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**SECRETARIAT OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

**COMPILATION OF OPINIONS OF THE ADVISORY COMMITTEE
RELATING TO ARTICLE 11 OF THE FRAMEWORK CONVENTION**

FIRST CYCLE

“Article 11

- 1 The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.
- 2 The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.
- 3 In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.”

Note: this document was produced as a working document only and does not contain footnotes. For publication purposes, please refer to the original opinions.

Table of contents

1.	Albania.....	3
2.	Armenia	4
3.	Austria.....	4
4.	Azerbaijan	6
5.	Bosnia and Herzegovina	7
6.	Bulgaria.....	7
7.	Croatia.....	8
8.	Cyprus.....	8
9.	Czech Republic.....	9
10.	Denmark.....	9
11.	Estonia	10
12.	Finland	10
13.	Georgia	11
14.	Germany.....	12
15.	Hungary	12
16.	Ireland.....	13
17.	Italy.....	13
18.	Kosovo ¹	13
19.	Latvia	15
20.	Liechtenstein	16
21.	Lithuania	16
22.	Malta.....	17
23.	Moldova	17
24.	Montenegro	17
25.	Netherlands	18
26.	Norway	18
27.	Poland	20
28.	Portugal.....	21
29.	Romania	21
30.	Russian Federation	21
31.	San Marino	21
32.	Serbia and Montenegro	22
33.	Slovak Republic	23
34.	Slovenia	23
35.	Spain	23
36.	Sweden.....	23
37.	Switzerland.....	24
38.	“The former Yugoslav Republic of Macedonia”	24
39.	Ukraine	25
40.	United Kingdom.....	26

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

1. ALBANIA

The Advisory Committee notes that according to the State Report, all persons belonging to a national minority may freely decide and use their names and surnames according to their traditions in their mother tongue and have the right to have them officially recognised and registered according to their phonetic pronunciation on the basis of the orthography of the Latin alphabet.

The Advisory Committee notes that there have been complaints from the Montenegrin community that certain persons are allegedly still required to use the Albanian version of their patronym on their identification cards and other official documents and that these persons have not been able to change their names back to their traditional form. The Advisory Committee, while understanding that these may be isolated incidents, nonetheless encourages the authorities to ensure that all civil servants are aware of the need to respect this right to use, and have official recognition of, one's patronym in the minority language.

The Advisory Committee notes that the display of traditional local names, street names and other topographical indications, in minority languages, is not regulated by any specific law. The Advisory Committee notes that local authorities are free to decide on these issues and welcomes that such displays exist in certain parts of the country inhabited by persons belonging to national minorities. The Advisory Committee notes, however, that some of the Greek topographical signs in the South have been defaced (see also comments under Article 6 above). The Advisory Committee is aware that there is a demand for further topographical indications in minority languages and notes, as an example, the on-going request for the use of Macedonian names for the villages in the community of Liqenas. Taking into account the above, the Advisory Committee is concerned by the lack of clear criteria concerning the display of traditional local names, street names and other topographical indications in minority languages intended for the public. The Advisory Committee therefore considers that the Government should examine the need for an adequate legal and administrative framework to govern the display of names and topographical indications in minority languages and adopt appropriate legislation in full conformity with Article 11 paragraph 3 of the Framework Convention. The Advisory Committee notes in this respect the comment of the Government in the State Report that "a complete legal improvement of all the matters treated in this Article remains an issue to be dwelt upon in the future", and trusts that early consideration will be given to this matter.

In respect of Article 11

The Advisory Committee *finds* that there have been complaints that certain persons from the Montenegrin community have been unable to revert to usage of their traditional patronym and *considers* that the Albanian authorities should ensure that all civil servants are aware of the need to respect this right to use, and have official recognition of, one's patronym in the minority language.

The Advisory Committee *finds* that there are no clear criteria in Albania concerning the display of traditional local names, street names and other topographical indications in minority languages intended for the public. The Advisory Committee *considers* that the Government should examine the need for an adequate legal and administrative framework to govern the display of such names and topographical indications and adopt appropriate legislation.

2. ARMENIA

The Advisory Committee notes that Armenian legislation comprises no specific provisions on the possibility for using minority languages for local names, street names and other topographical indications intended for the public.

In this regard, the State Report points out the relevant legislative provisions in the texts on local self-government and the country's territorial and administrative boundaries. However, the Advisory Committee notes that these provisions do not go into the specific language rights of persons belonging to national minorities. Even though it has not received any complaints in this regard, the Advisory Committee encourages the Armenian authorities to examine the situation and to complete the legislative framework in the context of the legislative reform under way so as to fully implement the provisions of Article 11, paragraph 3 of the Framework Convention.

In respect of Article 11

The Advisory Committee *finds* that there is a lack of precision in Armenian legislation concerning the possibility of using minority languages in topographical indications. The Advisory Committee *considers*, despite the fact that there have been no complaints from the persons concerned, that the authorities should supplement their legislation so as to ensure that the relevant provisions of the Framework Convention may be effectively implemented.

3. AUSTRIA

The Advisory Committee notes that, under the second sentence of Article 7, paragraph 3 of the State Treaty, topographical terminology and inscriptions in autochthonous settlement areas of the Slovene and Croat minorities must be displayed in the minority language and in German. In application of this provision, Article 2, paragraph 1, item 2 of the Law on Ethnic Groups, which also applies to other national minorities, provides that the areas in which topographical indications must be bilingual because the population includes a considerable proportion of persons belonging to a national minority (one quarter) shall be defined by means of orders. Orders of this type have been issued with respect to the Croat, Slovene and Hungarian minorities: they list the areas in which bilingual topographical indications must be displayed and establish the names of these areas in the minority language concerned.

The Advisory Committee notes that, in its ruling of 13 December 2001 (G 213/01, V 62, 63/01), the Constitutional Court ruled that the reference in Article 2, paragraph 1, item 2 of the Law on Ethnic Groups to a minimum threshold of 25% for entitlement to the display of topographical indications in minority languages, runs contrary to the second sentence of Article 7, paragraph 3 of the State Treaty and is hence unconstitutional. In this case, which related to a Carinthian municipality with a Slovene minority, the Constitutional Court ruled that if a national minority formed more than 10% of the total population in an area over a long period, this was sufficient to entitle the inhabitants to the display of bilingual topographical indications. The Constitutional Court has given the Federal Parliament until 31 December 2002 to bring the Law on Ethnic Groups into line with the second sentence of Article 7, paragraph 3 of the State Treaty. The aforementioned implementing orders will also have to be amended by this date.

The Advisory Committee notes that Article 11, paragraph 3 of the Framework Convention states that provision must be made for topographical indications to be displayed in minority languages in areas traditionally inhabited by “substantial numbers of persons belonging to a national minority”, but it does not set a minimum percentage. The relatively flexible wording of this provision stemmed from a desire to be able to take due account of the specific circumstances prevailing in the various State Parties, which may well warrant different rules and regulations, particularly as regards percentages. At the same time, it emerges from the explanatory report relating to Article 11, paragraph 3 of the Framework Convention that the legally binding nature of existing agreements on the subject remains unaffected. The second sentence of Article 7, paragraph 3 of the State Treaty precisely constitutes such an international agreement.

