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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN SLOVAKIA

Initial monitoring cycle

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

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

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

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

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

CONTENTS

| | | |
|--------------|--|------------|
| A. | Report of the Committee of Experts on the application of the Charter in Slovakia | 4 |
| Chapter 1 | Background information and general/preliminary issues | 4 |
| 1.1. | Introduction | 4 |
| 1.2. | The work of the Committee of Experts | 4 |
| 1.3. | Presentation of the regional or minority language situation in Slovakia | 4 |
| 1.4. | General issues arising from the evaluation of the report | 7 |
| 1.5 | Particular issue concerning the 20% threshold | 8 |
| Chapter 2 | The Committee of Experts' evaluation in respect of Parts II and III of the Charter 11 | |
| 2.1 | The evaluation in respect of Part II of the Charter | 11 |
| 2.2 | The evaluation in respect of Part III of the Charter | 19 |
| 2.2.1 | <i>Evaluation of the application of Part III to the Romany language</i> | <i>19</i> |
| 2.2.2 | <i>The Hungarian language</i> | <i>38</i> |
| 2.2.3 | <i>Evaluation of the application of Part III to the German language</i> | <i>58</i> |
| 2.2.4 | <i>Evaluation of the application of Part III to the Ruthenian language</i> | <i>75</i> |
| 2.2.5 | <i>Evaluation of the application of Part III to the Ukrainian language</i> | <i>91</i> |
| 2.2.6 | <i>Evaluation of the application of Part III to the Czech language</i> | <i>107</i> |
| 2.2.7 | <i>Evaluation of the application of Part III to the Bulgarian, Polish and Croatian languages</i> | <i>118</i> |
| Chapter 3. | Findings | 134 |
| Appendix I: | Instrument of ratification | 136 |
| Appendix II: | Comments by the Slovak authorities | 138 |
| B. | Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Slovakia | 145 |

A. Report of the Committee of Experts on the application of the Charter in Slovakia

adopted by the Committee of Experts on 23 November 2005
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1 Background information and general/preliminary issues

1.1. Introduction

1. Slovakia signed the European Charter for Regional or Minority Languages (hereafter referred to as the Charter) on 20 February 2001 and ratified it on 5 September 2001. The Charter entered into force with regard to Slovakia on 1 January 2002.

2. The instrument of ratification is set out in Appendix I to this report.

3. In accordance with Article 15 para. 1 of the Charter, the initial periodical report on the application of the Charter in Slovakia was presented on 5 December 2003.

1.2. The work of the Committee of Experts

4. After the Committee of Experts' preliminary examination of the report, a questionnaire was drawn up and addressed to the Slovak authorities. An "on-the-spot" visit to Slovakia took place in September 2004. The delegation of the Committee of Experts visited Prešov, Košice, including the Roma settlement "Lunik IX", and Bratislava. Meetings were held with representatives of the speakers of the Romany, Hungarian, German, Ukrainian, Ruthenian, Bulgarian, Czech and Polish languages, as well as of the Jewish minority, including NGOs, journalists and educationalists. In Košice the delegation met also representatives of the local and regional authorities, as well as judges from the Košice District Court. Meetings with the Slovak central authorities were held in Bratislava.

5. The Committee of Experts received a number of comments and additional information from representatives of the speakers but also from various official sources in Slovakia. This information has been very helpful in the evaluation of the application of the Charter and the Committee of Experts would like to thank all of them for their active input and participation in the monitoring process.

6. In accordance with Article 16 para. 4 of the Charter (see Chapter 3.2 of this report), the Committee of Experts has established a list of general proposals for the preparation of recommendations that the Committee of Ministers may wish to address to Slovakia. Furthermore, in the body of the report, where necessary, it has made more detailed observations, which it encourages the Slovak authorities to take into consideration when developing their regional or minority language policy.

7. This report is based on the political and legal situation prevailing when the Charter entered into force in Slovakia (1 January 2002), on the information presented by the Slovak Government in its initial periodical report to the Council of Europe (5 December 2003), on additional information provided by the Government at a later stage and on other information obtained by the Committee of Experts as stated above. The report was adopted on 23 November 2005.

1.3. Presentation of the regional or minority language situation in Slovakia

Preliminary remark

8. After the break-up of the former Czechoslovakia, as of January 1993, Slovakia experienced turbulent years in the field of regional or minority language protection. In particular, the 1995 State Language Act introduced several restrictions to the use of regional or minority languages. The 1998 elections led however to a new coalition government, including representatives of the Hungarian-speaking minority, and to a more

positive approach to the protection of minority languages. The ratification of the Charter by Slovakia is a direct result of these political developments.

9. The 2001 Census, which will be referred to below, shows data on citizens declaring their nationality and not the language they speak.

Romany

10. According to the information at the Committee of Experts' disposal, Roma arrived in Slovakia during the XVth century, although some sources point to an earlier presence, already during the XIIIth or the XIVth century. At the beginning they were portrayed in particular as castle musicians and metal workers. They later served in the Hungarian army. Following the latter's defeat by the Turks, in the XVIth century, the approach towards Roma changed. It is apparently at this time that they began being segregated in special settlements and denied profitable work. As in other European countries of the time, the Roma were outlawed in the XVIth century. A strict assimilation policy started under Maria Theresia's reign (1740-1780). With the exception of a short break between the end of the revolutions in 1848 and 1867, the assimilation policy continued in following times.

11. During the first part of World War II, most Slovak Roma survived whereas the Czech Roma were harshly persecuted by the Nazis. However, following Roma participation in the Slovak uprising of September and October 1944, the Nazis retaliated and killed a number of Roma in Slovakia too.

12. According to official information provided to the Committee of Experts, a policy of assimilation of Roma was carried out throughout the communist period in former Czechoslovakia.

13. Towards the end of 1988, i.e. shortly before the Velvet Revolution of 1989 and the fall of the communist regime, the official figures indicated that there were 278 Roma settlements in Slovakia, 230 of which were located in the then East Slovak Region. Methods for mapping the presence of Roma in Slovakia have since considerably evolved. According to the most recent information made available to the Committee of Experts, which dates from 2004, there seems to be a total of 787 Roma settlements: 168 are concentrated in a village/town, 338 are located at the edge of a village/town and 281 are separated from nearby villages and towns. Up to 21% of the inhabitants living outside municipalities live in shanties (compared to 9,2% for Roma living at the edge of municipalities and 1,5% for those living inside municipalities). Most of the inhabitants of Roma settlement units have access to electricity but a majority of the Roma has no access to the sewerage system, to running water, nor to gas supply.

14. According to the information provided to the Committee of Experts during the "on-the-spot" visit, the number of Roma living in Slovakia is estimated at approximately 320,000 (the 2001 census gave a figure of 89,920 Roma).

Hungarian

15. The presence of Hungarian-speakers in Slovakia is a direct result of the disintegration of the Austro-Hungarian empire at the end of the first world war. The newly established Czechoslovak democratic republic included in fact territories where Hungarian-speakers had been historically present in a compact manner. Following the 1938 Munich Treaty concluded between Germany, the United Kingdom, France and Italy, the Vienna Arbitration, concluded between Germany and Italy on 2nd November 1938, led to a substantial part of these territories being again under Hungarian rule. The Slovaks who were living or who had moved there in the meantime were badly treated. When the territories in question were assigned again to the then Czechoslovakia after the end of World War II, the Czech and Slovak populations felt a strong anti-Hungarian resentment. The Czech and Slovak authorities also tried to diminish the size of the Hungarian-speaking minority by expulsions to Hungary, expropriations, forced resettlement in Czech territories and assimilation policies. It is only with the Prague Spring in 1968 that at least in principle a more protective approach was adopted vis-à-vis in particular the Hungarian-speaking minority.

16. According to the results of the census held in 2001 (see p. 7 of the initial periodical report), 520,528 Hungarians live in Slovakia, i.e. 9,7% of the total population.

German

17. According to the information provided to the Committee of Experts during the "on-the-spot" visit, until 1945 150,000 German-speakers lived in Slovakia. After World War II most of them were expelled by virtue of

the Beneš decrees but 20,000 of them stayed. Today's official figure estimates the number of German-speakers at 5,405 (see p. 7 of the initial periodical report), but the real figure is believed by the speakers to be twice as many. Post-World War II events disrupted the German community in Slovakia. At the beginning it was not even possible to speak German in public and for nearly fifty years no schooling was provided in German.

18. The change started in 1989 but the potential of the German-speaking community had by then become weak. A concentrated number of German-speakers is now left in a few places and paradoxically, German-speakers are even more present in Bratislava and Košice than in the areas where they have been historically present.

19. It was reported to the Committee of Experts that many educated German-speakers left the country after World War II and the intellectual élite has diminished over time. Many young people also found better job opportunities in Austria or Germany. Prejudices remain however strong in Slovakia and the XXth century context still resonates.

Ruthenian

20. According to the information at the Committee of Experts' disposal, the regions of today's Eastern Slovakia were populated in the XIth and XIIth century at the latest. During the period of the Habsburg Empire, Ukrainians were treated as a geographical and ethnical union. The first split took place with the establishment of Czechoslovakia in 1918. Three branches of the minority emerged within Czechoslovakia: a Ukrainian-, a Ruthenian- and a Russian-oriented group. During the 1950s, the government actively intervened in the situation by combining all three groups into one "Ukrainian" group. After 1989 two groups emerged, the one identifying itself and its language as Ruthenian, the other as Ukrainian.

21. Slovak Ruthenians mainly live in the Prešov region, in a part of the joint Carpathian Ruthenian region.

22. According to the results of the 2001 census (see p. 7 of the initial periodical report), 24, 201 members of the Ruthenian minority currently live in Slovakia. The Committee of Experts has been informed that the Ruthenian language was codified in 1995.

Ukrainian

23. According to the information at the Committee of Experts' disposal, the Ukrainian-speakers in Slovakia live in the north-eastern regions along the borders to Slovakia and the Ukraine.

24. According to the results of the 2001 census (see p. 7 of the initial periodical report), 10 814 members of the Ukrainian minority currently live in Slovakia.

Czech

25. The Czech-speakers constitute the youngest regional or minority language group in Slovakia, following the division of the former Czechoslovakia which took effect in January 1993. It is highly dispersed, although the largest groups live in Bratislava and Košice. According to the speakers, 56,000 Czech-speakers live in Slovakia, although the figure constantly changes. Of course, many mixed marriages have taken place. According to the results of the 2001 census (see p. 7 of the initial periodical report), 44,620 members of the Czech minority currently live in Slovakia.

Bulgarian

26. The first wave of Bulgarian-speakers arrived in Slovakia at the end of the XIXth century. These were especially gardeners, who moved to Slovakia, Hungary and Austria at the time of the Austro-Hungarian empire. The second wave arrived in the 1920s and 1930s.

27. According to the results of the 2001 census (see p. 7 of the initial periodical report), 1,179 members of the Bulgarian minority currently live in Slovakia. During the "on-the-spot" visit, the Bulgarian-speakers actually provided a different figure (1,578) and indicated in any event that the real figure is probably 2 or 3 times higher. It was reported to the Committee of Experts that the language has remained alive, in spite of many mixed marriages. 48% of the Bulgarian-speakers live in Bratislava, whereas the others are dispersed

in the rest of the country, with some descendants of the old gardeners being present in particular in the Košice area.

Polish

28. According to the information provided to the Committee of Experts during the “on-the-spot” visit, historically only a very small portion of Northern Slovakia overlapped with Poland. This is also where a relatively more concentrated presence can be found. The rest of the Polish-speakers are dispersed throughout Slovakia. Other Polish-speakers moved to Slovakia from Northern Moravia (located in the Czech Republic), where the Polish language is traditionally present.

29. According to the results of the 2001 census (see p. 7 of the initial periodical report), 2,602 members of the Polish minority currently live in Slovakia. This figure corresponds roughly to that indicated by the speakers during the “on-the-spot” visit.

Croatian

30. According to the information at the Committee of Experts’ disposal, the first Croatian-speakers came to Slovakia in the XVIth century and settled in several dozens of western Slovak communities. and assimilated with the local population in a relatively short period of time. Today, the Croatian population is concentrated mainly in four villages near Bratislava: Čuňovo, Devínska Nová Ves, Chorvátsky Grob and Jarovce.

31. According to the results of the 2001 census (see p. 7 of the initial periodical report), 890 members of the Croatian minority currently live in Slovakia – with a decreasing trend.

1.4. General issues arising from the evaluation of the report

32. The co-operation with the Slovak authorities has been excellent at all stages of the monitoring process.

33. Slovakia has devised a very ambitious instrument of ratification. The Committee of Experts recognises in particular as a significant political gesture the protection of the Romany language under Part III.

34. Slovakia decided to enter into Part III undertakings also with regard to a number of languages which are particularly dispersed throughout the country. These languages are Bulgarian, Croatian, Czech and Polish. The Committee of Experts appreciates the will of the Slovak authorities to extend the protection granted by the Charter also to these languages. However, the fact that their speakers are scattered throughout the country and rarely present in concentrated numbers makes the application of Part III of the Charter to these languages particularly difficult. Although in the case of Croatian the Slovak Government indicated one area, near Bratislava, where this language seems to be present in a slightly more concentrated manner (see para. 27 above), a proper monitoring of the implementation of Part III with regard to the languages in question requires the Slovak authorities to assess in what areas of the country their speakers are present in sufficient numbers for the purpose of the undertakings that Slovakia entered into under Part III (see, mutatis mutandis, the second report on the implementation of the Charter by Hungary, ECRML 2004 (5), esp. para. 18 and finding E.). These difficulties are reflected by the fact that on several undertakings very little information was provided to the Committee of Experts by the Slovak authorities. For the time being, the Committee of Experts will therefore make only a summary evaluation of the fulfilment of Part III undertakings concerning these languages.

The Committee of Experts encourages the Slovak authorities to carry out a detailed assessment with a view to identifying the areas where Bulgarian-speakers, Croatian-speakers, Czech-speakers and Polish-speakers are present in sufficient numbers for the purpose of the undertakings that Slovakia entered into under Part III of the Charter with regard to these languages. The Slovak authorities are encouraged to provide the results of this assessment to the Committee of Experts in their next periodical report.

35. An additional issue characterising the application of the Charter in Slovakia is related to the Slovak legal framework. The Committee of Experts has found a number of cases where the Law on the Official Use of the Slovak Language (No. 270/1995) seems to be at odds with the obligations that Slovakia entered into when it ratified the Charter. In some cases, there is even a problem of consistency vis-à-vis other pieces of Slovak legislation. A certain degree of fulfilment may nevertheless occur in practice but without the benefit of a clear legal basis (see for example paras. 212 - 213 and 288 – 290 below).

36. It is true that at the time of the deposit of the instrument of ratification (5 September 2001) Slovakia made three declarations intended precisely to avoid conflict between the Charter obligations and relevant domestic legislation. In particular, the following declarations were made:

“The Slovak Republic interprets Article 8, paragraph 1.e.i, as relating to the training of teachers, theologians, cultural and education workers without prejudice to teaching in the official language, it being understood that the majority of teaching subjects, including the profile ones, will be conducted in the minority language, respecting the legislation of the Slovak Republic in the field of higher education institutions.”

“The Slovak Republic declares that Article 10 paragraph 1.a.ii, Article 10 paragraph 2.a, and Article 10, paragraph 3.b, shall be interpreted without prejudice to the use of the official language pursuant to the Constitution of the Slovak Republic and in accordance with the legal order of the Slovak Republic.”

“The Slovak Republic declares that Article 12, paragraph 1.e, and Article 13, paragraph 2.c, shall be applied provided that the effects of their application are not in conflict with other provisions of the legal order of the Slovak Republic on prohibition of discrimination of the Slovak Republic citizens in labour law relations on the territory of the Slovak Republic.”

37. However, given that pursuant to its Article 21 para. 1 the Charter only admits reservations to paragraphs 2 to 5 of Article 7, the above declarations constitute simple interpretative declarations. As such, they cannot modify the legal effects of the Charter provisions to which they refer, as interpreted by the Committee of Experts, which is the authoritative body in charge of interpreting the Charter and monitoring its implementation.

38. When considering the Charter provisions mentioned in the said declarations, the Committee of Experts has duly taken into account the principle embodied in the Preamble to the Charter, according to which “the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them”, as well as Article 4 para. 1 of the Charter, which provides that “(n)othing in this Charter shall be construed as limiting or derogating from any of the rights guaranteed by the European Convention on Human Rights”.

39. As noted, the aim of the said declarations is to avoid conflict between the relevant Charter obligations and the related domestic provisions. However, the Committee of Experts has found several instances where the implementation of the domestic legislation contravenes the Charter provisions.

1.5 Particular issue concerning the 20% threshold

40. Another declaration appended to the instrument of ratification reads as follows: «pursuant to Article 1, paragraph b, of the Charter, (...) the term “territory in which the regional or minority language is used”, also regarding the application of Article 10, shall refer to the municipalities in which the citizens of the Slovak Republic belonging to national minorities form at least 20 % of the population, according to the Regulation of the Government of the Slovak Republic N. 221/1999, dated 25 August 1999». This regulation implements Section 2 para. 1 of Act No. 184/1999 on the Use of Minority Languages. This Act restricts the practical exercise of the right of regional or minority language speakers to use their language in official contacts with the authorities, by confining it to the territory of municipalities where persons belonging to a national minority represent at least 20% of the population (according to the latest census).

41. A literal reading of this declaration would suggest that only those municipal territories where the minority represents at least 20% of the population will be covered by the Charter. In other words, it would seem that what the declaration made by Slovakia aims at is that 20% is the «number of people justifying the adoption of the various protective and promotional measures provided for in the Charter», which Article 1 para. 1.b of the Charter refers to with a view to defining the «territory in which the regional or minority

language is used». Consequently, where there is less than 20%, the language would not get protection under the Charter. This would apply both to Article 7 para. 1 of the Charter, where implementation is required «within the territories in which such languages are used», as well as to the various Part III undertakings the scope of which is geographically limited.

42. The adoption of this approach in the declaration appended to the Slovak instrument of ratification would amount in substance to a territorial reservation, as such incompatible with the Charter (see para. 134 of the explanatory report). In ratifying, the matters of real choice for the authorities are (1) the languages to be covered under Part III (see Article 2 para. 2 of the Charter) and (2) the undertakings to be entered into under Part III (the choice of which should of course take account of the situation of the language in the territories concerned; see para. 79 of the explanatory report). As far as the territories are concerned, what the State authorities are required to do is to assess, from a factual point of view, on a language-by-language basis, what are the territories where speakers of the languages concerned, including those selected under Part III, are present in sufficient numbers, irrespective of the 20% threshold, for the purpose of the application of the various undertakings entered into under the Charter. This assessment has to be made irrespective of the threshold of 20%, which in any case appears to be too high (in other words, the number of people justifying protection measures under the Charter would commonly be well below this percentage). The assessment may of course be challenged by the Committee of Experts if it produces consequences contrary to the spirit of the Charter (for example if a territory where a language has a significant presence does not appear in the list; see para. 35 of the explanatory report and as examples, the Committee of Experts' second report on Croatia (paras. 51 – 62), and its first report on Spain (paras 64 – 74).

43. However, in response to a specific question that the Committee of Experts addressed to the Slovak authorities in this respect, the latter clarified that the 20% threshold applies exclusively to the use of regional or minority languages in the dealings with the administration and this criterion is not decisive in other areas covered by the Charter. This presents a further complication, since Article 10 does not use the expression «territory in which the regional or minority language is used». Article 10 refers to administrative districts, and the territories of local and regional authorities, where «the number of residents who are users of the regional or minority languages is such as to justify the measures specified below».

44. Even limited to the field of Article 10 of the Charter, the operation of such a high threshold can be regarded as an obstacle to the implementation of the Charter obligation in all those cases where the speakers represent less than 20% of the municipal population but are nevertheless present in sufficient numbers for the purpose of the undertakings entered into by Slovakia under Article 10, as in these cases there is no obligation under Slovak law upon the authorities to provide for the use of regional or minority languages in this area, whereas under the Charter there is such an obligation.

