

- ii *to guarantee the accused the right to use his/her regional or minority language; and/or*
- iii *to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

773. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for Bulgarian, Croatian and Polish. It encouraged the Slovak authorities:  
“- to guarantee the right of the accused to use the Bulgarian, Polish or Croatian languages in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution;  
- to provide in the legislation that requests and evidence may be produced in Bulgarian, Polish and Croatian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.”

774. According to the 2<sup>nd</sup> periodical report, the relevant legislation still limits the right to use a minority language in criminal proceedings by the use of interpreters and translations to cases where the person concerned “does not know the language of the proceedings” (Section 2 paragraph 20 of the Criminal Procedure Code) or “does not [...] understand or speak the language of the proceedings” (ibid., Section 28, paragraph 1). In addition, a translator shall be assigned if “there is a need to translate the record of the statements or other documents” (ibid., Section 28, paragraph 3). Requests and evidence in a regional or minority language do not seem to be admissible if the author has a command of Slovak. There is also no explicit provision in the legislation that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned if she/he has a command of Slovak. No specific provision seems to exist concerning written testimony or requests. Finally, summons do not mention linguistic rights as it is assumed that they are known to everyone.

775. As far as the practical situation is concerned, the 2<sup>nd</sup> periodical report states that interpreters for **Bulgarian, Croatian and Polish** have been assigned in a few criminal proceedings during the reporting period, but apparently to foreigners. However, representatives of the speakers informed the Committee of

<sup>51</sup> Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of the United Kingdom, paragraph 131



Experts that **Bulgarian, Croatian and Polish** have not been used by citizens of the Slovak Republic in criminal proceedings. In conclusion, the Committee of Experts reiterates the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons.<sup>52</sup>

776. The Committee of Experts considers these undertakings not fulfilled for **Bulgarian, Croatian and Polish**. It urges the Slovak authorities to guarantee the right of the accused to use the Bulgarian, Polish or Croatian language in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts urges the Slovak authorities to provide in the legislation that requests and evidence may be produced in Bulgarian, Polish and Croatian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

**b in civil proceedings:**

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**
- iii to allow documents and evidence to be produced in the regional or minority languages,**

**if necessary by the use of interpreters and translations;**

**c in proceedings before courts concerning administrative matters:**

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**
- iii to allow documents and evidence to be produced in the regional or minority languages,**

**if necessary by the use of interpreters and translations;**

777. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for Bulgarian, Croatian and Polish. It encouraged the Slovak authorities “to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use one of these languages without thereby incurring additional expense, and evidence and documents may be produced in Bulgarian, Polish or Croatian if necessary by the use of interpreters and translations, even if the speaker of Bulgarian, Polish or Croatian has a command of the Slovak language.”

778. The 2<sup>nd</sup> periodical report states that in civil proceedings the parties “have the right to use their mother tongue or the official language of the state” (Section 18 of the Civil Procedure Code). “Costs incurred in obtaining evidence ... and the costs resulting from the use of the mother tongue by the party are borne by the State” (ibid., Section 141, paragraph 2). Furthermore, it is said that the legal order of the Slovak Republic allows parties to submit documents and evidence in regional and minority languages without thereby incurring additional expense. The Civil Procedure Code applies *mutatis mutandis* to court proceedings in administrative cases. However, these provisions represent an implementation in the civil (and administrative) proceedings of the general right to interpretation for non-speakers of Slovak, guaranteed by Article 47.4 of the Constitution, but which is not available to regional or minority language speakers who are also able to speak Slovak.

779. As far as the practical situation is concerned, the 2<sup>nd</sup> periodical report states that interpreters for **Bulgarian, Croatian and Polish** have been assigned in a few civil proceedings during the reporting period, but apparently to foreigners. However, representatives of the speakers informed the Committee of Experts that **Bulgarian, Croatian and Polish** have not been used by citizens of the Slovak Republic in civil proceedings. In conclusion, the Committee of Experts reiterates the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons.

780. The Committee of Experts considers these undertakings not fulfilled for **Bulgarian, Croatian and Polish**. It urges the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use Bulgarian, Polish or Croatian without

<sup>52</sup>

Cf. 3<sup>rd</sup> Report of the Committee of Experts in respect of Hungary, paragraph 107

thereby incurring additional expense, and evidence and documents may be produced in Bulgarian, Polish or Croatian if necessary by the use of interpreters and translations, even if the speaker of Bulgarian, Polish or Croatian has a command of Slovak.

- d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.*

781. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for Bulgarian, Croatian and Polish.

782. In the light of the conclusions reached under Article 9.1.b.ii/b.iii/c.ii/c.iii above, the Committee of Experts considers this undertaking not fulfilled for **Bulgarian, Croatian and Polish**.

## **Article 10 – Administrative authorities and public services**

### *Preliminary issues*

783. While the Bulgarian and Polish national minorities do not attain the 20%-threshold in any municipality, the Croats represent 20.4% of the population in Bratislava-Jarovce/Hrvatski Jandrof. However, the Committee of Experts has already observed that Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20%-threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

### **Paragraph 1**

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

- a ...*
- iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or*
- [iv to ensure that users of regional or minority languages may submit oral or written applications in these languages;]*

784. Given that sub-paragraphs a.iii and a.iv represent alternative options, the Committee of Experts will follow its usual practice and apply the highest option (a.iii) *ex officio*.

785. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking for **Bulgarian, Croatian and Polish**. It asked the Slovak authorities to submit further information in their next periodical report.

786. The present provision has neither been applied to **Bulgarian and Polish**, nor to **Croatian**. Considering that the Slovak Republic undertook to apply this provision to the three languages in question, the Committee of Experts reiterates that it must be applied in those administrative districts of the State where the speakers of these languages represent less than 20% of the municipal population but where there is still a significant number for the purpose of the present undertaking.