The Advisory Committee particularly welcomes the Austrian Constitutional Court’s interpretation of the second sentence of Article 7, paragraph 3 of the State Treaty as regards the threshold required for topographical indications to be displayed in minority languages. This interpretation, which is entirely in keeping with Article 11, paragraph 3 of the Framework Convention, represents a major improvement in the rights of persons belonging to national minorities. The Advisory Committee considers it important that this ruling, which comes from the highest Court of the State which deals with constitutional issues, be respected and implemented by the various authorities concerned at all levels. In this context, the extremely negative reaction of the Governor of Carinthia gives rise to deep concern (see related comments under Article 6).

The Advisory Committee welcomes the Federal Government’s plan to hold a “consensus conference” in spring 2002, bringing together representatives of the Federal authorities, the *Land* of Carinthia and the Slovene minority to discuss the implications of the Constitutional Court ruling of 13 December 2001 (G 213/01, V 62, 63/01), with a view to identifying solutions that could be accepted as widely as possible relating to topographical indications in Slovenian language. The Advisory Committee notes that it is essential to consult the Slovene minority on this matter because, as it emerges from the wording of Article 11, paragraph 3 of the Framework Convention, the existence of a sufficient demand by the minority concerned is an element that has to be considered.

The Advisory Committee notes that the Constitutional Court’s ruling of 13 December 2001 (G 213/01, V 62, 63/01) will have an impact on all national minorities and not just the Slovenes of Carinthia. In this connection, it welcomes the very positive reactions of the authorities of Burgenland, which have stated that they would be willing to put up new signs in municipalities where national minorities represent more than 10% of the population, which should be the case of the Croats and Hungarians.

The Advisory Committee would point out that, when the Austrian authorities use percentages as the basis for establishing whether national minorities are entitled to bilingual topographical indications, they should not rely exclusively on figures taken from the latest census. Since Article 11, paragraph 3 of the Framework Convention refers to areas which have been “traditionally inhabited” by substantial numbers of persons belonging to a national minority, the demographic structure of the area in question should be considered over a longer period. Moreover, the Advisory Committee recalls that, *inter alia* in view of the questions put during censuses, these can only be regarded as one of the indicators of a national minority’s size (see related comments under Article 4). In this connection, the Advisory Committee notes that in Austria, only the question of what language is spoken in everyday life is considered to be of relevance, but this approach does not necessarily cover all persons belonging to a national minority, particularly those who use German more than their minority language.

In respect of Article 11

The Advisory Committee *finds* that, as a result of the recent ruling by the Constitutional Court, bilingual topographical indications must be displayed in autochthonous settlement areas of the Croatian, Slovenian and Hungarian minorities provided persons belonging to the national minority concerned formed more than 10% of the total population in a given municipality over a long period. The Advisory Committee *considers* it important for this ruling to be respected and implemented by the various authorities concerned at all levels. It also *considers* that the extremely negative reactions voiced in this context by the Governor of Carinthia give rise to deep concern and that the minorities concerned should be consulted on the way to implement this ruling in practice.

4. AZERBAIJAN

The Advisory Committee notes that Article 8 of the Law on the State Language provides that the names of the citizens of Azerbaijan are written in the state language. While recognising that the Azerbaijani authorities may, in accordance with Article 11 of the Framework Convention, use the Latin alphabet when writing the names of persons belonging to national minorities, the Advisory Committee expects that the right to official recognition of names in minority languages be fully respected in this connection.

The Advisory Committee further notes that the Law on the State Language, in its Article 7, envisages the use of a minority language (as an addition to the state language) in advertisements and announcements only in “necessary cases”. Depending on the way the term “necessary” is interpreted, the said provision could in certain circumstances prevent a person belonging to a national minority from displaying signs and other information of a private nature visible to the public. This would not be compatible with Article 11 of the Framework Convention. In this connection, the Advisory Committee recalls that the expression “of a private nature” in Article 11 of the Framework Convention refers to all that is not official, including for example a sign, poster or an advertisement of a private enterprise.

With a view to the preceding paragraphs, the Advisory Committee is of the opinion that Azerbaijan should pay particular attention to the guarantees contained in Article 11 of the Framework Convention in the proposed review of the Law on the State Language and in the drafting of a new law on the protection of national minorities in order to ensure full implementation of the Framework Convention. It also underlines the importance of ensuring the implementation of the relevant standards concerning signs and posters in minority languages in the context of the upcoming electoral campaign.

In respect of Article 11

The Advisory Committee *finds* that the new Law on the State Language provides that the names of the citizens of Azerbaijan are written in the state language and that the said law contains provisions on advertisements and announcements that could give rise to interpretations not compatible with Article 11 of the Framework Convention. The Advisory Committee *considers* that Azerbaijan should pay particular attention to the guarantees contained in Article 11 of the Framework Convention in the proposed review of the Law on the State Language and in the drafting of a new law on the protection of national minorities.

5. BOSNIA AND HERZEGOVINA

The Advisory Committee notes that Article 12 of the 2003 Law on the Protection of Rights of Persons Belonging to National Minorities provides the possibility to display local names, street names and other topographical indications in minority languages if the minority in question constitutes an absolute or relative majority in the city, municipality or local community at issue. Cities and municipalities may determine in their statutes that this possibility may also be used if the minority in question constitutes more than a third of the population in the city or municipality at issue. The Advisory Committee is concerned that the numerical threshold (an absolute or relative majority) contained in the said provision might constitute an obstacle with respect to certain minority languages in areas traditionally inhabited by substantial numbers of persons belonging to a national minority and expresses the hope that the competent authorities will make systematic use of the possibility they have to rely on a lower threshold.

The Advisory Committee finds it important that local names, street names and other topographical indications intended for the public reflect the multi-ethnic character of the area at issue, which is particularly relevant in the case of Bosnia and Herzegovina. In this context, the Advisory Committee notes that by its ruling of 26 March 2004, the Constitutional Court of Bosnia and Herzegovina instructed the authorities of the Republika Srpska to change the name of 12 municipalities and one city which have had the prefix “Serb” added to their names as a result of the 1992-1995 war. The Advisory Committee expresses the hope that the authorities concerned will promptly implement this judicial decision.

In respect of Article 11

The Advisory Committee *finds* that the numerical threshold (an absolute or relative majority) contained in Article 12 of the 2003 Law on the Protection of Rights of Persons Belonging to National Minorities might constitute an obstacle with respect to certain minority languages in areas traditionally inhabited by substantial numbers of persons belonging to a national minority and *considers* that the competent authorities should make systematic use of the possibility they have to rely on a lower threshold.

6. BULGARIA

The Advisory Committee notes that Bulgarian legislation affords guarantees concerning the right to use one’s name (surname) and given names in the minority language. Specific judicial and administrative procedures, amended on several occasions, have been introduced to enable persons constrained in the past to discard or alter their name or names to re-adopt their original name or names and to have them recognised. The Advisory Committee takes note of the efforts made in Bulgaria to clear up the situation in this respect. Nevertheless, having regard to the massive and flagrant violations of the right enshrined in Article 11, paragraph 1 of the Framework Convention by the regime in power prior to November 1989, the Advisory Committee considers that the authorities should take steps forthwith to ease the administrative handling of this matter.

The Advisory Committee notes the absence of specific provisions in Bulgarian legislation to regulate the use of languages other than Bulgarian for traditional local place names, street names and other topographical indications. It further observes that according to Decree 1315 of 1975, still in force, the titles chosen by the local councils must reflect the “wealth and beauty of the Bulgarian

language”, a requirement which apparently does not permit appropriate implementation of the provisions of Article 11, paragraph 3 of the Framework Convention. In practice, it turns out that the aforementioned provisions of the 1975 Decree have been invoked in certain cases to prevent certain local councils in Turkish-inhabited regions from using Turkish for local signs.