45. An additional problem may come from the fact that it may happen that in the course of time the number of a regional or minority language speakers in a municipality moves below or above the 20% threshold. It is clear that this may hamper a consistent and constant implementation of the language policies in this field. Thus a comparison of the two lists of the municipal territories concerned, drawn up respectively in 1991 and 2001, shows for example that the number of municipalities qualifying under the 20% threshold decreased from 512 to 504 in the case of the Hungarian-speaking minority and from 57 to 54 in the case of the Romany-speaking minorities. In the case of the German-speaking minority the number (1) remained unchanged, but it was a different municipality that was concerned in 2001.

46. Finally, there does not appear to be a single occurrence where the Bulgarian, Croatian, Czech and Polish languages reach the 20% threshold. Consequently, in the case of these languages, applying the 20% threshold deprives them of any protection at all under Article 10 paras. 1 to 4, thus undermining the ratification of the Charter.

47. In conclusion, although the Committee of Experts takes note of the way in which the Slovak authorities apply the 20% threshold, i.e. with regard exclusively to the use of regional or minority languages in dealings with the administration, the existence of the said threshold in this area will not exclude an examination of its practical consequences in relation to the fulfilment of the undertakings that Slovakia entered into under Article 10 of the Charter. Since therefore Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by Slovakia under Article 10, the monitoring work of the Committee of Experts would be facilitated if the Slovak authorities could provide it with an assessment of where such a sufficient number of speakers is traditionally present in all those cases which do not fulfil the 20% requirement.

The Committee of Experts encourages the Slovak authorities to assess in what areas the regional or minority language speakers are traditionally present in sufficient numbers for the purpose of the undertakings entered into by Slovakia under Article 10, in all those cases not qualifying under the 20% requirement, and to apply Article 10 in those areas.

Chapter 2 The Committee of Experts' evaluation in respect of Parts II and III of the Charter

2.1 The evaluation in respect of Part II of the Charter

Article 7 – Objectives and principles

"Paragraph 1

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

- a the recognition of the regional or minority languages as an expression of cultural wealth;"***

48. Article 34 para. 1 of the Slovak Constitution states that "(c)itizens forming national minorities or ethnic groups in the Slovak Republic shall be guaranteed their full development, particularly the right to develop their own culture together with other members of the minority or ethnic group, the right to disseminate and receive information in their mother tongue, the right to associate in national minority associations, and the right to establish and maintain educational and cultural institutions". Paragraph 2 of this provision also guarantees to national minority members "a) the right to education in their own language; b) the right to use their language in official communications, c) the right to participate in the solution of affairs concerning national minorities and ethnic groups". Furthermore, the Preamble to Act No. 184/1999 on the Use of Languages of National Minorities acknowledges and appreciates "the significance of the mother tongues of the citizens of the Slovak Republic who belong to a national minority, as a manifestation of the cultural heritage of the state". The Committee of Experts considers that these provisions represent an optimal compliance with the present obligation from a formal perspective.

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

49. It was reported to the Committee of Experts that some administrative divisions may lead to a situation where a group of speakers, by being cut off from a bigger area of settlement for the language concerned, is prevented from attaining on its own the 20% threshold and is therefore left out of the framework of protection of the language with regard to dealings with the administrative authorities. The information provided to the Committee of Experts by official sources refers in particular to the effects of Act No. 221/1996 on the Territorial and Administrative Division of the Slovak Republic.

50. The Committee of Experts has already observed that the 20% rule cannot be invoked to prevent the relevant obligations under the Charter from being operational where the speakers are traditionally present in sufficient numbers, irrespective of the said threshold and therefore even below 20%, for the purpose of the undertakings entered into by Slovakia under Article 10 paras. 1 to 4 of the Charter (see paras. 40 - 47 above). In other words, an administrative division which has the effect of bringing the percentage of regional or minority language speakers below the 20% threshold does not affect the operation of the relevant obligations under the Charter if in the territory concerned the speakers are present in sufficient numbers for the purpose of those undertakings. From the statistics provided by the Slovak Government (see Appendix II of the initial periodical report), this appears to be the case in many instances.

51. However, it is nevertheless possible that as a result of administrative divisions a group of speakers in a given territory is no longer present in sufficient numbers even for the purpose of the relevant undertakings entered into under the Charter, whereas it would have been present in sufficient numbers if its territory had been attached to the adjacent administrative unit where the main group of speakers in that region is traditionally present. Furthermore, it cannot be ruled out that the administrative division makes the implementation of certain undertakings under the Charter more difficult, even where the speakers in the "detached" territory are present in sufficient numbers for the purpose of the Charter undertakings. The Slovak authorities are therefore encouraged to address the issues mentioned in this paragraph and to report back on them to the Committee of Experts in their next periodical report.

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

52. The Committee of Experts refers to its evaluation under Part III of the Charter. However, due account must be taken of the fact that the State Language Act, which, as it will be seen, contains several restrictive clauses for the use of regional or minority languages, has not yet been modified.

"d the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;"

53. The Committee of Experts refers to its evaluation under Part III of the Charter.

"e the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;"

54. Concerning the maintenance and development of links between the various groups of speakers of the same language living on different territories, the additional information provided by the Slovak Government refers to the activities of various organisations, which seem to be supported by the authorities and which represent the various groups of regional or minority language speakers in Slovakia: these are the Union of Ruthenians and Ukrainians in Slovakia, the Carpathian Germans' Association, the Bulgarian Cultural Association, the Cultural Union of Croats in Slovakia, and the Polish Club in Bratislava.

55. However, during the "on-the-spot" visit the Committee of Experts received complaints according to which the Ruthenian-speakers are still identified as Ruthenian-Ukrainian, which (according to the Ruthenian-speakers) has never existed. According to the Ruthenian-speakers, this has led to a process of "Ukrainianisation", which has increased their feeling of inferiority. The problem was thus stressed that the authorities have tended and still tend to support events by targeting the Ukrainian and Ruthenian-speakers jointly. The Committee of Experts considers that recognition of Ruthenian as a specific language is conducive to its effective protection and that it also requires that links between Ruthenian-speakers living in Slovakia are maintained and developed through a specific cultural association to represent the Ruthenian-speakers as such.

The Committee of Experts encourages the Slovak authorities to support the establishment of a cultural organisation of Ruthenian-speakers.

56. As to the establishment of cultural relations between the various groups of regional or minority language speakers living in Slovakia, the instances referred to in the relevant parts of the evaluation of the application of Article 12 of the Charter, and particularly the Committee for the transfer of earmarked funds intended to support the culture of national minorities, seem to contribute to playing the role which is relevant for the present undertaking. A National Minority Radio Broadcasting Association, located in Bratislava, also exists. The Committee of Experts considers that this second aspect of the present obligation seems to be complied with.

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

57. The Committee of Experts refers essentially to its evaluation under Part III of the Charter. However, the specific situation of the Romany language requires some preliminary remarks in the context of the basic obligation embodied in the present provision of Article 7 of the Charter.

58. The information gathered by the Committee of Experts during the "on-the-spot" visit suggests that the competent educational authorities in the field are for the most part still pursuing a fundamentally assimilatory approach with regard to education for Roma in Slovakia. Romany-speaking teachers' assistants at pre-school level are intended to facilitate this approach. The Slovak school authorities' main argument in this respect is that the Romany-speakers themselves give priority to their children having a full command of the Slovak language in order to have better chances than their parents to get fully integrated into the Slovak society, particularly from an economic point of view. However, many Slovak school authorities are in fact reluctant to introduce teaching of or in Romany and on the other hand many Roma parents are not aware of

their rights. Furthermore, the Roma parents, and especially those living in the Roma settlements, find themselves in a position of social and economic inferiority which can hardly encourage them to claim a more active protection of their linguistic and cultural heritage. In any event, in some cases the educational authorities are not catering at all for the demand of those parents in the Roma settlements who have expressly stated their wish that their children receive some amount of teaching of or in Romany (see also para. 93 below). Indeed, the Committee found that the wishes of these parents were being deliberately obstructed.

59. The Committee of Experts recalls in the first place that the Charter does not question at all the need to acquire an adequate command of the State's official language(s). Indeed, the Preamble to the Charter states explicitly that "the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them". Furthermore, the wish of the Romany-speakers to see their children successfully integrated in the Slovak society is fully understandable and deserves the maximum support, taking special account of the unfavourable economic, social and political conditions from which Roma have suffered for centuries in most European countries. However, integration should not be confused with assimilation and all the information at the Committee of Experts' disposal indicates that full recognition of the linguistic and cultural specificities of Roma is conducive to their successful integration in the society. Furthermore, language policy experts confirm that acquiring multiple linguistic skills from a very early age, or even better as a mother-tongue bilingual speaker, enhances the child's intellectual and linguistic ability. This, however, presupposes the recognition in particular by the school authorities of such an added-value, which is presently not yet the case in Slovakia, especially as far as the Romany language is concerned. In fact, many school authorities in Slovakia tend to perceive the Romany language as an obstacle rather than an asset of linguistic and cultural richness for those who speak it.

60. The development of a curriculum for the Romany language is an essential step. During the "on-the-spot" visit, the Committee of Experts was informed that projects are currently taking place in a number of schools with a view to developing a curriculum for each grade. This process might take up to 9 years and during the "on-the-spot" visit the competent Slovak authorities plainly admitted that they could not predict when the Charter provisions could be implemented with regard to the Romany language. The Committee of Experts considers this delay unjustified and is of the view that concrete measures should be taken with a view to introducing a curriculum for the Romany language in all schools concerned at a much earlier stage than that foreseen by the above-mentioned project.

61. The Committee of Experts was also informed that there is a clear attitude of segregation towards Roma children from Roma settlements and discrimination against Roma on the part of the management of schools. Furthermore, during the "on-the-spot" visit the Committee of Experts was informed that the practice still exists of enrolling Roma children who fail some linguistic criteria in Slovak at pre-school level in schools for children with special needs. As a matter of fact, the great majority of the 32,000 children currently placed in such schools come from the Roma community and in the vast majority of the cases the placement was decided solely on the basis of an insufficient knowledge of Slovak. This practice infringes basic human rights, has disastrous effects on the development of the children concerned and their future integration into the society, is totally contrary to the principle of the Charter that regional and minority languages should be treated with dignity and respect, and must be stopped without delay (see also the second evaluation report on the implementation of the Charter by Hungary, ECRML 2004 (5), para. 46).

62. In conclusion, the Committee of Experts, on the basis of the information at its disposal and of the views that it has gathered from language policy and Roma experts, is convinced that integration of the Romany-speaking people into the Slovak society implies inclusion of teaching of and in Romany in the Slovak school system (see also the first evaluation report on the implementation of the Charter by Hungary, quoted above, para. 48).

63. The Committee of Experts acknowledges that measures of a social and economic nature are equally necessary to allow the Roma to get fully integrated in the Slovak society. The Committee of Experts thus took note with interest of the measures that were presented to it during the "on-the-spot" visit, with a view to "de-segregating" the Roma communities and fostering their active participation in economic life (including a noteworthy project run by the Ministry of Economy and aimed at financing economic initiatives run by Roma business persons), taking special account of the huge and unacceptable unemployment rate among Roma. This is of course a long-term process. However, the teaching of the Romany language and culture is a very positive measure to strengthen the self-esteem of the Roma population which facilitates a more active participation in socio-economic life. An essential part of this endeavour is to fully recognise the value of the education of Roma pupils in a way that allows or encourages them to maintain and/or develop their command of the Romany language.

The Committee of Experts encourages the Slovak authorities to:

- give clear instructions to the head teachers on the obligations arising from the Charter in the field of education and on the resulting measures aimed at providing teaching of and in Romany at the various stages;***
- accelerate the implementation of a curriculum for the Romany language;***
- abolish without delay the practice of unjustified enrolment of Roma children in special schools;***
- raise awareness among Roma parents and school authorities about the rights of Roma parents and children and about the advantages of bilingualism.***

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

64. According to the additional information provided by the Slovak Government, there are no specific measures aimed at providing facilities enabling non-speakers to learn a regional or minority language spoken in Slovakia if they so desire. It was indeed confirmed to the Committee of Experts, during the "on-the-spot" visit, that no structural approach exists.

65. The Committee of Experts observes that the present obligation is of great importance with a view to fostering mutual understanding and is therefore relevant also from the point of view of Article 7 para. 3 of the Charter (see paras. 77 - 84 below). The Slovak authorities are clearly not complying with the present obligation.

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

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

66. The Committee of Experts refers to its evaluation under Part III of the Charter concerning the provision of education at university level as far as the Hungarian, Ukrainian, Czech, Bulgarian, Polish and Croatian languages are concerned. Romany, Ruthenian and German require specific observations in the context of the present obligation.

67. As far as Romany is concerned, it must be noted that Romany in Slovakia was codified in 1971 on the basis of the dialect spoken in Eastern Slovakia. In spite of this, during the "on-the-spot" visit the Committee of Experts was informed of persisting difficulties linked to an alleged lack of codification and relating in particular to the difficulties some school assistants have in communicating with Roma children of a particular settlement speaking the settlement's dialect.

68. According to the best available expertise on the Romany language, linguistic pluralism within the Roma society is a reality and must be supported since that corresponds to how the Romany speakers are socially structured. However, such linguistic variation is quite consistent with the existence of a written form, which is certainly important in the fields covered by the Charter and which is after all being sought by the speakers themselves. Slovakia must therefore be praised for achieving an objective, the codification of a written form, that other countries have not yet attained. The linguistic pluralism characterising Romany-speakers should therefore not be seen as an obstacle but as a distinctive feature of the linguistic richness, flexibility and dynamism of the Romany language. Efforts should therefore be made to adapt to such linguistic variation, for example by recruiting school or administrative assistants among the Romany-speakers living in the settlement that is going to be targeted by the relevant school or administrative activities. This is likely also to have positive side-effects on breaking the isolation of Romany-speakers by offering them the opportunity of getting public jobs.

69. Furthermore, codification efforts would be greatly facilitated if they were supported at European level, by coordinating in a European context the action that individual countries are taking in this respect. In other words, it would be more efficient, cost-effective and eventually cheaper for each State if flexible codification tools, that could be made adaptable to different local varieties of Romany, and teaching materials could rely on a European coordinated financial and technical effort.

The Committee of Experts encourages the Slovak authorities to:

- overcome local difficulties linked to the pluralism of the Romany language by ensuring that the different varieties of the Romany language spoken in Slovakia are represented among the staff concerned, particularly in the field of education and administration;***
- contribute to developing a European initiative aimed at coordinating and financing adaptable codification tools and teaching materials at European level.***

70. As far as Ruthenian is concerned, this language has been codified in Slovakia since 1995, which again places Slovakia at an advanced stage, given that in other States where Ruthenian is spoken the language is still struggling with the difficulty of lacking a proper codification. The work of codification followed the example of the process which led to the codification of Romansh in Switzerland (on the basis of the spoken form of the most widely used dialects in Slovakia, namely the Western and Eastern Zemplín dialects). A number of teaching materials have been drawn up accordingly. According to the additional information provided by the Slovak Government, work should begin with a view to standardising a single language for all Ruthenian-speakers.

71. During the "on-the-spot" visit it was reported to the Committee of Experts that there is still no university department devoted to the Ruthenian language and culture, although Ruthenian is taught as a higher education subject (see para. 385 below). However, the additional information provided by the Slovak Government refers to a project run by the Prešov University and aimed at launching a study programme entitled "Ruthenian language and culture". Its opening is expected in the 2005/2006 academic year providing that the accreditation is successful. The Committee of Experts is looking forward to being informed, in the next periodical report, of the outcome of this project.

72. Finally, education in the German language is provided by various universities in Slovakia (see para. 301 below). The Committee of Experts took note with interest, during the "on-the-spot" visit, that efforts are being made by universities in Germany to preserve the old forms of German still spoken in Slovakia .

"i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States."

73. The Committee of Experts refers in the first place to its evaluation under Article 14 of the Charter. The additional information provided by the Slovak Government also mentions the following exchanges:

- exchanges of persons working on joint projects between the Slovak Republic and Germany planned for 2005/2006;
- programme of co-operation between the Ministry of Education of the Slovak Republic and the Ministry of Education of the Republic of Hungary in the field of education, science, sports and youth;
- programme of co-operation between the Ministry of Education of the Slovak Republic, Ministry of Education and Sports of the Republic of Croatia and the Ministry of Science and Technology of the Republic of Croatia for the 2000/2001, 2001/2002, 2002/2003 and 2003/2004 academic years;
- protocol between the Ministry of Education of the Slovak Republic and the Ministry of Education, Youth and Sports of the Czech Republic on co-operation in the field of education, youth, physical culture and sports for 2002-2006;
- programme of co-operation between the Ministry of Education of the Slovak Republic and the Ministry of National Education and Sports of the Republic of Poland for 2003-2006;
- the intergovernmental agreement of December 1993 establishing the Central European Exchange Programme for University Studies ("CEEPUS") and involving the following countries: Austria, Bulgaria, the

Czech Republic, Croatia, Hungary, Poland, Slovakia and Slovenia; in Slovakia this programme is implemented on the basis of Governmental Resolution No. 711 of 13 July 1994.

74. However, the Committee of Experts was not informed of any exchanges with Ukraine. The Committee of Experts was not informed either of any exchanges in relation to Romany with other countries where the Romany language is also spoken. The Slovak authorities are therefore encouraged to provide information on these two points in their next periodical report.

75. Furthermore, the Committee of Experts is of the view that considering that the Ruthenian language does not enjoy support from a State where it is a majority official language, and that this language is spoken in several countries of central and Eastern Europe, co-operation between these countries could be useful in particular with regard to teacher training and the development of teaching materials (in this respect cf. also the second evaluation report on the application of the Charter by Croatia, quoted above para. 33). The Committee of Experts therefore asks the Slovak authorities to provide information, in the next periodical report, on measures taken to promote transnational exchanges with the other countries where Ruthenian is spoken (for example Hungary, Croatia and Ukraine, to begin with).

"Paragraph 2

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

76. The Committee of Experts has found a number of instances where the State Language Act (Act. No. 270/1995) expressly imposes the use of Slovak, thus discouraging the use of regional or minority languages in the relevant areas (see in particular para. 288 below). A modification of the law is necessary to bring it into conformity with the obligations under the Charter.

The Committee of Experts encourages the Slovak authorities to take the necessary steps to remove the clauses of Act No. 270/1995 which lead to unjustified distinction, exclusion, restriction or preference relating to the use of regional or minority languages in Slovakia.

"Paragraph 3

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

77. The Committee of Experts recalls first of all that experience proves that the extent to which a minority language is protected or promoted is linked to how it is received or perceived by majority language speakers. Indeed, regional or minority language protection or promotion is, in many respects, a reflection of the majority's approach and perception. As a result, awareness-raising with the majorities is of the utmost importance. This aspect may also concern the majority at the local level. As indicated by Article 7 para. 3 of the Charter, two fields are especially relevant in this respect: education and the media (see for example the first evaluation report on the implementation of the Charter by Spain, ECRML (2005) 4, para. 182, and the second evaluation report of the Committee of Experts on the implementation of the Charter by Croatia, ECRML (2005) 3, para. 39).

78. In the field of media, the additional information provided by the Slovak Government mentions in the first place the European Community's PHARE programme and in particular its part devoted to minority tolerance. One of its sub-programmes was indeed the "Public Information Campaign on Minorities in the Media", focusing on promoting tolerance towards minorities by means of a public information campaign presented in the electronic media. The programme consisted of the preparation of a series of short documentaries on the

European models of co-existence with minorities, including minorities living in Slovakia. The documentaries and debates were broadcast in the public media. In 2002 Slovakia also co-financed other accompanying activities aimed at increasing the campaign's efficiency, such as advertising on documentaries and discussions (both on radio and television), press conferences, posters, free cards, printed T-shirts, VHS, educational material to be distributed in schools, photographs and a CD-ROM. Some concrete examples of these materials were provided to the Committee of Experts during the "on-the-spot" visit.