787. The Committee of Experts considers this undertaking not fulfilled for **Bulgarian, Croatian and Polish**.

***The Committee of Experts encourages the Slovak authorities to take the necessary measures so that the speakers of Bulgarian, Croatian and Polish may submit oral or written applications and receive a reply in these languages, wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20%-threshold still existing in Slovak legislation.***

### **Paragraph 2**

788. Pursuant to Slovak legislation, the use of regional or minority languages in relations with local branches of the State administration and local authorities is possible in municipalities where, according to the last census, at least 20% of the population belong to a given national minority. By contrast, the Committee of

Experts notes that the use of regional or minority languages in relations with *regional* authorities is not formally permitted.

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

...

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

*c the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

*d the publication by local authorities of their official documents also in the relevant regional or minority languages;*

...

*f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

*g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

...

*c to allow users of regional or minority languages to submit a request in these languages.*

### **Paragraph 4**

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

*a translation or interpretation as may be required;*

...

*c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used."*

789. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered these undertakings not fulfilled in the case of **Bulgarian** and **Polish**. It encouraged the Slovak authorities "to take the necessary measures regarding the implementation of the undertakings entered into by the Slovak Republic under Article 10 paras. 2 to 4 of the Charter, in the first place by assessing where in the Slovak Republic there are sufficient numbers of speakers of Bulgarian and Polish for the purpose of these undertakings. Furthermore, the condition that all present consent to the use of Bulgarian or Polish for conducting a session of a local authority should be removed. The relevant regional or minority language or Slovak should be used in accordance with the choice of the speakers and appropriate provision be made for translation and/or interpretation during the session." With regard to **Croatian**, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information in their next periodical report.

790. According to the 2<sup>nd</sup> periodical report, **Bulgarian**, **Polish** and **Croatian** have not been used in conformity with Articles 10.2 b, c, d, f, g, 10.3 c and 10.4 a, c.

791. The Committee of Experts was informed by representatives of the **Croatian**-speakers and local authorities that Croatian is occasionally used in oral contacts with the local authorities of Bratislava-Jarovce/Hrvatski Jandrof, Bratislava-Čunovo and Bratislava-Devínska Nová Ves. The fact that a number of officers speak Croatian is, however, not the result of a systematic staffing policy, but simply reflects the linguistic composition of these municipalities. The Committee of Experts regrets that, apart from the possibility to submit oral applications, no other undertaking under Article 10, including the one concerning place-names (Article 10.2.g) seems to be implemented regarding Croatian in Bratislava-Jarovce/Hrvatski Jandrof, let alone in Bratislava-Čunovo where the Croatian-speakers also appear to be present in sufficient numbers (16.2%) for the purpose of the above undertakings.

792. The Committee of Experts considers these undertakings not fulfilled for **Bulgarian**, **Croatian** and **Polish**.

***The Committee of Experts urges the Slovak authorities to take the necessary measures regarding the implementation of the undertakings entered into by the Slovak Republic under Article 10 paragraphs 2 to 4 of the Charter, in the first place by assessing where in the Slovak Republic there are sufficient numbers of speakers of Bulgarian, Croatian and Polish for the purpose of these undertakings. Furthermore, the condition that a general consensus is required from all members present in order for Bulgarian, Croatian or Polish to be used for conducting a session of a local authority should be removed. The relevant regional or minority language or Slovak should be used in accordance with the choice of the speakers and appropriate provision be made for translation and/or interpretation during the session.***

#### **Paragraph 5**

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

793. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for Polish and Croatian. It encouraged the Slovak authorities “to take the necessary measures to allow in all cases the use or adoption of family names in the regional or minority languages, at the request of those concerned.” With respect to Bulgarian, the Committee of Experts was not in a position to conclude and asked the Slovak authorities to submit further information in the next periodical report. **The Committee of Ministers of the Council of Europe recommended to “guarantee women the right to adopt or use family names in regional or minority languages.”**

794. According to the 2<sup>nd</sup> periodical report, the surname of a female person will be entered in her birth certificate or marriage certificate without the Slovak female inflection at her parents’ or her own written request. All subsequent official extracts and statements of data entered in the register are made with this form of the surname. It appears that a female person may also use her surname at birth in official documents without the grammatical suffix.

795. The Committee of Experts considers this undertaking fulfilled for **Bulgarian, Polish and Croatian.**

### **Article 11 – Media**

#### **Paragraph 1**

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

a *to the extent that radio and television carry out a public service mission:*

...

iii *to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

796. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for Bulgarian, Croatian and Polish. It encouraged the Slovak authorities - to make adequate provision so that broadcasters offer radio programmes in Bulgarian and to increase the frequency of the time-slots allocated to Bulgarian on public television;

“- to increase the frequency of the time-slots allocated to Polish on public radio and television”;

“- to make adequate provision so that public broadcasters offer radio and television programmes in Croatian.”

797. In addition, **the Committee of Ministers of the Council of Europe recommended to “improve the provision of broadcast (...) in all regional or minority languages.”**

798. The 2<sup>nd</sup> periodical report states that Radio Patria (Slovenský rozhlas) broadcast seven hours in **Polish** in 2006. There were no public radio programmes in **Bulgarian** and **Croatian.**

799. In 2007, Slovenská televízia broadcast 1.7 hours in **Bulgarian** (1<sup>st</sup> monitoring cycle: 54 minutes), 3.9 hours in **Polish** (1<sup>st</sup> monitoring cycle: 2.3 hours) and 1.3 hours in **Croatian** (1<sup>st</sup> monitoring cycle: 0 minutes).

800. The Committee of Experts acknowledges the increase in television broadcasting time for **Bulgarian** and **Polish** and the creation of a programme in **Croatian**. In general, however, the presence of these languages in public broadcasting remains symbolical, which reduces the effectiveness and attractiveness of this broadcasting. The Committee of Experts reiterates the great importance of the electronic media, especially television, for the promotion of regional or minority languages in modern societies. In particular, a regular and predictable (e.g. weekly) presence of a regional or minority language on radio and television can enhance considerably its social prestige.<sup>53</sup>

801. With regard to *radio*, the Committee of Experts considers this undertaking partly fulfilled for **Polish** and not fulfilled for **Bulgarian** and **Croatian**.

