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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**

**SECOND 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.”

This document was produced for the work of the Advisory Committee. For publication purposes, please refer to the original versions of the opinions of the Advisory Committee on the Framework Convention.

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\*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.

As of 2 February 2016, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted 40 opinions, among which 29 opinions on Article 11.

## NOTE

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

This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. On the contrary, the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may be considered acceptable at one stage but that need not necessarily be so in further cycles of monitoring. It may also be the case that issues that appear at one stage of the monitoring to be of relatively minor concern prove over time to have been underestimated.



**1. Albania**

*Opinion adopted on 29 May 2008*

**Topographical indications in minority languages**

*Findings of the first cycle*

Having noted that there were no specific criteria regarding traditional local names, street names and other topographical indications in minority languages, the Advisory Committee considered that the government should review the legal and administrative framework governing the display of names and topographical indications and pass appropriate legislation.

*Present situation*

a) Positive developments

The Advisory Committee notes that the aforementioned agreements between the central government and some local authorities (see paragraph 143) also covers issues relating to the traditional local names, street names and other topographical indications in minority languages

b) Outstanding issues

No progress has been made on the legislative front. In fact, it emerges from the Advisory Committee's dialogue on the spot that the existing legislation on such matters is subject to differing interpretations as regards the respective competences of local authorities and central government. National minority representatives referred to Section 32 of the Act on the Organisation and Functioning of Local Authorities of 31 July 2000, which provides that municipal councils shall approve the names of streets, squares, districts, institutions and assets within their jurisdiction. In practice, however, it appears that municipal councils' decisions on such matters require central government approval, which is not always forthcoming. For example, one case concerns the desire of the local authorities in Liqenas to revert to the original version of the municipality's name (Pustec). A proposal along these lines was apparently submitted, but once again it appears that the representation of central government at local level did not respond, thus *de facto* blocking the initiative.

*Recommendation*

The Advisory Committee reiterates its request that the authorities lay down a clearer legal framework for the use of minority languages for the display of traditional local names, street names and other topographical indications, and clarify the respective powers of local authorities and central government in this regard. In the meantime, they should start a dialogue with representatives of national minorities on these issues.

**Patronyms in minority languages**

*Findings of the first cycle*

In its first Opinion, the Advisory Committee, noting the complaints from certain persons belonging to the Serbo-Montenegrin community that they were not allowed to use the original forms of their family names, considered that the Albanian authorities should ensure civil servants were aware of the need to respect the right of persons belonging to national minorities to use, and have official recognition of, their patronyms in their respective languages.

*Present situation*

Positive developments

The Advisory Committee is pleased to note that Act No. 9229, passed on 29 April 2004, and amending Act No. 8950 on Civil Registry Offices, now allows people to change the name under which they are registered by means of a straightforward administrative procedure (rather than a judicial procedure, as was previously the case). In this context, what is required is a letter signed

by the applicant and family members bearing the same name, stating the reason for the change, and the civil registry officer's signature.

#### *Recommendation*

The Advisory Committee invites the authorities to ensure that the new, simplified procedure allowing persons belonging to national minorities to revert to the traditional forms of their names is carefully monitored to ensure that it is applied in practice.

## **2. Armenia**

*Opinion adopted on 12 May 2006*

### **Use of minority languages in topographical indications**

#### *Findings of the first cycle*

The Advisory Committee considered, in its first Opinion, that despite the fact that there had been no complaints from the persons concerned, the authorities should supplement the legislation so as to ensure the possibility of using minority languages in topographical indications.

#### *Present situation*

##### a) Positive developments

The Advisory Committee notes that road signs and name plates of cities and villages are usually in Armenian as well as in Latin script, and often also in Cyrillic.

According to the information provided to the Advisory Committee, a number of topographical indications have at present names in minority languages in areas inhabited by persons belonging to national minorities. Moreover, local authorities as well as legal and natural persons, including persons belonging to national minorities, can propose names for settlements.

The draft law on minorities foresees that in municipalities where national minorities form at least 15% of the population, legal guarantees for the use of bilingual signposting will be introduced.

##### b) Outstanding issues

The Advisory Committee notes that for the time being there is no legal obligation concerning bilingual signposting.

#### *Recommendations*

The Advisory Committee encourages the authorities to have inclusive consultations with national minorities in the process of introducing clearer legal guarantees concerning the use of minority languages in topographical indications and signposting.

## **3. Austria**

*Opinion adopted on 8 June 2007*

### **Bilingual signposting in Carinthia**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee considered it important that the Constitutional Court decision of 13 December 2001 be respected and implemented at all levels. It also recommended adequate consultation of the Slovene minority representatives in the planned "consensus conferences". Finally, it recalled that the authorities should not rely entirely on the

results of the last census to establish whether topographical indications in minority languages are to be displayed.

#### *Present situation*

##### *a) Positive developments*

The Advisory Committee takes note of the efforts of the federal authorities to seek a consensus between the parties concerned by means of a “consensus conference” (2002-2003, reconvened in 2005-2006, see also remarks in respect of Article 6 above). It also notes that the new government stated, in its programme for the next five years, that “regulation on the implementation of decisions relating to municipal signs made by the Constitutional Court shall be constitutionally safeguarded with the maximum possible consensus from the ethnic groups, on the basis of existing proposals”.

##### *b) Outstanding issues*

The Advisory Committee is deeply concerned by the continued non-implementation of the decision of the Constitutional Court of 13 December 2001. This does not only raise concerns with regard to the principles enshrined in Article 11 of the Framework Convention but also, as already mentioned under Article 6 (above), with regard to the respect for decisions of the highest Court of the State and for the rule of law. Furthermore, the Advisory Committee notes that in further decisions on bilingual signposting for certain Carinthian municipalities, the Constitutional Court has confirmed the principles stated in the ruling of 13 December 2001. The Advisory Committee is concerned at the polarisation of positions around the issue of bilingual signposting in Carinthia.

The Advisory Committee was disconcerted by the repeated attempts of the Governor of Carinthia to remove bilingual signs or to replace regular bilingual signs with signs where the Slovenian indications appear in small characters. It is also concerned by the criticism expressed by the Governor of Carinthia regarding the Constitutional Court’s decision and by derogatory remarks made against some of its members. Moreover, members of the Governor’s party (BZÖ) stated, during the visit of the Advisory Committee, that “the Court’s decision broke social peace in Carinthia and that respect for the rights of the Slovene minority should be considered in the light of respect for rights of German-speaking minorities in neighbouring countries”. While encouraging bilateral cooperation on national minorities protection, the Advisory Committee underlines that the implementation of the Framework Convention is an obligation taken by the State Parties and shall not depend on bilateral considerations.

The Advisory Committee notes that a new Topographical Ordinance for Carinthia was prepared by the federal authorities in June 2006 to replace the Topographical Ordinance of 1977, which was considered incomplete and unconstitutional by the Constitutional Court. It could not enter into force due to the opposition of the party of the Governor of Carinthia. Consequently, the authorities prepared a draft amendment to the Constitution that would have amended those constitutional requirements on bilingual signs which were the subject of the Constitutional Court decision of 2001. The 2/3 majority of votes required in the Federal Parliament to amend the Constitution was, however, not reached.

#### *Recommendation*

The Advisory Committee urges the authorities to seek ways of ensuring swift and full implementation of the Constitutional Court decision of 13 December 2001 (see also recommendations in respect of Article 6).

## **4. Azerbaijan**

*Opinion adopted on 9 November 2007*

## **Bilingual topographical indications and other inscriptions**

### *Findings of the first cycle*

In its first Opinion, the Advisory Committee stated that provisions of the Law on State Language should not hamper the full implementation of the guarantees contained in Article 11 of the Framework Convention, notably with regard to posters and signs in minority languages and names of the persons belonging to national minorities.

### *Present situation*

#### Outstanding issues

The Advisory Committee was informed during its visit that, in accordance with the Law on State Language, there are no topographical signs in minority languages, even in areas where the conditions of Article 10 (3) are met and where minorities live in substantial numbers. However, the Advisory Committee was informed by representatives of some national minorities that they would like to have traditional topographical indications displayed also in minority languages.

Moreover, the provision of the Law on State Language stating that all posters, advertisements and announcements should be in the State Language has remained unchanged since the first visit of the Advisory Committee. In the opinion of the Advisory Committee, the legal framework is not in line with the principles contained in Article 11 of the Framework Convention.

During the discussions with the Advisory Committee, the authorities underlined that the fact that most persons belonging to national minorities have a good command of the Azerbaijani language makes it unnecessary to have topographical signs and other indications in minority languages (see also comments in respect of Article 10). The Advisory Committee recalls that the visibility of national minorities in public life, which can be enhanced through bilingual signposting and posters, advertisements and other inscriptions displayed in public, is an important instrument for the preservation of the culture and identity of the minorities.

### *Recommendations*

The Advisory Committee urges the authorities to take steps, including at the legislative level, to ensure that persons belonging to national minorities are allowed to display in a minority language signs, inscriptions and other information of a private nature visible to the public.

