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Working document

Compilation of Opinions of the Advisory Committee relating to Article 11
of the Framework Convention for the Protection of National Minorities (3rd cycle)

"Article 11

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

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

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As of 23 February 2016, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted a total of 36 opinions, of which 26 opinions on Article 11.

* 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.

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 23 November 2011

Article 11 of the Framework Convention

Patronyms in minority languages

Recommendation from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee invited the authorities to ensure that the new, simplified procedure allowing persons belonging to national minorities to revert to the traditional forms of their names was carefully monitored and applied in practice.

Present situation

The Advisory Committee notes with satisfaction that the representatives of national minorities, with whom it spoke during the visit, did not indicate having had difficulties in reverting to the traditional forms of their names. It notes, however, that a number of people concerned indicated that the cost of changing identity and other official documents, constitutes a significant financial burden, which has a dissuasive effect for persons of limited financial means belonging to national minorities.

Recommendation

The Advisory Committee invites the authorities to consider, in consultation with representatives of national minorities, the adoption of measures which would facilitate the procedure of reverting to traditional forms of names for persons belonging to national minorities.

Topographical indications in minority languages

Recommendation from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee asked the authorities to lay down a clear legal framework for the use of minority languages for the display of traditional local names, street names and other topographical indications.

Present situation

The Advisory Committee welcomes the decision, adopted in March 2008 by the Council of Ministers, on “defining technical specifications of signboards for naming parks, playgrounds, boulevards, streets, and the numbering of buildings”. A provision of this Regulation specifies that “in the unit of local government where national minorities live and in case of their requests, signboards will be written in two languages complying with technical specifications of such boards and maintaining the same dimensions of letters in both languages”.

The Advisory Committee notes with concern that the above-mentioned decision does not address the issue of naming towns and villages in a minority language. The Advisory Committee also notes with regret that the above regulation does not provide for any threshold to be attained by a minority population in a municipality which would legally oblige

the local authorities to consider the request for the display of street names in a minority language, nor does it outline the procedure to be followed.

The Advisory Committee also regrets to find that the State Report does not provide any figures on the number of municipalities in which the regulations on the display of traditional local names, street names and other topographical indications are being implemented.

Recommendation

In the light of the second Opinion of the Advisory Committee and the resolution of the Committee of Ministers ResCMN(2009)5 which followed, the Advisory Committee urges the authorities to take adequate remedial measures to bring the legislation and the relevant practice in conformity with Article 11, paragraph 3 of the Framework Convention.

2. Armenia

Opinion adopted on 14 October 2010

Article 11 of the Framework Convention

Use of minority languages for patronymics

Present situation

The Advisory Committee notes that the existing practice of transcription in birth and marriage certificates and identity documents of patronymics used by persons belonging to the Russian, Belarusian and Ukrainian minorities into the Armenian language does not take into account the grammatical rules of these languages and does not allow the addition of the suffix “-ovich”, “-ovna”, “-yievich”, “-yievna” or “-yich”, “-yivna” to patronymics. The patronymics of these persons are written following the grammatical rules of the Armenian language with a suffix “-i”.

The Advisory Committee considers that the way of spelling patronymics is an essential part of cultural tradition. For this reason, the Advisory Committee considers that the existing situation regarding the transcription of patronymics is not in line with Article 11 paragraph 1 and the overall principle of the inclusive interpretation of the Framework Convention. The Advisory Committee therefore encourages the Armenian authorities to take the necessary steps to bring the respective legislation fully in line with Article 11 of the Framework Convention.

Recommendation

The Advisory Committee encourages the authorities to amend the legislative and administrative provisions on translating/transcribing the patronymics of persons belonging to national minorities into the Armenian language in order to ensure that their needs are accommodated, in accordance with the provisions laid down in Article 11 of the Framework Convention.

Topographical indications

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee encouraged 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.

Present situation

The Advisory Committee notes with regret that the regulation concerning the use of minority languages in topographical indications has not changed in Armenia since the previous monitoring cycle. According to information available to the Advisory Committee, there have been no changes to the legislative provisions in this field and the authorities have not carried out any studies in order to assess the existing needs and demand in the geographical areas inhabited by a substantial number of persons belonging to national minorities. The Advisory Committee finds this lack of regulation unsatisfactory, in particular in light of the fact that, in practice, multilingual signs are displayed in many locations in Armenia.

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 in 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 the appropriate legal safeguards to enable national minorities to display traditional local names, street names and other topographical indications intended for the public in minority languages. Legislation and practice must be in conformity with Article 11 paragraph 3 of the Framework Convention and the conditions stipulated therein.

3. Austria

Opinion adopted on 28 June 2011

Article 11 of the Framework Convention

Bilingual signposting

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to seek ways of ensuring swift and full implementation of the Constitutional Court decision of 13 December 2001 regarding the display of topographical indications in minority languages and reminded the authorities not to rely entirely on the results of the 2001 census to establish the need for bilingual signposts.

Present situation

The Advisory Committee deeply regrets that the above-mentioned Constitutional Court decision of 13 December 2001 has still not been implemented, as no clear legislative framework for the establishment of bilingual signposts in all areas where the Slovene minority constitutes more than 10 % was adopted by the federal Government. In absence thereof, the Advisory Committee notes with deep concern, that in order to be granted enjoyment of their rights, persons belonging to national minorities have for years been taking their individual cases to the Constitutional Court. Even in the numerous cases decided in favour of minority protection, however, implementation was not always swift and did at times require renewed legal steps. It is furthermore of concern to the Advisory Committee that the prolonged delays in implementing relevant Constitutional Court decisions have in effect worked against persons belonging to national minorities as the numbers of Slovene-speakers are overall experiencing a constant decline.

The Advisory Committee welcomes the renewed efforts by the federal authorities to foster a compromise between local and regional stakeholders which could result in a federal constitutional law that regulates with clarity in which municipalities bilingual signposts are to be set up and where not (see above comments on Article 6), and appreciates the particular symbolism that surrounds the issue of bilingual signs in Carinthia. However, it notes with concern that the threshold of 17.5 % that appears to be central to the compromise falls far short of the 10 % which the Constitutional Court had held appropriate in its relevant decision. The Advisory Committee reiterates its deep regret from a rule of law perspective that the interpretation of a constitutional treaty by the highest judicial organ is not considered as binding for lawmakers but that political negotiations in effect dictate the extent to which minority rights are being implemented. It points in this context to the declared intention to adopt a federal *constitutional* law on the basis of the compromise which implies that persons belonging to national minorities will no longer be able to raise the constitutionality of the legislation in front of the Constitutional Court.

The Advisory Committee further notes with deep concern that Carinthian parties succeeded with their demand to subject the compromise to another round of scrutiny via a local opinion poll which took place in June 2011. It must underline in this context again that the responsibility to protect the individual rights of persons belonging to national minorities stems from Austria's international treaty obligations, as well as its Constitution and relevant Constitutional Court rulings, and must not be made subject to the polemics of local popular politics.

Lastly, the Advisory Committee notes that representatives of the Croat minority in Burgenland have rightly pointed out that minority rights provisions concerning topographical signs are not limited to the issue of bilingual signposts but encompass other indications in minority languages such as street names or traditional local names on maps. It is regrettable that the heated debate on bilingual signposts in Carinthia has over decades dominated the interpretation of Austria's responsibilities under Article 11 of the Framework Convention. The Advisory Committee is further deeply concerned about the fact that representatives of other

minorities, including the Croat and Hungarian, were not consulted on the proposed amendments to the Law on Ethnic Groups that is currently before Parliament, which has a direct impact on the implementation of their rights (see further comments on Articles 3 and 15).

Recommendations

The Advisory Committee urges the Austrian authorities and in particular the Carinthian authorities to do their utmost to seek the swift adoption of legislative guarantees for bilingual signposts in accordance with Article 7 of the State Treaty of Vienna, the Constitutional Court decision of 13 December 2001, and Article 11 of the Framework Convention.