79. The additional information provided by the Slovak Government refers also to the launching of the third Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance for 2004/2005.

80. The Committee of Experts observes that this is a crucial but long-term process for regional or minority language protection. The fundamental goal is to lead the majority population to respect and value the fact that regional or minority language speakers form part of the linguistic and cultural heritage of the State *with* their different languages and cultures.

81. The Committee of Experts acknowledges the above-described initiatives but underlines, at the same time, that awareness-raising with the Slovak-speaking majority population requires constant efforts in both the educational and the media field. After all, even in the latter field, which seems to be the one that has received most attention from the Slovak authorities so far, the information collected by the Committee of Experts during the "on-the-spot" visit points to an unsatisfactory overall perception of regional or minority languages by the Slovak-speaking majority population (specific remarks concerning the Romany language will follow below). Furthermore, a lot of work still remains to be done in the educational field, given that the curriculum does not seem to contain explanations to the majority Slovak-speaking pupils as to why regional or minority language speakers in Slovakia are traditionally present in Slovakia and "at home" there just as much as the majority. It does not seem that information on the linguistic and cultural features of this traditional presence is structurally included either. The Committee of Experts nevertheless took note with interest of some projects to which the Slovak authorities made reference during the "on-the-spot" visit, such as the current attempt of the Ministry of Education to introduce multicultural education and the preparation of a common Slovak-Polish history book covering the North-East of Slovakia, as well as a book on the history of minorities. In this respect, the Slovak authorities should also refer to the Council of Europe Committee of Ministers' Recommendation Rec(2001)15 adopted on 31 October 2001 on history teaching in twenty-first-century Europe (see in particular point No. 4 of the Appendix, concerning the Syllabus content).

82. As far as Ruthenian in particular is concerned, the Committee of Experts is of the view that a great effort is needed by the Slovak authorities to portray this language in a different and above all specific manner, namely by helping it acquire its own identity vis-à-vis the Ukrainian language. The Slovak authorities can support the Ruthenian speakers in many ways, first of all by individualising the institutional representation of the Ruthenian-speakers (see also para. 54 - 55 above and paras. 85 - 87 below).

83. As far as the Romany language is concerned, the Committee of Experts does not underestimate the importance of the objective of integrating Roma into the Slovak society. However, the Committee of Experts rejects the notion that loss of the Romany language and culture is the means (or the price to be paid) for achieving this objective. In fact, the current strong tendency in Slovakia to integrate Romany speakers through *de facto* assimilation seems to be more the consequence of a general negative attitude towards Romany culture, which has old historical roots and which still appears to be strong in Slovakia, rather than an inevitable corollary to realistic integration. In other words, a different general context, more inspired by acceptance vis-à-vis the Romany language and culture, which could certainly be fostered by positive measures, could make it possible to achieve integration while at the same time preserving the language and the culture. The wide-spread lack of self-esteem amongst the Roma population (as in other countries) adds another dimension to the problem, and is reinforced by disregard for the Romany language and culture. Attempts should therefore be made to reinforce the Romany culture image among the speakers and to considerably improve the image attached to Romany culture in the Slovak society in general. The Slovak authorities should therefore strive to improve the general attitude towards Romany language and culture in Slovak society just as much as they should deal more effectively with the genuine language policy issues (in this same sense see also the second evaluation report on the application of the Charter by Hungary, quoted above, para 48).

84. The Committee of Experts wishes to point to a fundamental aspect concerning awareness-raising on the Romany language and culture. The reality is that in many European countries the Romany language and culture are still perceived, by the majority population, as a "foreign body". Assimilatory approaches, in the best

case, are the result of this persistent perception. However, there are also some positive examples of changing attitudes in several States Parties to the Charter.

The Committee of Experts encourages the Slovak authorities:

- to strengthen the efforts in the field of education and media devoted to raising the awareness of the Slovak-speaking majority population about all the regional or minority languages spoken in Slovakia;***
- to promote the acceptance by the Slovak-speaking majority population of the Romany language and culture as an integral part of Slovak history, society and cultural heritage;***
- to concretely promote the specificity of the Ruthenian language.***

"Paragraph 4

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

85. According to the information provided to the Committee of Experts, the Council of the Government of the Slovak Republic for National Minorities and Ethnic Groups (established by Resolution No. 27 of 17 January 2001) is the relevant body in this regard. The Council is considered to be a self-governing authority of national minorities. According to its statute, the Council is an advisory initiative and co-ordination body of the Government in the field of State policy on national minorities. The Section of Human Rights and Minorities of the Office of the Government serves as the Council's secretariat. The Council's agenda included a number of items ranging from the implementation of the Government's policies to the adoption of relevant legislation, including the ratification of the Charter.

86. During the "on-the-spot" visit, the Committee of Experts received complaints concerning the effectiveness of such a body. Its meetings are considered to be too infrequent by some of the speakers (4 per year in principle, plus possible ad hoc meetings convened by the chairman) and the wish was expressed that the Council meetings should take place more often, as some issues may evolve quickly. The Ruthenian-speakers in particular considered consultation to be inadequate.

87. The Committee of Experts considers that the role of the said Council and the method of appointment of its members, who are nominated by the regional or minority language groups themselves, fulfils in principle the requirements of the present obligation. However, the Committee of Experts would welcome comments by the Slovak authorities, in the next periodical report, on the above-mentioned complaints.

"Paragraph 5

The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned."

Romany

88. Owing to the choice of the Slovak Government, which deserves special praise, to protect Romany under Part III as a territorial language, this provision does not apply to Romany in the case of Slovakia.

Yiddish

89. It was made clear to the Committee of Experts, during the "on-the-spot" visit, by representatives of the Jewish community in Slovakia, that there is no interest, among the Jewish community in Slovakia, to revive Yiddish.

2.2 The evaluation in respect of Part III of the Charter

2.2.1 Evaluation of the application of Part III to the Romany language¹

Article 8 – Education

Preliminary remark

90. The Committee of Experts refers in the first place to the general points it has made in the field of education with regard to the application of Article 7 in the case of the Romany language (see paras. 57 – 63 and paras. 67 – 69 above). The following evaluation should therefore be read in the light of these points.

“Paragraph 1

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

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

91. According to the additional information provided by the Slovak Government, the network of nursery schools does not include any pre-school education using Romany as the language of instruction since parents have not asked for it. Romany is therefore used only as an auxiliary language at those nursery schools where the Phare 2000 and 2001 Mother and Child Project is being implemented. The Government also refers to the importance attached to engaging Roma children in pre-school education and to the fact that parents receiving social benefits are now entitled to reduced fees or to be exempted from any fees. The Slovak Ministry of Education also provided to the Committee of Experts the strategy paper entitled “Conception of Roma Children and Young People Integrated Education Including Secondary and University Education Development” (officially adopted by the Slovak Government in 2004 and available on line on the Charter website – www.coe.int/minlang, as an addendum to the initial periodical report), which contains detailed information on the implementation of the Phare integration programmes. However, this strategy makes no provision for teaching in or of the Romany language for Romany pupils and confines itself to mentioning the learning of the Romany language basics by those teachers who are supposed to work with Roma children (although it includes the general need to “exercise bilingual lessons (use of Roma language at lessons)” among its priority recommendations).

92. The Committee of Experts observes in the first place that the present undertaking is concerned with enabling Roma children to receive pre-school education (Article 8 para. 1.a.i) or a substantial part of it (Article 8 para. 1.a.ii) in the Romany language when families so request in a number considered sufficient.

93. During the “on-the-spot” visit, the Committee of Experts was informed by school authorities that parents are now firmly committed to their children learning the Slovak language and that they may even refuse songs and poetry in Romany being included in the programme. Romany-speaking assistants are nevertheless used to facilitate the children’s integration (although it was conceded that some of them have difficulties in communicating with the Roma children when they speak a dialect which is different from that of the particular settlement). Furthermore, social events involving Roma folklore are nevertheless organised. As noted in para 58 above, and detailed in para 94 below, the Committee is aware that in relation to other types of education in some cases the educational authorities are not catering at all for the demand of those parents in the Roma settlements who expressly stated their wish that their children receive some amount of teaching of or in Romany.

¹ The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by Slovakia.

94. The scarce information at the Committee of Experts' disposal does not enable it to assess what is the real demand of parents with regard to pre-school education, although during the "on-the-spot" visit the Slovak authorities themselves stated that if Roma parents were aware of their rights, which is rarely the case, the current offer could not cater for the parents' demand. The Committee of Experts stresses the importance of awareness-raising in this respect.

95. The Committee of Experts considers that this undertaking is not fulfilled.

The Committee of Experts encourages the Slovak authorities to inform the Romany-speaking population of the provisions of the Charter in relation to pre-school education and to provide facilities for pre-school education in Romany.

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

96. According to the additional information provided by the Slovak Government, starting from the 2003/2004 school year, testing of a Romany language and literature curriculum is taking place at two selected primary schools and at four selected secondary schools. This test is due to take place between 2003 and 2011 and responsibility for it lies with the State Pedagogical Institute in Bratislava. The Romany textbook called "Romany Čhib" (a copy of which was provided to the Committee of Experts during the "on-the-spot" visit) is already in use in this context. At secondary schools Romology will soon be taught as well. According to the Slovak authorities, the teaching of certain subjects in Romany will be feasible after the project's completion. The Slovak authorities mentioned in this respect too the strategy "Conception of Roma Children and Young People Integrated Education Including Secondary and University Education Development" (see para. 91 above). This document refers to Romany language teaching at primary and secondary school level according to three options: as an optional subject, as a compulsory subject (e.g. as a foreign language) or within the framework of "out-of-school" work.

97. The information received by the Committee of Experts during the "on-the-spot" visit seems to suggest that schools cannot be obliged to participate in the project, although this seems to have been extended in 2004. Furthermore, at primary school level, the Committee of Experts ascertained that in some cases, even if families request in significant numbers that education in/of Romany be provided to their children (93 parents out of 665 in the case witnessed by the Committee of Experts on-the-spot), the competent school authorities refuse to take measures to provide the requested education. In most primary schools in Slovakia enrolling Roma children, the Romany language and culture still seems to have a purely folkloristic presence.

98. With regard to secondary school education, a private grammar school has also started but the funding and the resources are insufficient. Furthermore, the lack of a curriculum affects this school too.

99. The Committee of Experts acknowledges the efforts of the Slovak Government but considers at the same time that a project involving only two primary schools and only four secondary schools is far too small with regard to the undertaking entered into and taking account of the size of the Romany-speaking population in Slovakia (see para. 14 above). The Committee of Experts is of the view that the necessary preparations must be considerably accelerated and that teaching of the Romany language must become an integral part of the curriculum in all the Slovak schools concerned at a much earlier stage than that envisaged by the Slovak Government. Furthermore, clear instructions must be sent from the Ministry of Education to all primary school

head teachers on the obligations resulting from the Charter with regard to the introduction of Romany in the curriculum. Cases where the local school authorities can at their discretion refuse to meet Roma parents' demand for Romany teaching should be dealt with and prevented without delay. Finally, account should be taken of the fact that, as was reported to the Committee of Experts during the "on-the-spot" visit, the Romany language and culture are still perceived as inferior and that there is a serious lack of awareness and information among Roma about their rights.

100. The Committee of Experts considers that the present undertaking is only partly fulfilled.

The Committee of Experts encourages the Slovak authorities:

- ***to accelerate the introduction of teaching of Romany as an integral part of the curriculum at primary and secondary school level;***
- ***to take urgent measures to cater already now for Roma parents' demand, namely by issuing clear instructions to all primary school head teachers;***
- ***to raise Roma parents' awareness on their rights in the field of education and of the Charter obligations, also by using the Romany language.***

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

101. According to the additional information provided by the Slovak Government, one of the four secondary schools concerned by the above-mentioned project is actually a vocational school (the Secondary School of Art in Košice). The information provided to the Committee of Experts also refers to a pilot-project for vocational training of Roma at four secondary vocational schools. However, it is unclear whether this project also includes teaching of the Romany language.

102. The Committee of Experts acknowledges the efforts of the Slovak Government but considers at the same time that an project involving only one technical or vocational school is far too little with regard to the undertaking entered into and taking account of the size of the Romany-speaking population in Slovakia (see para. 14 above). The Committee is of the view that the necessary preparations must be considerably accelerated and that teaching of the Romany language must become an integral part of the curriculum in all the Slovak schools concerned at a much earlier stage than that envisaged by the Slovak Government. Furthermore, clear instructions must be sent from the Ministry of Education to all vocational or technical school head teachers on the obligations resulting from the Charter with regard to the introduction of Romany in the curriculum. Cases where the local school authorities can at their discretion refuse to meet Roma parents' demand for Romany teaching should be dealt with and prevented without delay. Finally, account should be taken of the fact that, as was reported to the Committee of Experts during the "on-the-spot" visit, the Romany language and culture are still perceived as inferior and that there is a serious lack of awareness and information among Roma about their rights.

103. The Committee of Experts considers that the present undertaking is only partly fulfilled.

The Committee of Experts encourages the Slovak authorities:

- to accelerate the introduction of teaching of Romany as an integral part of the curriculum in technical or vocational schools;***
- to take measures to cater already now for Roma parents' demand, namely by issuing clear instructions to all school head teachers concerned;***
- to raise Roma parents' awareness on their rights in the field of education and of the Charter obligations, also by using the Romany language.***

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

104. According to the additional information provided by the Slovak Government, the Roma Culture Department at the University of Nitra was created in April 1990 with the original objective of training teachers of Roma children for the first level of primary schools. Other programmes have been added at a later stage but they focus primarily on social topics, with the aim of training in particular social assistants, although Romology basics (history, culture, traditions and customs) are a compulsory part of the curriculum. The Roma Culture Department has now branches in Spišská Nová Ves, Lučenec and Dunajská Streda. A number of other universities have prepared projects in the area of Roma studies. The Slovak authorities have also stated that the Romology subjects that are being taught in selected secondary schools will create the conditions for opening Romology university courses at the latest in 2006.

105. The fact remains however that Romany is not yet taught as a university and higher education subject, even though the strategy "Conception of Roma Children and Young People Integrated Education Including Secondary and University Education Development" (see para. 91 above) aims at encouraging universities to include Romany language studies. As was pointed out to the Committee of Experts during the "on-the-spot" visit, Romany is interestingly not mentioned in the Education Act (Act No. 29/1984, republished in the Act No. 350/1994 and amended by Act No. 334/2002), unlike other regional or minority languages in Slovakia. In the additional information it provided to the Committee of Experts, the Slovak Government makes a link between developing secondary school teaching of Romany and the developing of university education: after the completion of the current projects, the teaching of certain subjects in Romany will be feasible and by then university teachers for teaching Romany language and literature will be available. The Committee of Experts does not underestimate the difficulty of setting up a system of education in and of Romany at university level. However, the lack of teaching in/of Romany at university level has adverse effects on teacher training (see below), which has in its turn adverse effects on the capability of the system to provide enough qualified teachers allowing the development of education in/of Romany at all appropriate levels. This appears to be a vicious circle which must be interrupted by rapidly taking the appropriate measures at all levels. Furthermore, the expertise that is available in Slovakia in the field of the Romany language and culture, and which enabled Slovakia to codify Romany as early as 1971, should not make it too difficult to set up an appropriate provision of Romany as a university or higher education subject (although it was pointed out to the Committee of Experts, during the "on-the-spot" visit, that many experts from the Roma community itself stayed in the Czech Republic after the division of Czechoslovakia).

106. Finally, the Committee of Experts' attention was drawn to the fact that it is important that study of Romany as a university and higher education subject also includes the study of the varieties of Romany, with a view to enabling Romany-speaking students to gain the indispensable acquaintance with the linguistic pluralism which characterises the Romany language.

107. The Committee of Experts therefore considers that the present undertaking is not fulfilled.

The Committee of Experts encourages the Slovak authorities to develop the necessary facilities for the study of Romany as a university and higher education subject, covering also the study of the varieties of Romany.

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

108. No specific information was provided in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

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

109. Considerable progress has been made in this area with regard to the schools concerned by the above-mentioned projects, at primary and secondary levels (see paras. 96 – 100 above). The inclusion of Roma history and culture and the preparation of the related teaching materials is also foreseen in the strategy “Conception of Roma Children and Young People Integrated Education Including Secondary and University Education Development” (see para. 91 above). However, insofar as these developments only concern a very small number of schools where Roma children are enrolled, the Committee of Experts considers that the present undertaking is only partly fulfilled.

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

110. In the additional information it has provided, the Slovak Government states in particular that it has approved funding for two educational schemes (concerning pre-school education and primary schools) for Romany language lecturers. The Slovak Government also refers to the preparation of a pilot training course for Romany language and literature teachers for secondary school in co-operation with the Charles University in Prague, the Roma Culture Department of the University of Nitra and the State Pedagogical Institute in Bratislava. The duration of this programme will be 6 to 7 semesters and 30 students should complete the 2005-2007 course. These students should initially work as Romany language lecturers for further Romany language teachers.

111. According to the additional information provided by the Slovak Government, the methodical and pedagogical centre in Prešov, where the Roma Educational Documentation and Advisory Information Centre was created, regularly publishes methodical handbooks to assist teachers, but these appear to focus more on strictly pedagogical aspects concerning the specific situation of Roma children than on the Romany language teaching.

112. In any event, there clearly seems to be a lack of qualified teachers, as the authorities themselves admitted during the “on-the-spot” visit. Furthermore, a greater availability of teachers for the Romany language is expressly linked, by the Slovak authorities, to the official introduction of a curriculum for the Romany language once the above-mentioned projects have been completed (see paras. 96 – 100 above). If one also takes account of the insufficient character of the offer at university level (see paras. 66 – 69 and 104 - 107 above), this appears to postpone any serious measures in the field of teacher training to a very distant future. It is not to be expected that the Romany language will maintain itself on its own in the meantime.

113. Even though the Committee of Experts acknowledges that some efforts in the right direction are being made by the Slovak authorities, these remain largely insufficient compared to the actual needs of Romany language teaching. The Committee of Experts therefore considers that the present undertaking is only partly fulfilled.

The Committee of Experts encourages the Slovak authorities to intensify and accelerate their efforts in the field of basic and further teacher training for the Romany language.

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

114. No body specifically in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of regional or minority languages and drawing up public periodic reports of its findings appears to exist, in spite of the role played by the State Pedagogical Institute in Bratislava in monitoring the above-mentioned projects regarding primary and secondary school education (see para. 96 above). The Committee of Experts considers that this undertaking is not fulfilled.

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

Article 9 – Judicial authorities

115. As results from the examination of the preliminary issue relating to the 20% threshold (see paras. 40 – 47 above), Article 9 applies also to those areas where the number of Romany-speakers is less than 20% but is nevertheless sufficient for the purpose of the application of Article 9 of the Charter. This is acknowledged by the Slovak authorities themselves. Furthermore, as was confirmed to the Committee of Experts by official sources, court districts do not coincide with the territory of the municipalities to which the 20% threshold is applied.

“Paragraph 1

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

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

116. Section 2, sub-section 14 of the Code of Criminal Procedure stipulates that “(e)very person shall have the right to use his mother tongue before the criminal justice authorities”. Furthermore, according to Section 28 of the Code of Criminal Procedure, “(i)f there is a need to translate the content of a statement or a written document or if the accused declares that he does not have a command of the language of the proceedings, an interpreter shall be engaged; the interpreter may also act as the recorder”. According to the initial periodical report, these provisions apply also to the period prior to the beginning of criminal prosecution, notably to the

lodging of information on crime under Section 59 in connection with Section 158 para. 1 of the Code of Criminal Procedure.

117. However, in the additional information provided to the Committee of Experts the Slovak Government explicitly stated that interpretation into or from a regional or minority language is provided only if the accused does not have a sufficient command of the Slovak language.

118. Furthermore, section 55, para. 3 of the Code of Criminal Procedure stipulates as follows:

“Records of oral testimony from a person who does not have command of Slovak shall also be drawn up in Slovak; if a verbatim record of the testimony is necessary, the recorder or the interpreter shall also enter the relevant part of the testimony into the records in the language in which the testimony was provided.”