The Advisory Committee also encourages the authorities to ensure that traditional topographical indications are displayed in the minority language, where the conditions of Article 11 are met.

## **5. Bosnia and Herzegovina**

*Opinion adopted on 9 October 2008*

### **Topographical information in minority languages**

#### *Findings of the first cycle*

In its first Opinion the Advisory Committee regretted that the numerical threshold stipulated by law for the possibility of displaying street names and other topographical indications in minority languages in areas traditionally inhabited by national minorities was too high.

#### *Present situation*

##### a) Positive developments

The Advisory Committee welcomes the fact that the Law on National Minorities of the Republika Srpska permits municipalities traditionally inhabited by persons belonging to national minorities to disregard the threshold of one-third of the population for the display of

street names and other topographical indications in minority languages. It also notes that the Federation's legislation on national minorities includes a similar provision.

b) Outstanding issues

The Advisory Committee takes note of the amendment made in 2005 to Article 12 of the State Law on National Minorities, eliminating the need for a national minority to constitute an "absolute or relative" majority of the population in order for it to be permissible to display the names of streets, institutions or other topographical signs in minority languages. As mentioned in paragraph 158 with regard to use of minority languages, the law now only requires that persons belonging to national minorities should constitute a "majority" of the population, for the display of topographical information in minority languages to be possible. However, for municipalities that decide, in accordance with Article 12 of the Law on National Minorities, to permit the display of topographical and other indications in minority languages even where persons belonging to these minorities do not constitute a majority of the population, a minimum threshold of one-third of the population is still required. The Advisory Committee continues to regard this threshold as too high, in the light of Article 11 of the Framework Convention. It also underlines that requiring that the legislation in force be applied solely on the basis of the results of the 1991 census makes its implementation very haphazard on account of the considerable changes that have taken place since 1991 (also see the comments in respect of Article 4 above). According to the information in the Advisory Committee's possession, none of the country's municipalities has so far displayed topographical indications in the national minorities' languages.

The Advisory Committee considers that the authorities should assess the needs and demand for such information among persons belonging to national minorities, so that the legislative provisions referred to in paragraph 163 above can be implemented by local authorities. It wishes to point out that displaying topographical indications in minority languages, in addition to the official language, in regions traditionally inhabited by national minorities, helps to enhance these persons' visibility, which, in the context of Bosnia and Herzegovina, can be seen to be particularly necessary.

*Recommendation*

The Advisory Committee invites the authorities to consult persons belonging to national minorities so as to assess the needs and demand regarding the display of topographical indications and other signs in minority languages. Where applicable, it strongly encourages them to use the legislation of the Republika Srpska and of the Federation making it possible to disregard the threshold required under the State Law on National Minorities, as amended in 2005.

**6. Bulgaria**

*Opinion adopted on 18 march 2010*

**Bilingual topographical indications and other inscriptions**

*Findings of the first cycle*

In its first Opinion, the Advisory Committee noted the lack of adequate guarantees in Bulgaria for the effective application of the provisions of Article 11.3 of the Framework Convention concerning use of minority languages for topographical indications, and considered that the authorities should take all the necessary legislative and practical measures to remedy this situation. The Committee of Ministers also recommended that Bulgaria undertake further efforts in the legislative sphere and at the practical level to enable persons belonging to minorities to use their languages in topographical indications, under the conditions set out in Article 11.3 of the Framework Convention.



*Present situation*

The Advisory Committee notes with regret that the situation concerning the use of minority languages for topographical indications has not changed in Bulgaria. According to the information available to the Advisory Committee, there have been no changes to the legislative provisions in this area and the authorities have not carried out any studies of the demand and have not assessed the existing needs in the geographical areas inhabited by a substantial number of persons belonging to minorities.

*Recommendations*

The authorities should, in consultation with representatives of national minorities, assess whether there is sufficient need or demand concerning the use of minority languages for topographical indications in the geographical areas inhabited by a substantial number of persons belonging to national minorities.

The Advisory Committee urges the authorities to introduce, in line with the first Opinion of the Advisory Committee and the resolution of the Committee of Ministers ResCMN(2006)3, the appropriate legal safeguards to enable national minorities to display traditional local names, street names and other topographical indications intended for the public in the minority language. Legislation and practice must be in conformity with Article 11.3 of the Framework Convention and the conditions described therein.

**7. Croatia**

*Opinion adopted on 1 October 2004*

**Topographical indications***Findings of the first cycle*

In its first Opinion, the Advisory Committee concluded that the legislative provisions on the display of minority language topographical signs suffer from the same lack of clarity noted in connection with the implementation of Article 10 of the Framework Convention.

*Present situation***a) Positive developments**

The amendments brought about by the Constitutional Law on the Rights of National Minorities outlined above in connection with Article 10 of the Framework Convention improved the legislative framework on topographical indications, as the concept of the “equal official use” of minority language also encompasses the obligation to provide bilingual or multilingual topographical indications pursuant to Article 10 of the Law on the Use of Language and Script of National Minorities.

**b) Outstanding issues**

The comments under Article 10 of the Framework Convention as regards the lack of implementation by several units of self-government of their legal obligations under Article 10 of the Law on the Use of Language and Script of National Minorities, apply, *mutatis mutandis*, also to the display of topographical indications.

*Recommendations*

The Croatian authorities should take more proactive measures to ensure that the provisions of the Constitutional Law pertaining to the implementation of Article 11 of the Framework Convention are implemented.

**8. Czech Republic**

*Opinion adopted on 24 February 2005*

## **Surnames (patronyms) and first names in minority languages**

### *Findings of the first cycle*

In its first Opinion on the Czech Republic, the Advisory Committee welcomed provisions in the new Act on civil status registers, which allowed persons belonging to national minorities to enter the female surnames without adding the suffix required by Czech grammar.

### *Present situation*

#### a) Positive developments

According to the State Report, the latest amendments to the said Act (2004) confirm and specify further the provisions applying to persons belonging to national minorities when registering marriages or the names of female children. The law also allows persons concerned, and the parents of children concerned, to apply to have family names re-registered, free-of-charge, taking into account the specificities of the minority language in question, and to have new identity papers issued.

#### b) Outstanding issues

Although these new provisions have been well received by national minorities, the Advisory Committee notes that there have been complaints, particularly from Poles and Germans, concerning certain procedural shortcomings - specifically, the difficulty of obtaining copies of entries from registers giving names in minority languages, when those names have previously been entered in Czech, and the lack of rules on transcription of names into Czech.

### *Recommendations*

The authorities should pay more attention to the rules on implementation of the above-mentioned amended Act, to ensure that persons belonging to national minorities can effectively exercise the right enshrined in Article 11, paragraph 1, of the Framework Convention.

## **Bilingual signs and place-names**

### *Findings of the first cycle*

In its first Opinion, the Committee welcomed the fact that the Municipalities Act had authorised the use of bilingual signs and place-names under certain conditions, and called for proper implementation of the new regulations.

### *Present situation*

#### a) Positive developments

The Advisory Committee notes that the Municipalities Act, as amended in 2001, authorises the use of bilingual signs and place-names in municipalities where national minorities account for at least 10% of the local population, on presentation of a petition signed by at least 40% of adult minority residents. It welcomes the fact that the threshold has been set at a mere 10% - which reflects the authorities' will to make the possibility provided for in Article 11, paragraph 3 of the Framework Convention widely available.

#### b) Outstanding issues

Although the above provisions can be seen as positive, they currently apply only to a fairly limited number of municipalities, in which persons belonging to national minorities reside compactly, and their implementation has not advanced significantly. According to the State Report, Poles in the Těšín district of Silesia are the main group concerned. Some of them, in municipalities where the numerical criteria is fulfilled, have recently collected the necessary signatures and should now be in a position to use bilingual signs and place-names in the areas concerned.

The Advisory Committee notes that persons belonging to national minorities, particularly Poles, are strongly critical of the requirement to present a petition as a precondition for the introduction of bilingual signs and place-names. The Advisory Committee notes with concern that bilingual signs have not been yet introduced in those municipalities where the legislative conditions for doing so are satisfied.

The authorities explain this state of affairs by referring to opposition on the part of the majority and of certain local authorities. According to the State Report, local authorities are ready to accept the use of minority languages for the names of local public authorities and institutions (often the case with Poles in Silesia) and in dealings with the authorities. However, mainly for historical reasons, there are strong reservations as to the use of minority languages, Polish and German particularly, in bilingual topographical indications.

Other national minorities are more dispersed, and therefore find it harder to meet the conditions for using bilingual signs and place-names. In the specific case of Germans, the authorities, while pointing out that the numerical conditions are not satisfied, acknowledge that the use of German on signs indicating historic monuments and places previously inhabited by Germans might well have symbolic value for them. Changes are unlikely, however, given the extent to which these questions are politicised in Czech society (see also observations under Article 6 above).

### *Recommendations*

The authorities should ensure that there are no unjustified obstacles to prevent persons belonging to national minorities from availing of their legal right, where legal conditions are fulfilled, to use their own language, in addition to Czech, on local topographical indications. More should be done to sensitise the majority population and local authorities to this issue.