The Advisory Committee further invites the Austrian authorities to consider favourably the requests of minority representatives to display their languages on other topographical indications in line with Article 11 (3) of the Framework Convention.

Spelling of names of persons belonging to national minorities

Present situation

The Advisory Committee notes with concern reports from representatives of all minority groups that no provisions are made to comprehensively ensure the correct spelling of names of persons belonging to national minorities in official documents. Reportedly, diacritic signs for some of the Slavic letters are not always inserted, resulting in wrong spelling of names in identity documents, notary books, or even the courts. Representatives of the Austrian authorities confirmed that no comprehensive solution to this situation exists. In addition, the Advisory Committee was informed of incidents where persons belonging to national minorities who register a new-born child need to justify their decision to give their child a traditional minority language name and need to insist to have it inserted in the birth certificate with the correct spelling.

Recommendation

The Advisory Committee calls on the Austrian authorities to resolve comprehensively any problems related to diacritic signs in national minority languages on computer keyboards in the administration and the judiciary and to ensure that all persons belonging to the national minorities obtain identity and administrative documents that correctly spell their names and surnames according to the rules of their minority languages.

4. Azerbaijan

Opinion adopted on 10 October 2012

Article 11 of the Framework Convention

Bilingual topographical indications and other inscriptions

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to take steps, including at the legislative level, to ensure that persons belonging to national minorities were allowed to display topographical indications and other inscriptions in minority languages in line with Article 11 of the Framework Convention.

Present situation

The Advisory Committee regrets that no significant progress has been made with regard to opportunities for persons belonging to national minorities to portray topographical indications and other, including private signs, in minority languages, even in areas where they constitute the vast majority of the population. The legal framework, providing for the state language as the only language to be used, continues not to be in line with the corresponding provisions of the Framework Convention. The Advisory Committee was informed that some bilingual signs exist, but mainly in Azerbaijani and English languages. According to government and most minority representatives, there is no need for topographical indications in minority languages because practically everyone speaks Azerbaijani. The Advisory Committee regrets this unawareness of the positive effects that the use of minority languages in public, including through bilingual signposting, can have on the overall levels of tolerance and appreciation of diversity in society.

Recommendation

The Advisory Committee again calls on the authorities to bring their legislative framework in line with the Framework Convention and allow the display of minority languages in public and in private, where the conditions of Article 11 are met.

5. Bosnia and Herzegovina
Opinion adopted on 7 March 2013

Article 11 of the Framework Convention

Topographical information in minority languages

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee encouraged the authorities to assess, in consultation with representatives of national minorities, needs and demand for the display of topographical indications and other signs in minority languages, and, where possible, to apply the more flexible provisions of Entity legislation on thresholds in this field.

Present situation

The Advisory Committee notes that the requirements and possibilities described above with respect to the use of minority languages in contacts with the administrative authorities also apply to the display of topographical information in minority languages. As above, the authorities have indicated that no national minority meets the requirements set out in the State Law on National Minorities and that no national minorities have requested to benefit from the relevant Entity provisions.

The Advisory Committee welcomes reports received from other sources that in this field, practice is more positive than the strict legal requirements of the State Law on National Minorities might suggest. Thus, in the Prnjavor region of the Republika Srpska – a region traditionally inhabited by a high proportion of persons belonging to national minorities – representatives of national minorities reported that two villages display topographical signs in minority languages.

The Advisory Committee considers that more should be done to assess the needs and demand of persons belonging to national minorities regarding the display of topographical and other information signs in minority languages in areas traditionally inhabited in substantial numbers by persons belonging to national minorities. It notes that it should not be necessary to wait for the results of the next census before conducting such an assessment in the relevant areas. It emphasises that such practices of engaging with national minorities on the issue of signs not only enhance the visibility of national minorities but also promote a positive image of diversity in areas inhabited by various population groups. Both of these points have particular importance in the context of Bosnia and Herzegovina.

Recommendation

The Advisory Committee recommends that the authorities consult representatives of national minorities in the areas where they are traditionally settled in substantial numbers so as to evaluate needs and demand regarding the display of topographical indications and other signs in minority languages. Where such a need and demand exists, it encourages the relevant authorities to use the provisions of the Republika Srpska and Federation legislation to the fullest extent possible to allow for the display of such indications and signs in minority languages.

6. Bulgaria

Opinion adopted on 11 February 2014

Article 11 of the Framework Convention

Use and official recognition of names in minority languages

Present situation

The Advisory Committee recalls that the authorities have taken welcome measures to reverse earlier policies and practices of forcibly changing the names of persons belonging to minorities to Slavic names. However, it notes with regret that Turkish and Pomak representatives report continuing difficulties in having non-Slavic names officially recognised. In particular, they indicate that thousands of people have not yet been able to have their names restored, due to certain persisting obstacles and a need to simplify procedures; the names of deceased persons cannot be restored, meaning for example that a person belonging to the Turkish minority whose parents have died will not be able to have the latter's Turkish names (but only their forcibly attributed Slavic names) used on his or her birth certificate; and that even when

their name has been restored, requests for official documents are first met with a demand for the person concerned to provide the Bulgarian name previously attributed to them, which remains on the records, rather than their name in their minority language. Moreover, the Advisory Committee has received numerous reports of persons experiencing or being threatened with discriminatory treatment should they choose to use their non-Slavic name.

The Advisory Committee recalls that the right to use one's personal name in a minority language and have it officially recognised is a core human right, linked closely to personal identity and dignity. This makes it particularly important that States Parties ensure that individuals are free from obstacles impinging on the use and recognition of their names in their own language.

Recommendation

The Bulgarian authorities should take urgent steps, together with representatives of all groups concerned, to identify and eliminate any remaining impediments, whether in legislation, policy, procedure or practice, to the full official recognition and use in daily life of names in minority languages.

Bilingual topographical indications and other inscriptions

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee recommended that the Bulgarian authorities assess, in consultation with representatives of national minorities, whether there was 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. It further urged the authorities to introduce 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, in conformity with Article 11.3 of the Framework Convention.

Present situation

The authorities have put forward the view that the terms of Article 11.3 of the Framework Convention allow for a wide variety of models to be adopted by different States Parties, based on the framework of the legal system and the specific conditions prevailing in each state. The authorities have indicated that they therefore consider the present situation in Bulgaria to be in conformity with their undertakings under Article 11.3, which in their view creates no direct obligations for States Parties. As regards practice, both the authorities and minority representatives have indicated that traditional local names, street names and other topographical indications are not displayed in minority languages in Bulgaria, and private initiatives such as the display of shop signs in minority languages risk being met with hostility. It appears that the authorities have as yet made no attempt to assess needs and demands in the areas where this provision could potentially come into play.

The Advisory Committee observes that while it clearly allows a wide margin of discretion as to the measures to be taken in practice, the language of Article 11.3 of the Framework Convention plainly creates a direct obligation on States Parties, in providing that they “*shall endeavour*” (emphasis added) to display topographical and similar indications in minority languages when the other conditions set out in this provision are met. The Explanatory Report of the Framework Convention (§ 70) moreover makes clear that this provision is intended not merely to create but to “*promote the possibility*” of such displays (emphasis added). In the light of these considerations, the Advisory Committee has previously concluded that Article 11.3 of the Framework Convention requires the display of signs in minority languages to be given a clear and unambiguous legislative basis. It has also observed that bilingualism in signposts should be promoted, as it conveys the message that a given territory is shared in harmony by various population groups.

The Advisory Committee stresses that adopting a narrow and restrictive interpretation of Article 11.3 of the Framework Convention misses the opportunity that it provides to show, in practice, that speakers of different languages can co-exist peacefully while still being able to express publicly their different cultural and linguistic identities. The Advisory Committee emphasises that taking a constructive and open approach to the implementation of this provision would correspond more closely to the spirit of tolerance and mutual respect inherent in the Framework Convention.