119. According to the relevant case-law, as reported in the initial periodical report (see p. 31 seq.), this means that an interpreter must be engaged and the related costs be borne by the State only if the person delivering the statement does not have a command of Slovak. Similarly, translation must be provided for any documentary evidence not in the Slovak language. In other words, requests and evidence in a regional or minority language, including Romany, do not seem to be admissible if the author has a command of the Slovak language.

120. No specific provision seems to exist in relation to written testimony or requests in any form.

121. The Committee of Experts considers that the exact scope of the mentioned right to use one’s mother tongue in criminal proceedings is not clear. Taking account of the practical information gathered during the “on-the-spot” visit, it appears that the judge, the prosecutor or the police will focus their attention on whether the accused is fluent enough in Slovak. If the accused is fluent enough in Slovak, then the judge nevertheless has discretion to grant him/her interpretation, and this seems likely to be granted. However, the fact remains that the right of the accused to use his or her regional or minority language irrespective of his degree of knowledge of Slovak does not seem to be clearly guaranteed. Furthermore, during the “on-the-spot” visit official sources reported to the Committee of Experts that summons do not mention linguistic rights, as it is assumed that they are known to everyone. The announcement of the accusation does include a mention of the general right to interpretation but the police officer concerned will simply assess whether the person *needs* an interpreter.

122. Finally, according to the information provided to the Committee of Experts during the “on-the-spot” visit, there is very little use of Romany in criminal court proceedings (essentially through ad hoc interpreters in those cases where Romany-speakers have an insufficient command of Slovak). There is after all only one court, the Banská Bystrica Regional Court, which has staff having some knowledge of the Romany language (see Appendix III of the initial periodical report). The Committee of Experts considers that these undertakings are not fulfilled in the case of Romany.

The Committee of Experts encourages the Slovak authorities:

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

“b in civil proceedings:

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

if necessary by the use of interpreters and translations;

c *in proceedings before courts concerning administrative matters:*

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

iii *to allow documents and evidence to be produced in the regional or minority languages,*

if necessary by the use of interpreters and translations;”

123. Section 18 of the Code of Civil Judicial Procedure stipulates as follows:

“The Parties shall participate in civil proceedings on an equal footing. They have the right to use their mother tongue in proceedings before court. The court shall have to provide them with equal opportunities to exercise their rights.”

124. Furthermore, Section 141, sub-section 2 of the Code of Civil Judicial Procedure provides that:

“The costs of evidence that are not covered by the security, as well as cash expenses incurred by the appointed counsel, who is not an attorney-at-law, and costs related to the use of the party’s mother tongue in the proceedings shall be borne by the State”.

125. According to the information provided in the initial periodical report (see p. 33), the above-mentioned provisions of the Code of Civil Judicial Procedure apply also to the proceedings before administrative courts.

126. The possibility of engaging an interpreter with no additional costs with a view to enabling a litigant in civil or administrative proceedings to use his/her mother tongue has also been confirmed by the case-law (see p. 33 of the initial periodical report). However, according to several sources, including official ones, these provisions represent an implementation in the civil (and administrative) proceedings of the general right to interpretation for non-speakers of Slovak, guaranteed by Article 47 para. 4 of the Slovak Constitution but which is not available to regional or minority language speakers who are also able to speak Slovak.

127. According to the information provided to the Committee of Experts during the “on-the-spot” visit, in practice there is no use of Romany in civil or administrative proceedings. There is after all only one court, the Banská Bystrica Regional Court, which has staff having some knowledge of the Romany language (see Appendix III of the initial periodical report).

128. The Committee of Experts considers that these undertakings are not fulfilled.

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

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

129. According to the information provided to the Committee of Experts during the “on-the-spot” visit, there is only one court in Košice which has approached the Romany-speakers with a view to providing interpretation during court proceedings. This makes it possible to use a sort of vernacular which is apparently of great practical use. Ad hoc interpreters may also be resorted to. However, these practical arrangements seem to target essentially those Romany-speakers who have an insufficient command of the Slovak language.

Therefore, in the light of the conclusions reached under Article 9 paras. 1.a.ii/a.iii/b.ii/b.iii/c.ii/c.iii above, the Committee of Experts considers that this undertaking is not fulfilled.

Article 10 – Administrative authorities and public services

Preliminary remark

130. In the light of the information received, the Committee of Experts is of the impression that it is in the sphere of the local branches of the State administration and of local authorities that the 20% rule is directly relevant. In respect of regional authorities, the relevant legislation therefore does not appear to apply, with the consequence that use of regional or minority languages is not formally permitted. Although the Slovak Constitution provides that “citizens belonging to national minorities or ethnic groups also have, under conditions defined by law, a guaranteed right to use their language in dealings with the authorities” (see Article 34 para. 2.b), the implementation of some of the relevant provisions is, under Slovak law, formally impossible below this threshold. There is consequently a formal barrier to proper fulfilment of these undertakings. The barrier represents an invalid territorial derogation from the Charter (see para. 37).

131. Apart from other problems, a proper implementation of the undertakings below inevitably presupposes the reconsidering of the 20% rule so that the relevant undertakings under Article 10 para. 1 and 2 of the Charter can be implemented also in those cases where the Romany-speakers represent less than 20% of the municipal population but are still traditionally present in sufficient numbers for the purpose of the undertakings entered into by Slovakia in the field of local and regional government. It will be in the first place for the Slovak authorities to assess in what areas the said sufficient numbers, below the 20% threshold, exist (see paras.40 - 47 above).

“Paragraph 1

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

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

132. The Committee of Experts observes in the first place that in the case of sub-paragraphs a.iii and a.iv of paragraph 1 of Article 10 of the Charter, Slovakia did not specify, in its instrument of ratification, which of these two options should apply. In fact, the two options listed in the above-mentioned sub-paragraphs are alternatives and Contracting Parties are required to opt for one of them. According to the practice of the Committee of Experts, in the absence of a choice by the State where several options are available, the highest option from the point of view of the protection and promotion of the language shall normally be applied “ex officio”, unless specific circumstances make the highest option appear as manifestly incompatible with the needs of the regional or minority language concerned and/or with the expressed wishes of the speakers (see for example the second evaluation report of the Committee of Experts on the implementation of the Charter by Hungary, quoted above, para. 95). In this case, the Committee of Experts sees no reason to depart from its usual practice and will therefore apply the highest option, i.e. para. 1.a.iii of Article 10.

133. According to the information provided to the Committee of Experts by official sources, local State administration authorities are district offices as first-instance authorities and regional offices as authorities of appeal. Other local branches of the State administration are specialised State administration authorities, such as tax offices and customs offices.

134. The Committee of Experts has not received any specific information with regard to the compliance by the local branches of the State administration with this undertaking, although some information points for example to very low awareness of State officers about the obligations deriving from the Charter and the initial periodical report explicitly states that applications in Romany may not be submitted to competent bodies at local level with regard to official instruments and documents (such as identity cards, driving licences, passports, etc.; see p. 35 of the initial periodical report).

135. Given the information at the Committee of Experts' disposal, the Committee must conclude that this undertaking is not fulfilled.

The Committee of Experts encourages the Slovak authorities to take the necessary measures so that the Romany-speakers may submit oral or written applications and receive a reply in Romany, also in those municipalities where they represent less than 20% of the municipal population, but still a sufficient number for the purpose of the present undertaking.

"Paragraph 2

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

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

136. According to the initial periodical report (see p. 35), Romany-speakers may use their language in official communications (which appears to include also oral applications) and may also submit applications to a local government body, except for official instruments and documents. Of course, this is at present in any event not formally guaranteed in the areas where Romany-speakers do not attain the 20% rule. Furthermore, no such possibilities exist at the level of the region. In practice there seems to be a vacuum in this area and during the "on-the-spot" visit the Romany-speakers stressed the need for Romany-speakers who could mediate between the speakers and the authorities, especially at municipal level, given the wide sphere of competence of municipalities. This was also seen as a chance to create job opportunities for Romany-speakers. It is in any event difficult to allow Romany-speakers to submit applications in Romany when the relevant information, for example in the field of employment, is not disseminated in Romany too. The Committee of Experts itself witnessed, during the "on-the-spot" visit, the situation where in a Roma settlement announcements concerning job offers by the competent local office were being made only in Slovak. The Committee of Experts considers that the present undertaking is not fulfilled.

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

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

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

137. Section 3 of Act No. 270/1995 on the State Language of the Slovak Republic stipulates that "(t)he official language shall be used: a) to publish laws, governmental ordinances and other generally binding regulations, including regulations of territorial self-government authorities, decisions and other public documents; (...) c) to maintain all official records (registers, resolutions, statistics, reports, official records, public information, etc.)".

138. Section 4 paras. 2 and 3 of Act No. 184/1999 on the Use of Minority Languages provides that in the municipalities where the regional or minority language speakers represent at least 20% of the population,

“important information, in particular warning, protection and health notices, shall be displayed in publicly accessible places both in the official and the minority language”. Furthermore, according to Sections 1 para. 1, 5 para. 1 e) and 6 para. 5 of Act No. 211/2000 (Freedom of Information Act), the said municipalities are obliged to disclose an outline of the following information also in the regional or minority language concerned: regulations, orders, instructions and interpretations, which the municipality uses in decision-making or which define the rights and obligations of natural persons and legal entities in respect of the municipality. In 1999 guidelines were issued to general internal administration units, small traders’ licensing units and fire protection units for the use of minority languages in official communications.

139. However, what may be published in the conditions described above is only an outline and not the official document as such. Furthermore, no such possibility exists with regard to regional authorities. Finally, this possibility is not guaranteed concerning those municipalities where the Romany-speakers represent less than 20% of the population but where they are nevertheless present in sufficient numbers for the purpose of the present undertakings.

140. As a matter of fact, no official documents appear to be published in Romany either at municipal or at regional level. The Committee of Experts considers that the present undertakings are not fulfilled.

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

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

141. Section 2 para. 3 of Act No. 184/1999 on the Use of National Minority Languages provides that the members of municipal councils in the municipalities where the regional or minority language speakers represent at least 20% of the population have the right to use the minority language in the debates of this body and that interpretation shall have to be provided by the municipality. Under Section 1 para. 3 of the same act, the use of Romany in conducting a session of a local authority is also possible if all present consent to it (it is however not clear whether this refers to internal meetings as well as public sessions).

142. The Committee of Experts considers that the fact that this right is limited to the municipalities where the number of regional or minority language speakers at least reaches the 20% threshold affects in itself the fulfilment of the present undertaking. Having said this, the Committee of Experts lacks information regarding measures to facilitate the implementation of this possibility in practice. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to provide information in the next periodical report.

143. The Committee of Experts is in any event particularly concerned at the pre-condition that all present must consent to the use of Romany for a session of a local authority to be conducted in Romany (see also para. 141 above).

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

144. The Committee of Experts recalls that the obligation under the present provision has a special importance, since it is one of the most effective ways in which a regional or minority language can be given full visibility in the territory in which it is traditionally present. An ideal thread therefore links the fundamental definition of territorial regional or minority languages within the meaning of the Charter, embodied in Article 1.a and b, and the present undertaking. Furthermore, the full visibility granted to a regional or minority language in the territory in which it is traditionally spoken through the use or adoption of bilingual place-names is clearly a factor which helps to raise the public prestige of a regional or minority language, which in turn is a crucial factor for safeguarding and promotion (see the second evaluation report on the application of the Charter by Croatia, quoted above, para. 152).

145. Various pieces of legislation deal with this point. Section 4 para. 1 of Act No. 184/1999 on the Use of National Minority Languages stipulates that the municipalities where regional or minority language speakers represent at least 20% of the population can use names of streets and other local place-names in the regional or minority language. However, according to the information provided to the Committee of Experts by official sources, Act No. 270/1995 on the State Language of the Slovak Republic had previously integrated Act No. 191/1994 on the Indication of Names of Municipalities in National Minority Languages to the effect that the term “place-names” only concerns the name of municipalities but not of parts of municipalities. Furthermore, an annex to the 1995 State Language Act contains a list of the municipalities where the road signs in regional or minority languages are to be used. Neither of the two lists include any municipality or settlement relevant to Romany.

146. The Committee of Experts considers that the 20% requirement leaves out a number of municipalities where the Romany-speakers are traditionally present and where they constitute a sufficient number for the purpose of the present undertaking. Furthermore, Section 3 para. 3 of the 1994 Act provides that this possibility shall not apply to those municipalities whose place-names were changed between 1867 and 1918 and between 1938 and 1945. However, the Committee of Experts, while understanding the sensitivities which lie behind the legislation, does not know whether the limitation contained in Section 3 para. 3 of the 1994 Act prevents traditional Romany place-names from being used as a matter of fact.

147. The Slovak authorities are encouraged to clarify these points in their next periodical report. Nevertheless, the Committee of Experts is in a position to consider that the present undertaking is not fulfilled in the case of the Romany language.

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

“Paragraph 3

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

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

148. According to the information provided by official sources, public services are included under the term “public law authority”, used by Act No. 270/1995 on the State Language of the Slovak Republic. Following this interpretation, it would be impossible to use any language other than Slovak in the contacts with these bodies. The initial periodical report (see p. 36 seq.) confines itself to referring to Section 2 para. 3 of Act No. 184/1999 on the Use of Minority Languages, which guarantees the general right to submit written applications to a body of State administration and to a body of local self-government. The Committee of Experts considers that this information is insufficient to enable it to conclude on this point. It therefore asks the Slovak authorities to submit information concerning specifically public services in their next periodical report.

“Paragraph 4

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

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

149. The initial periodical report confines itself to stating that local State administration bodies or social service facilities are able to provide interpreting services when necessary and upon request of the person concerned (see p. 37 of the initial periodical report). The Committee of Experts considers that this information is

insufficient to enable it to conclude on this point. It therefore asks the Slovak authorities to elaborate further in their next periodical report.

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

150. No specific information was provided in this regard. The Committee of Experts is therefore unable to conclude and it asks the Slovak authorities to comment on this undertaking in their next periodical report. However, it must be noted already now that the Romany-speakers stressed, also during the “on-the-spot” visit, the importance of allocating public jobs to the Romany-speakers as a way of helping break their social isolation.

“Paragraph 5

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

151. According to Section 2 para. 1 of Act No. 300/1993, a person born in the Slovak Republic can be given more than one name, including foreign names, up to three. Furthermore, Section 19 paras. 3 and 5 to 7 of Act No. 154/1994 on Registry Offices allows for the correction of the first entry of the name in the register, as well as the removal of the Slovak grammatical suffix in female surnames, if a person with a nationality other than Slovak so requests (this procedure is not subject to any charges; see the initial periodical report, p. 37).

152. However, according to the additional information provided to the Committee of Experts by official sources, district registry offices interpret the relevant provisions in the sense that the use of a female surname, in the register or extract from the register, without the grammatical suffix of gender indication according to the Slovak grammatical rules is only possible for the surname currently used by the applicant but not for the surname at birth (see the Conclusions from the Meeting of State Citizenship and Registry Offices Staff of District Offices held on 13 and 14 October 1994 in Bardejov, by which district registry offices abide). This means, in practice, that a female Romany-speaker is able to use her husband’s family name, for example, without the typical Slovak ending but will have to use that ending for her surname at birth (which several regulations require to be stated in a number of cases).

153. Since the right to use or adopt family names in Romany is available unconditionally only to men and not to women, the undertaking is not fulfilled.

The Committee of Experts encourages the Slovak authorities to take the necessary measures to allow in all cases the use or adoption of family names in the regional or minority languages, at the request of those concerned.

Article 11 – Media

“Paragraph 1

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

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

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

154. As far as the public radio service is concerned, the initial periodical report (see p. 38) refers to the broadcasting of a programme designed for national minorities (the “Minority-Ethnic Programme”). The

programme is prepared by a specialised desk which relies on specialised units for each of the languages concerned. The broadcasting time depends on the results of the latest census. The Romany language is currently granted 30 minutes per week. Programmes are broadcast on AM frequencies (Prešov 1071 kHz and Stakčín 864 kHz).

155. As far as the public television service is concerned, the Romany language relies on a magazine which is broadcast 27 times per year for a total of 12.2 hours.

156. While recognising that the Slovak authorities have made certain provisions for regular broadcasting in the Romany language, the Committee of Experts considers the amount of time granted to both radio and television broadcasting insufficient, given the importance of broadcasting in modern societies and taking also into account the special situation of the Romany-speaking community in Slovakia. Consequently, on the basis of the information received, the Committee of Experts considers that this undertaking is not fulfilled.

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

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

157. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of radio programmes in Romany on a regular basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML 2005 (4), para. 426).

158. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking. It is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. It also asks the authorities to especially comment on the obligation for private radio stations to have all the broadcasting translated into Slovak, which constitutes an obvious burden for a commercial radio. During the “on-the-spot” visit, the Slovak authorities themselves referred to an amendment drafted by the Ministry of Culture, which is intended to eliminate this obligation.

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

159. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of television programmes in Romany on a regular basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML 2005 (4), para. 430).

160. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking. It is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. Account should be taken, however, of the fact that as the Slovak authorities themselves conceded during the “on-the-spot” visit, the obligation to have all programmes subtitled in Slovak represents an additional cost. Subtitling is certainly of interest from the point of view of the Charter (see para. 261 below), but adequate financial solutions could usefully be sought to avoid putting private television stations wanting to broadcast also in Romany at a disadvantage compared to private television stations broadcasting only in Slovak.

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

161. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

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

162. According to the additional information provided by the Slovak Government, the “Romano Nevo L'il” publication received 1,100,000 Slovak Crowns in 2003. The Romany-speakers themselves, during the “on-the-spot” visit, expressly qualified this publication as a newspaper. However, they stressed that although this newspaper has existed for 14 years, it could only be published because it received funds from Hungary. They also stated that funding for periodical press using the Romany language is irregular and that the lack of money does not allow all articles to be translated into Romany. Additional information provided to the Committee of Experts by non-governmental sources confirmed that the fact that support for the press is currently provided on a yearly basis prevents effective long-term planning in this area. The Committee of Experts nevertheless considers that the undertaking is fulfilled at present.

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

163. No specific information was provided to the Committee of Experts in this regard. The latter is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

“Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

164. The information provided in the initial periodical report (see p. 39) and during the “on-the-spot” visit suggests that generally speaking no difficulties exist in this area.

165. The Committee of Experts considers the undertaking fulfilled.

“Paragraph 3

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

166. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

Article 12 – Cultural activities and facilities

“Paragraph 1

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

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

167. The initial periodical report focuses on the funding role of the Ministry of Culture, in particular its Section for Minority Culture, as the main element of the Slovak Government's policy of support for regional or minority languages (see p. 41 seq. of the initial periodical report). In particular, the Documentation Centre of Roma Culture in Slovakia at the Ethnographic Museum of the Slovak National Museum in Martin is under the Ministry of Culture's competence. The Romathan Theatre in the city of Košice, the Departments for the Roma minority culture of the Vihorlat Museum in the town of Humenne and the Gemer-Malohont Museum in the town of Rimavska Sobota are funded by the competent regional offices of the State administration. The Ministry of Culture also funds periodicals using the Romany language, such as the monthly "Ternipen" (which received 400,000 Slovak Crowns in 2003), the Štvorlístok children's magazine (which also received 400,000 Slovak Crowns in 2003) and the bimonthly "Rómsky list", published by the Roma Press Agency as a supplement to the Domino Fórum weekly (which received 200,000 Slovak Crowns in 2003). In this same year the Ministry of Culture also funded the publication "Customs and Traditions of Olach Roma". Finally, the initial periodical report (see p. 43) provides figures concerning the funding in general of minority cultures, including the Romany one. The Committee of Experts considers that this undertaking is fulfilled.

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

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

168. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

- "d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;"**

169. The initial periodical report (see p. 42) describes the main elements of the scheme that the Ministry of Culture has established for supporting regional or minority languages. This scheme includes in particular the guidelines for the provision and accounting of subsidies and the rules of organisation and procedure of the Committee for the transfer of earmarked funds intended to support the culture of national minorities. The latter Committee, which is composed mainly of representatives from the various minorities concerned is the body in charge of assessing the applications of individual groups of speakers for funding and, by a majority vote, of adopting recommendations to the Minister on the amounts of subsidies to be granted. The undertaking therefore appears to be fulfilled.