The Advisory Committee notes that the Bulgarian Constitutional Court in its decision No. 2 of 1998 ruled that Article 11 paragraph 3 of the Framework Convention "does not run counter to the Constitution" and that Article 36.2 of the Constitution (see paragraph 76 above) guarantees the implementation of the principle enshrined in Article 11 paragraph 3 of the Framework Convention in Bulgaria. Notwithstanding this statement by the Constitutional Court, the Advisory Committee considers that there are shortcomings in the application of Article 11 paragraph 3 of the Framework Convention in Bulgaria and in particular notes the absence of adequate legal guarantees concerning traditional local place names, street names and other topographical indications. The Advisory Committee encourages the authorities to take the requisite legislative and practical measures to ensure the effective application of Article 11 paragraph 3 of the Framework Convention.

In respect of Article 11

The Advisory Committee *notes* the lack of adequate guarantees in Bulgaria for the effective application of the provisions of Article 11 paragraph 3 of the Framework Convention concerning use of minority languages for topographical indications, and *considers* that the authorities should take all the necessary legislative and practical measures to remedy this situation.

7. CROATIA

The Advisory Committee notes with satisfaction that the above-mentioned Law on the Use of Language and Script of National Minorities, adopted on 11 May 2000, also contains provisions on the display of topographical indications in minority languages. The Advisory Committee expects that the law will be implemented in a non-discriminatory manner, but it notes that the uncertainties relating to the coverage of the law, mentioned above under Article 10 of the Framework Convention, pertain also to the implementation of these provisions. In the context of the implementation of the law, the experience gained in the efforts in Istria to provide topographical indications in Italian should be drawn upon.

In respect of Article 11

The Committee of Ministers *concludes* that the Law on the Use of Language and Script of National Minorities provides a legal framework for the display of topographical indications in minority languages. With reference to its earlier recommendations under Article 10 of the Framework Convention, the Committee of Ministers recommends that Croatia also take measures aimed at obtaining a maximum level of implementation of this aspect of the law.

8. CYPRUS

On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

9. CZECH REPUBLIC

The Advisory Committee notes with approval that the new Act on Registers, Names and Surnames (No. 301/2000) that entered into force in September 2000 provides for the possibility of female surnames to be entered in registers without the feminine suffix required by Czech grammar.

The Advisory Committee also notes that a provision of the new Act on municipalities (No. 128/2000) that entered into force in May 2000 authorises bilingual signs for topographical indications. Two conditions are laid down with regard to the bilingual signs: at least 20% of the citizens residing in the municipality must consider themselves as persons belonging to the national minority concerned and, of these, at least 50% must request these signs. The Advisory Committee welcomes this development and expresses the hope that the new provisions will operate satisfactorily in practice.

10. DENMARK

It is noted that for the registration of the names at birth, the state church, under the authority of the state, is exclusively competent, in all areas of Denmark, except Southern Jutland where a names register exists. Thus, all persons, regardless of their religion, are obliged to address the authorities of the Evangelical Lutheran Church in order to have the names of their children registered. The Advisory Committee considers that this requirement raises problems of conscience for those who do not belong to the state church and is therefore of the opinion that modifications should be introduced in order to allow persons who so wish, to register the names of their children directly with the State authorities, without having to involve the authorities of the state church.

The Advisory Committee notes that, depending on the personal scope given to the Framework Convention as a result of the review mentioned above, there may be further questions about the registration of names, notably concerning rules on which first and family names are acceptable.

The Advisory Committee notes that no request pertaining to the use of bi-lingual signs have been forwarded (paragraph 3) and that therefore no issue in respect of this matter arises. However, the Advisory Committee is dismayed by and rejects the view expressed by the Danish Government in its Report (p37): *“that signs are less clear and less readable if bi-lingual. When aimed at road-users, such signs must therefore be considered to have a negative impact on road traffic safety”*.

In respect of Article 11

The Committee of Ministers *concludes* that the requirement for all persons, except those living in Southern Jutland, to address the authorities of the Evangelical Lutheran Church in order to have the names of their children registered, regardless of their religion, raises problems of conscience for those who do not belong to the state church. It therefore *recommends* that modifications be introduced in order to allow persons who so wish, to register the names of their children directly with the State authorities, without having to involve the authorities of the state church.

11. ESTONIA

The Advisory Committee notes that Articles 14 and 21 of the Place Names Act of 1997 provide a possibility to introduce place names and to display topographical indications in a minority language and that the requisite decisions are taken on the basis of the language of the permanent residents of the corresponding place in 1939. Bearing in mind the municipalities concerned have not widely made use of the said provision, the Advisory Committee considers that the Government should examine to what extent they are aware of the existing possibility to introduce minority language place names and topographical indications and support, as appropriate, the implementation of the provisions at issue.

The Advisory Committee is seriously concerned about Article 23 of the Language Act, which provides that public signs, signposts, announcements, notices and advertisements shall be in Estonian. Despite a number of exceptions provided elsewhere in the Act, the Advisory Committee is of the opinion that this provision is so wide in its scope that it hinders the implementation of the rights of persons belonging to national minorities, especially since the term “public” appears in this context to encompass also a range of information provided by private actors and since the obligation to use Estonian is largely interpreted as excluding the additional use of a minority language. The Advisory Committee stresses that, to the extent that the provision at issue prevents a person belonging to a national minority from displaying signs and other information of a private nature visible to the public, it is not compatible with Article 11 of the Framework Convention. Bearing in mind that the expression “of a private nature” in Article 11 of the Framework Convention refers to all that is not official, there should not be a prohibition to use a minority language for example in a sign, poster or an advertisement of a private enterprise by a person belonging to a national minority. Against this background, the Advisory Committee is of the opinion that Estonia should revise the relevant legislation and practice with a view to guaranteeing full implementation of the Framework Convention.

In respect of Article 11

The Committee of Ministers *concludes* that the possibility to introduce place names and to display topographical indications in a minority language has not been widely used by the municipalities concerned and *recommends* that Estonia examine to what extent they are aware of the existing possibility and support, as appropriate, the implementation of the provisions at issue.

The Committee of Ministers *concludes* that Article 23 of the Language Act is not compatible with Article 11 of the Framework Convention to the extent it prevents a person belonging to a national minority from displaying signs and other information of a private nature visible to the public in a minority language and *recommends* that Estonia revise the relevant legislation and practice with a view to guaranteeing full implementation of the Framework Convention.

12. FINLAND

The Advisory Committee welcomes the measures taken by Finland to display topographical indications in Swedish as well as in Sami language.

13. GEORGIA

Use of minority languages for local topographical indications

The Advisory Committee notes that, although some bilingual (in certain cases trilingual) topographical signs can be found in certain areas where substantial numbers of persons belonging to minorities live, particularly the Armenian minority, there is no legal basis for this practice. The relevant decisions remain within the remit of the local authorities concerned, although the conditions required by Article 11, paragraph 3 of the Framework Convention seem to be met in several areas where substantial numbers of persons belonging to national minorities live. In fact, domestic legislation, in pursuance of Article 7 of the Law on geographical place names, provides that such names shall be indicated in Georgian, and in Abkhaz in Abkhazia. The Advisory Committee finds this situation problematic in the light of Article 11, paragraph 3 of the Framework Convention.