Recommendation

The Advisory Committee calls on the authorities to assess, in close consultation with representatives of national minorities, the extent to which there exists a need and demand for topographical and similar signs to be displayed in minority languages in the geographical areas traditionally inhabited by a substantial number of persons belonging to national minorities. The authorities should also establish by law clear criteria and transparent procedures on how and when such signs may be displayed, in order to ensure that this right is enjoyed on an equal footing throughout the state.

7. Croatia

Opinion adopted on 27 May 2010

Article 11 of the Framework Convention

Topographical indications

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee urged the authorities to take more proactive measures to ensure that the provisions of the Constitutional Act pertaining to the implementation of Article 11 of the Framework Convention were implemented.

Present situation

The Advisory Committee notes with regret that the situation concerning the use of minority

languages for topographical indications has not changed significantly in Croatia since the last monitoring cycle. Although the Law on the Use of Language and Script of National Minorities and the Constitutional Act on the Rights of National Minorities entered into force respectively in 2000 and 2002, the application of the law which rests primarily with local authorities is seriously flawed, especially in those areas which are inhabited by a large number of persons belonging to the Serbian minority.

The Advisory Committee was informed that in the Vukovar-Srijem and the Osijek-Baranja Counties there are continuing difficulties with introducing bilingual topographical signs indicating the names of villages inhabited predominantly by persons belonging to the Serbian minority.

Recommendation

The Advisory Committee recalls its recommendation made in the second opinion and strongly urges the Croatian authorities to take more proactive measures to ensure that the provisions of the Constitutional Act pertaining to the implementation of Article 11 of the Framework Convention be effectively implemented, including at the regional and local level.

8. Czech Republic

Opinion adopted on 1 July 201

Article 11 of the Framework Convention

Surnames and first names in minority languages

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee called on the authorities to apply provisions of the Act on civil status registers in a manner which would ensure that persons belonging to national minorities can effectively exercise the right enshrined in Article 11, paragraph 1, of the Framework Convention.

Present situation

The Advisory Committee notes that the Registries Act was recently amended. It notes with satisfaction that under the new provisions of the law, the name of person belonging to a national minority can be written, at his or her request, in the register in a minority language with language-specific diacritical marks. The same transcription of the name is to be used in any subsequent registry documents issued to the person.

The Advisory Committee further notes that according to the Registries Act, e.g. a woman who is a Czech citizen belonging for example to the Polish or German national minority may have her surname written in her documents without the Czech language female suffix, "ová". According to information received from representatives of the Polish minority, there have been some difficulties with the correct spelling of some names, which were due primarily to a lack of sufficient awareness on the part of civil registry officials.

Recommendation

The Advisory Committee encourages the authorities to interpret the Registries Act in a way which as far as possible accommodates the needs expressed by persons belonging to national minorities, in accordance with the principles set out in Article 11 of the Framework Convention.

In particular, the Advisory Committee expects that the authorities take necessary and appropriate measures to raise the awareness on the part of civil registry personnel as regards the rights of the persons belonging to national minorities under the recent revision of the Registries Act.

Bilingual signs and place-names

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee called for proper implementation of the regulations on the use of bilingual signs and place-names in minority languages. It further encouraged the authorities not to make the census data the sole indicator for implementation of the legislative provisions, but to take into account the real situation in the localities concerned.

Present situation

The Advisory Committee notes that the exercise of this right is conditioned on the number of persons belonging to the national minority constituting no less than 10% of all residents of the municipality and on the establishment there of the committee of national minorities. It notes that the legal requirements for displaying bilingual Czech and Polish signs and inscriptions are met in thirty-one municipalities in the Frýdek-Místek and Karviná districts, Czech and Slovak signs in eight municipalities in the Brtnál, Břeclav, Cheb, Karlovy Vary and Jeseník districts and Czech and German in three municipalities in the Sokolov district.

The Advisory Committee notes with satisfaction that the right to display bilingual Czech-Polish signs and place-names is respected in practice in thirteen municipalities in the Frýdek-Místek and Karviná districts. It notes however that, whereas generally both the majority and the minority have shown a positive attitude towards the display of bilingual signs, there have been a few cases of difficulties, in particular as regards displaying of town names at train stations, which are administered by the Czech Railways.

The Advisory Committee further notes with regret that the right to display bilingual Czech and Slovak and Czech and German signs is not implemented in any of the municipalities which meet the legal criteria. It further regrets that, according to some German minority representatives, requests for such signs are not put forward due to apprehension about the possible negative reaction of the Czech majority.

The Advisory Committee also notes that an amendment to the Municipalities Act is currently under consideration. The proposed changes, if adopted, would allow NGOs representing

national minorities to propose introducing bilingual signs in municipalities where persons belonging to national minorities constitute at least 10% of the population. According to the State Report, this would ease the situation in those municipalities where the local authorities have not been forthcoming in respecting the right to bilingual topographical signs.

Recommendation

The Advisory Committee urges the authorities to take more proactive measures in order to ensure that the provisions of Article 11, paragraph 3 of the Framework Convention are effectively implemented, including at the regional and local level.

9. Denmark

Opinion adopted on 31 March 2011

Article 11 of the Framework Convention

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

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee invited the 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.

Present situations

The representatives of the German minority informed the Advisory Committee that they would be interested in having certain bilingual signs installed.

The authorities informed the Advisory Committee that the question had been debated in several South Jutland municipalities but so far no decision had been taken. According to the interlocutors of the Advisory Committee although this matter is no longer taboo, it does have symbolic significance for some elderly Danish citizens given the historical context of the Second World War.

Recommendations

The Advisory Committee invites the authorities to consult the representatives of the German minority with a view to progressively installing topographical indications and other bilingual signs in South Jutland, where appropriate.

The Advisory Committee considers that the authorities should make every effort to improve the visibility of the German minority and its language and history and to promote mutual respect.

10. Germany

Opinion adopted on 27 May 2010

Article 11 of the Framework Convention

Use of minority languages for surnames

Present situation

The Advisory Committee notes the recent decision of the Amtsgericht Cottbus, arguing that current German law (§.1 *Minderheitennamen-Änderungsgesetz*) does not allow the addition of the suffix “- owa” to the name of a female person belonging to the Sorbian minority in official documents. This, according to information received by the Advisory Committee, contradicts the traditional Sorbian practice concerning gender declension of names.

The Advisory Committee considers this situation not in line with Article 11 paragraph 1 and the overall principle of inclusive interpretation of the Framework Convention. While reiterating its opinion that nothing in the Framework Convention prevents State parties and their judiciary from considering its substantive provisions as directly applicable, the Advisory Committee encourages the German authorities to take the necessary steps to bring German legislation fully in line with Article 11 of the Framework Convention.

Recommendation

The Advisory Committee encourages the authorities to amend the law on translating/transcribing names and first names into a minority language in a way which as far as possible accommodates the needs expressed by persons belonging to national minorities, in accordance with the principles set out in Article 11 of the Framework Convention.

Bilingual topographical signposting and indications

Recommendations of the two previous monitoring cycles

During the previous monitoring cycles, the Advisory Committee encouraged the authorities to ensure that bilingual signposting was fully implemented in Sorbian-speaking areas.

Present situation

The Advisory Committee welcomes the adoption by Schleswig-Holstein, in June 2007, of a decree allowing municipalities to put in place topographical indications in multiple languages including the minority languages in use in this region. It hopes that municipalities in Schleswig-Holstein will make wide use of this new legal provision, in order to increase the visibility of the minority languages concerned.

The Advisory Committee has been told that the work of putting in place bilingual road signs and topographical indications has continued in the traditional areas of settlement of the Sorbian minority in Saxony and Brandenburg. The representatives of the Sorbian minority report, however, that on many signs the Sorbian names are in smaller letters than the German names, making the Sorbian text less visible. They are also dissatisfied that signs and topographical indications are being replaced only gradually, due to budget constraints.