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

170. According to the additional information provided by the Slovak Government, the Cabinet of National Minority Cultures to be established within the National Education Centre, which operates under the supervision of the Ministry of Culture, will be in charge of selecting the staff referred to in the present undertaking. However, the Committee of Experts has received no information regarding staff at the disposal of the bodies who organise or support such activities at present. It therefore asks the authorities to provide such information in the next report.

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

171. The Committee for the transfer of earmarked funds intended to support the culture of national minorities, in charge of advising the Minister of Culture on these matters (see para. 169 above), consists of 11 representatives of the minorities concerned, who are appointed by the Minister of Culture. The Secretary of the Committee is an employee of the Ministry of Culture. The Committee relies on the work of sub-committees related to each minority. Each sub-committee is in charge of setting priorities and of concretely allocating the funds granted to the minority concerned by the Committee (see the initial periodical report, p. 42). The undertaking appears to be fulfilled.

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

172. According to the additional information provided by the Slovak Government, by means of grants the Ministry of Culture encourages the activities of non-governmental organisations the role of which is to collect, archive and publish works in regional or minority languages. One of the most important institutions fulfilling this role is the Fórum institute for research of national minorities in Šamorín, which in 2003 received 880,000 Slovak Crowns from the Ministry of Culture. It is unclear to the Committee of Experts how the said institute performs the activities referred to in the present undertaking with specific regard to the Romany language. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in the next periodical report.

“Paragraph 2

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

173. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“Paragraph 3

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

174. According to the additional information provided by the Slovak Government, the Ministry of Culture supported the “Ternipen” vocal and dance group, a Roma artistic ensemble, in presenting Roma art in the Czech Republic and Germany. It is however unclear to the Committee of Experts if and how the Romany language and culture are presented as part of the Slovak cultural heritage in other relevant contexts, such as international exhibitions, tourist materials and in general activities of promotion of Slovakia for tourist purposes. The Committee of Experts is therefore not in a position to conclude on this point and it asks the Slovak authorities to provide further information in their next periodical report.

Article 13 – Economic and social life

“Paragraph 1

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

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

175. According to the initial periodical report (see p. 45), no provision of the sort referred to in the present undertaking exists in the Slovak legislative system and no complaints were received in this field. However,

Section 8 of Act No. 270/1995 on the State Language seems to impose the use of Slovak in a number of cases which are relevant for the purpose of the present undertaking, such as: legal documents related to labour relations, financial and technical documentation, statutes of associations, unions and companies. Prima facie this appears to be a limitation to the use of a regional or minority language, such as Romany. No justification for this limitation has been given to the Committee of Experts by the Slovak authorities. The Committee of Experts therefore considers that this undertaking is not fulfilled .

The Committee of Experts encourages the authorities to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life

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

176. The Committee of Experts was not informed of any such prohibition. Therefore the Committee of Experts considers that the present undertaking is not fulfilled.

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

177. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“Paragraph 2

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

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

178. Section 8 para. 4 of Act No. 270/1995 on the State Language provides as follows:

“All documentation of healthcare establishments shall be maintained in the official language. The communication between healthcare professionals and patients shall be usually conducted in the official language; if the patient is a citizen or foreigner who does not have a command of the official language, it can be conducted in a language that makes communication with the patient possible.”

179. The Committee of Experts is of the view that this provision conflicts with the undertaking entered into by Slovakia, insofar as it allows communications in a non-official language in healthcare establishments only in those cases where the person concerned does not have a command of Slovak. Furthermore, even though the initial periodical report (see p. 45) states in general terms that social care facilities provide for the reception and treatment of their clients in their language, the Committee of Experts did not receive any information indicating that Romany is used in the context of the present undertaking. It is true that many Roma, and especially those living in settlements, may have an insufficient command of Slovak and thus be covered by the legal provision at issue. As a matter of fact, during the “on-the-spot” visit the Committee of Experts was informed that precisely for this reason, the use of Romany in the context of health policies would be of great use. However, apart from the legal issue, the Committee of Experts also received complaints, during the “on-the-spot” visit, according to which no structured policy exists in this field. Indeed, the Slovak authorities themselves explained, during the “on-the-spot” visit, that although assistants for health care should meet the linguistic requirement, this is not a pre-condition and the competent authorities are of the view that they cannot exclude capable persons only on the grounds that they do not possess the necessary linguistic requirements. The authorities stated nevertheless their intention to make linguistic skills in Romany a pre-condition in the future and to give priority to the hiring of Romany-speakers.

180. Reference was also made, during the “on-the-spot” visit, to alleged cases of sterilisation of Roma women without their consent and to the fact that the victims of this alleged practice could not understand what was being done to them because of language difficulties. The Committee cannot determine whether or not these allegations are true and appreciates that the matter is subject to on-going litigation, but requests the Slovak authorities for such information as they are able to provide about this in their next report.

181. Although it is unclear whether the healthcare establishments referred to in Section 8 para. 4 of Act No. 270/1995 on the State Language also include retirement homes and hostels, the Committee of Experts considers that Article 13 para. 2.c requires the authorities to ensure certain results. However, Slovak legislation, if implemented, would lead to preventing these results and denies Romany-speakers the possibilities which the article is intended to ensure. Furthermore, even where the said legislation could apply, i.e. in those cases where the Romany-speakers would be formally entitled to use Romany by reason of their insufficient knowledge of Slovak, the lack of measures in this respect makes this formal provision useless in practice. The Committee of Experts therefore considers that the present undertaking is not fulfilled.

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

Article 14 – Transfrontier exchanges

“The Parties undertake:

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

182. The initial periodical report (see p. 46) refers in general to various agreements: the Treaty on Good Neighbourliness and Friendly Co-operation between the Slovak Republic and the Republic of Hungary of 1995, the Treaty between the Czech and Slovak Federative Republic and the Republic of Poland on Good Neighbourliness, Solidarity and Friendly Co-operation of 1991, the Treaty between the Czech and Slovak Federative Republic and the Federal Republic of Germany on Good Neighbourliness and Friendly Co-operation of 1992, and finally the Treaty between the Slovak Republic and the Czech Republic on Good Neighbourliness, Friendly Relations and Co-operation of 1992. However, it is unclear if these agreements also foster contacts between Romany-speakers living in these various countries. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in their next periodical report.

2.2.2 The Hungarian language²

Article 8 – Education

“Paragraph 1

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

- a i to make available pre-school education in the relevant regional or minority languages;***
- b i to make available primary education in the relevant regional or minority languages;”***

183. According to the information provided to the Committee of Experts, the basic educational model for the Hungarian language implies teaching of all subjects in Hungarian and by Hungarian-speaking teachers. The Slovak language and Slovak literature are of course also taught (1 hour per day, 4 to 5 hours per week, including conversation classes geared to social sciences).

184. The initial report contains detailed figures. At pre-school level, 277 public nursery schools implement the model involving the use of Hungarian as the main language of instruction, whereas 101 public nursery schools seem to follow a bilingual model. There are also 55 private schools in Slovakia, some of which use Hungarian as the language of instruction to an unspecified extent. As for the primary level, 259 schools use Hungarian as the main language of instruction and 29 follow a bilingual pattern. There are also 12 religious school institutions which use Hungarian as the main language of instruction.

185. During the “on-the-spot” visit the Hungarian-speakers reported to the Committee of Experts that generally speaking the demand for teaching in Hungarian is usually catered for (where the Hungarian-speakers constitute a minority at local level, that is done by setting up a class within a Slovak-speaking school). Furthermore, in larger urban areas, such as Bratislava or Košice, but also with regard to small villages or dispersed communities, school bus connections are organised also with public funding to facilitate access (the example of a school bus in Southern Slovakia, funded jointly by the State and two Hungarian foundations, was considered by the speakers to be a best practice). On the other hand, concern was expressed at the risk that small schools in smaller villages may be closed for financial reasons.

186. The Committee of Experts considers that these undertakings are fulfilled but would welcome clarifications, in the next periodical report, on the situation of smaller schools. It recalls, in this respect, that closing or merging schools which offer regional or minority language education can have negative repercussions on the use of a regional or minority language in the community and that schools have a crucial role in the maintenance of minority languages (see the second evaluation report on the application of the European Charter for Regional or Minority Languages by Hungary, quoted above, para. 56).

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

187. Secondary school follows a similar pattern to that of pre-school and primary school, whereby Hungarian is the main language of instruction. Slovak and Slovak literature are also taught and in addition to this, in the field of chemistry the effort is made to teach the terminology in Slovak at the same time.

188. However, the number of such secondary schools is much smaller than that of pre-schools and primary schools. Only 11 secondary schools in Slovakia use Hungarian as the main language of instruction and 8 seem to follow a bilingual educational model. One private grammar school and 4 religious schools using Hungarian also exist.

189. During the “on-the-spot” visit it was reported to the Committee of Experts that the network of secondary schools could be denser, since the significant distance of some schools from the place of residence may cause some parents not to send their Hungarian-speaking children to such distant schools. The problem was felt to be

² The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by Slovakia.

particularly serious in Eastern Slovakia, where the assimilation process has been stronger. The Committee of Experts requests the Slovak authorities to clarify the situation of secondary schools in their next periodical report.

190. The Committee of Experts considers that this undertaking is partly fulfilled.

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

191. According to the data provided in the initial periodical report, there exist 6 vocational schools and 8 apprentice schools (3 of which are private) which use Hungarian as the main language of instruction, and 14 vocational schools and 24 apprentice schools (2 of which are private) which seem to use a bilingual model. However, it was reported to the Committee of Experts that in some cases it is difficult to set up vocational classes in Hungarian. Pupils may then be enrolled in Slovak classes and some subjects are not provided at all in Hungarian. At least some of the private schools referred to above have thus been established to solve the problem, although some progress did occur more recently in the public sector (as of the 3rd September 2004 a new vocational school had been started in the region of Trnava, where no such school existed beforehand). The Committee of Experts requests the Slovak authorities to clarify the situation of technical and vocational education in their next periodical report.

192. The Committee of Experts considers that this undertaking is partly fulfilled.

“e i to make available university and other higher education in regional or minority languages;”

193. Hungarian is taught as a subject at the Faculty of Education of J. Selye University at Komárno, as well as at the Faculty of Central European Studies of Constantine the Philosopher University in Nitra, established in 2003 and at the Department of Hungarian Language and Literature at the Comenius University in Bratislava. According to the additional information provided by the Slovak authorities the J. Selye University in Komárno offers education through the medium of Hungarian, limited to economics, management sciences and theology. Hungarian financial sources contribute to its operation. The University of Nitra also offers basic teacher-training in Hungarian.

194. The Committee of Experts compliments the Slovak authorities on the measures they have taken to promote teaching of and in Hungarian at universities and other higher education institutions. While emphasising that it regards these as initial steps towards a broader offering of higher education in Hungarian, the Committee of Experts nevertheless considers the undertaking fulfilled,.

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

195. No specific information was provided by the Slovak authorities in this respect. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in their next periodical report.

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

196. The Committee of Experts recalls in the first place that the present undertaking concerns not only education for pupils using regional or minority languages but also education for non-speakers about the specific history and traditions related to the regional or minority languages spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the regional or minority language in the national curriculum, or at least in the curriculum for Slovak-speaking pupils within the territories concerned (see the second evaluation report on the application of the Charter by Croatia, ECRML 2005 (3), para. 100).

197. Very little information was provided to the Committee of Experts in this respect. Although no special complaints were brought to its attention as far as education for Hungarian-speaking pupils is concerned, it was reported to the Committee of Experts by the Hungarian-speakers that methods of teaching the majority Slovak-speaking pupils about the presence of a Hungarian-speaking minority in Slovakia vary and depend on the individual teacher.

198. The Committee of Experts is not in a position to conclude in this respect and it asks the Slovak authorities to provide further information in their next periodical report.

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

199. Basic teacher training in Hungarian is provided by the Faculty of Education of J. Selye University at Komárno, where Hungarian language and literature and pre-school and elementary pedagogy are taught by 27 internal teaching staff and 26 external teaching staff (in 2004), as well as at the Faculty of Central European Studies of Constantine the Philosopher University in Nitra, established in 2003 with a view to absorbing the pre-existing Hungarian sections of individual faculties into a faculty with its own self-governing academic bodies responsible for training teachers of schools providing instruction in the Hungarian language. According to the information provided to the Committee of Experts, one of the pillars of the latter faculty is the Hungarian-language training of teachers in all specialisations for primary and secondary schools providing instruction in the Hungarian language and of other specialists for the cultural and social sphere (the other pillar being the training of specialists for self-governing bodies, State institutions, the private sector and the NGO sector, who will be playing a role in ethnically mixed territories with a view to contributing to their development in the framework of the European integration process). The Slovak language accounts nevertheless for 30% of the curriculum. Nitra University benefits from yearly earmarked allocations for regional or minority language education. Teacher training for Hungarian is partly also provided at Nitra University's branch office in Dunajská Streda and at the Department of Hungarian Language and Literature of Comenius University in Bratislava.

200. According to the additional information provided to the Committee of Experts, overall, there are about 4,000 teachers working in primary and secondary schools and/or classes providing instruction in the Hungarian language. According to an analysis performed by the Nitra University, universities should provide 150-170 Hungarian-speaking teachers and specialists each year.

201. The information provided to the Committee of Experts by Nitra University itself points however to a shortage of qualified teachers mainly at the second level of primary schools (grades 5 to 9) and to a surplus of teachers at the first level of primary schools (grades 1 to 4). This surplus is apparently due to the higher number of teachers who graduated from the detached consultancy centres of universities of the Republic of Hungary at Komárno, which offer part-time courses. According to this same source, if one adds to this number the number of teachers who graduated at Nitra University as part-time students, approximately 60% of all teachers at the first level of schools providing instruction in the Hungarian language obtained their diploma through part-time studies. Nitra University concludes that this fact will have a negative impact on the standard of teaching at the first level of primary schools that provide instruction in the Hungarian language. Concerns at the degree of knowledge of Hungarian by teachers was also expressed during the “on-the-spot” visit. Furthermore, there is a shortage of teachers with a scientific degree, which leads to using university teachers from Hungary. While there is evidence of a certain amount of teacher-training in subjects other than Hungarian being provided partly through the medium of Hungarian, this does not appear to be adequate to meet the needs of Hungarian education in Slovakia.

202. As to further teacher training, the information provided to the Committee of Experts during the “on-the-spot” visit points to the insufficiency of the current offer. The Association of Hungarian teachers in Slovakia organises some courses but only for certain groups of speakers and in the form of a summer school. Furthermore, too few specialists in further training seem to be available. A new institute seems to exist but it relies on only two permanent members of staff and funding appears to be insufficient. As a matter of fact, no specific funding seems to be available for further teacher training.

203. During the “on-the-spot” visit the wish for a unique structure for the training of Hungarian-speaking teachers was expressed.

204. Although the Committee of Experts acknowledges that the offer of basic teacher training for the Hungarian language appears to have a solid structure now, it nevertheless considers that the very high undertakings entered by Slovakia in the field of education require a broader offer of teacher training, including particularly teaching in Hungarian of university subjects beyond the purely pedagogical ones. The Committee of Experts considers that the present undertaking is partly fulfilled but takes note with interest of the plan, referred to in the initial periodical report (see p. 23), to establish a university offering studies to the Hungarian-speakers.

The Committee of Experts encourages the Slovak authorities to broaden the offer of training in Hungarian with a view to including a greater variety of subjects, among others the scientific ones. It also encourages the Slovak authorities to adopt a structured approach to further training of teachers.

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

205. No body specifically in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of regional or minority languages and of drawing up public periodic reports of its findings appears to exist. The Committee of Experts considers that this undertaking is not fulfilled.

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

Article 9 – Judicial authorities

206. As results from the examination of the preliminary issue relating to the 20% threshold (see paras. 40 – 47 above), Article 9 applies also to those areas where the number of Hungarian-speakers is less than 20% but is nevertheless sufficient for the purpose of the application of Article 9 of the Charter. This is acknowledged by the Slovak authorities themselves. Furthermore, as was confirmed to the Committee of Experts by official sources, court districts do not coincide with the territory of the municipalities to which the 20% threshold is applied.

“Paragraph 1

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

a in criminal proceedings:

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

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

207. Section 2, sub-section 14 of the Code of Criminal Procedure stipulates that “(e)very person shall have the right to use his mother tongue before the criminal justice authorities”. Furthermore, according to Section 28 of the Code of Criminal Procedure, “(i)f there is a need to translate the content of a statement or a written document or if the accused declares that he does not have a command of the language of the proceedings, an interpreter shall be engaged; the interpreter may also act as the recorder”. According to the initial periodical report, these provisions apply also to the period prior to the beginning of criminal prosecution, notably to the lodging of information on crime under Section 59 in connection with Section 158 para. 1 of the Code of Criminal Procedure.

208. However, in the additional information provided to the Committee of Experts the Slovak Government explicitly stated that interpretation into or from a regional or minority language is provided only if the accused does not have a sufficient command of the Slovak language.

209. Furthermore, Section 55, para. 3 of the Code of Criminal Procedure stipulates as follows:

“Records of oral testimony from a person who does not have command of Slovak shall also be drawn up in Slovak; if a verbatim record of the testimony is necessary, the recorder or the interpreter shall also enter the relevant part of the testimony into the records in the language in which the testimony was provided.”

210. According to the relevant case-law, as reported in the initial periodical report (see p. 80 seq.), this means that an interpreter must be engaged and the related costs be borne by the State only if the person delivering the statement does not have a command of Slovak. Similarly, translation must be provided for any documentary evidence not in the Slovak language. In other words, requests and evidence in a regional or minority language, including Hungarian, do not seem to be admissible if the author has a command of the Slovak language.

211. No specific provision seems to exist in relation to written testimony or requests in any form.

212. The Committee of Experts considers that the exact scope of the mentioned right to use one’s mother tongue in criminal proceedings is not clear. Taking account of the practical information gathered during the “on-the-spot” visit, it appears that the judge, the prosecutor or the police will focus their attention on whether the accused is fluent enough in Slovak. If the accused is fluent enough in Slovak, then the judge nevertheless has discretion to grant him/her interpretation, and this seems likely to be granted. However, the fact remains that the right of the accused to use his or her regional or minority language irrespective of his degree of knowledge of Slovak does not seem to be clearly guaranteed. Furthermore, during the “on-the-spot” visit official sources reported to the Committee of Experts that summons do not mention linguistic rights, as it is assumed that they are known to everyone. The announcement of the accusation does include a mention of the general right to interpretation but the police officer concerned will simply assess whether the person *needs* an interpreter.

213. On the other hand, during the “on-the-spot” visit it was reported to the Committee of Experts that in districts with a large Hungarian-speaking population no real problems arise since there is a high probability that the judicial staff will speak Hungarian. This seems to be confirmed by the figures provided to the Committee of Experts by the Ministry of Justice on the number of magistrates and administrative staff with a certain command of Hungarian in a number of judicial districts (see Appendix II of the initial periodical report), although their distribution is somewhat uneven.

214. Taking account of a certain degree of implementation in practice of the present undertaking, at least in some areas, the Committee of Experts considers that the undertaking is partly fulfilled in the case of Hungarian. However, the need remains to clarify and complete the legal framework.

The Committee of Experts encourages the Slovak authorities:

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

“b in civil proceedings:

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

if necessary by the use of interpreters and translations;

c *in proceedings before courts concerning administrative matters:*

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

iii *to allow documents and evidence to be produced in the regional or minority languages,*

if necessary by the use of interpreters and translations;”

215. Section 18 of the Code of Civil Judicial Procedure stipulates as follows:

“The Parties shall participate in civil proceedings on an equal footing. They have the right to use their mother tongue in proceedings before court. The court shall have to provide them with equal opportunities to exercise their rights.”