Given the uncertainty attached to the latest census figures for persons belonging to national minorities, the authorities are encouraged not to make them the sole indicator for implementation of the new legislative provisions, but to take also into account the real situation in the localities concerned.

## **9. Denmark**

*Opinion adopted on 9 December 2004*

### **Registration of names through the Danish National Church**

#### *Findings of the first cycle*

In the first cycle of monitoring the Advisory Committee noted that for the registration of names at birth, the Danish National Church is exclusively competent, in all areas of Denmark, except Southern Jutland where a names register exists. The Advisory Committee considered that this raises issues of conscience for persons who do not belong to the State church and that these persons should have the possibility of registering the names of their children directly with the State authorities.

#### *Present situation*

##### **a) Positive developments**

The Advisory Committee notes from information provided in the second State Report that registration of names may be made in writing and does not require the presence of individuals in person. The Advisory Committee also notes that under new regulations in force (Section 13, subsection 2 of the Ministry of Ecclesiastical Affairs' Circular of 13 December 2001) the words "the Danish National Church" do not need to appear on the top corner of the certificate. Furthermore, the Advisory Committee understands that a system of electronic registration has been introduced and that persons who are not members of the Danish National Church automatically receive certificates that do not bear the words "the Danish National Church" in the top corner.

b) Outstanding issues

Notwithstanding the positive step of removing the reference to the Danish National Church on certificates of those not belonging to the Church, the Advisory Committee continues to feel that the registration of names with the Danish National Church raises issues of conscience for persons not belonging to the Danish National Church.

*Recommendations*

The Advisory Committee considers that modifications should be introduced into the system of registrations to allow persons who do not belong to the Danish National Church the possibility of registering their names through an authority independent of the Church.

**Display of traditional local names, street names  
and other topographical indications**

*Findings of the first cycle*

The Advisory Committee noted in the first cycle that there had been no request pertaining to the use of bilingual signs.

*Present situation*

Outstanding issues

The Advisory Committee understands that there is an interest on the part of persons belonging to the German minority to introduce certain bilingual signs and that the Danish Road Directorate is prepared to consider any application from a local road administration for bilingual signs in German positively if a tangible need is documented.

The Advisory Committee encourages persons belonging to the German minority to articulate their interest and demands for bilingual signs to the authorities.

*Recommendations*

The Advisory Committee invites the Danish authorities to give due consideration to any proposals made to them by the German minority for the display of traditional local names, street names and other topographical indications. In responding to these requests, the Danish authorities should keep in mind that such displays are an important public recognition and sign of acceptance towards the presence of the German minority and reflect the special nature and character of the borderland region of South Jutland.

**10. Estonia**

*Opinion adopted on 24 February 2005*

**Topographical indications**

*Findings of the first cycle*

In its first Opinion, the Advisory Committee encouraged the Government to find out whether the municipalities concerned are aware of the possibility to introduce place names in minority languages and to support implementation of such initiatives.

*Present situation*

a) Positive developments

The new Place Names Act, which entered into force on 1 July 2004, while retaining the basic principles governing minority language place names during the first monitoring cycle, streamlined the required procedures. The authorities have reported that they have made efforts

to encourage municipalities concerned to invoke the possibility to introduce minority language place names, but that this was not followed up at the local level.

b) Outstanding issues

In spite of the Government's efforts, there appears to be still a certain lack of awareness of the relevant legal possibilities and procedures available, including in those municipalities in the Lake Peipsi area that are traditionally inhabited by the Russian-speaking Old-Believers. Furthermore, it appears that the possibility of using the Cyrillic script (alongside the Latin script), currently excluded by Article 10 of the Place Names Act, would increase interest in introducing traditional place names in minority languages and better reflect the spirit of Article 10 of the Framework Convention.

*Recommendations*

The Estonian authorities should continue their efforts to encourage relevant local authorities to introduce minority language place names. They should also consider the possibility of allowing the additional use of script other than Latin for such place names.

### **Private minority language signs**

*Findings of the first cycle*

In its first Opinion, the Advisory Committee concluded 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 it urged Estonia to revise the relevant legislation and practice.

*Present situation*

a) Positive developments

Following the comments made by the Advisory Committee in the first cycle, the Language Inspectorate has substantially improved its practice in this domain. Proceeding from the premise that the requirement that any information visible to the public should be only in Estonian is not in compliance with Estonia's international obligations, the Language Inspectorate no longer considers that using another language alongside Estonian in such signs, notices or advertisements is a violation of the existing legislation. This positive change also applies to the important area of electoral advertisement.

b) Outstanding issues

The text of Article 23 of the Language Act remains unchanged, despite the proposals, including by the Language Inspectorate, to introduce amendments that would explicitly sanction the use of another language alongside Estonian in private signs, notices and advertisements visible to the public.

*Recommendations*

Improvements in the practice of the Language Inspectorate affecting signs, notices and advertisements in minority languages should be explicitly rooted in legislation through amendments to Article 23 of the Language Act.

### **Recording of patronyms**

*Present situation*

The State Report refers to the fact that persons belonging to national minorities do not have the possibility to have their patronyms entered as such in their official personal identity documents,

but the Report goes on to argue that, bearing in mind the possibility to register patronyms as second first names, the current practice is in conformity with the Framework Convention.

The Advisory Committee finds it commendable that the State Report explicitly refers to this concern, raised by the Legal Information Centre for Human Rights during the preparation of the State Report. The Committee recognised that the Framework Convention's provisions on personal names are to be applied taking into account each Party's own particular circumstances and that there has been an effort to accommodate the concerns over registration of patronyms, albeit the proposed solution is not endorsed by all persons concerned. At the same time, the Advisory Committee considers that other options that would more fully address the concerns expressed in this regard could be sought, possibly in connection with the on-going reform of legislation on personal names.

#### *Recommendations*

The Advisory Committee encourages the authorities to seek further alternative solutions for the registration of patronyms in official personal documents, in consultation with persons belonging to national minorities.

### **11. Georgia**

*Opinion adopted on 17 June 2015*

#### **Personal names and topography in minority languages**

##### *Findings of the first cycle*

In its first Opinion, the Advisory Committee considered that guarantees should be introduced to allow the obligations under Article 11(3) of the Framework Convention to be met. It further encouraged the authorities to identify ways of restoring the traditional names of villages in Kvemo Kartli in consultation with affected populations.

##### *Present situation*

##### **a) Positive developments**

The Advisory Committee notes legislative amendments in December 2011, allowing for changes to be made to personal names, including when wishing to restore a historical name. It further welcomes reports from persons belonging to national minorities that no overt restrictions are applied in the context of the registration of names in birth certificates. A variety of bi- and sometimes trilingual topographical signposts exists in regions where substantial numbers of national minorities reside as well as in Tbilisi. The Advisory Committee further welcomes the fact that the official recognition of names in minority languages and the possibility to display topographical indications in minority languages are reportedly also included in the draft Law on State Language which is expected to promote the establishment of common practices.

##### **b) Outstanding issues**

Awareness of the legislative framework applicable to the restoration of historical names appears still very low. The Advisory Committee understands that a number of persons belonging to the Yezidi minority have not been able to restore their original names, either because they are not aware of the possibility to do so under the new provisions or because they have not been able to present the required evidence. In addition, the Advisory Committee learned that a lack of clear guidelines on how to deal with personal names in minority languages and scripts and sometimes the insufficient command of the Georgian language amongst state officials in regions of compact minority settlements sometimes results in misspellings of names in birth certificates and other official documents that have significant repercussions, such as when parenthood or property title must be proven or in

the context of inheritance proceedings. Subsequent adjustments to the spelling of names are reportedly only possible through costly and complicated procedures that must be borne by the individuals themselves.

While bilingual and even trilingual signposts exist, national minorities contend that these are most often displaying English language indications for touristic purposes rather than designating traditional areas of national minority residence. In addition, only very few requests for bilingual topographical signs appear to have been made. According to interlocutors this is due both to low rights awareness and to existing fears that such initiatives may be viewed as a sign of disloyalty. Similarly, no further discussion has reportedly taken place regarding the restoration of historical names of some 30 villages in Kvemo-Kartli which were renamed in 1990 and 1991. The Advisory Committee regrets the apparent lack of appreciation for the significant symbolic value for integration that bilingual or trilingual signposts, or the re-introduction of historical place names, carry for the population as an affirmation of the long-standing presence of national minorities as appreciated and welcome part of society.

#### *Recommendation*

The Advisory Committee encourages the authorities to raise awareness about the rights contained in Article 11 of the Framework Convention and to take targeted measures, in close consultation with all affected communities, to promote their enjoyment in practice. It specifically encourages them to ensure correct transcription of names when issuing birth certificates, possibly by considering the issuance of bilingual documents, and to address the restoration of historical names.

## **12. Germany**

*Opinion adopted on 1 March 2006*

### **Bilingual signposting**

#### *Findings of the first cycle*

The Advisory Committee expressed the wish that bilingual signposting for the benefit of North Frisians, already well advanced, should be completed rapidly. On the other hand, it expressed some concerns over the Sorbian area, where the local authorities seemed reluctant to replace monolingual signs with bilingual ones.