802. With regard to *television*, the Committee of Experts considers this undertaking partly fulfilled for **Bulgarian, Polish** and **Croatian**.

***The Committee of Experts urges the Slovak authorities***  
***- to make adequate provision so that broadcasters offer radio programmes in Bulgarian and to increase the frequency of the time-slots allocated to Bulgarian on public television;***  
***- to make adequate provision so that public broadcasters offer radio programmes in Croatian;***  
***- to increase the frequency of the time-slots allocated to Polish on public radio and television.***

b ...

ii *to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

803. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information.

804. While the 2<sup>nd</sup> periodical report does not provide any numbers of licence holders that broadcast in **Bulgarian, Croatian and Polish**, representatives of the speakers confirmed during the on-the-spot visit that there is actually no private broadcasting of radio programmes in these languages. The Committee of Experts notes that this is the result of the fact that private radio stations are obliged to have all the broadcasting translated into Slovak. The requirement to translate radio broadcasts is clearly unfeasible and in any event discourages commercial radios from broadcasting in a minority language, rather than encouraging them in conformity with the present undertaking. Regular broadcasts in regional or minority languages could be encouraged through financial incentives or by including the use of such languages among the criteria for allocating frequencies.<sup>54</sup>

805. The Committee of Experts considers this undertaking not fulfilled for **Bulgarian, Croatian** and **Polish**.

c ...

ii *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

806. In the 1<sup>st</sup> monitoring cycle, was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information.

807. While the 2<sup>nd</sup> periodical report does not provide any numbers of licence holders that broadcast in **Bulgarian, Croatian and Polish**, representatives of the speakers confirmed during the on-the-spot visit that there is actually no private broadcasting of television programmes in these languages. The Committee of Experts notes that this is the result of the fact that private television channels are obliged to have all programmes subtitled in Slovak. Subtitling is certainly of interest from the point of view of the Charter, but this requirement puts private television stations wanting to broadcast also in Bulgarian, Croatian and Polish at an economic disadvantage compared to private television stations broadcasting only in Slovak. It therefore discourages private television channels from broadcasting in a minority language, rather than encouraging them in conformity with the present undertaking. As noted above, regular broadcasts in regional or minority languages could be encouraged through financial incentives or by including the use of such languages among the criteria for allocating frequencies.

<sup>53</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Switzerland, paragraph 118

<sup>54</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts in respect of Hungary, paragraph 128



808. The Committee of Experts considers this undertaking not fulfilled for **Bulgarian, Croatian and Polish**.

***The Committee of Experts encourages the Slovak authorities to remove the existing restrictive requirements for private television and radio broadcasters offering programmes in minority languages.***

*d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

809. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information.

810. The 2<sup>nd</sup> periodical report refers to two new laws. The Digital Broadcasting Act of 2007 liberalised the authorisation scheme for television and radio broadcasting and creates room for the creation of new platforms for the provision of on-line services. Furthermore, the Audiovisual Act of 2008 provides for the possibility of presenting audio-visual works also in the original language (including minority languages), except that programmes for children under twelve cannot be broadcast in regional or minority languages at times when children want to watch television (Section 17 paragraph 4). However, according to the information that the Committee of Experts has at its disposal, neither of the acts have so far encouraged and/or facilitated the production and distribution of audio and audiovisual works in **Bulgarian, Croatian and Polish**.

811. The Committee of Experts considers this undertaking not fulfilled for **Bulgarian, Croatian and Polish**. It encourages the Slovak authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages, also ensuring that minority language programmes on digital television are available for children at suitable times.

*e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;*

812. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to clarify whether the magazines “Hrvatska Rosa” (Croatian), “Monitor Polonijny” (Polish) and “Roden Glas” (Bulgarian) qualify as “newspapers” within the meaning of the present provision. **The Committee of Ministers of the Council of Europe recommended to “improve the provision of (...) print media in all regional or minority languages.”**

813. According to the 2<sup>nd</sup> periodical report, the Slovak authorities assist one periodical in Bulgarian (“Sanarodnik–Krajan”), Polish (“Monitor Polonijny”) and Croatian (“Hrvatska Rosa”) respectively. The Committee of Experts learnt during the on-the-spot visit that the “Monitor Polonijny” and the “Hrvatska Rosa” are published monthly. In addition, the additional information that the Committee of Experts has received from the Slovak authorities during the on-the-spot visit indicate that the “Sanarodnik–Krajan” (Bulgarian) is published irregularly and the “Roden Glas” once per quarter. However, a “newspaper” in conformity with the present undertaking has to be published at least weekly.<sup>55</sup>

814. The Committee of Experts considers this undertaking not fulfilled for **Bulgarian, Croatian and Polish**.

*f ...  
ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

815. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information.

816. The 2<sup>nd</sup> periodical report does not contain any specific information about the application of this provision to **Bulgarian, Croatian and Polish**.

817. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and requests the Slovak authorities to submit further information in the next periodical report.

<sup>55</sup> Cf. 1<sup>st</sup> Report of the Committee of Experts in respect of Serbia, paragraph 267



### Paragraph 3

*The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

818. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information.

819. According to the 2<sup>nd</sup> periodical report, the Slovak Television Council and the Slovak Radio Council are the competent bodies to approve broadcasting concepts and plans also in respect of the languages of national minorities. Both councils are composed of 15 members which are elected by the National Council. However, it is not clear to the Committee of Experts how the interests of national minorities are represented in each body.

820. The Committee of Experts is not in a position to conclude on this undertaking and requests the Slovak authorities to comment on it in their next periodical report.