216. Furthermore, Section 141, sub-section 2 of the Code of Civil Judicial Procedure provides that:

“The costs of evidence that are not covered by the security, as well as cash expenses incurred by the appointed counsel, who is not an attorney-at-law, and costs related to the use of the party’s mother tongue in the proceedings shall be borne by the State”.

217. According to the information provided in the initial periodical report (see p. 81), the above-mentioned provisions of the Code of Civil Judicial Procedure apply also to the proceedings before administrative courts.

218. The possibility of engaging an interpreter with no additional costs with a view to enabling a litigant in civil or administrative proceedings to use his/her mother tongue has also been confirmed by the case-law (see p. 33 of the initial periodical report). However, according to several sources, including official ones, these provisions represent an implementation in the civil (and administrative) proceedings of the general right to interpretation for non-speakers of Slovak, guaranteed by Article 47 para. 4 of the Slovak Constitution, but which is not available to regional or minority language speakers who are also able to speak Slovak.

219. Taking account of a certain degree of practical implementation in the context of the oral contacts with the courts, the Committee of Experts considers that the present undertakings are partly fulfilled.

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

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

220. In the light of the conclusions reached under Article 9 paras. 1.a.ii/a.iii/b.ii/b.iii/c.ii/c.iii above, the Committee of Experts considers that this undertaking is not fulfilled.

“Paragraph 2

The Parties undertake:

- a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language;”**

221. The initial periodical report states that the validity of legal documents submitted by natural or legal persons in a regional or minority language (such as requests, testaments, proposals, letters of attorney, etc.), is not denied a priori. Following legal assessment of the importance or relevance of the submitted legal documents, courts may nevertheless request a translation with a view to taking a final decision (see p. 82 of the initial periodical report). The Committee of Experts considers that this undertaking is fulfilled.

“Paragraph 3

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

222. The initial periodical report (see p. 82) confines itself to referring to point C of Governmental Resolution No. 27/2001 of the Deputy Prime Minister for Human and Minority Rights and Regional Development, assigning to the latter the task of drawing up a comprehensive report on the legislative, financial and other measures adopted to comply with this undertaking. However, the initial periodical report admits that the application of the present undertaking would require the allocation of significant financial means. A non-governmental source specified that the publication in Hungarian of the texts referred to in this provision is mostly supported by private financial sources. The Committee of Experts considers that the present undertaking is not fulfilled.

Article 10 – Administrative authorities and public services

Preliminary remark

223. In the light of the information received, the Committee of Experts is of the impression that it is in the sphere of the local branches of the State administration and of local authorities that the 20% rule is directly relevant. In respect of regional authorities, the relevant legislation therefore does not appear to apply with the consequence that use of regional or minority languages is not formally permitted. Although the Slovak Constitution provides that “citizens belonging to national minorities or ethnic groups also have, under conditions defined by law, a guaranteed right to use their language in dealings with the authorities” (see Article 34 para. 2.b), the implementation of some of the relevant provisions is, under Slovak law, formally impossible below this threshold. There is consequently a formal barrier to proper fulfilment of these undertakings. The Committee of Experts has nevertheless observed examples of practical fulfilment both below and above the threshold and has consequently made findings of partial fulfilment in such cases.

224. Apart from other problems, a proper implementation of the undertakings below inevitably presupposes the reconsidering of the 20% rule so that the relevant undertakings under Article 10 para. 1 and 2 of the Charter can be implemented also in those cases where the Hungarian-speakers represent less than 20% of the municipal population but are still present in sufficient numbers for the purpose of the undertakings entered into by Slovakia in the field of local and regional government. It will be in the first instance for the Slovak authorities to assess in what areas the said sufficient numbers, below the 20% threshold, exist (see paras. 40 – 47 above).

“Paragraph 1

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

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

225. According to the information provided to the Committee of Experts by official sources, local State administration authorities are district offices as first-instance authorities and regional offices as authorities of appeal. Other local branches of the State administration are specialised State administration authorities, such as tax offices and customs offices.

226. The Committee of Experts has not received any specific information with regard to the compliance by the local branches of the State administration with this undertaking, although some information points for example to very low awareness of State officers about the obligations deriving from the Charter and the initial periodical report explicitly states that applications in Hungarian may not be submitted to competent bodies at local level with regard to official instruments and documents (such as identity cards, driving licences, passports, etc.; see p. 84 of the initial periodical report). Reference was however made to the fact that about 10% of registrars have a command of Hungarian and that marriage ceremonies in linguistically mixed areas are carried out in both languages. Furthermore, it is unclear whether the 20% requirement applies in the case of the local branches of the State administration.

227. The information at the Committee of Experts' disposal points to lack of fulfilment but it is still not sufficient to enable the Committee of Experts to reach a conclusion on this point. The Slovak authorities are therefore encouraged to comment on this point in their next periodical report.

“Paragraph 2

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

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

228. According to the information provided by the initial periodical report (see p. 84 and seq.), the following possibilities, existing in the municipalities where the Hungarian-speakers represent at least 20% of the population, seem to be relevant to the present undertaking:

- the indication of official buildings in Hungarian;
- the use of Hungarian on signs providing important information (warnings, health protection).

229. The information collected by the Committee of Experts during the “on-the-spot” visit confirms that these possibilities are also implemented in practice in those municipalities which have a large proportion of Hungarian-speakers. However, this is not necessarily the case in those municipalities where the Hungarian-speakers represent less than 20% of the population. Another problem that was brought to the Committee of Experts' attention concerned the fact that the Hungarian version on administrative signs appears in smaller letters by virtue of a Government directive pursuant to the State language Act (Act No. 270/1995). This was confirmed by the Slovak authorities.

230. Furthermore, official sources indicated to the Committee of Experts that the relevant legislation does not extend to regional authorities.

231. The Committee of Experts underlines that this undertaking also implies the practical use of Hungarian within local and regional authorities. This area of use is not commented upon in the initial periodical report. However, during the “on-the-spot” visit the Committee of Experts was informed that in some areas Hungarian is indeed used in practice within local authorities, notwithstanding the legislation. The Committee of Experts asks the authorities to provide more information in this respect in the next report.

232. In the light of the above, the Committee of Experts considers that the present undertaking is not fulfilled in the case of regional authorities and that it is only partly fulfilled in the case of local authorities.

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

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

233. According to the initial periodical report (see p. 84), Hungarian-speakers may submit written applications in Hungarian to those municipalities where the Hungarian-speakers represent at least 20% of the population. The following possibilities, in particular, appear to exist:

- the issuing, upon request, of administrative decisions in Hungarian;
- the issuing, upon request, of forms.

234. No specific information was submitted in the initial periodical report concerning oral applications but information provided by other sources indicates that this possibility also exists in the same circumstances. Some degree of practical implementation of this undertaking may also occur where the Hungarian-speakers represent less than 20% of the population, but in this case there is no guarantee that this will happen. In any event, the initial periodical report (see p. 85) seems to suggest that requests of this sort in Hungarian are rare. Furthermore, no such possibility exists at the level of the region.

235. The Committee of Experts considers that this undertaking is only partly fulfilled at local level and that it is not fulfilled at regional level.

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

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

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

236. Section 3 of Act No. 270/1995 on the State Language of the Slovak Republic stipulates that “(t)he official language shall be used: a) to publish laws, governmental ordinances and other generally binding regulations, including regulations of territorial self-government authorities, decisions and other public documents; (...) c) to maintain all official records (registers, resolutions, statistics, reports, official records, public information, etc.)”.

237. Section 4 paras. 2 and 3 of Act No. 184/1999 on the Use of Minority Languages provides that in the municipalities where the regional or minority language speakers represent at least 20% of the population, “important information, in particular warning, protection and health notices, shall be displayed in publicly accessible places both in the official and the minority language”. Furthermore, according to Sections 1 para. 1, 5 para. 1 e) and 6 para. 5 of Act No. 211/2000 (Freedom of Information Act), the said municipalities are obliged to disclose an outline of the following information also in the regional or minority language concerned:

regulations, orders, instructions and interpretations, which the municipality uses in decision-making or which define the rights and obligations of natural persons and legal entities in respect of the municipality. In 1999 guidelines were issued to general internal administration units, small traders' licensing units and fire protection units for the use of minority languages in official communications.

238. However, what may be published in the conditions described above is only an outline and not the official document as such. Furthermore, no such possibility exists with regard to regional authorities. Finally, this possibility is not guaranteed concerning those municipalities where the Hungarian-speakers represent less than 20% of the population. Nevertheless the Committee of Experts has been informed that in practice local authorities in areas where there is a concentration of Hungarian speakers do in some instances publish official documents also in Hungarian.

239. The Committee of Experts therefore considers that the legal framework does not meet the requirements of the undertakings, However, given the evidence of the use of Hungarian in practice, the Committee of Experts considers the undertaking partly fulfilled with regard to local authorities and not fulfilled with regard to regional authorities.

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

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

240. Section 3 para. 2 of Act No. 184/1999 on the Use of National Minority Languages provides that the members of municipal councils in the municipalities where the regional or minority language speakers represent at least 20% of the population have the right to use the minority language in the debates of this body and that interpretation shall have to be provided by the municipality. The use of Hungarian in conducting a session of a local authority is also possible if all present consent to it (it is however not clear whether this refers to internal meetings as well as public sessions).

241. The Committee of Experts has been informed that Hungarian is used in debates in the assemblies of municipalities where the Hungarian-speakers represent the majority. However, the Committee of Experts lacks practical information as to the extent to which Hungarian is used in other situations and especially in those municipalities where they do not constitute the larger proportion of the population. In any event, the fact that this right is confined to the municipalities where the number of regional or minority language speakers at least reaches the 20% threshold constitutes a clear limit to the fulfilment of the present undertaking.

242. The Committee of Experts is also particularly concerned at the pre-condition that all present must consent to the use of Hungarian for a session of a local authority to be conducted in Hungarian (see para 240 above).

243. The Committee of Experts considers that this undertaking is only partly fulfilled.

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

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

244. The Committee of Experts recalls that the obligation under the present provision has a special importance, since it is one of the most effective ways in which a regional or minority language can be given full visibility in the territory in which it is traditionally present. An ideal thread therefore links the fundamental definition of territorial regional or minority languages within the meaning of the Charter, embodied in Article 1.a and b, and the present undertaking. Furthermore, the full visibility granted to a regional or minority language in the territory in which it is traditionally spoken through the use or adoption of bilingual place-names is clearly a factor which helps to raise the public prestige of a regional or minority language, which in turn is a crucial factor for safeguarding and promotion (see the second evaluation report on the application of the Charter by Croatia, quoted above, para. 152).

245. Various pieces of legislation deal with this point. Section 4 para. 1 of Act No. 184/1999 on the Use of National Minority Languages stipulates that the municipalities where regional or minority language speakers represent at least 20% of the population can use names of streets and other local place-names in the regional or minority language. However, according to the information provided to the Committee of Experts by official sources, Act No. 270/1995 on the State Language of the Slovak Republic had previously integrated Act No. 191/1994 on the Indication of Names of Municipalities in National Minority Languages to the effect that the term “place-names” only concerns the name of municipalities but not of parts of municipalities. Furthermore, an annex to the 1995 State Language Act contains a list of the municipalities where the road signs in regional or minority languages are to be used. This list includes 425 municipalities as far as the Hungarian language is concerned, whereas the list of the municipalities where the Hungarian-speakers attain the 20% threshold, appended to the 1999 Act on National Minority Languages, gives the figure of 512 municipalities.

246. The Committee of Experts considers that the 20% requirement leaves out a number of other municipalities where the Hungarian-speakers do not attain this threshold but may still constitute a significant number for the purpose of the present undertaking. Furthermore, Section 3 para. 3 of the 1994 Act provides that this possibility shall not apply in favour of those place-names which were imposed between 1867 and 1918 and between 1938 and 1945.

247. The information at the Committee of Experts' disposal does not enable it to understand the reason for the above-mentioned discrepancy in the number of municipalities concerned by the use of bilingual place-names, resulting from the different lists appended respectively to the 1994 Act and to the subsequent 1999 Act applying the 20% criterion. Furthermore, the Committee of Experts, while understanding the sensitivities which lie behind the legislation, does not know whether the limitation contained in Section 3 para. 3 of the 1994 Act prevents traditional Hungarian place-names from being used as a matter of fact.

248. The Slovak authorities are encouraged to clarify these points in their next periodical report. Nevertheless, the Committee of Experts is in a position to consider that the present undertaking is partly fulfilled.

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

“Paragraph 3

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

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

249. The Committee of Experts observes in the first place that in the case of sub-paragraphs b. and c. of paragraph 3 of Article 10 of the Charter, Slovakia did not specify, in its instrument of ratification, which of these two options should apply. In fact, the two options listed in the above-mentioned sub-paragraphs are alternatives and Contracting Parties are required to opt for one of them. According to the practice of the Committee of Experts, in the absence of a choice by the State where several options are available, the highest option from the point of view of the protection and promotion of the language shall normally be applied “ex officio”, unless specific circumstances make the highest option appear as manifestly incompatible with the needs of the regional or minority language concerned and/or with the expressed wishes of the speakers (see for example the second evaluation report of the Committee of Experts on the implementation of the Charter by Hungary, quoted above, para. 95). In this case, the Committee of Experts sees no reason to depart from its usual practice and will therefore apply the highest option, i.e. para. 3.b of Article 10.

250. In this regard the initial periodical report (see p. 86) confines itself to stating that the use of Hungarian is possible in all areas of activity where at least 20% of the inhabitants are Hungarian-speakers and adds that no complaints have been received so far in this regard. According to the information provided by other official sources, public services are included under the term “public law authority”, used by Act No. 270/1995 on the State Language of the Slovak Republic. Following this interpretation, it would be impossible to use any language other than Slovak in the contacts with these bodies.

251. The Committee of Experts considers that this information is insufficient to enable it to conclude on this point. It therefore asks the Slovak authorities to elaborate further in their next periodical report.

“Paragraph 4

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

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

252. The initial periodical report (see p. 86) refers in general terms to the hiring of Hungarian-speaking staff and to the fact that in regions with Hungarian-speaking population some 20% of the staff concerned speaks Hungarian. On the basis of this limited information the Committee of Experts is not in a position to conclude and it asks the Slovak authorities to elaborate further on this point and to provide practical information in their next periodical report, also with regard to the areas where the Hungarian-speakers do not attain the 20% threshold of the municipal population but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

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

253. No specific information was provided in this regard. The Committee of Experts is therefore unable to conclude and it asks the Slovak authorities to comment on this undertaking in their next periodical report.

“Paragraph 5

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

254. According to Section 2 para. 1 of Act No. 300/1993, a person born in the Slovak Republic can be given more than one name, including foreign names, up to three. Furthermore, Section 19 paras. 3 and 5 to 7 of Act No. 154/1994 on Registry Offices allows for the correction of the first entry of the name in the register, as well as the removal of the Slovak grammatical suffix in female surnames, if a person with a nationality other than Slovak so requests (this procedure is not subject to any charges; see the initial periodical report, p. 86).

255. However, according to the additional information provided to the Committee of Experts by official sources, district registry offices interpret the relevant provisions in the sense that the use of a female surname, in the register or extract from the register, without the grammatical suffix of gender indication according to the Slovak grammatical rules is only possible for the surname currently used by the applicant but not for the surname at birth (see the Conclusions from the Meeting of State Citizenship and Registry Offices Staff of District Offices held on 13 and 14 October 1994 in Bardejov, by which district registry offices abide). This means, in practice, that a female Hungarian-speaker is able to use her husband's family name, for example, without the typical Slovak ending but will have to use that ending for her surname at birth (which several regulations require to be stated in a number of cases).

256. Since the right to use or adopt family names in Hungarian is available unconditionally only to men and not to women, the undertaking is not fulfilled.

The Committee of Experts encourages the Slovak authorities to take the necessary measures to allow in all cases the use or adoption of family names in the regional or minority languages, at the request of those concerned.

Article 11 – Media

“Paragraph 1

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

- a to the extent that radio and television carry out a public service mission:***
- iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;”***

257. The initial periodical report (see p. 88) states that programmes for the Hungarian-speakers are broadcast on the Slovak television by the Hungarian broadcasting unit in Bratislava: 17,58 yearly hours as news and 44,63 yearly hours as magazines. In particular, 5-minute news bulletins are broadcast every day at 6,50pm and then repeated the next day. There is also a 26-minute documentary within a series of programmes for minorities and as of September 2004 a monthly 40-minute programme is broadcast in the late evening. 20 such programmes have been scheduled for 2005.

258. However, it was brought to the attention of the Committee of Experts that it is impossible to broadcast live programmes in Hungarian since the State Language Act (Act No. 270/1995) requires that all television programmes be subtitled in Slovak. The Hungarian-speakers see this aspect as a missed opportunity since live broadcasts have a higher viewing rate. In this regard they referred to a best practice which exists in Romania, where technology allows the viewer to choose the language.

259. As far as radio programmes are concerned, “Radio Patria”, which is the oldest Hungarian minority radio broadcaster and is part of the public service, is divided into two branches: one is located in Bratislava and the second is part of the minority radio office in Košice. The two have separate transmissions and in 2003 they broadcast exclusively on medium wave. The radio is now moving to the FM band but it cannot rely on enough transmitters. It covers Southern Slovakia and major parts of the rest of the country.

260. The programmes have the same structure as those of a major broadcaster. It broadcasts 56 hours and 10 minutes per week, from 10.30am until 12.00 noon, then from 1.00pm until 6.00pm. On Saturdays and Sundays it broadcasts from 7.00am until 6.00pm with no interruption. It focuses on news and current affairs but its broadcasting also includes various reportage, music and drama. Its sources are press agencies in Slovakia. The audience is high: 150,000/170,000 people on an average in 2002-2003.

261. The Committee of Experts considers that this undertaking is fulfilled. However, it would encourage the Slovak authorities to seek ways to meet the Hungarian-speakers' wish to be able to broadcast live programmes in Hungarian. The Committee of Experts has some understanding for the argument put forward by the Slovak authorities in this regard, according to which the fact that television programmes must be subtitled in Slovak constitutes a chance for the Slovak-speaking majority population to become familiar with Hungarian as a regional or minority language. This is obviously particularly relevant from the point of view of Article 7 para. 3 of the Charter (see paras. 77- 84 above). However, the Committee of Experts also takes account of the fact that the absolute impossibility to broadcast live in Hungarian represents a missed opportunity for the language. A balanced solution could thus be sought in this regard.

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

262. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of radio programmes in Hungarian on a regular basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML (2005) 4, para. 426).

263. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking, although during the “on-the-spot” visit reference was made to the fact that private radio stations in Slovakia using the Hungarian language did not survive. The Committee of Experts is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. Account should be taken, however, of the fact that the obligation for private radio stations to have all the broadcasting translated into Slovak constitutes an obvious burden for a commercial radio. During the “on-the-spot” visit, the Slovak authorities themselves referred to an amendment drafted by the Ministry of Culture, which is intended to eliminate this obligation.

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

264. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of television programmes in Hungarian on a regular basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML (2005) 4, para. 430).

265. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking. It is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. Account should be taken, however, of the fact that as the Slovak authorities themselves conceded during the “on-the-spot” visit, the obligation to have all programmes subtitled in Slovak represents an additional cost. Subtitling is certainly of interest from the point of view of the Charter (see para. 261 above), but adequate financial solutions could usefully be sought to avoid putting private television stations wanting to broadcast also in Hungarian at a disadvantage compared to private television stations broadcasting only in Slovak.

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

266. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

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

267. There is one daily newspaper in Hungarian in Slovakia, “Új Szó”, and it receives subsidies from the Ministry of Culture. There are also monthly publications, for example for women and young people, and two regional newspapers also exist. The additional information provided by the Slovak Government indicates that in particular the following newspapers (weekly or magazines) also receive funds from the Ministry of Culture: the cultural supplement of the Új Szó daily, the Vasárnap weekly, Katedra, Kalligram, Žitný ostrov-Csallóköz, Komárňanské listy, Új Nő, Irodalmi Szemle, Jó Gazda, Gömörország, Tábortűz, and Szabad Újság.