In this context, the Advisory Committee takes note with interest of current plans mentioned in the State Report for amendment of the legislation so as to allow the use of minority languages for topographical indications in the regions where substantial numbers of persons belonging to national minorities live. It encourages the authorities to pursue these plans and to introduce safeguards affording appropriate means of meeting the obligations deriving from Article 11, paragraph 3 of the Framework Convention, where the conditions laid down by this provision are met.

The Advisory Committee regrets that no action has to date been taken or planned to remedy the situation in respect of the changes made during the 1990s to the traditional names of villages where national minorities live. Among the villages concerned are the Azeri villages in the region of Kvemo-Kartli, the names of which were changed in 1990-91. According to the representatives of the Azeri community, the authorities have not to date given a positive reply to their repeated requests. The Advisory Committee finds this situation incompatible with the principles of Article 11 of the Framework Convention. It therefore urges the authorities to identify, in co-operation with the representatives of national minorities, the means of giving their traditional names back to these villages, and possibly to other traditional designations which form an integral part of the identity of the communities concerned.

Concerning Article 11

The Advisory Committee *finds* that, although bilingual place names exist in certain areas of substantial minority settlement, this practice is unsupported by any legal basis. Consequently, it *considers* that the authorities should introduce guarantees allowing the obligations under Article 11, paragraph 3 of the Framework Convention to be adequately met.

The Advisory Committee *finds* that no step has been taken to remedy the changes in the traditional names of villages inhabited by national minorities which occurred during the 1990s. It *considers* that the authorities, in conjunction with those concerned, should determine ways of restoring the traditional names to these villages.

14. GERMANY

Regarding Article 11 paragraph 3, the Advisory Committee notes that both Section 10 of the Saxon Sorbs Act and Section 1, paragraph 11 of the Act establishing the rights of Sorbs in the *Land* of Brandenburg, provide that topographical indications must be displayed in the Sorbian language in areas traditionally inhabited by Sorbians. In view of various submissions made to the Advisory Committee during its visit to Germany and in the light of other information made available, it appears that the aforementioned legal provisions have not yet been entirely put into practice, particularly by the local authorities. The situation seems less satisfactory in the *Land* of Brandenburg where the Advisory Committee's attention was drawn to the fact that monolingual signs were only being replaced by bilingual ones at a very slow rate and that the whole operation could take several more years.

The Advisory Committee notes that the authorities stated that the main reason for the reluctance of certain municipalities to adopt bilingual signposting is a financial one since it is up to each of the public authorities concerned (Federal authorities, *Land* or municipality) to cover the costs of replacing signposts on sites for which they have responsibility. The Advisory Committee was informed by the authorities that the financial implications of bilingual signposting might at least partly explain the reluctance of some of the municipalities in the *Land* of Brandenburg to declare themselves a part of the area traditionally inhabited by Sorbians in accordance with Section 1, paragraph 3 of the Act establishing the rights of Sorbians in the *Land* of Brandenburg. However the Advisory Committee does not accept this financial argument as appropriate and considers that the German authorities should ensure the full implementation of the legal provisions on bilingual signposting in areas traditionally inhabited by Sorbians.

Bilingual signposting for North Frisians in the *Land* of Schleswig-Holstein already seems to be well advanced. The Advisory Committee hopes that it will be completed as quickly as possible wherever it is still necessary.

In respect of Article 11

The Advisory Committee *finds* that despite legal requirements to display topographical indications in the Sorbian language in areas traditionally inhabited by Sorbians, notably in the *Land* of *Brandenburg*, monolingual signs are only being replaced by bilingual ones at a very slow rate so that the whole operation could take several more years. The Advisory Committee *considers* that the German authorities should step up their efforts to speed up the full implementation of the legal provisions on bilingual signposting in areas traditionally inhabited by Sorbians.

15. HUNGARY

On the basis of the information currently at its disposal, the Advisory Committee considers that implementation of paragraph 2 does not give rise to any specific observations.

Domestic law allows for every person the use and the official recognition of the patronym and first names in the minority language. The Advisory Committee further welcomes that it allows for bilingual signs with the names of settlements, streets, public offices and companies undertaking public services and thus complies with Article 10, paragraphs 1 and 3, of the Framework Convention. However, the Advisory Committee notes here too that the actual use made of these legal possibilities seems rather limited. As in respect of Article 10 paragraph 2, the Advisory

Committee considers that the Hungarian authorities should review this situation in order to ascertain whether this practical state of affairs is the result of the exercise of free choice or whether there are impediments.

The Advisory Committee notes that the law allows for the use of minority languages in judicial proceedings. However, also in this context practice appears to be rather limited, so that this area should be covered by the above-mentioned review.

In respect of Article 11

The Committee of Ministers *concludes* that the actual use made of legal possibilities for the use and the official recognition of the patronym and first names in the minority language, for bilingual signs with the names of settlements, streets, public offices and companies undertaking public services seems rather limited. It *recommends* that Hungary review this situation in order to ascertain whether this practical state of affairs is the result of the exercise of free choice or whether there are other impediments.

The Committee of Ministers *concludes* that the practice of using minority languages in legal proceedings appears to be rather limited and *recommends* that this area should be covered by the above-mentioned review.

16. IRELAND

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

17. ITALY

Regarding paragraph 3, the Advisory Committee notes with satisfaction that Article 10 of Law No. 482 of 15 December 1999 now provides a clear legal basis at national level enabling local authorities to adopt topographical indications in accordance with local traditions and customs, in addition to the official names. This provision will confirm the many initiatives already taken in this respect on behalf of several minorities resident in ordinary-statute regions, particularly the Albanian, Croat, Greek and Occitan minorities.

18. KOSOVO²

Article 11

Public signs and other topographical indications in the languages of the minority communities

The Advisory Committee welcomes the fact that in accordance with UNMIK Regulation No. 2000/45 on Self-Government of Municipalities in Kosovo, official signs indicating the names of localities, street signs and other topographical indications intended for the public must be displayed in both the Albanian and Serbian languages, and that the official designation of the 30

² All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

municipalities of Kosovo and the place names under each Kosovo municipality should be designated in both Albanian and Serbian, following the recommendations of the Commission on Place Names.

The Advisory Committee notes, however, that in practice the posting of bilingual signs has been slow. While there have been recent improvements in some municipalities, the Advisory Committee is concerned that the detailed existing regulations have often been ignored by municipalities and, in some instances, violated. The Advisory Committee is also aware that a number of signs in Serbian have been defaced. In particular, the Advisory Committee finds it worrying that, as mentioned in the UNMIK Report, certain attempts have been made to “Albanize” the names of certain municipalities. The Advisory Committee finds it essential that, in the Kosovo context, local names, street names and other topographical indications intended for the public duly reflect the multi-ethnic character of the area at issue, and that adequate remedies, including judicial ones, are available in cases where forced changes are illegally being made.

The Advisory Committee further notes that Regulation No. 2000/45 provides for the display of names of localities and other indications in the languages of the communities whose language is neither Albanian nor Serbian, in those municipalities where these communities form a substantial part of the population. The Advisory Committee regrets that this provision has rarely been implemented in the municipalities concerned. There are various pending requests by persons belonging to the Bosniac, Turkish and Roma communities to have more signs in their languages in those municipalities where they live in substantial numbers.

The Advisory Committee considers that there is a need to put in place further legal and administrative regulations to govern the display of names and topographical indications in the languages of these communities, and that these would need to take due account of the demand for such indications. The Advisory Committee also considers that central authorities should encourage municipal authorities to implement the present provisions more widely. In this connection, the Advisory Committee notes that the two-third majority that is required at municipal level to adopt a decision to name or rename any road, street or other public space (Section II of the UNMIK Regulation No. 2000/45 on Self-Government of Municipalities in Kosovo) has been an obstacle for the efforts to increase minority language use, at least in the municipality of Prizren, and the said rule may need to be reviewed.