## Article 12 – Cultural activities and facilities

### Paragraph 1

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

821. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled for Polish. However, it was not in a position to conclude on the fulfilment of this undertaking for Bulgarian and Croatian and asked the Slovak authorities to submit further information.

822. According to the 2<sup>nd</sup> periodical report, the Slovak authorities granted financial support to the publishing of periodicals and non-periodical literature in **Bulgarian**.

823. With regard to **Croatian**, the Slovak authorities refer to their support of the Museum of Croatian Culture in the Slovak Republic. Furthermore, the Slovak authorities granted financial support to two non-periodical publications in Croatian (SKK 100 000,- / € 3 320 each).

824. The 2<sup>nd</sup> periodical report does not contain any specific information on how this provision has been applied to **Polish**. Nevertheless, representatives of the Polish-speakers stated during the on-the-spot visit that they appreciate the project of a Polish Gallery in Košice, which might at a later stage develop into a Museum of Polish Culture in the Slovak Republic.

825. The Committee of Experts considers this undertaking fulfilled for **Croatian, Bulgarian and Polish**.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

826. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of these undertakings and asked the Slovak authorities to submit further information.

827. The 2<sup>nd</sup> periodical report does not provide any specific information about translation, dubbing, post-synchronisation and subtitling activities in respect of **Bulgarian, Croatian and Polish**.

828. The Committee of Experts is not in a position to conclude on the fulfilment of these undertakings and requests the Slovak authorities to submit further information in the next periodical report.

- e *to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

829. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to provide information regarding staff at the disposal of the bodies who organise or support cultural activities.

830. According to the 2<sup>nd</sup> periodical report, all organisations fostering, developing and presenting national minority cultures (national minority museums, theatres) are headed by persons belonging to the relevant national minority.

831. The Committee of Experts considers this undertaking fulfilled for **Bulgarian, Croatian and Polish**.

- g *to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

832. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to clarify how the Forum Institute for Research of National Minorities performs the activities referred to in the present undertaking with specific regard to Bulgarian, Croatian and Polish.

833. According to the information that the Committee of Experts has gathered during the on-the-spot visit, the Fórum inštitút pre výskum menšín (Forum Institute for Research of National Minorities) is neither a public or state-supported institution, nor does it deal with **Bulgarian, Croatian and Polish**. The Committee of Experts has not been made aware of other bodies relevant for this undertaking.

834. The Committee of Experts considers this undertaking not fulfilled for **Bulgarian, Croatian and Polish**.

## **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

835. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information.

836. According to the 2<sup>nd</sup> periodical report, the Slovak authorities may financially support cultural activities and facilities related to minority languages even if the language concerned has no traditional presence in the region concerned. Such support may also be granted irrespective of the population share of the minority language speakers in the respective area. The Committee of Experts commends the Slovak authorities on this flexible approach. However, no examples of such support in respect of **Bulgarian, Croatian and Polish** have been provided.

837. The Committee of Experts considers this undertaking formally fulfilled for **Bulgarian, Croatian and Polish**.

## **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

838. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information.

839. The 2<sup>nd</sup> periodical report does not provide specific information about **Bulgarian, Croatian and Polish**.

840. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and requests the Slovak authorities to submit further information with regard to **Bulgarian, Croatian and Polish**.

## Article 13 – Economic and social life

### Paragraph 1

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- a *to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*

841. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities “to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life.”

842. The 2<sup>nd</sup> periodical report states that, according to the State Language Act (Section 8.2), written legal actions in labour relations (e.g. employment contracts) or a similar labour relation are made in the state language. However, the Labour Code does not explicitly include provisions that would forbid or exclude the possibility of having such a contract also concluded in a minority language, when the parties to the labour relations so agree. With regard to consumer protection, written information is given in Slovak which is without prejudice to the parallel use of other languages (Consumer Protection Act, Sections 11-12). The Slovak authorities informed the Committee of Experts during the on-the-spot visit that, with a view to implementing the Charter, an amendment to the State Language Act is currently under consideration which would ensure the right to use a minority language in contracts of employment and technical documents. The Committee of Experts welcomes this step and looks forward to receiving further information in the next periodical report.

843. The Committee of Experts looks forward to the adoption of the amendment to the State Language Act which might lead to the fulfilment of this undertaking.

- b *to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*

844. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

845. As in the previous monitoring cycle, the Committee of Experts was not informed of any such prohibition.

846. The Committee of Experts considers this undertaking not fulfilled for **Bulgarian, Croatian and Polish**.

- c *to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

847. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information.

848. The 2<sup>nd</sup> periodical report refers to the 2004 Antidiscrimination Act (Section 8a).

849. The Committee of Experts has not received any complaints and considers this undertaking fulfilled for **Bulgarian, Croatian and Polish**.

### Paragraph 2

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

...

- c *to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*

850. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities “to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in Bulgarian, Polish and Croatian even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all

those areas where the speakers of Bulgarian, Polish and Croatian are traditionally present in sufficient numbers for the purpose of the present undertaking.”

851. According to the 2<sup>nd</sup> periodical report, establishments such as children’s homes, crisis centres, resocialisation centres and social care facilities are prepared to receive and treat persons in minority languages. Persons using a minority language are preferentially employed by the social care facilities in those regions where a regional or minority language is used, and the personnel of these facilities communicate both in Slovak and in the minority language. However, according to the information that the Committee of Experts has at its disposal, there is no use of **Bulgarian, Croatian and Polish** in the context of the present undertaking.

852. The State Language Act (Section 8.4) still provides that the “communication between healthcare professionals and patients shall be usually conducted in the official language” and that “it can be conducted in a language that makes communication with the patient possible” if the patient does not have a command of Slovak. However, the Slovak authorities informed the Committee of Experts during the on-the-spot visit that, with a view to implementing the Charter, an amendment to the State Language Act is currently under consideration which would ensure the right to use a minority language in social care facilities. The Committee of Experts welcomes this step and looks forward to receiving further information in the next periodical report.