#### *Present situation*

##### a) Positive developments

The Advisory Committee welcomes the entry into force of the Act on the promotion of Frisian in the public sphere, the effects of which include the further extension of bilingual signposting for the benefit of North Frisians in Schleswig-Holstein.

##### b) Outstanding issues

The Advisory Committee notes that, according to the information which it was able to obtain, only limited progress has been made with the introduction of bilingual signs in areas where Sorbian language is spoken, and especially in the *Land* of Brandenburg. Furthermore, there remain differences of opinion between the authorities and the representatives of the Sorbian minority over the attachment of certain municipalities in Brandenburg to areas where Sorbian language is spoken.

#### *Recommendations*

The Advisory Committee urges the German authorities to ensure that the legislation on bilingual signposting is fully implemented in the areas where Sorbian is spoken.

### **13. Hungary**

*Opinion adopted on 9 December 2004*

#### **Use of the name and first names in minority languages**

##### *Present situation*

Since January 2004, 12 of the 13 national minority self-governments have drawn up their own lists of admissible first names. The list of Armenian first names has not yet been formally adopted, but it seems that the Armenian national self-government has completed it. If a requested first name does not appear on the relevant list, it will be up to the national self-government to decide on a case-by-case basis whether the name should be allowed.

##### *Recommendations*

Hungary should continue its efforts to train Interior Ministry officials responsible for the registration of surnames and first names in order to raise their awareness of the existence and importance of the lists compiled by the minority self-governments.

### **14. Kosovo\*<sup>1</sup>**

*Opinion adopted on 5 November 2009*

#### **Public signs and other topographical indications**

##### *Findings of the first cycle*

The Advisory Committee considered that measures were needed, in particular at the municipal level, to ensure that topographical signs were also displayed in minority community languages. Moreover, it encouraged the authorities to adopt further legal and administrative regulations in this field.

##### *Present situation*

###### **a) Positive developments**

The Advisory Committee notes with satisfaction that the right to use minority community languages in topographical indications is guaranteed in Article 9 of the Language Law. As a result, topographical signs are to be displayed, where appropriate, in the two official languages and in the languages that have the status of the official language in the municipalities concerned.

In practice, considerable efforts have been made to install bilingual topographical signs in the two official languages on the roads under the responsibility of the central authorities as well as in some municipalities.

###### **b) Outstanding issues**

Although efforts have been made in some municipalities inhabited in substantial numbers by persons belonging to a minority community to display bilingual or multilingual topographical signs, shortcomings still persist in this respect. The Advisory Committee notes that bilingual signs have often been misspelled and defaced, in particular in ethnically mixed municipalities. This is the case, for example, in the Shtërpce/Štrpce municipality where the topographical signs in Serbian were defaced in the areas inhabited by the Albanian community and, *vice versa*, signs in Albanian were defaced in the areas inhabited by the Serbian community. Topographical signs in the languages having the status of official languages at a local level, such as Turkish, Roma and Bosnian, have not always been displayed in the locations concerned.

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<sup>1</sup> 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.



In spite of the fact that the 2008 Constitution stipulates that the multi-ethnic and multilingual character of Kosovo\* needs to be respected in topographical indications, the selection of street names and other topographical places in some areas does not often reflect the existence of minority communities. Moreover, the Advisory Committee is concerned by the reports it has received regarding continuing attempts to ‘Albanise’ topographical names by some municipal authorities.

### *Recommendations*

Measures should be taken by the central authorities to promote awareness, amongst the municipal authorities concerned, of the legal requirements laid down in the 2006 Language Law and their responsibility to implement them in a manner that reflects the multi-ethnic and multilingual character of Kosovo\* and that complies with the principles guaranteed in Article 11 of the Framework Convention.

## **Registration of personal names**

### *Findings of the first cycle*

In its first Opinion, the Advisory Committee noted that it had been informed of cases where registration in Albanian of names and surnames of persons belonging to a non-Albanian community had led to distortions. Recognising the complexity of the Kosovo\* situation, where different alphabets are in use, the Advisory Committee considered that there was a need for specific regulations on this issue. It also encouraged the authorities to take measures to enable those persons whose names had been distorted in the past, to have their names restored to their original form.

#### a) Positive developments

The Advisory Committee notes with satisfaction that a number of legislative acts, including the 2008 Constitution, contain provisions concerning the recording of personal names. The 2008 Law on Personal Names provides for the registration of personal names in one’s native language and institutes procedures for correcting and changing personal names. In particular, the right to keep personal names as used in the original language, when recording them in one of the official languages, and the ways of correcting personal names are defined in Articles 6 and 11 of the aforementioned Law.

#### b) Outstanding issues

Instances of incorrect transcription of names and surnames of persons belonging to minority communities have been reported to the Advisory Committee, especially by representatives of the Bosniac and Turkish communities. In particular, certain letters of the Turkish alphabet have been systematically misspelled in official documents by the authorities. Certain civil registry offices have allegedly transcribed names and surnames of persons belonging to the Bosniac community following the pronunciation rules applicable for the Albanian language.

### *Recommendations*

The Advisory Committee calls on the authorities to take measures to remedy the shortcomings relating to the transliteration and misspelling of names and surnames of persons belonging to minority communities, in conformity with the legislation in force so that the rights contained in Article 11 of the Framework Convention are fully guaranteed.

## **15. Latvia**

*Opinion adopted on 18 June 2013*

## **Article 11 of the Framework Convention**

### **Personal names in minority languages**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee considered that the use of minority languages in first names and surnames had not been fully settled and invited the authorities to further examine this question with a view to remedying the remaining shortcomings, in consultation with national minority representatives.

#### *Present situation*

##### **a) Positive developments**

The Advisory Committee notes the adoption of a new regulation on personal identity documents, which entered into force on 1 April 2012, providing a possibility to include the original or historical form of a personal name, transcribed in Latin script, into personal identity documents, if documentary evidence is provided. This possibility existed before only with regard to passports. The Advisory Committee further notes the indication made by Ministry of Justice and State Language Centre officials during the visit, that the additional inclusion of the personal name in a minority language in birth certificates, upon the request of parents, may be considered. The Advisory Committee would welcome this step as an indication of the willingness of officials to respect diversity in society, which may carry symbolic value for parents when registering their child, and expects that it will be adequately implemented. In addition, it may also alleviate practical problems that continue to exist with regard to the different language versions contained in new and old documents carried by persons belonging to national minorities, including with regard to important spheres of life, such as property titles or academic achievements. The Advisory Committee again welcomes the important role played by the judiciary in enforcing the applicable legislation.

##### **b) Outstanding issues**

The Advisory Committee notes the continued dissatisfaction among minority communities related to the issue of names being changed in the process of transcription into Latvian, for instance with regard to male or female endings as well as the replacement of double letters with single ones, which is also reflected in an increasing number of court cases. The Advisory Committee considers that concerted efforts should be made (such as those referred to above) to accommodate the natural desire of parents to name their child according to their language and traditions. As this wish is akin to the very identity and dignity of a person, it should be respected even in cases where no “sufficiently serious difficulties” with the transcribed version of the name can be established. The Advisory Committee reiterates in this context that Article 11.1 of the Framework Convention does not require states to recognise personal names exclusively in minority languages.

#### *Recommendation*

The Advisory Committee calls on the authorities to review their legislation related to personal names in line with Article 11.1 and in close consultation with minority representatives. In addition, appropriate steps should be taken to facilitate the introduction of personal names in minority languages in birth certificates, in accordance with international transliteration rules and upon request of the parents.

## **Use of minority languages in local topographical indications and private signs**

### *Findings of the first cycle*

In its first Opinion, the Advisory Committee observed that persons belonging to national minorities could not benefit from the right to use minority languages, alongside Latvian, for local topographical and other indications, including private signs.

### *Present situation*

#### a) Positive developments

The Advisory Committee notes that the legislative framework which provides that topographical and other information of public interest shall be in the Latvian or Liv languages, unless otherwise provided, is still in place. Other languages may be used in providing private information at publicly accessible locations. The Advisory Committee is pleased to note that the original names of two Polish schools have been restored and some cultural institutions in the Rzekne region carry Latgalian names.

#### b) Outstanding issues

There have been no developments as regards the possibility to indicate street names and other topographical signs in minority languages in the conditions prescribed in Article 11 and in addition to the official language. The Advisory Committee regrets this lack of progress and wishes to reiterate that the possibility of having local names, street names and other topographical indications intended for the public in minority languages, alongside the official language, has a significant symbolic value for integration, as it reaffirms that the minority belongs to the given region as an appreciated and welcome part of society. This promotes a sense of trust among minority communities and enhances social cohesion.

### *Recommendation*

The Advisory Committee calls again on the authorities to bring their legislative framework into line with Article 11 of the Framework Convention and provide more opportunities for the use of minority languages in publicly accessible locations, including on sign-posts, as an effective tool to promote social cohesion.