Registration of personal names

The Advisory Committee was informed of cases where registration in Albanian of names and surnames of persons belonging to a non-Albanian community has led to distortions. The Advisory Committee is aware of the complexity of the Kosovo situation where different alphabets and scripts are in use, and it considers that the lack of detailed regulations on this issue needs to be addressed. In this connection, the Advisory Committee welcomes the fact that guarantees have been introduced in the draft law on languages to the effect that registration of the name of a person belonging to a community whose mother tongue is not the official language shall be entered in their original form, in the script and according to the tradition and linguistic system of their language. While the implementation of such a provision would undoubtedly constitute a positive development, the Advisory Committee hopes that appropriate measures will also be taken to ensure that persons whose names have been changed in the past have the possibility to have the names restored to their original form and that procedures are in place to that effect.

Signs of private nature

The Advisory Committee refers to the related comments made under Article 10 and notes that the aforementioned feeling of insecurity has also contributed to a reluctance to display signs of a

private nature in Serbian and other Slavic languages in certain areas in Kosovo. The Advisory Committee finds that this constitutes a serious, *de facto*, limitation to the implementation of Article 11, paragraph 2, of the Framework Convention.

19. LATVIA

Use of minority languages in individuals' first names and surnames

The legislation provides that persons' first names and surnames shall be pronounced in accordance with Latvian linguistic traditions and written in accordance with the rules of modern Latvian. The law permits the original or historical form of the name, transcribed into the Latin alphabet according to the Latvian language rules in force, to be added to passports or birth certificates. In accordance with the State Language Law and the Law on Identity Documents, the historical or original form of the first name/surname can be registered only at the request of the person concerned or his/her parents on production of documentary evidence thereof. According to the official statistics, the original versions of first names/surnames were added, at the request of the person concerned, to 0.8% of passports issued to Latvian citizens between 2002 and 2007 and to 1.9% of passports issued to “non-citizens”.

At the same time, according to the minorities' representatives, the rules on transcribing first names/surnames continue to pose problems. This is the case, in particular, where transcription results in changes to the original first name/surname and the differences come to light when persons belonging to minorities have to submit to certain institutions, alongside their passport, old personal documents using the original versions of their names (see also the observations in respect of Article 17 below). The regulations on transcribing first names/surnames from another language into Latvian have been challenged on a number of occasions in the Latvian courts, in particular on the ground of violations of Articles 91 (ban on discrimination) and 114 (protection of the minorities' linguistic, ethnic and cultural identities) of the Latvian Constitution. The Latvian Constitutional Court has also adopted an important judgment on these issues.

In the light of the above, the Advisory Committee considers that the question of the use of the minorities' languages in first names and surnames is not entirely settled and should be examined by the authorities so as to eliminate any remaining causes of tension. In this connection, it is essential to consult the minorities' representatives.

Use of minority languages for displaying signs, inscriptions and other information of a private nature visible to the public

The Advisory Committee notes that, according to Article 20.3 of the State Language Law, ‘the text on stamps and seals, as well as the text on letterheads of state and municipal institutions, courts and agencies belonging to the judicial system, state and municipal enterprises and companies in which the state or a municipality holds the largest share of the capital, shall be only in the state language except for the cases referred to in paragraph 4 of this Article. This provision applies also to private institutions, organisations, enterprises (or companies), as well as to self-employed persons who under law or other normative acts perform certain public functions, if the performance of these public functions involves the use of stamps, seals or letterheads’. According to certain minority representatives, these provisions are also applied to their associations, which are not allowed to display their stamps, seals or other specific signs in their minority languages alongside Latvian. The Advisory Committee finds that, in so far as the application of the relevant legislation would not allow such display, such practice would not be in conformity with the provisions of Article 11. 2 of the Framework Convention. It calls upon the authorities to take the necessary steps to ensure the conformity of the legislation and the practice with these provisions.

Use of minority languages in local topographical indications

Upon ratifying the Framework Convention, Latvia issued a Declaration that it would apply the provisions of Article 11, paragraph 3, of the Convention without prejudice to the provisions of the Constitution and of current national legislation governing use of the state language. The State Language Law provides that place names shall be created and utilised in the Latvian language. In so far as it does not permit the use of minority languages alongside Latvian in local topographical indications, the Latvian legislation in force is not in conformity with the provisions of Article 11, paragraph 3 of the Framework Convention.

In respect of Article 11

The Advisory Committee *finds* that the issue of the use of minority languages in the individuals' first names and surnames has not been fully settled. It *considers* that the authorities should further examine this question and find ways to remedy the remaining shortcomings, in consultation with the representatives of national minorities.

The Advisory Committee *finds* that, as a result of the Declaration submitted by Latvia upon ratification of the Framework Convention, and by virtue of the national language-related legislation, persons belonging to national minorities cannot benefit from the right to use minority languages, alongside Latvian, for local topographical and other indications.

20. LIECHTENSTEIN

See Article 7

21. LITHUANIA

The Advisory Committee regrets that, in spite of the discussions that have been ongoing for several years both at the national level and in the context of bilateral relations, no commonly approved solution has yet been found on the modalities of transcribing the surnames and firstnames of persons belonging to national minorities (in particular the Poles) in passports. The Constitutional Court considered the matter in October 1999 in a case in which it was called upon to examine the constitutionality of the relevant rules, which were set out in a Resolution of the Supreme Council of the Republic of Lithuania of 31 January 1991. Under those rules, the names and forenames of Lithuanian citizens of a different ethnic origin must be written in the passport in Lithuanian letters according to their pronunciation, with or without Lithuanian suffixes (this choice being left to the person concerned). In its judgment, the Constitutional Court held that these rules were compatible with the Constitution, relying principally on the argument that the State language is mandatory in the public sphere and that passports - as official documents attesting to the permanent link between the holder and the State - come within the scope of the public sphere. The Advisory Committee hopes that the parties concerned will be able to identify an acceptable solution as soon as possible.

A further question to which the attention of the Advisory Committee was drawn is the fact that, whereas the law on national minorities in force authorises bilingual public signs in areas inhabited by persons belonging to national minorities in substantial numbers, the law on the State language authorises the use of minority languages only for the names and signs of organisations representing national minorities. According to the latter law, the State language must be used for all other public signs. The Advisory Committee finds that the lack of clarity resulting from such conflicting provisions gives cause for concern. It notes that in practice the law on the State language often

prevails over the law on national minorities. The Advisory Committee considers that this situation is not compatible with the Framework Convention and calls upon the authorities to take all necessary steps, including legislative, in order to ensure that the legislation, and the relevant practice, is compatible with Article 11 paragraph 3 of the Framework Convention (see also the comments under Article 10).

In respect of Article 11

The Advisory Committee *finds* with concern that there exists legal uncertainty in Lithuania regarding the use of bilingual signs in areas with substantial number of minority populations. The Advisory Committee also *finds* that in practice, according to the representatives of national minorities, the law on the State language, which does not authorise bilingual signs, often takes precedence over the law on national minorities, and *considers* this situation not compatible with the Framework Convention. The Advisory Committee accordingly *considers* that the authorities should take all the legislative and practical measures needed to solve this problem.

22. MALTA

See Article 7

23. MOLDOVA

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this Article does not give rise to any specific observations.