853. The Committee of Experts considers this undertaking not fulfilled at present for **Bulgarian, Croatian and Polish**.

#### **Article 14 – Transfrontier exchanges**

*The Parties undertake:*

- a *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

854. In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking fulfilled for Polish. With respect to Bulgarian and Croatian, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Slovak authorities to submit further information.

855. The 2<sup>nd</sup> periodical report contains only information about the application of this provision to **Polish**. The Slovak authorities have clarified during the on-the-spot visit that no agreements exist which would be relevant for **Bulgarian and Croatian**.

856. The Committee of Experts considers this undertaking fulfilled for **Polish** and not fulfilled for **Bulgarian and Croatian**. It encourages the Slovak authorities to conclude agreements with States in which Bulgarian and Croatian are used to foster contacts between the users of these languages in the States concerned in the fields of culture, education, information, vocational training and permanent education.

#### Chapter 4. Findings of the Committee of Experts in the second monitoring round

A. The Committee of Experts wishes to express its gratitude to the Slovak authorities for the excellent co-operation it has enjoyed during the preparation of this report. In addition, the co-operation with the bodies and associations representing the speakers of the regional or minority languages during the on-the-spot visit was very positive. The Slovak situation is characterised by a complex mosaic of divergent minority languages and by a very ambitious instrument of ratification, with Part III protection covering practically all regional or minority languages spoken in the Slovak Republic. Taking account of the very diversified situation of the minority languages and of the fact that some of them have a very weak and/or dispersed territorial presence, the application of Part III undertakings in some of the cases is particularly difficult.

B. The Committee of Experts identified a number of general problems which affected all the languages already during the first monitoring round. Most of these problems persist. A point of major concern continues to be the statutory requirement that the regional or minority language speakers should represent at least 20% of the municipal population in order to render the undertakings in the field of administration applicable. This threshold excludes the administrative use of minority languages in a number of municipalities where the speakers do not attain 20% of the local population but are still present in sufficient numbers to justify the application of Article 10.

C. The second general problem, affecting several of the areas covered by the Charter, arises from the fact that the State Language Act continues to provide for measures that are in contradiction with the spirit of the Charter. This law contains several restrictive provisions which hamper a proper implementation of some of the Charter provisions. There is therefore a need to amend this law in the light of the obligations that the Slovak Republic accepted when ratifying the Charter. There is also a need to adopt legislation, for example with regard to the use of minority languages in relations with regional authorities.

D. Much remains to be done in the field of education, with regard to many of the languages. Except for Hungarian, the existing offer in the school system does not guarantee a systematic provision of minority language education in all places where there is a need. In addition, it does not provide for the necessary continuity in the offer of minority language education throughout all stages of education. There are also shortcomings in the field of teacher-training. Furthermore, there are no bodies specifically in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of regional or minority languages and of drawing up public periodic reports of its findings.

E. More decided action is needed to raise awareness and to ensure respect of minority languages and cultures within the majority population. This concerns in particular history teaching for the majority Slovak-speaking pupils and the role played by the mainstream mass media in overcoming ethnic prejudices.

F. In the field of justice, the right of regional or minority language speakers to use their language even if they understand Slovak is still not guaranteed. To a certain degree, minority languages (in particular Hungarian) are used in practice before courts, but there is a need to complete and improve the legislative framework.

G. With regard to the use of minority languages in relations with administrative authorities, the Committee of Experts found general shortcomings. These shortcomings are in part a result of the problems related to the 20%-threshold, but partly also due to the lack of adequate organisational measures needed to implement Article 10 in practice.

H. In the field of the media, with the partial exception of the Hungarian language, the provision on public radio and/or television is generally insufficient. Even more striking is the almost complete absence of private radio and television programmes in minority languages, which is due to excessively restrictive regulations in the State Language Act. The situation is better in the cultural field. A particular achievement is the comprehensive network of minority culture museums funded by the Slovak authorities.

I. In relation to **Romani**, the menu of protection under Part III proves to be challenging. The Slovak authorities have taken a series of positive steps, in particular with an ambitious pilot project in the field of education. Teaching of Romani has been introduced in a number of model schools, a curriculum for Romani-language education has been developed and standardisation of Romani as it is spoken in Slovakia has been achieved. This creates a very good basis for further advances in the improvement of Romani-language education. As a next step, resolute action is needed in order to initiate the process of fully incorporating teaching of and in Romani on a systematic scale in the Slovak school system, alongside teaching of and in

Slovak as the official language. There is evidence that schools are still systematically undermining the demand, which is put forward by a substantial number of Roma families, for provision of teaching in/of Romani. Furthermore, the unacceptable practice of enrolling Roma children in schools for children with special needs still persists.

J The position of **Hungarian** in the education system is very strong. There also exists a certain degree of practical use of Hungarian before courts and with the administration. The provision of Hungarian-language programmes in public service radio is extensive as well. Despite this strong position, the general problems linked to the State Language Act affect this language too.

K The **German** language is in a very weak position in education and the media and there is practically no use of the language before courts and with the administration. Of particular concern are the serious shortcomings in the field of education, particularly as regards pre-school, primary and secondary school, as well as teacher training.

L The **Ruthenian** language, despite the relatively high number of speakers, is still in a very weak position. This is most obvious in the field of education where the existing provision of Ruthenian-language education fails to meet the undertakings chosen at practically all levels.

M The **Ukrainian** language finds itself in a relatively favourable situation. However, there are signs of regression as far as teaching of subjects in Ukrainian at primary and secondary level is concerned.

N Because of the special status of the **Czech** language and its mutual intelligibility with Slovak, there are few problems with the practical use of this language.