## **16. Lithuania**

*Opinion adopted on 27 February 2008*

## **Use of minority languages for personal surnames and first names**

### *Findings of the first cycle*

In its first Opinion, the Advisory Committee found that the issue of the arrangements for transcribing surnames and first names of persons belonging to minorities in identity documents was still outstanding. The authorities were encouraged to identify appropriate solutions to meet the requests of national minorities, in conformity with the Framework Convention and in co-operation with the interested parties.

### *Current situation*

#### Positive developments

The Advisory Committee welcomes the positive developments reported to it in the legislative sphere concerning the exercise of the right of all persons belonging to national minorities to use their surname (patronym) and first name in the minority language. The main such development is the draft law drawn up as long ago as 2005 by the Ministry of Justice - currently under examination in parliament - on the writing of surnames and first names in identity documents. In accordance with the draft, personal surnames and first names, when not originally written in

Latin characters, will be phonetically transcribed using the Latin script, without the addition of Lithuanian characters. According to the State Report, more detailed technical specifications should be provided in the 'Rules on the writing of surnames and first names in documents', which was being prepared by the State Commission on the Lithuanian language.

#### *Recommendation*

The Advisory Committee calls upon the authorities to ensure that the future law will fully reflect the principle laid down in Article 11 of the Framework Convention, and will thus be able to meet the concerns of national minorities.

### **Bilingual topographical indications and other inscriptions**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee noted with concern the legal uncertainty that existed concerning the use of minority languages for bilingual topographical indications. It noted that, in practice, the Law on the State Language, which did not allow such use, was regarded by certain authorities as taking precedence over those provisions of the Law on National Minorities which allowed such indications. The Advisory Committee took the view that this situation was incompatible with the Framework Convention, and called on the authorities to take all necessary legislative and practical measures to remedy this.

#### *Current situation*

##### *Outstanding issues*

The Advisory Committee notes that the provisions of the Law on the State Language specifying that all public indications must be displayed in Lithuanian (Article 17, paragraph 1) have not been amended since its first visit. According to Article 18 of the same law, "names of organisations of ethnic communities, their informational signs may be rendered in other languages along with the state language". The Advisory Committee was informed during its visit that, in practice, these provisions continue to be regarded by the authorities as taking precedence over those of the Law on National Minorities, despite Article 37 of the Constitution (see paragraph 101 above).

For example, according to minority representatives (the Polish and Russian minorities in particular), it proves particularly difficult to have topographical information available in minority languages as well. This includes areas where minorities live in substantial numbers, and where the criteria laid down in Article 11 paragraph 3 of the Framework Convention are met. The Advisory Committee notes with deep concern one instance, in November 2007, where the Commission on the State language formally requested the government representative in the municipality of Vilnius to take the necessary steps to remove the topographical signs where minority languages (Polish or Russian) were used alongside Lithuanian, and replace them by signs only in Lithuanian.

The Advisory Committee again notes with deep concern that, in the past, the Supreme Administrative Court has on several occasions invalidated decisions by local authorities allowing minority languages, alongside Lithuanian, to be used for topographical indications. The Supreme Administrative court deemed these to contravene the Law on the State Language, and therefore to be unlawful. The Advisory Committee underlines that such decisions do not take due account of the legally binding character of the Framework Convention. Article 2 of this Convention stipulates that the Framework Convention shall be applied "in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States."

Subsequent to ratification of the Framework Convention, compliance with its principles is among the international obligations to which the country has subscribed. The Advisory Committee notes that, as specified in Article 138 of the Lithuanian Constitution, "International

treaties ratified by the Seimas of the Republic of Lithuania shall be a constituent part of the legal system of the Republic of Lithuania".

The Advisory Committee concludes that legal uncertainty continues to affect the use of minority languages for topographical indications and other signs, and that this is reflected in practice. This situation is not in line with the principles laid down in Article 11 paragraph 3 of the Framework Convention. It points out that, in accordance with this article, in areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties, within the framework of their legal system, must endeavour, where sufficient demand exists, to display topographical indications intended for the public in the minority language as well. It also wishes to emphasise that the fact that topographical indications intended for the public are displayed "also in the minority language" does not affect in any way the compulsory status of the State language, the minority language being used in addition to this.

It is not clear at this stage whether the draft laws on national minorities and on the state language currently under examination will bring positive developments in this respect. Both the authorities and the national minorities have said that, if the current draft is adopted, the new Law on the State Language would not regulate the public use of minority languages. The Advisory Committee expects that, in this case, the conditions for use of these languages in the public sphere will be clearly regulated by other laws, particularly the Law on National Minorities, in conformity with the principles laid down in the Framework Convention.

#### *Recommendation*

The Advisory Committee calls upon the authorities to introduce the appropriate legal safeguards to enable national minorities to display traditional local names, street names and other topographical indications intended for the public in the minority language as well. Legislation and practice should be in conformity with Article 11, paragraph 3 of the Framework Convention and the conditions described therein.

### **17. Montenegro**

*Opinion adopted on 19 June 2013*

#### **Article 11 of the Framework Convention**

##### **Use of minority languages for personal names**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee noted reluctance by the competent authorities to rectify the spelling of personal names belonging to the Albanian national minority that had been altered upon registration and considered that the authorities should ensure that, while completing the Law on Civil Registers, the procedure to revert to the original names be followed in practice without any unnecessary complications and no additional costs for those concerned.

#### *Present situation*

##### **a) Positive developments**

The Advisory Committee welcomes the adoption in July 2008 of the Law on Personal Names, which entitles applicants, upon request, to have personal names entered into record books or registries in one of the languages in official use in Montenegro, namely Albanian, Bosnian, Croatian, Montenegrin or Serbian languages. Furthermore, the Advisory Committee notes that, in conformity with the Law on Identity Card, applicants may request that data in identity documents be entered in one of the languages in official use in Montenegro. Finally, the Law on

Record Books entitles applicants to receive certified copies from the record books in the language of the minority to which the applicant declares to belong to.

The Advisory Committee welcomes the information contained in the State Report according to which more than 26 000 persons availed themselves in the years 2008-2011 of the possibility to have identity documents issued to them in one of the minority languages in official use in Montenegro, namely Albanian, Bosnian, Croatian or Serbian languages.

b) Outstanding issues

The Advisory Committee notes that the time limit set for persons wishing to change their names in accordance with the Law on Personal Names will expire in August 2013. It also regrets that the list of minority languages in which data could be entered into identity documents does not include Romani.

*Recommendation*

The authorities should consider the possibility of extending the deadline in order to create conditions for all interested applicants, including the Roma, to avail themselves of the possibilities created by the Law on Personal Names of 2008, and raise the awareness about such possibilities.

**Use of minority languages for local place names**

*Findings of the first cycle*

In its first Opinion, the Advisory Committee noted that the implementation of the right to display topographical indications in minority languages remained limited to a few areas in which persons belonging to national minorities constitute the majority or a considerable part of the population. The Advisory Committee asked the authorities in this context to 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.

*Present situation*

a) Positive developments

The Advisory Committee notes that this right is respected in practice in areas where persons belonging to national minorities constitute a considerable part of the population, for example in Plav, Tuzi and Ulcinj.

b) Outstanding issues

The Advisory Committee notes that there have been no changes to the legislative provisions on the modalities for implementation of the right to display topographical indications in minority languages. The provision of the Law on Minority Rights concerning the display of topographical indications of streets, squares and municipalities in minority languages remains the legal basis for such practice.

*Recommendation*

The Advisory Committee reiterates its call on the authorities to ascertain whether there is a demand by persons belonging to national minorities for topographical indications in minority languages and take appropriate measures to encourage a more extensive application of this right by the local authorities.

## **18. Netherlands**

*Opinion adopted on 20 June 2013*

### **Article 11 of the Framework Convention**

#### **Topographical indications in minority languages**

##### *Findings of the first cycle*

In its first Opinion, the Advisory Committee found that municipalities were given a margin of appreciation with regard to displaying signs in Frisian and it asked the authorities to encourage the municipalities to use this possibility with a view to reinforcing the position of this language in the province of Fryslân.

##### *Present situation*

###### **a) Positive developments**

During its visit, the Advisory Committee was informed that new bilingual signs in Dutch and Frisian have been added to some buildings in the city of Leeuwarden/Ljouwert.

###### **b) Outstanding issues**

According to representatives of the Frisian minority, there is no established practice of introducing bilingual place-names or other topographical indications in minority languages in the province of Fryslân. As a result, limited progress has been made since the last monitoring cycle towards making the Frisian language more visible in the public domain. The Advisory Committee takes note of the explanations of the authorities according to which they have no competency in this field as the municipalities have a large margin of appreciation concerning the use of the languages for locations situated in their territory.

##### *Recommendation*

The Advisory Committee calls on the authorities, in close consultation with Frisian associations, to step up their efforts aimed at ensuring that the local authorities apply the existing possibility regarding bilingual topographical indications throughout the territory of the province of Fryslân.