A difference of opinion remains between the Brandenburg authorities and the Sorbian representatives concerning demarcation of the areas of traditional Sorbian settlement within

that *Land*. The authorities have a statutory duty to fund the display of bilingual signs only in those areas. The Sorbian representatives believe that some municipalities which no longer speak Sorbian but claim a Sorbian culture should be included in the traditional area of settlement, so that they can better resist the progressive assimilation brought about by migration away from traditional areas and thus preserve the Sorbian cultural heritage more effectively. The Advisory Committee believes it is important to maintain dialogue with the individuals affected by this issue in order not to apply unduly rigid criteria when defining the areas in question.

The Advisory Committee notes with satisfaction that measures are being taken to raise the profile of Sorbian language and history in school textbooks and maps. Indeed, for a decade or so now schools have been able to use bilingual atlases in Saxony, Brandenburg and Schleswig-Holstein. It also welcomes the fact that maps for geography teaching are being prepared which show the areas of historical importance to the Sorbian minority and mark the place names in Sorbian.

Recommendations

The Advisory Committee calls on the authorities to pursue as quickly as possible the display of topographical indications and other bilingual and/or multilingual signs, in order to increase the visibility of minority languages.

It also encourages them, especially in the *Land* of Brandenburg, to take a flexible approach over the demarcation of the areas in which bilingual topographical indications may be displayed, in order to create an environment as conducive as possible to the preservation of the Sorbian language, culture and historical heritage.

11. Estonia

Opinion adopted on 1 April 2011

Article 11 of the Framework Convention

Topographical indications

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee called on the authorities to continue their efforts to encourage relevant local authorities to introduce minority language place names and to consider the possibility of allowing the additional use of script other than Latin for such place names.

Present situation

The Advisory Committee welcomes the fact that a number of Swedish settlements have apparently made use of the rights provided for in the Place Names Act of 2004 to introduce parallel place names in minority languages. It further welcomes the efforts of the Ministry of the Interior to raise awareness among minority communities about the possibilities offered by the Place Names Act and the organisation of apparently 22 seminars for this purpose in 2009.

At the same time, it was surprised to hear that no seminar has been held so far in Ida-Virumaa (Viru County) which, given its large minority population, appears an obvious area to conduct such awareness-raising activities. The Advisory Committee regrets that, consequently, knowledge among the population in Ida-Virumaa (Viru County) about possibilities to introduce parallel place names appears very limited.

The Advisory Committee understands that one request for the introduction of a parallel place name, submitted by Kallaste city council in 2005 was unsuccessful and regrets that §11 (2) of the Place Names Act excludes parallel names for settlements whose borders are identical to those of administrative units – which in fact is the case with most cities. Consequently, the Advisory Committee notes that the Place Names Act only benefits small settlements and villages but not cities (nor streets or squares), despite the fact that persons belonging to minorities often reside in substantial numbers in cities and it is indeed in the urban environment where a parallel place name would have the most symbolic value.

The Advisory Committee further learned with concern during its visit to Ida-Virumaa (Viru County), that the Russian language is almost entirely absent from public spaces, despite the fact that over 90% of the population are Russian-speaking. Even immersion schools where mainly Russian children study, showed no Russian-language signs or Cyrillic script. The Advisory Committee would like to point out that the possibility of having local names, street names and other topographical indications intended for the public also in minority languages has a significant symbolic value for integration. Seeing the minority language, alongside the State language, in public spaces reaffirms that the minority belongs to the given region as an appreciated and welcome member of society and promotes a sense of trust among persons belonging to minorities. The Advisory Committee therefore regrets that this opportunity to promote social cohesion and reduce separation based on ethnicity and language barriers is not being used more effectively in Estonia, despite significant efforts to promote integration.

Recommendation

The Advisory Committee strongly encourages the central and local authorities to expand the opportunities to introduce minority language place names in line with the principles contained in Article 11 of the Framework Convention, and allow topographical indications, alongside Estonian, including in script other than Latin.

Private minority language signs

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to codify improvements in the practice of the Language Inspectorate affecting the display of signs and other information of a private nature in legislation through amendments to §23 of the Language Act.

Present situation

The Advisory Committee is pleased to note that the Language Act was amended in 2007 and now allows for public signs, signposts, announcements, notices and advertisements to be in a

‘foreign language’ on condition that the Estonian language has precedence and is not less visible. The provision was retained in the new Language Act.

Recommendation

The Advisory Committee encourages the authorities to continue this policy concerning bilingual signs, while ensuring that it does not unduly intrude into the private sphere.

Recording of patronyms

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to seek further alternative solutions for the registration of patronyms in official personal documents, in consultation with persons belonging to national minorities.

Present situation

According to Estonian legislation, a person’s official name consists of a forename and a surname, without the possibility of a patronym being entered in personal identity documents. The authorities argue that this situation is in line with Article 11 paragraph 1 of the Framework Convention, according to which “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”, as there are no clear modalities for the use of personal names containing patronyms in the Estonian legal system. According to the State Report, patronyms may be recorded as a second forename by the administrative authorities, if the person so wishes and if the personal information is recorded for the first time. While this practice is commendable, it does not replace a legally secured right to use one’s surname (patronym) in the minority language, as provided for in the Framework Convention.

Recommendation

The Advisory Committee reiterates its previous recommendation to seek appropriate legislative solutions for the registration of patronyms in official personal documents, in consultation with persons belonging to national minorities.

12. Finland

Opinion adopted on 14 October 2010

Article 11 of the Framework Convention

Use of Sami forenames, surnames and addresses

Present situation

The Advisory Committee acknowledges the explanation of the Finnish authorities provided in the State Report and during the country visit that technical problems related to Sami language symbols on computer keyboards still hinder the use of Sami language in social insurance cards, passports or driver’s licences. The Advisory Committee expects that these technical

problems will be resolved as they have been for many other languages and their symbols throughout the world, and as they have also been resolved with regard to topographical signs and street names in the Sami language. In addition, the Advisory Committee regrets that the necessary legislative amendment to allow for the entering of Sami addresses into the Address Service of the Population Register Centre has not been adopted .

Recommendation

The Advisory Committee calls on the Finnish authorities to resolve the current problems related to diacritic signs in Sami language on computer keyboards in order to allow persons belonging to the Sami minority to obtain passports and other personal documents that duly indicate their names and surnames in their own language. In this context, the necessary legislative amendments should also be adopted to allow for addresses to be entered in the Sami language, as well as in Finnish, in the municipal registries in the Sami Homeland.

13. Hungary

Opinion adopted on 18 March 2010

Article 11 of the Framework Convention

Use of the name and first names in minority languages

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee recommended that the authorities continue their efforts to train officials responsible for the registration of surnames and first names in order to raise their awareness of the importance of the registries compiled by the minority self-governments.

Present situation

The Advisory Committee is not aware of any particular problems in this area. It is pleased to note that specific training courses have been introduced to enable officials to use the new computerised system for birth and marriage registries which includes translations of all the surnames and first names compiled by the minority self-governments. Furthermore, the Advisory Committee welcomes the fact that, since 2007, the register of official geographical names also includes names in the minority languages.

Recommendation

The Advisory Committee recommends that the authorities continue their efforts to ensure the implementation of Article 11 of the Framework Convention as regards the proper use and registration of names and first names.

14. Italy

Opinion adopted on 15 October 2010

Article 11 of the Framework Convention

Use of minority languages for personal names

Present situation

The Advisory Committee regrets to note that there are persistent problems with the correct transcription of surnames and forenames of persons belonging to the Slovene minority in official documents. Thus in most documents (passports, driving licences, etc.) the letters of the Slovene alphabet, which do not exist in Italian, do not appear in the names of their holders.

It should be pointed out that, under section 7 of Law 38/2001, these persons are entitled to have their names entered in official documents in their original form in Slovene and to have names previously written in Italian restored to their original Slovene form. More generally, under Law 482/99, citizens belonging to a recognised linguistic minority can use a free and simple administrative procedure to have their surnames and/or forenames restored to their original form in the minority language if their names have been modified in the past.