268. During the “on-the-spot” visit, however, the Committee of Experts received complaints according to which the Ministry of Culture’s funds are distributed on the basis of projects (which according to the additional information provided by the Slovak Government refer to a calendar year) and cover only a small portion of the costs. Furthermore, given that advertisers rely on a regular survey which compares all the newspapers, including the larger Slovak ones, they inevitably turn to the latter. According to the speakers, it is in fact the money which comes from Hungary that enables the press in Hungarian to survive. Finally, official sources admitted that press in regional or minority languages does exist in practice but has no clear legal basis. Regional or minority language press is financed from the Ministry of Culture budget using a special transfer and according to rules drawn up by the Ministry.

269. The Committee of Experts considers that this undertaking is fulfilled at present. However, concerns were expressed by the Hungarian-speakers at the absence of a clear legal basis as well as of a structured policy of funding. The Committee of Experts acknowledges that support for regional or minority language publishing can be vulnerable to policy changes, which may affect compliance with the Charter obligations. The Slovak authorities are therefore encouraged to reflect on how these aspects could be improved so as to provide a strong basis for continued support. The Committee of Experts also asks them to comment, in the next periodical report, on how public advertising is allocated (see, *mutatis mutandis*, the first evaluation report on the application of the Charter by Spain, quoted above, para. 573).

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

270. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

“Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

271. The information provided in the initial periodical report (see p. 88) and during the “on-the-spot” visit suggests that no difficulties exist in this area. The Committee of Experts considers that this undertaking is fulfilled.

“Paragraph 3

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

272. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

Article 12 – Cultural activities and facilities

“Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production,

vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

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

273. The initial periodical report focuses on the funding role of the Ministry of Culture, in particular its Section for Minority Culture, as the main element of the Slovak Government’s policy of support for regional or minority languages (see p. 90 seq. of the initial periodical report, which provides a detailed table on p. 91). The Ministry of Culture also funds directly several cultural institutions and in particular the Thália Theatre in Košice, the Jókai Theatre in Komárno, the Museum of the Hungarian Culture and Danube Region, the Museum of the Culture of Hungarians in Slovakia located in Bratislava and the Ensemble Ifjú Szívek (“young hearts”). According to the additional information provided by the Slovak Government, the Ministry of Culture also funds a number of Hungarian-language publishing companies (namely Kalligram s.r.o., Lilium Aurum s.r.o., NAP Kiadó s.r.o., LOAR s.r.o., Madách-Posonium s.r.o., Petit Press s.r.o., Gabriel Méry-RATIO, Francis Attila-AB Art and KT s.r.o.).

274. However, the Committee of Experts received complaints according to which such a policy has only a political ground and no legal basis..

275. The Committee of Experts considers that this undertaking is fulfilled but would welcome comments, in the next periodical report, on the above-mentioned complaints.

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

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

276. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

- “d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;”**

277. The initial periodical report (see p. 90) describes the main elements of the scheme that the Ministry of Culture has established for supporting regional or minority languages. This scheme includes in particular the guidelines for the provision and accounting of subsidies and the rules of organisation and procedure of the Committee for the transfer of earmarked funds intended to support the culture of national minorities. The Committee of Experts Committee, which is composed mainly of representatives from the various minorities concerned (see para. 279 below), is the body in charge of assessing the applications of individual groups of speakers for funding and, by a majority vote, of adopting recommendations to the Minister on the amounts of subsidies to be granted. The undertaking therefore appears to be fulfilled.

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

278. According to the additional information provided by the Slovak Government, the Cabinet of National Minority Cultures to be established within the National Education Centre, which operates under the supervision of the Ministry of Culture, will be in charge of selecting the staff referred to in the present undertaking. However, the Committee of Experts has received no information regarding staff at the disposal of the bodies who organise or support such activities at present. It therefore asks the authorities to provide such information in the next report.

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

279. The Committee for the transfer of earmarked funds intended to support the culture of national minorities, in charge of advising the Minister of Culture on these matters (see para. 277 above), consists of 11 representatives of the minorities concerned, who are appointed by the Minister of Culture. The Secretary of the Committee is an employee of the Ministry of Culture. The Committee relies on the work of sub-committees related to each minority. Each sub-committee is in charge of setting priorities and of concretely allocating the funds granted to the minority concerned by the Committee (see the initial periodical report, p. 42). The undertaking appears to be fulfilled.

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

280. According to the additional information provided by the Slovak Government, by means of grants the Ministry of Culture encourages the activities of non-governmental organisations the role of which is to collect, archive and publish works in regional or minority languages. One of the most important institutions fulfilling this role is the Fórum institute for research of national minorities in Šamorín, which in 2003 received 880,000 Slovak Crowns from the Ministry of Culture. It is unclear to the Committee of Experts how the said institute performs the activities referred to in the present undertaking with specific regard to the Hungarian language. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in the next periodical report.

“Paragraph 2

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

281. In this regard the Slovak Government confined itself to referring to the future Cabinet of National Minority Cultures (see para. 278 above). This information is insufficient to enable the Committee of Experts to conclude on this point. The Slovak authorities are therefore encouraged to provide further information in their next periodical report.

“Paragraph 3

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

282. According to the additional information provided by the Slovak Government, the Ensemble Ifjú Szívek (“young hearts”), which is run directly by the Ministry of Culture, presents the Hungarian language and culture in Slovakia not only in the neighbouring Hungary but also in other countries. The Ensemble thus performed a tour in the United States and in Australia in recent years. The Ministry of Culture contributed 1,200,000 Slovak Crowns to the tour in the United States.

283. Furthermore, during the “on-the-spot” visit the Committee of Experts was provided with copies of tourist brochures and maps aimed at promoting the natural values of the Slovak-Hungarian border region. Some of these are published in a trilingual Slovak/Hungarian/English version and some others are available in Hungarian as well.

284. The Committee of Experts considers that this undertaking is fulfilled. It stresses that the publication of tourist brochures and maps which highlight the multi-cultural nature of the areas where the speakers are traditionally present, also by giving adequate space to the regional or minority language concerned (Hungarian in the present case), constitutes a particularly good practice.

Article 13 – Economic and social life

“Paragraph 1

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

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

285. According to the initial periodical report (see p. 93), no provision of the sort referred to in the present undertaking exists in the Slovak legislative system and no complaints were received in this field. However, Section 8 of Act No. 270/1995 on the State Language seems to impose the use of Slovak in a number of cases which are relevant for the purpose of the present undertaking, such as: legal documents related to labour relations, financial and technical documentation, statutes of associations, unions and companies. Prima facie this appears to be a limitation to the use of a regional or minority language, such as Hungarian. No justification for this limitation has been given to the Committee of Experts by the Slovak authorities. The Committee of Experts therefore considers that this undertaking is not fulfilled .

The Committee of Experts encourages the authorities to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life

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

286. The Committee of Experts was not informed of any such prohibition. Therefore the Committee of Experts considers that the present undertaking is not fulfilled.

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

287. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“Paragraph 2

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

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

288. Section 8 para. 4 of Act No. 270/1995 on the State Language provides as follows:

“All documentation of healthcare establishments shall be maintained in the official language. The communication between healthcare professionals and patients shall be usually conducted in the official language; if the patient is a citizen or foreigner who does not have a command of the official language, it can be conducted in a language that makes communication with the patient possible.”

289. The Committee of Experts is of the view that this provision conflicts with the undertaking entered into by Slovakia, insofar as it allows communications in a non-official language in healthcare establishments only in those cases where the person concerned does not have a command of Slovak. On the other hand, a certain degree of implementation seems to exist in practice, especially as far as the Hungarian language is concerned,

since many doctors or nurses can speak it (see also p. 93 of the initial periodical report, which maintains in general terms that social care facilities provide for the reception and treatment of their clients in their language). It is also true that some elderly people from a Hungarian-speaking background may have an insufficient command of Slovak and thus be covered by the legal provision at issue. However, apart from the legal issue the Committee of Experts also received complaints, during the “on-the-spot” visit, according to which no structured policy exists in this field.

290. Although it is unclear whether the healthcare establishments referred to in Section 8 para. 4 of Act No. 270/1995 on the State Language also include retirement homes and hostels and despite the fact that Hungarian-speakers in practice do use Hungarian (in apparent contravention of the law), the Committee of Experts considers that Article 13 para. 2.c requires the authorities to ensure certain results. However, Slovak legislation, if implemented, would lead to preventing these results and denies Hungarian-speakers the possibilities which the article is intended to ensure. The Committee of Experts therefore considers that the present undertaking is not fulfilled.

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

Article 14 – Transfrontier exchanges

“The Parties undertake:

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

291. The “Treaty between the Republic of Hungary and the Slovak Republic on Good-Neighbourly Relations and Friendly Co-operation” was concluded in Paris on 19 March 1995 and entered into force on 15 May 1996. Article 15 of this treaty contains extensive provisions dedicated to the protection of the minorities and the minority languages concerned. Eleven joint Slovak-Hungarian commissions were established as a follow-up to the conclusion of this treaty. One of them is specifically dedicated to minorities and others cover areas of relevance also from the point of view of the Charter (such as education, culture, press or health care; see also p. 94 of the initial periodical report). There have been no complaints that the treaty has not been applied. The Committee of Experts considers that this undertaking is fulfilled.

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

292. An “Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Cross-border Cooperation between Territorial Units or Administrative Bodies” was concluded on 23 April 2001. According to the initial periodical report (see p. 94), cross-border contacts were thus encouraged in the areas of culture, education, information, vocational training and lifelong learning. Pursuant to Article 8 of the Agreement, an Intergovernmental Joint Slovak-Hungarian Commission for Cross-Border Cooperation was established. An international conference on Slovak-Hungarian cooperation was promoted by the Council of Europe, with the contribution of the Slovak Ministry of the Interior, and took place in September 1999 in Lučenec (Slovakia) and Salgótarján (Hungary).

293. The initial periodical report states that the Slovak-Hungarian cross-border cooperation develops well and that this is confirmed by the fact that many “Euroregions” were recently established on either side of the border, some of them involving also other countries (see p. 95 of the initial periodical report). Some so-called “micro-regions”, comprising several neighbouring border villages, have also been established.

294. The information collected by the Committee of Experts during the “on-the-spot” visit confirms that intense economic and cultural cooperation takes place at local level, although it was complained that with the exception of some funds allocated by the Ministry of Culture, there is no financial involvement on the part of the Slovak central authorities. The Committee of Experts considers that the present undertaking is fulfilled but would welcome comments, in the next periodical report, on the mentioned complaint.

2.2.3 Evaluation of the application of Part III to the German language³**Article 8 – Education****“Paragraph 1**

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

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

295. According to the information provided in the initial periodical report (see p. 24), there is only one nursery school using some degree of German, along with Slovak. On the basis of the information at the Committee of Experts’ disposal, this offer is clearly insufficient to cater for the demand of German-speakers, as communicated to the Committee of Experts during the “on-the-spot” visit. The Committee of Experts considers that this undertaking is not fulfilled.

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

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

296. According to the information provided in the initial periodical report (see p. 25), there are 5 primary schools with classes using both German and Slovak as a language of instruction and 1 primary school apparently using mainly German as the language of instruction. 1,001 pupils attended these schools in the 2001/2002 school year, according to the data contained in the initial periodical report.

297. During the “on-the-spot” visit the Committee of Experts received complaints according to which even where the speakers are present in a relatively concentrated manner, it is difficult to obtain appropriate teaching of German throughout primary education taking into account the specific needs of those pupils who have German as their mother tongue. Furthermore, no teaching materials seem to be available for the 1st and 2nd grades.

298. The Committee of Experts refers to the complaints received and underlines the importance of adjusting the teaching of German in accordance with adequate methodology and attainment targets for pupils who have or aspire to have German as a mother tongue. The Committee of Experts asks the authorities to comment on this point in their next periodical report..

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

³ The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by Slovakia.

299. The initial periodical report does not mention any secondary education including teaching of German as an integral part of the curriculum. However, during the “on-the-spot” visit the Committee of Experts was informed of the existence of a so-called “German Gymnasium” in Bratislava, with dedicated classes in Košice, where it is possible to obtain an *Abitur* (Baccalaureate) in German, which is recognised also in Germany. However, the Committee of Experts has been informed that the dedicated classes in Košice, which serve the region where the German-speakers are traditionally present, do not take into account the specific needs of children who speak German as their mother tongue (see paras. 297 and 298 above). The Committee of Experts asks the authorities to comment on this point in their next periodical report.

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

300. On the basis of the information made available to the Committee of Experts, there is apparently no vocational or technical school in Slovakia providing for the teaching of German as an integral part of the curriculum. The Committee of Experts considers that the present undertaking is not fulfilled.

The Committee of Experts encourages the Slovak authorities to develop an offer of technical and vocational education providing for the teaching of German as an integral part of the curriculum.

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

301. German is taught at the Department of German Studies of the Faculty of Arts and the Pedagogic Faculty of the University of Constantine the Philosopher in Nitra, at the Department of German, Dutch and Scandinavian Studies and at the Department of the German Language and Literature of the Comenius University in Bratislava, at Prešov University in Prešov and at the Catholic University of Ružomberok. The Committee of Experts considers that this undertaking is fulfilled.

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

302. No specific information was provided in this respect. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to comment on the fulfilment of this undertaking in their next periodical report.

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

303. The Committee of Experts recalls in the first place that the present undertaking concerns not only education for pupils using regional or minority languages but also education for non-speakers about the specific history and traditions of the regional or minority languages spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the regional or minority language in the national curriculum, or at least in the curriculum for Slovak-speaking pupils within the territories concerned (see the second evaluation report on the application of the Charter by Croatia, ECRML 2005 (3), para. 100).

304. Very little information was provided to the Committee of Experts in this respect. However, during the “on-the-spot” visit reference was made to the fact that prejudices vis-à-vis the German-speakers remain strong in Slovakia and that the XXth century historical context still resonates in a manner unfavourable to them (see also para. 19 above). This leads the Committee of Experts to attach a particular importance to the present undertaking in the case of German, as an important part of the awareness-raising endeavour regarding the Slovak-speaking majority population (see para. 303 above). The Committee of Experts is not in a position to conclude in this respect and it asks the Slovak authorities to provide further information in their next periodical report.

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

305. Little information was provided by the Slovak authorities in this respect, apart from referring to the above-mentioned university facilities (see para. 301 above) and to the fact that the training of teachers for the 1st level of primary schools is carried out primarily in the form of German language studies at the Constantine the Philosopher University in Nitra. During the “on-the-spot” visit the Committee of Experts received complaints about the absence of a proper teacher training system for the German language in Slovakia and the lack of appropriate textbooks. Reference was also made to the fact that in some villages there are no primary school teachers, which obliges the German-speakers to resort to retired teachers from neighbouring villages. No information was provided concerning the further training of teachers.

306. The Committee of Experts observes that there is a clear shortage of teachers and a lack of any serious planning in this area. It therefore considers that the present undertaking is not fulfilled.

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

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

307. No body specifically in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of regional or minority languages and of drawing up public periodic reports of its findings appears to exist. The Committee of Experts considers that this undertaking is not fulfilled.

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

Article 9 – Judicial authorities

308. As results from the examination of the preliminary issue relating to the 20% threshold (see paras. 40 – 47 above), Article 9 applies also to those areas where the number of German-speakers is less than 20% but is nevertheless sufficient for the purpose of the application of Article 9 of the Charter. This is acknowledged by the Slovak authorities themselves. Furthermore, as was confirmed to the Committee of Experts by official sources, court districts do not coincide with the territory of the municipalities to which the 20% threshold is applied. Account should also be taken of the fact that the German-speakers achieve the 20% threshold in just one municipality (see also para. 45 above).

“Paragraph 1

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

a in criminal proceedings:

ii to guarantee the accused the right to use his/her regional or minority language; and/or

iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;

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

309. Section 2, sub-section 14 of the Code of Criminal Procedure stipulates that “(e)very person shall have the right to use his mother tongue before the criminal justice authorities”. Furthermore, according to Section 28 of the Code of Criminal Procedure, “(i)f there is a need to translate the content of a statement or a written document or if the accused declares that he does not have a command of the language of the proceedings, an interpreter shall be engaged; the interpreter may also act as the recorder”. According to the initial periodical report, these provisions apply also to the period prior to the beginning of criminal prosecution, notably to the lodging of information on crime under Section 59 in connection with Section 158 para. 1 of the Code of Criminal Procedure.

310. However, in the additional information provided to the Committee of Experts the Slovak Government explicitly stated that interpretation into or from a regional or minority language is provided only if the accused does not have a sufficient command of the Slovak language.

311. Furthermore, Section 55, para. 3 of the Code of Criminal Procedure stipulates as follows:

“Records of oral testimony from a person who does not have command of Slovak shall also be drawn up in Slovak; if a verbatim record of the testimony is necessary, the recorder or the interpreter shall also enter the relevant part of the testimony into the records in the language in which the testimony was provided.”

312. According to the relevant case-law, as reported in the initial periodical report (see p. 31 seq.), this means that an interpreter must be engaged and the related costs be borne by the State only if the person delivering the statement does not have a command of Slovak. Similarly, translation must be provided for any documentary evidence not in the Slovak language. In other words, requests and evidence in a regional or minority language, including German, do not seem to be admissible if the author has a command of the Slovak language.

313. No specific provision seems to exist in relation to written testimony or requests in any form.

314. The Committee of Experts considers that the exact scope of the mentioned right to use one’s mother tongue in criminal proceedings is not clear. Taking account of the practical information gathered during the “on-the-spot” visit, it appears that the judge, the prosecutor or the police will focus their attention on whether the accused is fluent enough in Slovak. If the accused is fluent enough in Slovak, then the judge nevertheless has discretion to grant him/her interpretation, and this seems likely to be granted. However, the fact remains that the right of the accused to use his or her regional or minority language irrespective of his degree of knowledge of Slovak does not seem to be clearly guaranteed. Furthermore, during the “on-the-spot” visit official sources reported to the Committee of Experts that summons do not mention linguistic rights, as it is assumed that they are known to everyone. The announcement of the accusation does include a mention of the general right to interpretation but the police officer concerned will simply assess whether the person *needs* an interpreter.

315. On the other hand, according to the additional information provided to the Committee of Experts by the Slovak authorities, there are officials who would be able to use German in court proceedings. This seems to be confirmed by the figures provided to the Committee of Experts by the Ministry of Justice on the number of magistrates and administrative staff with a certain command of German in a number of judicial districts (see

Appendix III of the initial periodical report), although their distribution is somewhat uneven. As can be seen from these tables, in some cases (for example in Banská Bystrica) the number of judicial staff with some knowledge of German is much higher than the Hungarian-speaking members of the judicial staff, although there is no comparison in the size of the two groups of speakers. However, in the case of German this language does not appear to be used in practice before courts.

316. The Committee of Experts considers that the present undertaking is not fulfilled.

The Committee of Experts encourages the Slovak authorities:

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

“b in civil proceedings:

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

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

c in proceedings before courts concerning administrative matters:

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

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;”

317. Section 18 of the Code of Civil Judicial Procedure stipulates as follows:

“The Parties shall participate in civil proceedings on an equal footing. They have the right to use their mother tongue in proceedings before court. The court shall have to provide them with equal opportunities to exercise their rights.”

318. Furthermore, Section 141, sub-section 2 of the Code of Civil Judicial Procedure provides that:

“The costs of evidence that are not covered by the security, as well as cash expenses incurred by the appointed counsel, who is not an attorney-at-law, and costs related to the use of the party’s mother tongue in the proceedings shall be borne by the State”.

319. According to the information provided in the initial periodical report (see p. 33), the above-mentioned provisions of the Code of Civil Judicial Procedure apply also to the proceedings before administrative courts.

320. The possibility of engaging an interpreter with no additional costs with a view to enabling a litigant in civil or administrative proceedings to use his/her mother tongue has also been confirmed by the case-law (see p. 33 of the initial periodical report). However, according to several sources, including official ones, these

provisions represent an implementation in the civil (and administrative) proceedings of the general right to interpretation for non-speakers of Slovak, guaranteed by Article 47 para. 4 of the Slovak Constitution, but which is not available to regional or minority language speakers who are also able to speak Slovak.