## **19. Norway**

*Opinion adopted on 5 October 2006*

#### **The use of minority languages for personal names**

##### *Findings of the first cycle*

In its first Opinion, the Advisory Committee noted that legislation had been introduced to remove the restrictions and remaining difficulties encountered by persons belonging to national minorities in connection with the use of their personal names in the minority language. The authorities were called on to ensure that the new legislation was interpreted and applied in full compliance with the principles of Article 11, paragraph 1, of the Framework Convention.

##### *Present situation*

###### **Positive developments**

According to information provided by the authorities, the new Act on Personal Names of June 2002 is better suited to the specific needs and traditions of national minorities and recent groups of immigrants. In particular, it allows greater flexibility as regards the use and modification of surnames and first names, particularly in the case of people who were subjected to constraints in the past in this respect.

## **Topographical indications in minority languages**

### *Findings of the first cycle*

In its first Opinion on Norway, the Advisory Committee noted that certain municipalities were reluctant to provide topographical indications in minority languages. It called on the authorities to examine this situation and, where necessary, encourage local authorities to show more openness in this respect.

### *Present situation*

#### a) Positive developments

The Advisory Committee took note with interest of the amendments made by the Norwegian Parliament in April 2005 to the 1990 Place Names Act to ensure that Sami and Kven place names appeared on signposts, in accordance with domestic law and the relevant international norms.

#### b) Outstanding issues

In practice, while some local authorities have agreed to bilingual and even trilingual signs, this is not always the case in areas traditionally inhabited by persons belonging to national minorities where the conditions laid down by the Framework Convention are fulfilled. The information provided to the Advisory Committee by the Kvens states that the competent authorities refused to put up a bilingual sign for a school attended by Kvens (Vadsø Secondary School) on the grounds of lack of resources. The Advisory Committee finds that the lack of resources does not represent sufficient justification for refusing to put up a bilingual sign and hopes that the request of the people concerned will quickly be met.

### *Recommendation*

The Advisory Committee encourages the authorities to take the measures needed to ensure that the national legislation in force as regards topographical indications is properly applied locally, in accordance with the provisions of Article 11, paragraph 3, of the Framework Convention.

## **20. Poland**

*Opinion adopted on 20 March 2009*

### **Personal names**

### *Present situation*

#### a) Positive developments

Prior legislation guaranteeing and determining the conditions of changing a surname and a first name into a version consistent with the original wording and spelling in the relevant minority language (Act on the Change of Names and Surnames of 1956 and art. 23 of the Civil Code of 1963 with later amendments) was strengthened by the adoption, in 2005, of the Act on National and Ethnic Minorities and on Regional Language. Article 7 of this Act guarantees to persons belonging to national minorities the right to use and spell, in the official register and identity documents, their first and last names according to the spelling rules of their respective minority language.

On 30 May 2005, the Minister of the Interior and Administration issued a regulation on transcription of first and last names of persons belonging to national and ethnic minorities, written in an alphabet other than Latin.

#### b) Outstanding issues

Although these legislative provisions have been well received by national minorities, the Advisory Committee notes that, according to the information obtained from national minority



representatives, occasionally Civil Registry officials are not aware of the right of persons belonging to national minorities to use and spell their first and last names according to the spelling rules of their respective minority language in the official register and identity documents.

The Advisory Committee also notes that the regulation on transcription of first and last names of 2005 does not cover languages which use the Latin alphabet with language-specific diacritical marks (such as Czech, German, Lithuanian and Slovak). Consequently, according to the information provided by representatives of national minorities, there are still difficulties with spelling names correctly in some of the national minority languages.

### *Recommendations*

The authorities should increase awareness among Civil Registry officials of the right of persons belonging to national minorities to use and spell in the official register and identity documents their first and last names according to the spelling rules of their respective minority language. This would also ensure that persons belonging to national minorities can effectively exercise the right in Article 11, paragraph 1, of the Framework Convention.

The authorities should ensure that the rights of persons belonging to national minorities to use and spell their first and last names according to the spelling rules of their respective minority language in the official register and identity documents is fully respected.

## **Bilingual topographical indications and other inscriptions**

### *Findings of the first cycle*

In its first Opinion, the Advisory Committee noted that there was 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 Advisory Committee considered that the existing legal framework was not compatible with Article 11, paragraph 3, of the Framework Convention and urged the Polish authorities to remedy this legislative shortcoming.

### *Present situation*

#### a) Positive developments

The Advisory Committee notes that the Act on National and Ethnic Minorities and on Regional Language of 2005 filled the existing legal void by allowing the display in minority languages of traditional local names, street names and other topographical indications intended for the public. Articles 12 and 13 lay down the modalities for displaying, alongside a Polish name, the place-names of towns, villages and other localities, street names and other topographical indications in a minority language. The Act sets out conditions and a procedure for entering in the Official Register of Municipalities on whose Territory Names in a Minority Language are Used, the municipalities or specific localities located in a municipality where the number of persons declaring belonging to a national minority is not lower than 20% of the local population.

The Advisory Committee notes with satisfaction that in the years 2006-2008, nineteen Municipalities, in which 288 towns and villages are located, have applied and been entered in the Official Register of Municipalities on whose Territory Names in a Minority Language are Used. Fifteen of these municipalities, located in the Opolskie and Śląskie regions, display place names in the German language, two municipalities in the Pomorskie region display place names in the Kashub language, one municipality in the Podlaskie region in the Lithuanian language, and one village in the Podkarpackie region in the Lemko language.

The Minister of Infrastructure issued a regulation in 2005, stipulating that, in respect of signs and boards with a single place-name in Polish, the additional name in the minority language should be presented in letters of the same size as the Polish name letters. If the signs and boards present more than one place-name in Polish, the additional names in the minority language should be presented in letters smaller by one-fourth than the letters in the Polish name.

Additional names should be presented using an alphabet specific to the minority language including diacritical marks used in that language. According to the information provided in the State Report, the cost of establishing additional names is divided between the State budget and that of the local self-government.

Street names can be displayed in a national minority language alongside the Polish name in the municipalities meeting the 20% threshold upon a vote of the Municipal Council, in accordance with the Act on Local Self-government of 8 March 1990.

**b) Outstanding issues**

The Advisory Committee notes that the specific name to be used in the language of the national minority, and entered in the Official Register of Municipalities on whose Territory Names in a Minority Language are Used, is decided by the Minister of the Interior and Administration, following a consultation with the Committee on Names of Places and Topographical Indications established by an Act of 29 August 2003 on the Official Names of Places and Topographical Indications. The Advisory Committee takes note of the prohibition of the use of names used in 1933-1945, given by the authorities of the German Third Reich and the Soviet Union.

The Advisory Committee notes that, whereas in accordance with Article 9 of the Act on the Official Names of Places and Topographical Indications of 2003, a Register of Official Names of Places has been established in the prescribed time limit of five years from the entry into force of the Act, there is no corresponding Register of Official Names of Topographical Indications, which is due to be completed by 2013.

According to the information which the Advisory Committee obtained from representatives of national minorities, the non-existence of the Register of Official Names of Topographical Indications creates a practical obstacle to placing such signs in a minority language.

Also, according to the information provided by representatives of national minorities, the aforementioned Official Register of Municipalities is used only to change the display of names of places on local roads. The signs on highways, national and regional roads are not changed accordingly.

*Recommendations*

The authorities should pursue their efforts to complete and publish the Register of Official Names of Topographical Indications to ensure that persons belonging to national minorities can effectively exercise the right protected in Article 11, paragraph 3, of the Framework Convention.

The authorities are encouraged to ensure that registering a municipality, or specific locality in that municipality, in the Official Register of Municipalities on whose Territory Names in a Minority Language are Used, results in changes to displays of names of places on all categories of roads located in the municipality or specific locality.

**21. Romania**

*Opinion adopted on 24 November 2005*

**Use of minority languages to indicate place names**

*Findings of the first cycle*

In its first Opinion on Romania, the Advisory Committee welcomed the passing in 2001 of the Law on Local Public Administration which introduced new guarantees for the use of minority languages to indicate place names and encouraged the Romanian authorities to implement fully these new legal provisions.

*Current situation*

## a) Positive developments

Romania has made significant progress in applying Article 11, paragraph 3 of the Framework Convention through the implementation of Law No. 215/2001 on Local Public Administration. Article 90 (4) of this law authorises the use of minority languages for signs indicating the names of localities and local public institutions, in administrative-territorial units in which people belonging to a national minority represent over 20% of the local population.

In practical terms, it appears that these provisions have been implemented in more than 20 counties, in localities where the conditions required by the law have been met, and also in some cases - according to non-governmental sources - in localities where the 20% requirement has not been reached.

## b) Outstanding issues

Despite the above-mentioned positive developments, a number of shortcomings in the implementation of Law No. 215/2001 have been reported by representatives of certain groups, such as the Ukrainians, who mention difficulties encountered in applying the provisions although the statutory 20% threshold had been reached.

*Recommendation*

The authorities should pursue their efforts to ensure the effective implementation of Section 90 (4) of the Law on Local Public Administration, making additional efforts to examine, in consultation with those concerned, the existing needs in this field.