O Concerning the **Bulgarian, Croatian and Polish** languages, which are minority languages with a very low number of speakers, a great number of undertakings under Part III are not being complied with. Due to the weak sociolinguistic situation of these languages, it will be very difficult for the Slovak authorities to fulfil all the undertakings they have opted for in the instrument of ratification.

The Slovak government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to the Slovak Republic. At the same time it emphasised the need for the Slovak authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1070th meeting on 18 November 2009, the Committee of Ministers adopted its Recommendation addressed to the Slovak Republic, which is set out in Part B of this document.



## Appendix I: Instrument of ratification



Slovakia:

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic declares that it shall apply the Charter in accordance with the Constitution of the Slovak Republic and the relevant international conventions ensuring the equality of all citizens before the law without distinction as to origin, race or nationality in order to promote the European language heritage without prejudice to the use of the official language.

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): -

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic declares, pursuant to Article 1, paragraph b, of the Charter, that the term "territory in which the regional or minority language is used", also regarding the application of Article 10, shall refer to the municipalities in which the citizens of the Slovak Republic belonging to national minorities form at least 20 % of the population, according to the Regulation of the Government of the Slovak Republic N. 221/1999 Coll., dated 25 August 1999.

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 1, 10

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic declares that, in accordance with Article 3, paragraph 1, of the Charter, the "regional or minority languages" in the Slovak Republic are the following languages: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Roma, Ruthenian and Ukrainian. The application of the provisions of the Charter in accordance with Article 2, paragraph 2, shall be as follows:

### Bulgarian, Croatian, Czech, German, Polish and Roma languages:

Article 8, paragraph 1 a iii; b iii; c iii; d iii; e ii; f ii; g; h; i;

Article 9, paragraph 1 a ii/iii; b ii/iii; c ii/iii; d;

Article 10, paragraph 1 a iii/iv; paragraph 2 b; c; d; f; g; paragraph 3 c; paragraph 4 a; c; paragraph 5;

Article 11, paragraph 1 a iii; b ii; c ii; d; e i; f ii; paragraph 2; paragraph 3;

Article 12, paragraph 1 a; b; c; d; e; f; g; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; b; c; paragraph 2 c;

Article 14 a;

Article 14 b, only for the Czech, German and Polish languages.

### Ruthenian and Ukrainian languages:

Article 8, paragraph 1 a ii; b ii, c ii, d ii, e ii, f ii; g; h; i;

Article 9, paragraph 1 a ii/iii; b ii/iii; c ii/iii; d; paragraph 3;

Article 10, paragraph 1 a iii/iv; paragraph 2 b; c; d; f; g; paragraph 3 c; paragraph 4 a; c; paragraph 5;

Article 11, paragraph 1 a iii; b ii; c ii; d; e i; f ii; paragraph 2; paragraph 3;

Article 12, paragraph 1 a; b; c; d; e; f; g; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; b; c; paragraph 2 c;

Article 14 a;

Article 14 b, only for the Ukrainian language.

Hungarian language:

Article 8, paragraph 1 a i; b i; c i; d i; e i; f i; g; h; i;

Article 9, paragraph 1 a ii/iii; b ii/iii; c ii/iii; d; paragraph 2 a; paragraph 3;

Article 10, paragraph 1 a ii; paragraph 2 a; b; c; d; f; g; paragraph 3 b; c; paragraph 4 a; c; paragraph 5;

Article 11, paragraph 1 a iii; b ii; c ii; d; e i; f i; paragraph 2; paragraph 3;

Article 12, paragraph 1 a; b; c; d; e; f; g; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; b; c; paragraph 2 c;

Article 14 a; b.

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 2, 3

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic interprets Article 8, paragraph 1 e i, as relating to the training of teachers, theologians, cultural and education workers without prejudice to teaching in the official language, it being understood that the majority of teaching subjects, including the profile ones, will be conducted in the minority language, respecting the legislation of the Slovak Republic in the field of higher education institutions.

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 8

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic declares that Article 10, paragraph 1 a ii, Article 10, paragraph 2 a, and Article 10, paragraph 3 b, shall be interpreted without prejudice to the use of the official language pursuant to the Constitution of the Slovak Republic and in accordance with the legal order of the Slovak Republic.

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 10

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic declares that Article 12, paragraph 1 e, and Article 13, paragraph 2 c, shall be applied provided that the effects of their application are not in conflict with other provisions of the legal order of the Slovak Republic on prohibition of discrimination of the Slovak Republic citizens in labour law relations on the territory of the Slovak Republic.

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 12, 13

## Appendix II: Comments by the Slovak authorities

### Position

on the 2<sup>nd</sup> evaluation report of the Committee of Experts of the European Charter for Regional or Minority Languages

Pursuant to the provision of Article 16 paragraph 3 of the European Charter for Regional or Minority Languages (hereinafter referred to as the “Charter”), the Slovak Republic hereby submits the following position:

#### A. Evaluation by the Committee of Experts

1. In Chapter 2 paragraph 25 of the evaluation report, concerning the Recommendation No. 5 of the Committee of Ministers of 2007 (“abolish without delay the practice of unjustified enrolment of Roma children in schools for children with special needs”), the Committee of Experts observes that “the Slovak authorities have implemented several projects which aimed at the abolishment of the unjustified enrolment of Roma children in special schools.” The Committee of Experts further states that “new tests have been introduced and are expected to eliminate this shortcoming”.

We wish to add that a draft amendment to the relevant provision of School Act No. 245/2008 Coll. has been prepared, under which a uniform school counselling system should be established to provide the necessary interdisciplinary assistance on a continuous basis (from early age up to the completion of vocational training) to all children through the provision of qualified diagnostic services in compliance with the principle of equal treatment.

2. The Committee of Experts observes that the undertaking arising for Slovakia under Article 8(1)(a) has not been fulfilled and urges the Slovak authorities to “... provide facilities for pre-school education in Romani and to ensure continuity.”