According to the authorities, this situation is the result of technical problems arising out of computer use of the various diacritical signs in the Slovene language. It should be resolved with the new rules for using these marks adopted in February 2009 by the Ministry for Public Administration and Innovation. In practical terms, a project is being funded by the region and the municipality of Gorizia in order to develop a computer programme that will allow use of these Slovene letters and signs.

Recommendation

The Advisory Committee encourages the authorities to take all the necessary steps to ensure the effective implementation of the principles laid down in Article 11 of the Framework Convention regarding the right of these persons to use their surnames and first names in their own language and the right to have them officially recognised. Adequate steps should be taken to address any remaining technical obstacles in this respect.

Bilingual signs and topographical indications

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to introduce additional bilingual inscriptions in municipalities traditionally inhabited by recognised linguistic minorities in order to respond fully to existing needs.

Present situation

The Advisory Committee is pleased to note that widespread bilingualism has been in place for long time in Italy in areas inhabited by persons belonging to linguistic minorities, such as the Autonomous Province of Bolzano - South Tyrol and the Autonomous Region of Aosta Valley.

The Advisory Committee welcomes the fact that, while there is still scope for improvement, steps have also been taken to strengthen the use of minority languages for local topographical

indications in many areas traditionally inhabited by numerically-smaller linguistic minorities, such as the Albanian minority, the Catalan minority, the Croatian minority, the Ladin minority, the Franco-Provençal speaking minority and the Occitan minority.

The Advisory Committee welcomes the positive developments reported regarding the use of the Slovene language for local topographical indications and other bilingual indications. It notes that a 2008 regional government decree establishes, pursuant to Law 38/2001, a list of the municipalities, districts and other territorial units in which Slovene may be used, in addition to Italian, for local names and topographical indications. According to the authorities, this decree completes the implementation of Law 38/2001. However, for the representatives of the Slovene minority, additional efforts are needed to implement the above legislation effectively. In their opinion, further regulatory and practical measures should be taken to allow use of Slovene for public signs and directions in the region's public services (post, transport etc.). The use of local variants of Slovene in these different contexts is also an issue of concern to this minority (see also the comments on Article 10 above).

Although there are still municipalities with no bilingual topographical indications, considerable progress has been reported concerning local signs in Friulian. The Advisory Committee welcomes the efforts made in this field by the provinces of Udine and Gorizia. It commends the measures taken by the authorities in the province of Gorizia to preserve and promote the province's cultural and linguistic diversity, including public use of the Friulian and Slovene languages. The Advisory Committee notes that, in addition to putting up bilingual topographical indications on the roads that are under its responsibility, the province has given priority to promoting trilingualism in various areas of public life: in provincial council meetings, for the province's documentation and official website, for the promotion of tourism, in teaching and cultural/arts activities, etc. Moreover, it notes with regret that the commitment of regional and central authorities in this respect has been much more limited.

In this connection, the Advisory Committee also notes the concern of representatives of the Friulian minority regarding the situation of this language in the Friulian-speaking municipalities in the province of Venice (Veneto region), where, apart from some support for the community's cultural activities, reportedly very little has been done to encourage public use of Friulian.

Shortcomings have also been reported by the German-speaking minority in the province of Udine with regard to the use of German on local signs in addition to Italian and Slovene.

The Advisory Committee has also been informed, after its visit to Italy, about controversies surrounding the language of mountain signposts in the Autonomous Province of Bolzano - South Tyrol. While welcoming the memorandum of understanding signed by the provincial and the national government in September 2010, the Advisory Committee wishes to emphasize the importance of bilingualism and of respect for the linguistic identity of all groups residing on a territory for peaceful and prosperous coexistence.

Recommendation

The Advisory Committee invites the authorities to continue introducing bilingual topographical indications and other bilingual inscriptions as quickly as possible in order to respond more appropriately to the needs existing in areas traditionally inhabited by persons belonging to recognised linguistic minorities, in accordance with domestic legislation and the principles enshrined in Article 11, paragraph 3, of the Framework Convention.

15. Kosovo*

Opinion adopted on 6 March 2013

Article 11 of the Framework Convention

Public signs, other topographical indications and personal names

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to promote awareness amongst municipal officials of the legal requirements laid down in the 2006 Language Law and to ensure that they were implemented in compliance with the principles guaranteed in Article 11 of the Framework Convention and in a manner that reflected the multi-ethnic and multilingual character of Kosovo*. In addition, it called on the authorities to remedy the continued shortcomings relating to the transliteration and misspelling of names and surnames of persons belonging to minority communities, in conformity with the legislation in force.

Present situation

The Advisory Committee notes overall insufficient progress in the implementation of Article 9 of the Law on the Use of Languages related to the public display of languages on road-signs and other topographical indications. While some municipalities have made efforts to display at least some signs on municipal buildings in both official languages, such as Gjilan/Gnjilane or Ferizaj/Uroševac, the Advisory Committee observed that most municipalities it visited had only one of the official languages displayed, often in addition to English. In addition, it observed numerous disfigurements of bilingual road signs and was informed that such signs are frequently defaced or destroyed soon after having been installed, which exacerbates fear and intimidation among minority communities. The Advisory Committee is deeply concerned by this situation and reiterates that the public display of minority languages is of particularly symbolic value as it portrays the inclusion of other groups as respected and welcome members of society and thereby plays an important role in promoting a sense of belonging and integration.

In addition, the Advisory Committee regrets that persons belonging to minority communities, in particular of Bosnian and Turkish origin, still report that their names are often misspelled in personal identity documents, and that no comprehensive efforts have been made by authorities to address the situation. Procedures for correcting and changing errors made

during registration are reported to be cumbersome and costly, and in addition remain unknown among officials and minority communities alike.

Recommendations

The Advisory Committee urges the authorities to take immediate measures to ensure that municipal institutions establish bi- and multilingual public signs in all relevant official languages, in line with national legislation. Any defacement or destruction of signs must be immediately mended, officially condemned, and adequately sanctioned.

The Advisory Committee calls again on the authorities to ensure that names of persons belonging to minority communities are systematically recorded and registered in line with relevant legislation.

16. Lithuania

Opinion adopted on 28 November 2013

Article 11 of the Framework Convention

Use of minority languages for personal surnames and first names

Recommendation from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to ensure that future legislation would fully reflect the principles laid down in Article 11 of the Framework Convention.

Present situation

The Advisory Committee regrets to note the absence of progress in the long standing controversy regarding the right of persons belonging to national minorities to spell their names and surnames in the minority language in official documents. Despite a number of draft laws put forward to regulate the issue, no agreement has been found. All personal names of citizens of Lithuania must be spelled in the state language according to Article 15 of the State Language Law. Persons belonging to national minorities using another alphabet, such as Cyrillic, have their name spelled in Latin letters according to international transcription rules, which has not been considered problematic. Persons belonging to national minorities using Latin letters however, such as the Polish minority, have raised objections to their names being changed as a result of the obligatory use of the Lithuanian alphabet. The Advisory Committee notes, however, that a multitude of names and inscriptions on signs in Lithuania are spelled with 'w' or 'x' without any difficulty and that, in addition, non-citizens face no obstacle in having their names recognised by the authorities in their original spelling. It considers that efforts to promote the correct use of the official language in Lithuanian names should not extend to altering the spelling of names that originate in other languages, simply because the holder of the name is a Lithuanian citizen. It reminds the authorities that Article 11 of the Framework Convention provides that personal names must be officially recognised

in minority languages, which in line with the Advisory Committee's position, also includes the spelling in minority languages.

According to information received by the Advisory Committee, a draft law on the official spelling of names has been prepared by the Ministry of Justice. Following its review by the State Language Commission, the draft is expected to be introduced to the Seimas in autumn 2013. The Advisory Committee understands that the draft foresees that citizens with a minority background may add their names in the minority language on the second page of the document. Such a regulation, despite not being welcome by representatives of the Polish minority, would be in line with a relevant Constitutional Court decision of 2009, which confirmed the constitutionality of adding personal names in non-Lithuanian signs in other sections of the passport. While welcoming the on-going efforts made to fill the legislative gap with regard to the implementation of Article 11 of the Framework Convention, the Advisory Committee expresses its concern about the fact that four years have passed without necessary amendments being made to the applicable legislation to bring effect to the Constitutional Court ruling. Indeed, it regrets to have learned that a bill containing a similar proposal was rejected in the Law and Orders Committee of the Seimas in April 2012.