**22. Russian Federation**

*Opinion adopted on 11 May 2006*

**Topographical signs***Findings of the first cycle*

In its first Opinion, the Advisory Committee called on the authorities to ensure that any amendments to federal legislation governing the use of languages would not curtail the right envisaged in federal legislation to use minority languages on topographical signs alongside Russian “where necessary”, including in Latin script.

*Present situation*

## a) Positive developments

The Advisory Committee notes that the right to use minority languages, including in Latin script, on topographical indications alongside Russian “where necessary” is still guaranteed in Article 8 of the 1997 Federal Law on the Denomination of Geographical Objects as well as in Article 23 of the Law on the Languages of the Peoples of the Russian Federation and in Article 3 of the 2005 Law on the State Language of the Russian Federation.

The Advisory Committee notes that this right is most frequently implemented in relation to the titular language of those subjects of the federation that have given their titular language the status of state language. However, the Advisory Committee is aware that German (in Latin script) is used, alongside Russian, on topographical indications in the areas of compact settlement of persons belonging to the German minority in Altai *krai* and Omsk *oblast*, where German does not have the status of state language. The Advisory Committee has also been informed that preparations are currently being made in the Republic of Karelia to introduce topographical signs in two local languages, Veps and Karelian, which do not have state language status but are spoken by persons belonging to minorities living in compact settlements.

Both of these languages use Latin script and the road signs currently being prepared will reflect this accordingly.

b) Outstanding issues

However, the 2002 amendments to the Law on the Languages of the Peoples of the Russian Federation, mandating the use of Cyrillic script in state languages unless provided for by a federal law, mean that topographical indications in state languages of the Russian Federation, including Tatar, must be in Cyrillic (see also comments under Article 10). An unreasonable distinction therefore appears to have emerged in the law whereby minority languages which do not have the status of state language can be written on topographical indications, where applicable, in Latin script whereas state languages cannot. The Advisory Committee considers that this raises problems from the point of view of Article 11 of the Framework Convention, in conjunction with Article 4, which prohibits discrimination based on belonging to a national minority.

*Recommendation*

The Advisory Committee urges the authorities to review existing legislation on the use of languages on topographical indications to ensure that it is consistent with the principles contained in Article 11 and Article 4 of the Framework Convention.

**Personal names and surnames**

*Present situation*

A number of federal norms contain provisions concerning the recording of personal names and surnames, including the 1991 Law on the Languages of the Peoples of the Russian Federation and the 1997 Federal Law on Acts of Civil Status. According to these provisions, the Russian language shall be used “with due account of ethnic naming traditions.” This legislation is rather vague, requiring further legislation to be adopted at the level of the subjects of the federation for its implementation. However, to the Advisory Committee’s knowledge, such legislation has not been adopted.

In practice, the names and surnames of persons belonging to national minorities are written in official documents according to Russian language forms and, to the knowledge of the Advisory Committee, no objections to this practice have been voiced. The Advisory Committee has also been informed of cases where Bureaus of Civil Status Acts have shown flexibility and recorded names in accordance with the rules of minority languages.

The Advisory Committee has received information from non-governmental sources that certain Bureaus of Civil Status Acts have refused to accept names chosen by Roma parents for their children on the grounds that they are “unusual”, and are forced to adopt traditional Russian equivalents (see also comments under Article 4 for more general difficulties faced by Roma attempting to register their civil status).

*Recommendation*

The Advisory Committee encourages the authorities to consolidate existing federal norms and practice concerning the use of minority names and surnames in official records in a manner that fully protects the rights contained in Article 11 of the Framework Convention.

**23. Serbia**

*Opinion adopted on 19 March 2009*

## **Names and surnames in minority languages**

### *Present situation*

The Advisory Committee welcomes the fact that the right to use one's name and surname in a minority language is referred to in various pieces of legislation and regulations in Serbia including the 2001 Law on the Official Use of the Language and Script, the 2002 Law on National Minorities as well as the 2005 Family Law.

There are however great variations in the interpretation of this right in different parts of Serbia. The decision adopted by the Executive Council of Vojvodina on multilingual forms for birth certificates has introduced some commendable provisions regarding the issuing of certificates in minority languages. At the same time, the Advisory Committee notes that according to the aforementioned decision, the right to have one's name registered in a minority language can only be requested in those municipalities where the language of the person concerned is in official use. The Advisory Committee recalls that Article 11 paragraph 1 of the Framework Convention applies to all persons belonging to a national minority irrespective of his or her place of residence and of the status of the minority languages in that area. The Advisory Committee considers therefore that limiting the right to use one's name in the minority language to those areas where the minority language concerned has official status constitutes an undue limitation which is not compatible with Article 11 paragraph 1 of the Framework Convention.

The Advisory Committee notes that in the absence of a harmonised procedure for registering names in minority languages, a number of difficulties have arisen in practice. Although increasingly used in certain municipalities of Vojvodina, registry offices are often reported to invoke the lack of the necessary bilingual forms in order to deny the issuance of certificates in minority languages. In addition, problems are still reported with regard to the lack of registration of the suffix attached to female surnames in certain Slavic languages (namely in Macedonian, Slovak, Bulgarian and Ruthenian).

### *Recommendation*

The Serbian authorities should ensure that the legal regulations governing the right to use personal names in minority languages and their official recognition are interpreted in conformity with Article 11 of the Framework Convention. In this respect, they should remove any territorial limitations to this right. They should ensure that the conditions for the proper and consistent implementation of this right are in place, including by adopting harmonised procedures and by training registry officers. They should further ensure that the procedures for restoring names function effectively and that persons belonging to national minorities are sufficiently informed of their existence.

## **Display of signs, inscriptions and other information of a private nature visible to the public**

### *Findings of the first cycle*

The Advisory Committee found that the authorities should review Article 20 of the Law on the Official Use of Language and Script of Serbia according to which the annotation of an enterprise, institution and other legal persons may be written, in addition to Serbian, also in the language of a national minority that is in official use in the location of the seat or business of the entity.

### *Present situation*

The Advisory Committee notes with concern that no changes to the provision concerned have been introduced. The Advisory Committee maintains that this provision is too restrictive 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 language that is not in

official use. It recalls that the expression “of a private nature” in Article 11 of the Framework Convention refers to all that is not official.

#### *Recommendation*

The Advisory Committee calls on the Serbian authorities to ensure that Article 20 of the Law on the Official Use of Language and Script of Serbia is brought in line with Article 11 of the Framework Convention.

### **Topographical signs**

#### *Findings of the first cycle*

The Advisory Committee found that additional efforts are needed in practice to implement the guarantees set out in the Framework Convention concerning the display of traditional place names and topographical signs in minority languages.

#### *Present situation*

##### a) Positive developments

The Advisory Committee recalls that Article 11 of the Law on National Minorities provides that local names and street names and other topographical indications shall be also be displayed in the language of national minorities in those areas where that language is in official use.

There has been a reported increase in the display of traditional names and topographical signs in minority languages in the Province of Vojvodina, which is a welcome development. The Advisory Committee notes in particular the positive contribution of some national councils of national minorities in determining the traditional local names, in conformity with the decision of the Provincial Assembly on the official use of languages and scripts of national minorities.

##### b) Outstanding issues

Despite the above-mentioned achievements, a number of difficulties are still reported with regard to the implementation of the right to display traditional place names in minority languages. These difficulties relate to a reported resistance of some local authorities and to frequent misspelling of place names which are transcribed according to Serbian spelling rather than the spelling of the minority language concerned. The Advisory Committee notes that an additional complication lies with the fact that existing signposts include the name of the locality in Serbian in both Latin and Cyrillic scripts, to the exclusion of the minority language.

In addition, while a number of positive practices have been established in Vojvodina, the situation is far less developed in other parts of Serbia. A lack of implementation has been reported in municipalities inhabited by the Vlachs-Romanians in North East Serbia, and certain municipalities inhabited by the Bosniacs in the Sandžak region, which are both areas where the minorities concerned constitute more than 15% of the population. The Advisory Committee also notes there has not been any positive follow up given so far to the demand of the Bulgarian minority to have the name of the city of Dimitrovgrad changed to its traditional name (Caribrod) and considers that this situation merits further examination.

#### *Recommendation*

The Serbian authorities should monitor the implementation of the legal guarantees concerning the display of traditional place names and topographical signs in minority languages, in consultation with the national councils of the national minorities concerned and should ensure that they are consistently implemented throughout Serbia.

## **24. Slovak Republic**

*Opinion adopted on 26 May 2005*

## Personal names

### *Findings of the first cycle*

In its first Opinion, the Advisory Committee noted with satisfaction that legislative provisions existed aimed at protecting the rights of persons belonging to national minorities to use their first names in a minority language and the right to official recognition of them, but noted that disturbing reports suggested that the Slovak form of a surname was still imposed in some instances on women belonging to national minorities.

### *Present situation*

#### Positive developments

No reports on alleged forced use of the Slovak form of a surname for women belonging to national minorities have been brought to the attention of the Advisory Committee since the first monitoring cycle.

### *Recommendation*

The authorities are invited to remain attentive in this field and ensure that existing legal provisions on the right to use personal names in a minority language are consistently implemented in practice.