By affirming the standardisation of the Romani language in June 2008 and having completed the experimental verifications, the legislative framework was laid down for the creation of conditions for the training and education in the Romani language, including the training of teachers teaching Romani or in Romani.

Although the conditions for the introduction of bilingual teaching at schools, including kindergartens, were not in place before June 2008 (due to the absence of the standardised Romani language), Romani was used in pre-school facilities as an auxiliary language (as the Committee of Expert’s report correctly notes). Therefore we submit for your consideration whether this undertaking should not be deemed partly fulfilled rather than “not fulfilled”.

Note: In this context we also observe that the standardisation of the Romani language is a condition for the implementation of Article 8(1)(f).

3. The Committee of Experts observes that the undertaking arising for Slovakia under Article 9(1)(a) is only partly fulfilled (with respect to Romani, Hungarian and Ruthenian languages), or not fulfilled (with respect to other languages), and states that “the relevant legislation still limits the right to use a minority language in criminal proceedings...”.

The provision of §2(20) of the Criminal Procedure Code establishes the right to have an interpreter or translator available. This paragraph governs the right of the person concerned to use a language in criminal proceedings that they understand. Pursuant to this provision, the person concerned should decide, based on his/her knowledge and understanding, on the level of his/her command of the Slovak language; if that person has no sufficient command of the Slovak language, he/she makes a representation to that effect in a minutes of the testimony of a person who does not speak Slovak. Consequently, an interpreter and translator are invited to criminal proceedings (§§28 and 29 of the Criminal Procedure Code). This right is not restricted by any other right in any extent; it is the discretion of the person concerned only to realistically assess his/her level of understanding and command of the Slovak language.\_

Therefore we believe that the right to use regional and minority languages is guaranteed, and not restricted.

4. The Committee of Experts observes that the undertaking arising for Slovakia under Article 10(1) of the Charter is not fulfilled at all, or is fulfilled only partly (with respect to the Hungarian language), in particular in connection with the submission or handling of the applications for documents (ID cards, driving licences, passports).

In this context we submit that respective administrative departments (where documents are issued) in the regions with a considerable presence of a particular minority language are also staffed with employees who speak that language. It means that the particular minority language can be used in communication when applying for a respective document.

However, given the fact that applications are submitted and received through information systems, the citizens are not required to complete them personally (no written communication is necessary), but only to verify the data contained therein; this can be done in a minority language. Any modifications made to the information systems that serve for the handling of the ID card, driving licence and passport agenda in other language mutations would represent an extremely large financial burden, which we do not consider an effective and appropriate solution.

5. The Committee of Experts observes that the undertaking arising for Slovakia under Article 11(1)(b) concerning the radio broadcasting is not fulfilled with respect to all minority languages.

We submit that the amendment made to §5(1)(b) of the Slovak Act on State Language introduced another exemption from the requirement to broadcast in the state language (i.e. the obligation to translate radio programmes into Slovak was removed) with respect to: “radio programmes in regional or local broadcasting designed for member of a national minority, including live broadcasts”.

We believe that the aforementioned undertaking has thus been fulfilled.

6. The Committee of Experts observes that the undertaking arising for Slovakia under Article 11(1)(c) is partly fulfilled with respect to the Hungarian language, and not fulfilled with respect to other minority languages; the Committee of Experts further opines that the requirement to have all programmes subtitled in Slovak “discourages private television channels from broadcasting in a minority language”.

The fact that there are 18 local television stations broadcasting in the Hungarian language in southern parts of Slovakia should clearly imply that the requirement to have all programmes subtitled in Slovak does not represent an obstacle for television broadcasters, as the Committee of Experts is inclined to believe. Hence, if the undertaking is deemed partly fulfilled with respect to the Hungarian language but not fulfilled with respect to other minority languages even though the same legal framework applies, we can do nothing but note that the Committee of Experts has failed to find out true causes why members of other national minorities do not operate local television stations in their own languages.

7. The Committee of Experts observes that the undertaking arising for Slovakia under Article 11(1)(e) is not fulfilled with respect to all minority languages, except for the Hungarian language; for the undertaking to be deemed fulfilled at least one periodical title (“newspaper”) must be published at least once a week.

The Slovak government has created legislative and technical conditions for the publication of periodical press by individual national minorities in the form of grant schemes provided by the Ministry of Culture of the Slovak Republic and the Office of the Government of the Slovak Republic. The “National Minority Culture” grant scheme is primarily designed to provide support to the publication of dailies, weeklies, monthlies and electronic periodicals of national minorities; their periodicity is in the sole discretion of individual grant applicants – publishers of minority periodicals. The Slovak government has adopted measures with respect to the publishing of weekly periodicals; however the frequency of their publication depends also on the declared cultural needs. We note that individual national minorities decide on the allocation of financial resources to their projects independently, through their own committees.

8. The Committee of Experts observes that the undertaking arising for Slovakia under Article 11(1)(f) is not fulfilled with respect to the German, Ruthenian and Ukrainian language and that the Committee of Experts “is not in a position to conclude on this undertaking and requests the Slovak authorities to submit further information in the next periodical report” (with respect to Romani, Bulgarian, Croatian and Polish language).

In 2006, the Slovak government created conditions for the facilitation of the production of audio-visual works in minority languages by means of a Ministry of Culture grant scheme. Financial support was granted for audio-visual works of Romani and Hungarian minorities in 2006 and 2007. Representatives of all national minorities have the opportunity to apply for a grant if they wish to produce such audio-visual works.

9. The Committee of Experts observes that in the case of the undertaking arising for Slovakia under Article 12(1)(g) it is not in a position to conclude on its fulfilment with respect to Hungarian language, and that it deems this undertaking not fulfilled with respect to other minority languages. Paragraph 283 of the 2<sup>nd</sup> evaluation report of the Committee of Experts contains the following statement: "...the Committee of Experts was informed during the on-the-spot visit by representatives of the Hungarian-speakers that the Fórum inštitút does not receive state support."