Recommendation

The Advisory Committee strongly urges the authorities to take all necessary measures to implement without delay the right of persons belonging to national minorities to have their personal names recognised, including in official documents, in line with Article 11 of the Framework Convention.

Bilingual topographical indications and other inscriptions

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee requested the authorities to introduce the appropriate legal safeguards to facilitate the display of traditional local names, street names and other topographical indications intended for the public in minority languages as well and to bring their legislation and practice in conformity with Article 11.3 of the Framework Convention.

Present situation

The Advisory Committee regrets that there has been no progress either regarding the use of minority languages in topographical signs and other inscriptions. According to Articles 17 and 18 of the State Language Law, all public indications must be displayed in Lithuanian, with an exception made only for the names of organisations of national minority communities and their information signs. The display of bilingual signage in areas populated in substantial numbers by national minorities, such as Šalčininkai and Vilnius District, has prompted recurrent court proceedings, partially leading up to the Supreme Administrative Court, and municipal authorities have been ordered repeatedly to remove bilingual signs and replace them with signs in the state language only. In the case of non-compliance, they have been

fined with amounts of up to €350. The Advisory Committee deeply regrets this lack of progress. It is particularly concerned by reports about a decision of the Supreme Administrative Court of 1 October 2013, holding that the Šalčininkai district municipality administration should remove bilingual signs from private homes and replace them with Lithuanian language signs, despite the fact that the bilingual plates had been privately purchased by residents and displayed on private property. The Advisory Committee further points out that the arguments presented in the Judgement of the Supreme Administrative Court of 8 July 2011, referring to the Framework Convention as “a document of a political and policy-making character and not a normative document,” therefore not inducing legal obligations, run counter to established legal doctrine. While most of the provisions of the Framework Convention are not directly applicable and require national legislation and related policies to be put into practice, their legally binding character is not in question. In addition, the Advisory Committee notes that the assessment of the draft Law on National Minorities submitted by the State Language Commission, argues that Article 11 of the Framework Convention only refers to private information. Article 11.3 of the Convention, however, explicitly refers to “topographical indications intended for the public”, but again only in areas traditionally inhabited by substantial numbers of persons belonging to national minorities.

The Advisory Committee reiterates that the denial of the possibility of having local names, street names and other topographical indications in certain areas in minority languages alongside the official language not only violates the obligation of the State Party under Article 11.3, but also neglects the significant symbolic value for integration that such bilingualism carries for the minority as an affirmation of its presence as an appreciated and welcome part of society. The Advisory Committee welcomes in this context the fact that the draft Law on National Minorities foresees the right of persons belonging to national minorities to display minority language signs in areas where they constitute at least 25% of the population (see also above comments on Article 10) which, if adopted, would indeed constitute a commendable step forward. Nonetheless, the Advisory Committee is concerned by reports of a recent statement made by the Prime Minister against the display of bilingual topographic signs in Lithuania.

Recommendation

The Advisory Committee urges the authorities to bring without delay their legislative framework regarding the use of minority languages in topography in line with Article 11 of the Framework Convention.

17. Norway

Opinion adopted on 30 June 2011

Article 11 of the Framework Convention

Use of minority languages for surnames

Present situation

The Advisory Committee notes that since 2009, most Kven and Finnish characters have been used in the national population register, so that persons belonging to these groups now have their names spelt correctly.

The authorities indicate that they have been informed of a few cases where persons belonging to national minorities have not been able to reclaim their old name for lack of documents establishing with certainty that the name had been used in the past. According to the authorities, this could be due to a misinterpretation of the principles of the Personal Names Act and the Framework Convention by the local authorities (see also observations under Article 15 below).

The Advisory Committee stresses that it is the duty of the central government to ensure that the statutory provisions protecting persons belonging to national minorities are correctly and effectively applied throughout the territory.

Recommendation

The Advisory Committee encourages the government to ensure that the local authorities apply the legislation on personal names correctly in respect of persons belonging to national minorities, throughout the territory of Norway, in conformity with the principles of the Framework Convention.

Place names in minority languages

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to take all necessary steps to guarantee that the current national legislation on place names was correctly implemented at local level.

Present situation

The Advisory Committee welcomes the fact that the Place Names Act was amended in 2008 in order to ensure more opportunities to provide additional place names in Kven.

According to the Advisory Committee's interlocutors, Kven place names are however uncommon and the representatives of this minority still meet with reluctance on the part of some municipalities and state authorities who do not regard the provision of topographical indications in minority languages as a priority.

Recommendation

The Advisory Committee urges the authorities to take more proactive measures to ensure that the provisions of Article 11.3 of the Framework Convention are effectively implemented at the regional and local levels.

18. Poland

Opinion adopted on 28 November 2013

Article 11 of the Framework Convention

Patronyms in minority languages

Recommendation from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee asked the authorities to 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.

Present situation

The Advisory Committee notes that there have been no changes to the legislative framework established by the Law on the Change of Name and Surname of 2008 governing the possibility for persons belonging to national minorities to use and spell their first and last names in a national minority language with language-specific diacritic marks in the register of civil status and identity documents. The Advisory Committee is pleased to have learned from representatives of the Lithuanian minority during its visit to Puńsk that this right is respected in practice and that 27 inhabitants of the municipality identifying themselves with that minority have chosen to have their names recorded in identity documents in the Lithuanian language.

Against this background, the Advisory Committee notes the lack of data on the number of persons who availed themselves of the opportunity to use and spell their first and last names in a minority language in the register of civil status and identity documents. The small number of persons who chose to have their names recorded in identity documents in the Lithuanian language in the Puńsk municipality suggests either a lack of awareness among persons belonging to a national minority of their rights in this regard, burdensome administrative requirements, or a reluctance on the part of such persons to be publicly identifiable as a person belonging to a minority.

There is a need to identify reasons for the absence of interest among persons belonging to national minorities to take advantage of the right to use and spell their first and last names in the register of civil status and identity documents according to the spelling rules of their respective minority language.

Recommendation

The authorities are invited to raise the awareness on the part of civil registry personnel as well as of those concerned as regards the rights of the persons belonging to national minorities to use minority languages to record their first and last names in a minority language in the register of civil status and identity documents.

Topographical indications in minority languages

Recommendation from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee asked the authorities to 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.

Present situation

The situation as regards the legislative framework governing the display of topographical indications in minority languages has not changed since the adoption of the last Opinion of the Advisory Committee. Signs in minority languages displayed alongside those in the Polish language may be used in the municipalities where persons belonging to national minorities constitute at least 20% of the population, or in other towns or villages where more than half of the inhabitants taking part in consultations voted for the introduction of bilingual signs. The Minister of Administration and Digitization keeps the *Official Register of Municipalities where Place Names are Displayed in a Minority Language* (hereinafter: the Register of Municipalities).

The Advisory Committee notes the publication in December 2012 of the *Regulation of the Minister of Administration and Digitization of the Register of the Official Names of Places and Their Parts*. This Register supplements earlier standardization of names of hydrographical objects and of caves completed in the years 2003-2007 by the Committee for Place Names and Physiographical Objects.

The Advisory Committee notes with satisfaction that, as of November 2013, place names in the languages of national and ethnic minorities and in the regional Kashubian language have been displayed in 51 municipalities. Signs in the German language have been used in 29 municipalities, in Kashubian in 18 municipalities, in the Lemko language in two municipalities, and in Lithuanian and Belarusian in one municipality each.