## **25. Sweden**

*Opinion adopted on 8 November 2007*

## Minority language place names

### *Findings of the first cycle*

In its first Opinion, the Advisory Committee welcomed the authorities' plans to increase their efforts to introduce minority language topographical indications and it encouraged them to extend the corresponding legal obligation to cover also Meänkieli.

### *Present situation*

#### a) Positive developments

There are a number of positive examples of indicating place names in minority languages, with additional initiatives to include Sami language names. The Advisory Committee also notes that the authorities interpret Article 4 of the Heritage Conservation Act to include a commitment to display Meänkieli signs, even though this language is not explicitly mentioned in the said law.

#### b) Outstanding issues

The Advisory Committee continues to be of the opinion that an explicit reference to Meänkieli in the Heritage Conservatory Act would better reflect the national minority status of Tornerdalers than the current legal situation.

In practice, the Advisory Committee notes that the use of minority language signs and place names is still limited. Furthermore, the Advisory Committee is concerned about certain reported setbacks in the implementation of the obligations under Article 11, paragraph 3, concerning street names. In particular, despite local protests, the local municipality of Kiruna replaced traditional Meänkieli street names in the village of Kurravaara by new Swedish language street names.

The Advisory Committee is concerned that the introduction of bilingual or trilingual signs has in a number of cases prompted local opposition and some signs have been damaged.

### *Recommendation*

Sweden is encouraged to improve further the legal framework and implementation practices on topographical indications in minority languages and to address decisively any setbacks in the domain, such as the one reported in Kurravaara. There is also a need to raise further awareness about the importance of minority language place names.

## **26. Switzerland**

*Opinion adopted on 29 February 2008*

### **Private signs visible to the public**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee noted the existence of certain exceptional limitations to the right to display in a minority language signs of a private nature visible to the public. These limitations only concerned a few municipalities in Graubünden and were guided by the legitimate concern to preserve the Romanche language.

#### *Present situation*

##### Positive developments

According to the authorities, such limitations concerned only one municipality several years ago and no similar case has ever been reported since. Furthermore, Article 17(1) of the Law on Languages of the canton of Graubünden now provides that in monolingual municipalities, private signs visible to the public must “adequately take into account the official language”.

## **27. “The former Yugoslav Republic of Macedonia”**

*Opinion adopted on 23 February 2007*

### **Use of minority languages for names of persons**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee noted problems concerning identity documents, relating to phonetically distorted transliteration of some Turkish names as well as names that were forcibly changed in the past. The authorities were called upon to take appropriate steps to address these problems. They were also urged to ensure effective implementation of the law on identity documents.

#### *Present situation*

##### a) Positive developments

The Advisory Committee welcomes the amendments to the law on identity documents in 2004 and 2005 to allow use of languages other than Macedonian spoken by at least 20% of citizens (Albanian being the only language concerned) and of their own alphabets for identity documents. Furthermore, information concerning the names of persons can now, upon request, be entered in identity documents using not only Macedonian and its Cyrillic alphabet but also minority languages that do not meet the above percentage requirement, and their own alphabets.

According to the information supplied by the Ministry of the Interior, the technical requirements for effective implementation of these statutory provisions are now in place and from January 2007 identity documents must be issued in conformity with them.

Amendments of a similar kind have been made to the legislation governing travel documents. Upon request, these documents can now also be printed in a language (and its alphabet) other than Macedonian, and this concerns not only Albanian but also the languages of the other ethnic



communities. Similar measures are envisaged for driving licences and other papers in connection with a “new personal documents” plan.

b) Outstanding issues

Whilst welcoming the legislative steps taken to allow use of minority languages and their alphabets for identity papers and other personal documents, the Advisory Committee notes that actual implementation of the new statutes is still at an early stage and hopes that the authorities will find means of expediting the process.

*Recommendation*

The authorities should pursue their efforts to ensure the proper implementation of the new provisions governing use of minority languages in identity papers and certain other personal documents.

### **Use of minority languages for local place names**

*Findings of the first cycle*

In its first Opinion, the Advisory Committee found that national minority languages were seldom used to display local names and other topographic indications and urged the authorities to look into the situation.

*Present situation*

a) Positive developments

Further to a recent decision, according to information provided by the Ministry of the Interior, Albanian can be used with its alphabet, to show local names. These will now be displayed in Macedonian with the Cyrillic alphabet and in Albanian with the Latin alphabet, as well as with the Albanian name transliterated into Cyrillic. The Advisory Committee notes that, in practice, Albanian is indeed used for such names, together with Macedonian, in municipalities where, being spoken by at least 20% of the local population, it is the second official language.

b) Outstanding issues

The Advisory Committee notes that the Government has only recently taken steps to clarify the conditions in which minority languages can be used for place names pursuant to the constitutional provisions governing the use of languages and under existing legislation on local self-government. In the absence of conclusive information at this stage, it hopes that the authorities will make sure that, where the conditions laid down in Article 11, paragraph 2, of the Framework Convention are met, persons belonging to smaller ethnic communities are also able to display local place names in their own languages. The adoption of a law governing the use of languages should provide the necessary clarifications.

*Recommendation*

The Advisory Committee urges the authorities to take determined steps to ensure that persons belonging to the different ethnic communities can use their own languages for local place names as provided for in Article 11, paragraph 3, of the Framework Convention and in accordance with existing legislation.

## **28. Ukraine**

*Opinion adopted on 30 May 2008*

## **Personal names**

### *Findings of the first cycle*

In its first Opinion, the Advisory Committee noted disturbing reports suggesting that an amended Ukrainian version of their names had, in some cases, been imposed upon persons belonging to national minorities, including in official records and documents and without explicit prior approval by the person concerned.

### *Present situation*

#### Outstanding issues

Despite the existence of legislative provisions protecting the right of persons belonging to national minorities to use their surnames and first names in a minority language, and the right to have official recognition of them, there is reason for concern about continuing reports, including from representatives of national minorities, that the practice of imposing the Ukrainian form of names and surnames continues, including in personal documents such as passports. Domestic legal remedies seem to be available in practice to the persons concerned, but the procedures may be lengthy and judicial decisions are reportedly not always implemented.

### *Recommendation*

Ukraine should review administrative practices concerning the recording of personal names of persons belonging to national minorities and develop targeted awareness-raising measures within the authorities to ensure that they cease to impose the Ukrainian version of personal names without the explicit prior approval of the persons concerned.

## **Bilingual topographical indications and other inscriptions**

### *Findings of the first cycle*

In its first Opinion, the Advisory Committee noted that Article 38 of the Law on Languages provided a possibility to introduce place names in a minority language, but only if the minority in question constituted a majority in the locality at issue. It noted that the numerical threshold contained in the said provision was such that it constituted an obstacle with respect to certain minority languages in areas traditionally inhabited by substantial numbers of persons belonging to a national minority and invited the authorities to revise the scope of this provision.

### *Present situation*

#### a) Positive developments

The authorities indicated in the State Report that the process of restoring historical names in compact settlements of national minorities continues. For example, bilingual indications have now been introduced in all settlements of Gertsayiv, Storozhynets and Glybotski districts of the Chernivtsi region, where a sizeable part of the population belong to the Romanian minority. In Transcarpathia, historical names have been restored in 50 settlements, notably in those districts where a sizeable part of the population belong to the Hungarian minority.

#### b) Outstanding issues

Article 38 of the Law on Languages has not been amended to ease the possibility to restore traditional local names, street names and other topographical indications. The threshold requiring that the national minority in question represents the majority of the local population, which is too high from the point of Article 11 (3) of the Framework Convention, remains in force, and continues to represent an obstacle with respect to certain minority languages, in areas traditionally inhabited by substantial numbers of persons belonging to a national minority.

Bearing in mind that the decision to introduce a bilingual place name by restoring a traditional name lies with the local self-government, and that this decision can only be taken when the

aforementioned threshold is met, it is virtually impossible for a number of national minorities to have their traditional names restored. This is particularly the case for the Crimean Tatars, which never make the local majority and regret that century old Tatar names in several villages are not restored.

*Recommendation*

The authorities should pursue their efforts to restore traditional local names, street names and other topographical indications when such claims are made by representatives of national minorities and review the applicable legislation to facilitate this process.

**29. United Kingdom**

*Opinion adopted on 6 June 2007*

**Bi-lingual road signs in Scotland**

*Present situation*

The Advisory Committee notes that the Scottish Executive has erected bi-lingual road signs (Gaelic/English) on the roads that lead directly to ferry ports serving the island Gaelic communities. Information received by the Advisory Committee suggests, however, that requests from local authorities in adjacent areas, which used to be inhabited by large concentrations of Gaelic speakers, to erect bi-lingual signs on roads which connect to the ferry port roads, have been rejected by the Scottish Executive.

*Recommendations*

The Advisory Committee encourages the Scottish Executive to develop a more proactive approach to the issue of erecting bi-lingual road signs and to consider the possibility of erecting such signs on all major roads in Scotland which connect to the west coast ferry ports, especially where a demand for such signs has been expressed by the local authorities.