24. MONTENEGRO

Use of minority languages for names of persons

The Advisory Committee welcomes the fact that the right to use one's name in a minority language and its official recognition are guaranteed by the Constitution as well as other pertinent legislation (Minority Law and Law on Personal Names). However, the Advisory Committee received information – also reflected in the State Report – that the exercise of this right has been hampered in practice. Indeed, in the absence of bilingual registration forms which would take into account the specificity of the Albanian language, registration of Albanian names in the official language has led to some distortions. It notes, in this context, the specific role played by the Protector in identifying and investigating this problem, as well as providing recommendations to the relevant authorities both at the central and local levels. As a result, work has been undertaken by the Ministry of the Interior in order to develop a national register and issue documents in a way which accommodates the specificity of the Albanian language. The Advisory Committee notes with satisfaction that the issue is also being addressed in the context of the drafting of a new Law on Civil Registers. Nevertheless, for those whose names have been altered, the procedure to revert to their original names has been described as complex and corresponding applications have been processed with great reluctance by the competent authorities. Mindful of the legislative work in progress, the Advisory Committee calls on the authorities, including at the local level, to ensure that the procedure in place is followed without any undue complications or additional costs for those concerned.

Topographical indications in national minorities' languages

The Montenegrin legislation guarantees the right to display topographical indications in the language of national minorities. This right is subject to the same conditions provided for the official

use of minority language, i.e. it is applied in these territories of local self-government in which persons belonging to national minorities make “the majority or a considerable part of the population” (Article 11 of the Minority Law). While there are examples of implementation in areas where Albanians constitute the majority of the population (Ulcinj or Tuzi), the Advisory Committee understands that the application remains limited to only a few areas in the country. The Advisory Committee therefore invites the authorities to ascertain whether there is a demand by persons belonging to national minorities for such signs. Appropriate measures should also be taken to encourage a more extensive application of this provision by the local authorities where relevant.

In respect of Article 11

The Advisory Committee *finds* that the names of persons belonging to the Albanian national minority have been altered upon registration and that there is still reluctance by the competent authorities to rectify the situation. The Advisory Committee *considers* that the authorities should ensure that, while completing the law on civil registers, the procedure to revert to the original names is followed in practice without any unnecessary complications and no additional costs for those concerned.

The Advisory Committee *finds* that the implementation of the right to display topographical indications in minority languages remains limited to a few areas. The Advisory Committee *considers* that the authorities should ascertain whether there is a demand by persons belonging to national minorities for such signs and take appropriate measures to encourage a more extensive application of this right by the local authorities.

25. NETHERLANDS

The Advisory Committee notes that in accordance with the Municipalities Act, the name of a municipality may be changed by decision of the municipal council and the name chosen should be communicated to the national authorities and the Provincial executive. It further notes that such a name does not have to be supplemented by a Dutch version. Given the margin of appreciation left to the municipalities, the situation with regard to signs in Frisian varies in practice from one municipality to another. The Advisory Committee wishes to highlight that the display of signs visible to the public in the Frisian language, beyond the name of municipalities, may further contribute to enhancing the position of the language in the Province and it encourages the authorities to make use of the possibility they have to display such signs in the Frisian language, according to the demand and when the conditions of Article 11 of the Framework Convention are met.

In respect of Article 11

The Advisory Committee *finds* that municipalities are given a margin of appreciation with regard to displaying signs in Frisian. It *considers* that they should be encouraged to use the possibility they have to do so when the conditions of Article 11 are met with a view to reinforcing the position of Frisian in the Province of Fryslân.

26. NORWAY

The Advisory Committee notes that many of the ancestors of persons belonging to national minorities were in the past pressured to “Norwegianize” their surnames. Therefore the possibility to revert to the original surname is of particular relevance for national minorities in Norway. The Advisory Committee notes that according to Article 11, paragraph 1, of the Framework Convention

those persons belonging to national minorities who have been forced to give up their original name should be entitled to revert to them. The Advisory Committee considers that the applicability of this rule extends not only to situations where the person at issue was himself/herself directly the subject of a forced change of a surname but also to cases where the ancestors of the person were forced to change their name.

The Advisory Committee notes that the 1964 Act on Personal Names placed a number of restrictions on the right to revert to an old surname of one's ancestors. For example, pursuant to Article 7, if the name at issue was not a "usual name", the person seeking the name had to obtain the consent of all the persons bearing that surname. The Law, notably its Article 9, paragraph 6, provided the authorities a certain degree of discretion to provide exceptions in this sphere, but this discretion was at times exercised in a manner that placed undue obstacles for persons belonging to national minorities attempting to revert to the old surnames of their families. This was reflected in the decision of the Parliamentary Ombudsman of 23 April 2002, in which he criticised a rejection by the Ministry of Justice of an application by a Kven to revert to an old Kven surname and considered that the authorities' approach did not adequately reflect the relevant principles of the Framework Convention.

The Advisory Committee notes with satisfaction that the above-mentioned shortcomings are being addressed by the authorities. Parliament adopted on 7 June 2002 a new Law on Personal Names containing less restrictions on the possibilities to change one's surname. The Advisory Committee encourages the authorities to ensure that, once it enters into force, the law is interpreted and implemented in a manner that fully reflects the principles of Article 11, paragraph 1, of the Framework Convention.

The Advisory Committee welcomes the measures taken by Norway to display topographical indications in the Sami language (see, however, related comments under Article 6 above). The Advisory Committee further notes that the 1990 Place Names Act provides for the possibility to use Finnish place names in certain circumstances and that the authorities now accept also trilingual place names. The Advisory Committee urges the authorities to consider the introduction, in this context, of a specific reference to the Kven minority in the course of the current evaluation by the Ministry of Culture of the law at issue. Bearing in mind that in practice, in a number of municipalities at issue, there is reluctance to introduce minority language place names, the Advisory Committee encourages authorities to monitor the developments in this field carefully and, where necessary, take measures to encourage the introduction of minority language place names.

In respect of Article 11

The Advisory Committee *finds* that the possibility to revert to the old surname of one's ancestors is of particular relevance for national minorities in Norway and that the 1964 Act on Personal Names placed a number of restrictions in this respect. The Advisory Committee *considers* that the authorities should ensure that the new law in this sphere is interpreted and implemented in a manner that fully reflects the principles of Article 11, paragraph 1, of the Framework Convention.

The Advisory Committee *finds* that, in a number of municipalities, there is reluctance to introduce minority language place names and *considers* that the authorities should monitor the developments in this field carefully and, where necessary, take measures to encourage the introduction of minority language place names.

27. POLAND

The Advisory Committee notes that Article 7 of the 1999 Polish Language Act makes Polish compulsory in a whole range of private activities relating to names of goods and services and also in announcements and advertisements. The Advisory Committee trusts that the official interpretation of that provision does not, in practice, prevent persons belonging to national minorities from displaying in their minority language, signs and other information of a private nature visible to the public: it is indeed important that, as provided in Article 2 of the Polish Language Act, the specific rights of persons belonging to national minorities should take precedence over the more general provisions of the Act. In this connection the Advisory Committee recalls that minority languages, which need special protection, should not systematically be treated in the same way as foreign languages in legislation if this creates an insufficient level of protection from the point of the Framework Convention (see related comments under Article 10 above).