The Advisory Committee further notes that no municipality opted for bilingual street signs and signs with names of the physiographical objects, the cost of which, unlike those signs which indicate names of villages and towns (which is borne by the state budget), is to be financed from the municipality budget. The Advisory Committee underlines the importance of promoting bilingual signs, as this conveys the message that a given territory is shared in harmony by various population groups.

Against this generally positive background, the Advisory Committee regrets to note that a significant number of signs displaying place names in Lithuanian and Polish languages in the Podlaskie *Voivodship* and German and Polish languages in the Opolskie *Voivodship* were vandalized in 2011 and 2013. It finds it particularly worrying, that although these acts were widely condemned by the national and local authorities and the media and the repaired or

new signs were swiftly reinstalled, the police investigations into the incidents in 2011 were discontinued due to the inability to find the perpetrators of these criminal acts. It further warns that impunity emboldens the vandals to continue and is indicative of lack of capacity or commitment on the part of law enforcement officials to elucidate such incidents (see related comment under Article 6 above).

Recommendations

The Advisory Committee asks that the authorities take more proactive measures in order to ensure that the provisions of Article 11, paragraph 3 of the Framework Convention are effectively implemented in all municipalities meeting the statutory threshold. It also encourages them to take a flexible approach over the financing of the cost of introducing signs displaying street names in languages of national minorities in the municipalities listed in the Register of Municipalities.

The authorities should redouble their efforts to investigate all cases of destruction of signs displaying place names in minority languages and bring perpetrators to justice.

19. Romania

Opinion adopted on 21 March 2012

Article 11 of the Framework Convention

Use of minority languages to indicate place names

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the authorities were encouraged to ensure the effective implementation of Section 90 (4) of the Law on Local Public Administration, and to make additional efforts to examine, in consultation with those concerned, the existing needs in this field.

Present situation

The Advisory Committee notes with satisfaction that the representatives of national minorities, with whom it spoke during the visit, indicated that the legislative provisions are applied in a satisfactory manner.

Recommendation

The Advisory Committee encourages the authorities to pursue, in consultation with organisations of national minorities, a constructive dialogue with regard to the use of minority languages to indicate place names.

20. Russian Federation

Opinion adopted on 24 November 2011

Article 11 of the Framework Convention

Topographical signs

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to ensure that existing legislation regarding the use of languages on topographical indications is consistent with the principles contained in Articles 11 and 4 of the Framework Convention.

Present situation

The Advisory Committee notes that no changes have been made to federal legislation which still guarantees the right to use minority languages “where necessary” on topographical indications alongside Russian, including in Latin script. According to information received by the Advisory Committee, this right is implemented in the form of bilingual road signs in a number of regions in areas where persons belonging to national minorities live in substantial numbers and have voiced their demand. However, topographical signs in state languages must be spelled in Cyrillic script, whereas minority languages without official state language status may be printed in Latin or other scripts (see comments on Article 10 above).

The Advisory Committee is concerned, however, by reports from minority representatives that the actual display of road signs in minority languages in line with regional legislation depends largely on the willingness of the relevant local authorities, and that there is an increasing reluctance to respond to minority demands for topographical signs in their languages, among others through restrictive interpretation of the term “where necessary”. In addition, the Advisory Committee was unable to obtain information on the extent to which other topographical indications such as street names are displayed in minority languages, in line with Article 11, paragraph 3 of the Framework Convention.

Recommendation

The Advisory Committee calls on the Russian authorities to ensure that federal guarantees regarding the display of topographical signs in minority languages are consistently implemented at regional level.

21. Serbia

Opinion adopted on 28 November 2013

Article 11 of the Framework Convention

Names and surnames in minority languages

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee recommended that the Serbian authorities ensure that the legal regulations governing the right to use personal names in

minority languages and their official recognition were interpreted in conformity with Article 11 of the Framework Convention, notably by removing any territorial limitations to the exercise of this right, adopting harmonised procedures and training registry officers.

Present situation

The Advisory Committee welcomes the fact that following the amendment of the Law on Official Use of Language and Script in 2010, there is by law no longer a territorial limitation on the exercise of the right to use personal names in minority languages: personal names in the language and script of national minorities are entered both in the civil registers of local self-government units where the language and script of the national minority are in official use and in all civil registers kept in the territory of the Republic of Serbia.

The Advisory Committee regrets, however, that problems with the exercise of this right continue to arise in practice. It has been reported that some offices of the Registrar of births, marriages and deaths fail to make available adequate information to persons belonging to national minorities about the possibilities of registering names in their language and script, and that the possibility of registering a name in a minority language subsequent to the original birth registration is not applied uniformly throughout Serbia, creating uncertainty and inequality between citizens. Representatives of national minorities have also indicated that in practice – despite the fact that the law no longer contains any territorial limitations – it is still only possible to obtain identity documents in their minority language in municipalities where this language is in official use. Moreover, they report that names in minority languages containing letters that do not exist in Cyrillic are deformed when transcribed into Cyrillic script, which is particularly problematic for persons who have not been able to obtain documents in their mother tongue.

The Advisory Committee recalls that the right to use one's personal name in a minority language and have it officially recognised is a core linguistic right, linked closely to personal identity and dignity. This means it is particularly important that States Parties ensure that individuals are free from obstacles on the use and recognition of their names in their own language.

Recommendation

The Advisory Committee recommends that the Serbian authorities intensify their efforts to train officers of the Registry of Births, Deaths and Marriages as to the contents and proper application of the rules currently applicable in this field and to ensure that full information is available to persons belonging to national minorities on the procedures for registering names in minority languages.

Topographical signs

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee recommended that the Serbian authorities, in consultation with the relevant national councils of national minorities, monitor the implementation of the legal guarantees concerning the display of traditional place names and topographical signs in minority languages and ensure that they were consistently implemented throughout Serbia.

Present situation

The Advisory Committee recalls that in accordance with Article 11 of the Law on National Minorities, the names of bodies exercising public authority, local names, street names and other topographical indications shall also be displayed in minority languages in places where these are in official use. Under Article 22 of the Law on National Councils of National Minorities, it falls to the national minority councils concerned to establish the traditional names and other topographical indications in their minority language and propose the adoption of the relevant names by the local authorities. The Advisory Committee notes with interest that since its previous Opinion, the Albanian, Bosniac and Croatian national minority councils have established lists of toponyms in these minority languages and the Hungarian, Romanian and Slovak national minority councils have supplemented the already existing lists of toponyms in these languages.

While in some places these provisions have been well implemented, it is regrettable that cases continue to be reported in which the names established by national minority councils are not displayed in accordance with the above rules – in some cases, despite the issuing of a recommendation by the Ombudsman or the Commissioner for the Protection of Equality to this effect. Arguments of a lack of financial resources carry little weight in this context given that several years have passed since many of the determinations of names were made. The Advisory Committee moreover emphasises the importance of promoting bilingualism in signposts as a means of conveying the message that a given territory is shared in harmony by various population groups.

Recommendation

The Advisory Committee recommends that the authorities take the necessary measures to ensure that all local authorities where a minority language or languages are in official use comply with their obligation to display topographical indications in the relevant minority language or languages.

22. Slovak Republic

Opinion adopted on 28 May 2010

Article 11 of the Framework Convention

Topographical signs and indications

Present situation

The Advisory Committee notes that the Law on the Use of Minority Languages of 1999

guarantees the possibility for persons belonging to national minorities to display topographical signs in minority languages in municipalities where the minorities concerned make up 20% or more of the population. The Law on Denomination of Localities in the Languages of National Minorities contains a list of villages where bilingual signs can be installed. It also notes that, according to the 2009 State Language Law, the use of minority languages for the denomination of municipalities, streets and other geographical designations is allowed, in accordance with other specific regulations. While noting that topographical signs have been displayed in the municipalities concerned, in particular those inhabited by persons belonging to the Hungarian minority, the Advisory Committee considers that further efforts should be made to install such indications, according to the needs and demands, in municipalities inhabited by substantial numbers by Roma.