We submit that Fórum inštitút was each year granted, and still receives, financial support in the amount of several tens of thousands of euro by the Ministry of Culture of the Slovak Republic. In addition, the Ministry of Culture provides financial support to the Museum of Hungarian Culture in Slovakia whose mission is to collect, preserve, scientifically and professionally examine and display museum's collections and archives of material and spiritual culture of the Hungarian minority in Slovakia.

The Museum of Romani Culture in Slovakia, the Museum of Carpathian German Culture, the Museum of Ruthenian Culture, the Museum of Ukrainian Culture, the Museum of Czech Culture in Slovakia and the Museum of Croatian Culture have been established and are supported to pursue the same objective with respect to particular minorities. Furthermore, the grant scheme of the Ministry of Culture provides financial support, on a yearly basis, to Poľský klub (Polish Club) whose goal is to create conditions for social, cultural and scientific development of its members and sympathizers, and to promote and spread Polish culture.

10. In connection with the undertaking arising for Slovakia under Article 13(1)(a), the Committee of Expert has been informed about the planned amendment to the Act on State Language and expects that its adoption "might lead to the fulfilment of this undertaking". In the 1<sup>st</sup> monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

On 30 June 2009, the National Council of the Slovak Republic approved an amendment to Act No. 270/1995 on State Language whose §8(2) in its original wording stipulated as follows: "written legal documents in labour relations are executed in the state language". The respective amendment supplemented the provision quoted above with the following text: "in addition to the wording in the state language, the wording with the identical content can also be executed in another language." This modification of the paragraph 2 provision has introduced the possibility to use other languages in the execution of written documents referred to in that provision (employment contracts, amendments to employment contract, employment termination agreements, notices of termination...etc.).

As far as the undertaking under Article 13(1)(b) is concerned, the Committee of Experts considers it not fulfilled.

It can only be observed at this moment that Act No. 5/2004 on Employment Services does not contain any provisions prohibiting or restricting the use of regional or minority languages.

11. The Committee of Experts observes that the undertaking arising for Slovakia under Article 13(2)(c) is partly fulfilled (with respect to the Hungarian, German and Ukrainian language), or not fulfilled (with respect to other minority languages), and further notes that "the use of minority languages in social care facilities has at present no formal basis". The Committee of Experts does not consider the respective section of the Act on State Language (§8(4)) such a formal basis.

In this context, the Committee of Experts was informed during the on-the-spot visit of the intention to amend the aforementioned act in order to guarantee a right to use a minority language in social care facilities.

On 30 June 2009, the National Council of the Slovak Republic approved a draft act amending Act of the National Council of the Slovak Republic No. 270/1995 Coll. on the State Language of the Slovak Republic; its §8(4) stipulates as follows: "A patient or client who is a person belonging to a national minority may use his/her mother tongue in the communication with personnel in such facilities in municipalities where a national minority language is used in official communication".

B. Proposals for recommendations by the Committee of Experts to the Committee of Ministers of the Council of Europe

1. Regarding point 4 of the proposals for recommendations we observe that, in compliance with Act No. 16/2004 Coll. on Slovak Television and Act No. 619/2003 Coll. on Slovak Radio, the Slovak Republic is continuously providing conditions for the improvement of the availability of public sector television and radio broadcasting in all minority languages.

In the area of private television and radio stations broadcasting in minority languages, the Slovak government amended the Act on State Language of the Slovak Republic, through the amendment approved by the National Council of the Slovak Republic on 30 June 2009 and effective from 1 September 2009, in order to implement further positive changes concerning the use of minority languages (see Section A, paragraph 5 and 6 of the present Position).

In point 4, we suggest that the words "...facilitate the broadcasting of private radio and television in minority languages by lifting the restrictive requirements of the respective legislation" be replaced with the words "...facilitate the broadcasting of private radio and television in minority languages by means of a grant scheme".

2. Regarding point 5 of the proposals for recommendations we observe that the Slovak government has created legislative and technical conditions for the publication of periodical press by individual national minorities in the form of grant schemes provided by the Ministry of Culture of the Slovak Republic and the Office of the Government of the Slovak Republic. The "National Minority Culture" grant scheme is primarily designed to provide support to the publication of dailies, weeklies, monthlies and electronic periodicals of national minorities; their periodicity is in the sole discretion of individual grant applicants – publishers of minority periodicals (see also Section A, paragraph 7 of the present Position).

In Bratislava, 17 August 2009



## **B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the Slovak Republic**

### **COUNCIL OF EUROPE**

#### **COMMITTEE OF MINISTERS**

##### **Recommendation RecChL(2009)6 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by the Slovak Republic**

*(Adopted by the Committee of Ministers on 18 November 2009  
at the 1070th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declarations submitted by the Slovak Republic on 9 April 2001;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by the Slovak Republic;

Having taken note of the comments made by the Slovak authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by the Slovak Republic in its national report, supplementary information provided by the Slovak authorities, information submitted by bodies and associations legally established in the Slovak Republic and information obtained by the Committee of Experts during its on-the-spot visit;

Bearing also in mind that the evaluation report adopted by the Committee of Experts on 24 April 2009 did not contain any assessment of the amendments of the State Language Act of Slovakia of 30 June 2009;

Recommends that the authorities of the Slovak Republic take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. review the requirement that minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational;
2. provide for the teaching of all minority languages at all appropriate levels and inform parents about its availability;
3. improve teacher-training and set up a body in charge of monitoring the measures taken and progress achieved;
4. improve the provision of public sector television and radio in all minority languages and facilitate the broadcasting of private radio and television in minority languages by lifting the restrictive requirements of the respective legislation;
5. facilitate the creation of newspapers in minority languages;
6. continue measures to abolish the practice of unjustified enrolment of Roma children in schools for children with special needs and start to introduce Romani-language education for Roma children on a large scale.