The Advisory Committee notes that there is at present no legal basis in Polish law allowing the display of traditional local names, street names and other topographical indications intended for the public in minority languages. The bilateral agreements which Poland has concluded with its neighbours do not provide for any such possibility either. The Advisory Committee nevertheless acknowledges that, as stated by the Polish authorities, topographical indications in German and Kaszub have sometimes been put up, apparently without any adverse reaction from the population, but it stresses that such cases are isolated ones without any legal basis.

The present legal framework is therefore not compatible with Article 11, paragraph 3 of the Framework Convention. The Advisory Committee therefore urges the Polish authorities to consider how to remedy this legislative shortcoming. The Advisory Committee notes with interest in this connection that, under Article 12 of the Draft Law on National and Ethnic Minorities, it would be possible to display such topographical indications in minority languages, which would represent a substantial progress in the matter. It seems that the Belarusian minority in the province of Podlaskie has in the past made requests in this regard to local or regional authorities but that these requests were turned down, notably on financial grounds. While noting that financial considerations cannot justify a blanket refusal, the Advisory Committee considers it necessary for the Polish authorities to examine, in consultation with representatives of national minorities, particularly the Belarusians, what demand there is in this matter and which geographical areas could be concerned.

In respect of Article 11

The Advisory Committee *finds* that there is at present no legal basis in Polish law allowing the display of traditional local names, street names and other topographical indications intended for the public in minority languages, albeit topographical indications in German and Kaszub have sometimes been put up in isolated cases without any legal basis. The Advisory Committee *considers* that the present legal framework is not compatible with Article 11, paragraph 3 of the Framework Convention and *considers* that the Polish authorities should examine how to remedy this legislative shortcoming. The Advisory Committee also *considers* it necessary for the Polish authorities to examine, in consultation with representatives of national minorities, particularly the Belarusians, what demand there is in this matter and which geographical areas could be concerned.

28. PORTUGAL

Based on the information currently at its disposal, the Advisory Committee considers that implementation of these articles does not give rise to any specific observations.

29. ROMANIA

The Advisory Committee welcomes the fact that the Law on local public administration adopted by the Parliament in early 2001 will authorise, inter alia, bilingual street signs in localities where a minority represents over 20% of the population. The Advisory Committee notes that this Law will consolidate the existing practice and expresses the hope that it will enter into force soon. The Romanian authorities will then have to give effect to these legal provisions in practice and take the necessary steps to reduce any tension that may appear in this field.

In respect of Article 11

The Committee of Ministers *concludes* that the recent adoption of the Law on local public administration could facilitate the posting of bilingual street signs. It *recommends* that the authorities give effect to these legal provisions in practice once this Law has entered into force and take the necessary steps to reduce any tension that may appear in this field.

30. RUSSIAN FEDERATION

The Advisory Committee notes that the principles of Article 11 of the Framework Convention are reflected in a number of legislative provisions of the Russian Federation and of its subjects. As concerns topographical signs, the Advisory Committee notes that Article 8 of the 1997 Federal Law on Denomination of Geographic Objects envisages geographical names, “where necessary”, also in minority languages and it also provides the possibility to indicate them using the Latin alphabet. The Advisory Committee welcomes this principle, although it notes that to limit this possibility only to the situations where such names in minority languages are “necessary”, appears restrictive. The Advisory Committee urges the Government to ensure that the envisaged amendments of the Law on the Languages of the Peoples of the Russian Federation (see paragraph 82 above) does not curtail the scope of this provision or negatively affect other guarantees furthering the implementation of Article 11 of the Framework Convention.

In respect of Article 11

The Advisory Committee *finds* that the 1997 Federal Law on Denomination of Geographic Objects also envisages geographical names in minority languages, but restricts this possibility only to the situations where such names in minority languages are “necessary”. The Advisory Committee *considers* that the government should ensure that the envisaged amendments of the Law on the Languages of the Peoples of the Russian Federation do not curtail further the scope of this provision or negatively affect other guarantees furthering the implementation of Article 11 of the Framework Convention.

31. SAN MARINO

See Article 7

32. SERBIA AND MONTENEGRO

The Advisory Committee welcomes the fact that Article 52 of the Union Charter of Human Rights and Minority Rights and Civil Freedoms and Article 10 of the federal Law on the Protection of Rights and Freedoms of National Minorities guarantee the right of persons belonging to national minorities to use their language and script in private and in public. The Advisory Committee is however concerned that this right is not fully reflected in the wording of other pertinent legislation, notably in Article 20 the Law on the Official Use of Language and Script of Serbia. According to the said Article, the annotation of an enterprise, institution and other legal person may be written, in addition to Serbian, also in the language of a nationality that is in official use in the location of the seat or business of the entity. The Advisory Committee considers that the provision is too restrictive in so far as it may be interpreted as preventing persons belonging to a national minority from displaying certain information of a private nature visible to the public also in a minority language that is not in official use. Bearing in mind that the expression “of a private nature” in Article 11 of the Framework Convention refers to all that is not official, the Advisory Committee is of the opinion that Serbia should revise the said provision with a view to ensuring its compatibility with Article 11 of the Framework Convention.

The Advisory Committee notes that Article 16 of the federal Law on the Protection of Rights and Freedoms of National Minorities provides that persons belonging to national minorities have the right to choose and use their national symbols but that these symbols cannot be identical with symbols of another state. The Advisory Committee acknowledges the sensitivity of the issues involved and notes that the Framework Convention does not exclude restrictions on the use of symbols of foreign states by national minorities in official contexts. As regards the use of symbols of national minorities in private contexts, the Advisory Committee appreciates the authorities’ efforts to ensure that restrictions are introduced only when they are necessary to protect a legitimate public interest.

The Advisory Committee notes that there are important guarantees in Article 19 of the Law on the Official Use of Language and Script of Serbia, and there are certain commendable practices, concerning display of topographical indications intended for the public in those local self-government units where a minority language is in official use. At the same time, additional efforts are needed in practice, for example, in relation to the street names in areas inhabited by a substantial number of Romanians and Croats respectively. Also, more vigilance and consistency is needed to ensure that, in addition to the local-self government units, the agencies of the constituent states display inscriptions in minority languages in areas traditionally inhabited by a substantial number of persons belonging to a national minority when there is a sufficient demand.

As regards Montenegro, the Advisory Committee is of the opinion that there is a need to complement the general provision of the Constitution with further guarantees and legal clarity as regards the implementation of Article 11 of the Framework Convention.

In respect of Article 11

The Advisory Committee *finds* that the right of persons belonging to national minorities to use their language and script in private and in public is not fully reflected in all provisions of the Law on the Official Use of Language and Script of Serbia and *considers* that the authorities should ensure the law’s compatibility with Article 11 of the Framework Convention.

The Advisory Committee *finds* that additional efforts are needed in practice to implement the guarantees concerning display of topographical indications.

The Advisory Committee *finds* that, in Montenegro, there is a need to complement the general provision of the Constitution with further guarantees and legal clarity as regards the implementation of Article 11 of the Framework Convention.

33. SLOVAK REPUBLIC

The Advisory Committee notes with satisfaction that legislative provisions exist aimed at protecting the right of persons belonging to national minorities to use their first names in a minority language and the right of official recognition of them. The Advisory Committee has, however, received disturbing reports suggesting that the Slovak form of a surname is still imposed in some instances on women belonging to national minorities. The Advisory Committee finds it important that the Government review the situation and, where necessary, take measures against the imposition of the Slovak form of surnames and to ensure that such practices are not tolerated in the public sector.