The Advisory Committee has also been informed that in municipalities where persons belonging to national minorities reside in substantial numbers, but are just below the required 20% threshold, the local authorities are more reluctant to install bilingual topographical signs. The Advisory Committee considers that the authorities should interpret and apply the legislation in a more flexible manner without relying too strictly on the 20% requirement, in particular in areas traditionally inhabited by substantial numbers of persons belonging to a national minority and when there is a sufficient demand. It also reiterates that the census results do not always adequately reflect the actual numbers of persons belonging to national minorities. The Advisory Committee is convinced that such a flexible approach will contribute to enhancing a climate of tolerance, mutual understanding and interethnic dialogue between the various communities (see also comments under Article 10 above).

Recommendation

The Advisory Committee encourages the authorities to take a more flexible approach when applying the legislative provisions allowing bilingual topographical indications. The Advisory Committee invites the authorities to consult persons belonging to national minorities, including the Roma, and to assess regularly their needs regarding the display of such signs.

23. Sweden

Opinion adopted on 23 May 2012

Article 11 of the Framework Convention

Topographical indications in minority languages

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Swedish authorities were encouraged to improve the legal framework and implementation practices on topographical indications in minority languages and to raise further awareness about the importance of minority language place names.

Present situation

The Advisory Committee welcomes the progress made concerning the display of topographical indications in minority languages. In particular, it notes with satisfaction that, in addition to topographical indications in the Sami and Finnish languages, there are now also indications in Meänkieli.

Concerning the Sami orthography, the Advisory Committee has been informed that, while some technical problems on computer keyboards still exist in certain municipalities, most of them have been resolved, which has resulted in an increased number of topographical signs and street names in the Sami language.

However, the Advisory Committee notes that minority representatives consider that the status of minority languages is, generally speaking, still low. This is moreover reflected in the fact that progress in increasing the number of topographical indications in minority languages has, overall, been slow.

Recommendation

The Advisory Committee strongly encourages the authorities to step up their efforts aimed at ensuring that the local authorities apply the legislation on topographical indications correctly in respect of persons belonging to national minorities, throughout the territory of Sweden.

24. “the former Yugoslav Republic of Macedonia”

Opinion adopted on 30 March 2011

Article 11 of the Framework Convention

Use of minority languages for names of persons

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee, encouraged the authorities to pursue their efforts to ensure the proper implementation of the legislative provisions governing the use of minority languages in identity papers and certain other personal documents.

Present situation

The Advisory Committee welcomes the adoption in 2007 of amendments to the Law on Identification Card, which created the necessary conditions for issuing new identification documents. The Advisory Committee has been informed that this provision is applied in practice and that a bilingual document, in Macedonian and in a language and script used by the person belonging to a national minority, is issued on demand.

Recommendation

The authorities should continue to issue bilingual identification documents in Macedonian and in a language and script used by persons belonging to national minorities in strict observance of the law.

Use of minority languages for local place names

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee urged the authorities to take steps to ensure that the existing legislation on the use of local place names in minority languages was implemented in practice.

Present situation

The Advisory Committee notes with satisfaction that, according to persons belonging to national minorities, the implementation of the legislative provisions has improved in recent years. Bilingual (Macedonian and Albanian language) and trilingual (Macedonian, Albanian and Turkish language) signs are in use in municipalities where the number of persons belonging to a national minority is not lower than 20% of the local population. The Advisory Committee particularly welcomes the introduction of bilingual signs in a number of municipalities, including in the Skopje urban area, where the numerical threshold has not been attained. The Advisory Committee also notes with satisfaction that place names increasingly refer to persons and events connected with a national minority.

Recommendation

The authorities should continue to display bilingual and trilingual signs in municipalities inhabited by a substantial number of persons belonging to a national minority.

25. Ukraine

Opinion adopted on 22 March 2012

Article 11 of the Framework Convention

Personal names

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to review administrative practices concerning the recording of names of persons belonging to national minorities, and ensure that the practice of imposing Ukrainian versions of personal names without the explicit prior approval of the persons concerned was discontinued.

Present situation

The Advisory Committee regrets to have learned during its visit that the practice of imposing Ukrainian versions of names of persons belonging to national minorities in identity documents, or inserting them into birth certificates without the explicit prior approval of the persons concerned, appears to be ongoing. It regrets in particular that the relevant authority seemed unaware of the problem.

Recommendation

The Advisory Committee reiterates its call on the authorities to engage in targeted awareness-raising activities among the administrative authorities to ensure that they cease imposing

Ukrainian versions of personal names without the prior and explicit approval of the person concerned.

Bilingual topographical indications and other inscriptions

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to pursue their efforts to restore traditional local names, street names and other topographical indications and to review the applicable legislation to facilitate this process.

Present situation

The Advisory Committee regrets that no progress has been reported since the second monitoring cycle. Article 38 of the Law on Languages still provides that topographical signs in a minority language may be inserted alongside the Ukrainian language version only in areas where the minority constitutes a majority of the population. The Advisory Committee reiterates its view that this threshold is excessive from the point of view of Article 11.3 of the Framework Convention. In addition, bilingual signs are according to minority representatives erected only in a few settlement areas, such as in the Transcarpathia and Chernivtsi regions, where Romanian, Moldovan and Hungarian minority communities reside in substantial numbers. As regards the restoration of historical minority language names, the Advisory Committee is concerned by reports that city and village councils in the Crimea which, according to the Law on Local Self-Government are responsible for such decisions, had decided to put the question to public vote, which has prevented the return to old and historic Crimean Tatar names in a number of locations.

Recommendation

The Advisory Committee calls on the authorities to intensify their efforts to restore traditional local names and accommodate claims of minority communities for minority language topographical indications, and to review urgently the applicable legislation in the context of the current efforts to draft comprehensive language legislation.

26. United Kingdom

Opinion adopted on 30 June 2011

Article 11 of the Framework Convention

Bilingual signposting in Northern Ireland, Scotland and Wales

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the Scottish authorities to develop a more proactive approach to bilingual signposting and road signs, especially where a demand for such signs has been expressed by the local authorities.

Present situation

In Northern Ireland, the Advisory Committee regrets that only limited progress has been made regarding the erection of bilingual signposting and topographical indications, particularly road signs, despite the fact that there is, reportedly, a demand for this in a number of municipalities. Additionally, it finds it problematic that the official policy is to limit the erection of such signs to certain areas where the issue would not raise controversies. The Advisory Committee regrets the decision by Belfast City Council to reject in March 2011 a proposal to erect bilingual signs in this city (in English and Irish or Ulster Scots). The Advisory Committee is concerned that this approach is not in line with the spirit of the Framework Convention and, in particular, the provisions of Article 11, the aim of which is to value the use of minority languages, including through the setting up of bilingual signposting, with a view to promoting more tolerance and intercultural dialogue in society. It is of the opinion that comprehensive legislation on the use of the Irish language, including on signposting and other topographical indications, could improve the situation by providing clear legal guarantees on the use of minority languages.

In Scotland, the Advisory Committee welcomes the recent placing of bilingual place names, in Gaelic and English, across the rail network. However, information brought to its attention concerning bilingual road signs indicate that the current policy remains inconsistent and that not much progress was achieved in this field, even in places where the authorities were willing to place bilingual road signs. The authorities have, reportedly, sometimes opposed for safety reasons the erection of bilingual road signs.

In Wales, the Advisory Committee notes with satisfaction that bilingual signposting, including road signs, appears to be well developed.

Recommendations

The Advisory Committee reiterates that the authorities should elaborate, as a matter of priority, comprehensive legislation on the use of the Irish language in Northern Ireland, including for signposting and other topographical indications, which adequately covers rights protected under Article 11 of the Framework Convention. It is also important to raise awareness of the linguistic rights of persons belonging to minorities and the contribution of respect for linguistic diversity to building tolerance in society.

The Advisory Committee also invites the Scottish authorities to develop a more consistent policy for bilingual signposting, including road signs and topographical indications, as part of their overall policy of promotion of the use of minority languages, in close cooperation with the groups concerned and in line with the provisions of Article 11.