In respect of Article 11

The Committee of Ministers *concludes* that despite legislative provisions aimed at protecting the right of persons belonging to national minorities to use their first names in a minority language and the right of official recognition of them, reports suggest that the Slovak form of a surname is still imposed in some instances on women belonging to national minorities. The Committee of Ministers *recommends* that Slovakia review the situation and, where necessary, take measures against the imposition of the Slovak form of surnames.

34. SLOVENIA

The Advisory Committee welcomes the fact that in “ethnically mixed areas”, in accordance with the applicable legislation, the names of settlements and streets, topographical indications, public signposts and public announcements are bilingual, i.e. given in Slovene and in Hungarian or Italian.

35. SPAIN

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

36. SWEDEN

The Advisory Committee notes that Article 4 of the National Heritage Act (1988:950) stipulates that the Swedish, Sami and Finnish place names should be used together as far as possible on maps, signposts and other markings in multilingual areas. The Advisory Committee is of the opinion that the authorities should consider extending this positive undertaking in the law beyond the languages mentioned, notably so as to cover Meänkieli in the areas traditionally inhabited by substantial numbers of Tornedalers. As regards practice, the Advisory Committee notes with satisfaction that the Swedish authorities are committed to increasing their efforts as regards the introduction of topographical indications in minority languages and that new plans in this respect are envisaged, for example, in the municipality of Haparanda.

In respect of Article 11

The Advisory Committee *finds* that the existing legislation stipulates that the Swedish, Sami and Finnish place names should be used together as far as possible on maps, signposts and other markings in multilingual areas. It *considers* that the authorities should give thought to extending this positive undertaking in the law beyond the languages mentioned, notably so as to cover Meänkieli.

37. SWITZERLAND

The Advisory Committee recalls that, under Article 11(2) of the Framework Convention, every person belonging to a national minority has the right to display in his or her minority language, signs, inscriptions and other information of a private nature visible to the public. Accordingly, the prohibition on a tradesman putting up a luminous sign in Italian on the basis of a municipal building regulation providing for the exclusive use of Romanche in a municipality in Graubünden with a Romanche majority seems problematic from this point of view. The Advisory Committee is aware that such limitations remain exceptional in Switzerland, concern only a few municipalities in Graubünden and respond to the legitimate concern to preserve the Romanche language, whose survival is under threat in some regions. Nevertheless, it considers that Romanche could be protected just as well by an obligation to put up bilingual private signs, and encourages the competent authorities to look into this possibility.

The Advisory Committee welcomes the fact that Article 11(3) of the Framework Convention is very widely achieved in practice, also as regards topographical indications in Romanche in Graubünden.

In respect of Article 11

The Advisory Committee *finds* that certain limitations of an exceptional nature to the right to display in a minority language signs, inscriptions and other information of a private nature visible to the public exist in a few municipalities in Graubünden with a view to preserving the Romanche language, whose survival is under threat in some regions. The Advisory Committee *considers* that Romanche could be protected just as well by an obligation to put up bilingual private signs, and encourages the competent authorities to look into this possibility.

38. “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

As noted under Article 10, legislation of “the former Yugoslav Republic of Macedonia” contains guarantees concerning the issuance of bilingual identity documents by the authorities. The attention of the Advisory Committee has been drawn to the fact that the transcription of the names of persons belonging to the Turkish minority into the alphabet of the official state language, Macedonian, has led to phonetic distortions and that moreover, the names which have been forcibly changed in the past are still being transcribed as such. The Advisory Committee deems it important, in the light of this information, that appropriate measures be taken within the public administration to ensure that the names of persons belonging to national minorities are transcribed phonetically into the official language and that any names which have been changed in the past are restored to their original form where the persons concerned so request. The authorities should further ensure that the procedures for restoring names work in practice and that persons belonging to minority groups are sufficiently informed of their existence.

The use of languages other than Macedonian as regards local names and other toponymic information is not governed by special legislation but is subject to the general rules on the use of languages, as laid down in the Ohrid Agreement (see also Article 10 above). Such inscriptions may thus be displayed in a minority language if this language has official language status, i.e. if it is spoken by at least 20% of the inhabitants of the municipality in question. The Advisory Committee notes that, so far, this provision has not been largely applied in practice. The Advisory Committee invites the authorities to look into this matter and to take the necessary steps to encourage the use of languages other than Macedonian for displaying local names in cases where there is sufficient demand for such indications and the necessary conditions are met. The Advisory Committee further observes that local authorities have a competence in this area, the Advisory Committee invites the central authorities to ensure that local authorities are fully aware of the requirements of Article 11 paragraph 3 of the Framework Convention.

In respect of Article 11

The Advisory Committee *finds* that there are problems regarding identity documents including phonetically distorted transcription of names of persons belonging to the Turkish community as well as names that were forcibly changed in the past. The Advisory Committee *considers* that the authorities should take appropriate steps to ensure that when using the alphabet of the official language, names of persons belonging to national minorities be written in their phonetic form and that procedure are in place in order to enable persons whose names have been changed in the past to have their names restored in their original form.

The Advisory Committee *finds* that the languages other than Macedonian which have an official status are rarely used in practice in the display of local names and other topographic indications and *considers* that the authorities should look into this situation.

39. UKRAINE

The Advisory Committee notes with satisfaction that there exist legislative provisions, in particular in the Law on National Minorities and in the Law on Languages, aimed at protecting the right of persons belonging to national minorities to use their surnames and first names in a minority language and the right of official recognition of them.

The Advisory Committee has, however, received disturbing reports suggesting that, until recently, an amended Ukrainian version of the names has in some cases been imposed upon persons belonging to national minorities. These reports are particularly disconcerting when the situation has led to the recording of the Ukrainian version of the name in official records and documents, such as passports, without an explicit prior approval of the person concerned. The Advisory Committee urges the Government to review the situation and take necessary measures to correct any shortcomings in administrative practice that may still remain.

The Advisory Committee is aware of particular challenges with respect to the formerly deported people, arising from the fact that the original names of the persons concerned were often distorted as a result of the deportation. The Advisory Committee recalls that pursuant to Article 11 persons whose names have been changed by force should be entitled to revert to them. While recognising the administrative and linguistic difficulties involved, the Advisory Committee hopes that Ukraine makes particular efforts to record names of returnees as close to their original form as possible.

The Advisory Committee notes that Article 38 of the Law on Languages provides a possibility to introduce place names in a minority language if the minority in question constitutes a majority in the locality at issue. While recognising that this provision has enabled certain commendable practices e.g. with respect to the use of Hungarian language place names in a number of towns in Transcarpathia, the Advisory Committee notes that the numerical threshold contained in the said provision is such that it constitutes an obstacle with respect to certain minority languages in areas traditionally inhabited by substantial numbers of persons belonging to a national minority. This problem is particularly pertinent for formerly deported people of Crimea, notably the Crimean Tatars. The Advisory Committee is therefore of the opinion that the scope of the said provision should be revised in the context of the on-going legislative reform.

In respect of Article 11

The Advisory Committee *finds* that, despite the existing legislative guarantees in this sphere, there are reports suggesting that a Ukrainian version of the names has in some cases been imposed upon persons belonging to national minorities. The Advisory Committee *considers* that the Government should review the situation and take necessary measures to correct any shortcomings in administrative practice.

The Advisory Committee *finds* that the numerical threshold for the introduction of place names in a minority language is such that it constitutes an obstacle with respect to certain minority languages in areas traditionally inhabited by substantial numbers of persons belonging to a national minority. The Advisory Committee *considers* that the scope of the legal provision at issue should be revised in the context of the on-going legislative reform.

40. UNITED KINGDOM

On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.