321. According to the information provided to the Committee of Experts, in practice there is no use of German in civil or administrative proceedings. The Committee of Experts considers that these undertakings are not fulfilled.

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

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

322. In the light of the conclusions reached under Article 9 paras. 1.a.ii/a.iii/b.ii/b.iii/c.ii/c.iii above, the Committee of Experts considers that this undertaking is not fulfilled.

Article 10 – Administrative authorities and public services

Preliminary remark

323. In the light of the information received, the Committee of Experts is of the impression that it is in the sphere of the local branches of the State administration and of local authorities that the 20% rule is directly relevant. In respect of regional authorities, the relevant legislation therefore does not appear to apply with the consequence that use of regional or minority languages is not formally permitted. Although the Slovak Constitution provides that “citizens belonging to national minorities or ethnic groups also have, under conditions defined by law, a guaranteed right to use their language in dealings with the authorities” (see Article 34 para. 2.b), the implementation of some of the relevant provisions is, under Slovak law, formally impossible below this threshold. There is consequently a formal barrier to proper fulfilment of these undertakings.

324. Apart from other problems, a proper implementation of the undertakings below inevitably presupposes the reconsidering of the 20% rule so that the relevant undertakings under Article 10 para. 1 and 2 of the Charter can be implemented also in those cases where the German-speakers represent less than 20% of the municipal population but are still traditionally present in sufficient numbers for the purpose of the undertakings entered into by Slovakia in the field of local and regional government. It will be in the first place for the Slovak authorities to assess in what areas the said sufficient numbers, below the 20% threshold, exist (see paras. 40 – 47 above). This issue is particularly relevant in the case of the German language, since as was stated above there is only one village where the German-speakers attain the 20% threshold (see paras. 45 above).

“Paragraph 1

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

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

325. The Committee of Experts observes in the first place that in the case of sub-paragraphs a.iii and a.iv of paragraph 1 of Article 10 of the Charter, Slovakia did not specify, in its instrument of ratification, which of the

these two options should apply. In fact, the two options listed in the above-mentioned sub-paragraphs are alternatives and Contracting Parties are required to opt for one of them. According to the practice of the Committee of Experts, in the absence of a choice by the State where several options are available, the highest option from the point of view of the protection and promotion of the language shall normally be applied "ex officio", unless specific circumstances make the highest option appear as manifestly incompatible with the needs of the regional or minority language concerned and/or with the expressed wishes of the speakers (see for example the second evaluation report of the Committee of Experts on the implementation of the Charter by Hungary, quoted above, para. 95). In this case, the Committee of Experts sees no reason to depart from its usual practice and will therefore apply the highest option, i.e. para. 1.a.iii of Article 10.

326. According to the information provided to the Committee of Experts by official sources, local State administration authorities are district offices as first-instance authorities and regional offices as authorities of appeal. Other local branches of the State administration are specialised State administration authorities, such as tax offices and customs offices.

327. The Committee of Experts has not received any specific information with regard to the compliance by the local branches of the State administration with this undertaking, although some information points for example to very low awareness of State officers about the obligations deriving from the Charter and the initial periodical report explicitly states that applications in German may not be submitted to competent bodies at local level with regard to official instruments and documents (such as identity cards, driving licences, passports, etc.; see p. 35 of the initial periodical report). Furthermore, it is unclear whether the 20% requirement applies in the case of the local branches of the State administration. If that was the case, given the specific demographic situation of the German language in Slovakia it would be particularly important for the Committee of Experts to know in what areas, irrespective of the 20% threshold, the German language is traditionally present in sufficient numbers for the purpose of the undertaking entered into under Article 10 para. 1.a.iii of the Charter. There is in fact only one municipality where the German-speakers achieve the 20% threshold and in any case no State administration office is located in this village.

328. The information at the Committee of Experts' disposal points to lack of fulfilment but it is still not sufficient to enable the Committee of Experts to reach a conclusion on this point. The Slovak authorities are therefore encouraged to comment on this point in their next periodical report.

"Paragraph 2

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

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

329. According to the initial periodical report (see p. 35), German-speakers may use their language in official communications (which appears to include also oral applications) and may also submit applications to a local government body, except for official instruments and documents. Of course, this is at present in any event not formally guaranteed in the majority of the areas where German-speakers are traditionally present, owing to the 20% rule. Furthermore, no such possibilities exist at the level of the region. Although the Committee of Experts lacks information on the practice in the only village where the German-speakers attain the 20% threshold, it nevertheless considers that the present undertaking is not fulfilled.

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

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

330. Section 3 of Act No. 270/1995 on the State language of the Slovak Republic stipulates that “(t)he official language shall be used: a) to publish laws, governmental ordinances and other generally binding regulations, including regulations of territorial self-government authorities, decisions and other public documents; (...) c) to maintain all official records (registers, records, resolutions, statistics, official records, public information, etc.)”.

331. Section 4 paras. 2 and 3 of Act No. 184/1999 on the Use of Minority Languages provides that in the municipalities where the regional or minority language speakers represent at least 20% of the population, “important information, in particular warning, protection and health notices, shall be displayed in publicly accessible places both in the official and the minority language”. Furthermore, according to Sections 1 para. 1, 5 para. 1 e) and 6 para. 5 of Act No. 211/2000 (Freedom of Information Act), the said municipalities are obliged to disclose an outline of the following information also in the regional or minority language concerned: regulations, orders, instructions and interpretations, which the municipality uses in decision-making or which define the rights and obligations of natural persons and legal entities in respect of the municipality. In 1999 guidelines were issued to general internal administration units, small traders’ licensing units and fire protection units for the use of minority languages in official communications.

332. However, what may be published in the conditions described above is only an outline and not the official document as such. Furthermore, no such possibility exists with regard to regional authorities. Finally, this possibility is not guaranteed concerning those municipalities where the German-speakers represent less than 20% of the population, i.e. with a single exception (see para 327 above) all those where they are traditionally present.

333. Although the Committee of Experts lacks information on the practice in the only village where the German-speakers attain the 20% threshold, it nevertheless considers that the present undertakings are not fulfilled.

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

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

334. Section 3 para. 2 of Act No. 184/1999 on the Use of National Minority Languages provides that the members of municipal councils in the municipalities where the regional or minority language speakers represent at least 20% of the population have the right to use the minority language in the debates of this body and that interpretation shall have to be provided by the municipality. The use of German in conducting a session of a local authority is also possible if all present consent to it (it is however not clear whether this refers to internal meetings as well as public sessions).

335. The Committee of Experts considers that the fact that this right is limited to the municipalities where the number of regional or minority language speakers at least reaches the 20% threshold affects in itself the fulfilment of the present undertaking. Having said this, the Committee of Experts lacks practical information as to the extent to which German-speakers actually avail themselves of this possibility in practice. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to provide the said practical information in the next periodical report.

336. The Committee of Experts is in any event particularly concerned at the pre-condition that all present must consent to the use of German for a session of a local authority to be conducted in German. This is an unnecessary and discriminatory pre-condition (see also para. 334 above).

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

337. The Committee of Experts recalls that the obligation under the present provision has a special importance, since it is one of the most effective ways in which a regional or minority language can be given full visibility in the territory in which it is traditionally present. An ideal thread therefore links the fundamental definition of territorial regional or minority languages within the meaning of the Charter, embodied in Article 1.a and b, and the present undertaking. Furthermore, the full visibility granted to a regional or minority language in the territory in which it is traditionally spoken through the use or adoption of bilingual place-names is clearly a factor which helps to raise the public prestige of a regional or minority language, which in turn is a crucial factor for safeguarding and promotion (see the second evaluation report on the application of the Charter by Croatia, quoted above, para. 152).

338. Various pieces of legislation deal with this point. Section 4 para. 1 of Act No. 184/1999 on the Use of National Minority Languages stipulates that the municipalities where regional or minority language speakers represent at least 20% of the population can use names of streets and other local place-names in the regional or minority language. However, according to the information provided to the Committee of Experts by official sources, Act No. 270/1995 on the State Language of the Slovak Republic had previously integrated Act No. 191/1994 on the Indication of Names of Municipalities in National Minority Languages to the effect that the term “place-names” only concerns the name of municipalities but not of parts of municipalities. Furthermore, an annex to the 1995 Act on the State Language contains a list of the municipalities where the road signs in regional or minority languages are to be used. This list includes 2 municipalities as far as the German language is concerned, whereas the list of the municipalities where the German-speakers attain the 20% threshold, appended to the 1999 Act on National Minority Languages, gives the figure of just 1 municipality.

339. The Committee of Experts considers that the 20% requirement leaves out the vast majority of the municipalities where the German-speakers are traditionally present and where they constitute a significant number for the purpose of the present undertaking. Although Section 3 paras. 2 and 3 of Act No. 191/1994 provides that a municipality can decide in a local referendum to change the name of a municipality stated in the annex to this act or determine the name of a municipality if it is not included in the list, for the referendum to be valid more than half the municipality’s eligible voters must participate and the decision is approved if 80% of valid votes in the referendum are in favour. Above all, Section 3 para. 3 of the 1994 Act provides that this possibility shall not apply to those municipalities whose place-names were changed between 1867 and 1918 and between 1938 and 1945.

340. The information at the Committee of Experts’ disposal does not enable it to understand the reason for the above-mentioned discrepancy in the number of municipalities concerned by the use of bilingual place-names, resulting from the different lists appended respectively to the 1994 Act and to the subsequent 1999 Act applying the 20% criterion. Furthermore, the Committee of Experts, while understanding the sensitivities which lie behind the legislation, does not know whether the limitation contained in Section 3 para. 3 of the 1994 Act prevents traditional German place-names from being used as a matter of fact.

341. The Slovak authorities are encouraged to clarify these points in their next periodical report. Nevertheless, the Committee of Experts is in a position to consider that the present undertaking is partly fulfilled.

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

“Paragraph 3

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

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

342. According to the information provided by official sources, public services are included under the term “public law authority”, used by Act No. 270/1995 on the State Language of the Slovak Republic. Following this interpretation, it would be impossible to use any language other than Slovak in the contacts with these bodies. The initial periodical report (see p. 36 seq.) confines itself to referring to Section 2 para. 3 of Act No. 184/1999 on the Use of Minority Languages, which guarantees the general right to submit written applications to a body of State administration and to a body of local self-government. The Committee of Experts considers that this information is insufficient to enable it to conclude on this point. It therefore asks the Slovak authorities to submit information concerning specifically public services in their next periodical report.

“Paragraph 4

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

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

343. The initial periodical report confines itself to stating that local State administration bodies or social service facilities are able to provide interpreting services when necessary and upon request of the person concerned (see p. 37 of the initial periodical report). The Committee of Experts considers that this information is insufficient to enable it to conclude on this point. It therefore asks the Slovak authorities to elaborate further in their next periodical report.

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

344. No specific information was provided in this regard. The Committee of Experts is therefore unable to conclude and it asks the Slovak authorities to comment on this undertaking in their next periodical report.

“Paragraph 5

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

345. According to Section 2 para. 1 of Act No. 300/1993, a person born in the Slovak Republic can be given more than one name, including foreign names, up to three. Furthermore, Section 19 paras. 3 and 5 to 7 of Act No. 154/1994 on Registry Offices allows for the correction of the first entry of the name in the register, as well as the removal of the Slovak grammatical suffix in female surnames, if a person with a nationality other than Slovak so requests (this procedure is not subject to any charges; see the initial periodical report, p. 86).

346. However, according to the additional information provided to the Committee of Experts by official sources, district registry offices interpret the relevant provisions in the sense that the use of a female surname, in the register or extract from the register, without the grammatical suffix of gender indication according to the Slovak grammatical rules is only possible for the surname currently used by the applicant but not for the surname at birth (see the Conclusions from the Meeting of State Citizenship and Registry Offices Staff of District Offices held on 13 and 14 October 1994 in Bardejov, by which district registry offices abide). This means, in practice, that a female German-speaker is able to use her husband's family name, for example, without the typical Slovak ending but will have to use that ending for her surname at birth (which several regulations require to be stated in a number of cases)..

347. Since the right to use or adopt family names in German is available unconditionally only to men and not to women, the undertaking is not fulfilled.

The Committee of Experts encourages the Slovak authorities to take the necessary measures to allow in all cases the use or adoption of family names in the regional or minority languages, at the request of those concerned.

Article 11 – Media

“Paragraph 1

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

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

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

348. As far as the public radio service is concerned, the initial periodical report (see p. 38) refers to the broadcasting of a programme designed for national minorities (the “Minority-Ethnic Programme”). The programme is prepared by a specialised desk which relies on specialised units for each of the languages concerned. The broadcasting time depends on the results of the latest census. The German language is currently granted 30 minutes per week. Programmes are broadcast on AM frequencies (Prešov 1071 kHz and Stakčín 864 kHz).

349. As far as the public television service is concerned, the German language relies on a magazine which is broadcast 4 times per year for a total of 1,9 hours. The Committee of Experts considers this amount of time insufficient, given the importance of the electronic media, especially television, in modern societies.

350. The Committee of Experts considers that the present undertaking is fulfilled as far as radio is concerned but that it is not fulfilled as far as television is concerned.

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

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

351. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of radio programmes in German on a regular basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML 2005 (4), para. 426).

352. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking. It is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. Account should be taken, however, of the fact that the obligation for private radio stations to have all the broadcasting translated into Slovak constitutes an obvious burden for a commercial radio. During the “on-the-spot” visit, the Slovak authorities themselves referred to an amendment drafted by the Ministry of Culture, which is intended to eliminate this obligation.

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

353. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of television programmes in German on a regular basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML 2005 (4), para. 430).

354. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking. It is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. Account should be taken, however, of the fact that as the Slovak authorities themselves conceded during the “on-the-spot” visit, the obligation to have all programmes subtitled in Slovak represents an additional cost. Subtitling is certainly of interest from the point of view of the Charter (see para. 261 above), but this requirement may put private television stations wanting to broadcast also in German at a disadvantage compared to private television stations broadcasting only in Slovak.

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

355. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

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

356. The Ministry of Culture funds the following magazines in German: the Karpatenblatt, which received 820,000 Slovak Crowns in 2003, and IkeJA magazine, which received 82,000 Slovak Crowns in 2003. While Karpatenblatt, in terms of content and format appears to be a newspaper, it is only published once every four weeks, which is not sufficient to make it a newspaper for the purpose of this undertaking. Furthermore, during the “on-the-spot” visit the Committee of Experts received complaints concerning the delays with which funds are allocated. The Committee of Experts therefore considers that the present undertaking is not fulfilled.

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

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

357. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

“Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

358. The information provided in the initial periodical report (see p. 39) and during the “on-the-spot” visit suggests that no difficulties exist in this area. The Committee of Experts considers that this undertaking is fulfilled.

“Paragraph 3

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

359. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

Article 12 – Cultural activities and facilities

“Paragraph 1

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

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

360. The initial periodical report focuses on the funding role of the Ministry of Culture, in particular its Section for Minority Culture, as the main element of the Slovak Government’s policy of support for regional or minority languages (see p. 41 seq. of the initial periodical report, which provides a detailed table on p. 43). The Ministry of Culture also funds directly the Museum of Culture of Carpathian Germans (2,050,000 Slovak Crowns granted in 2002).

361. During the “on-the-spot” visit it was stressed to the Committee of Experts that the specific German dialect of the region is particularly vibrant in the cultural field (for example in sketches, songs and plays). However, the Committee of Experts received complaints according to which funds are only granted on the basis of projects and above all funds arrive very late, which results in planned events having to be financed by loans. An act seems to be in the process of being drafted to deal with this problem, whose adoption the German-speakers would strongly encourage.

362. The Committee of Experts considers that this undertaking is fulfilled at present and asks the Slovak authorities to provide further information and comment on the said complaints in their next periodical report.

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

363. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

- “d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;”***

364. The initial periodical report (see p. 42) describes the main elements of the scheme that the Ministry of Culture has established for supporting regional or minority languages. This scheme includes in particular the guidelines for the provision and accounting of subsidies and the rules of organisation and procedure of the Committee for the transfer of earmarked funds intended to support the culture of national minorities. The latter Committee, which is composed mainly of representatives from the various minorities concerned (see para. 366 below), is the body in charge of assessing the applications of individual groups of speakers for funding and, by a majority vote, adopting recommendations to the Minister on the amounts of subsidies to be granted. The undertaking therefore appears to be fulfilled.

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

365. According to the additional information provided by the Slovak Government, the Cabinet of National Minority Cultures to be established within the National Education Centre, which operates under the supervision of the Ministry of Culture, will be in charge of selecting the staff referred to in the present undertaking. However, the Committee of Experts has received no information regarding staff at the disposal of the bodies who organise or support such activities at present. It therefore asks the authorities to provide such information in the next report.

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

366. The Committee for the transfer of earmarked funds intended to support the culture of national minorities, in charge of advising the Minister of Culture on these matters (see para. 364 above), consists of 11 representatives of the minorities concerned, who are appointed by the Minister of Culture. The Secretary of the Committee is an employee of the Ministry of Culture. The Committee relies on the work of sub-committees related to each minority. Each sub-committee is in charge of setting priorities and of concretely allocating the funds granted to the minority concerned by the Committee (see the initial periodical report, p. 42). The undertaking appears to be fulfilled.

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

367. According to the additional information provided by the Slovak Government, by means of grants the Ministry of Culture encourages the activities of non-governmental organisations the role of which is to collect, archive and publish works in regional or minority languages. One of the most important institutions fulfilling this role is the Fórum institute for research of national minorities in Šamorín, which in 2003 received 880,000 Slovak Crowns from the Ministry of Culture. It is unclear to the Committee of Experts how the said institute performs the activities referred to in the present undertaking with specific regard to the German language. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in the next periodical report.

“Paragraph 2

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

368. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“Paragraph 3

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

369. No specific information was provided to the Committee of Experts in this regard as far as the German language is concerned. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

Article 13 – Economic and social life

“Paragraph 1

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

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

370. According to the initial periodical report (see p. 93), no provision of the sort referred to in the present undertaking exists in the Slovak legislative system and no complaints were received in this field. However, Section 8 of Act No. 270/1995 on the State Language seems to impose the use of Slovak in a number of cases which are relevant for the purpose of the present undertaking, such as: legal documents related to labour relations, financial and technical documentation, statutes of associations, unions and companies. Prima facie this appears to be a limitation to the use of a regional or minority language, such as German. No justification for this limitation has been given to the Committee of Experts by the Slovak authorities. The Committee of Experts therefore considers that this undertaking is not fulfilled .

The Committee of Experts encourages the authorities to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life.

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

371. The Committee of Experts was not informed of any such prohibition. Therefore the Committee of Experts considers that the present undertaking is not fulfilled.

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

372. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“Paragraph 2

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

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

373. Section 8 para. 4 of Act No. 270/1995 on the State Language provides as follows:

“All documentation of healthcare establishments shall be maintained in the official language. The communication between healthcare professionals and patients shall be usually conducted in the official language; if the patient is a citizen or foreigner who does not have a command of the official language, it can be conducted in a language that makes communication with the patient possible.”

374. The Committee of Experts is of the view that this provision conflicts with the undertaking entered into by Slovakia, insofar as it allows communications in a non-official language in healthcare establishments only in those cases where the person concerned does not have a command of Slovak. On the other hand, a certain degree of implementation seems to exist in practice, especially as far as the German language is concerned, since during the “on-the-spot” visit it was reported to the Committee of Experts that doctors with a command of German are available (see also p. 45 of the initial periodical report, which maintains in general terms that social care facilities provide for the reception and treatment of their clients in their language). It is also true that a few elderly people from a German-speaking background may have an insufficient command of Slovak and thus be covered by the legal provision at issue.

375. Although it is unclear whether the healthcare establishments referred to in Section 8 para. 4 of Act No. 270/1995 on the State Language also include retirement homes and hostels, and despite the fact that German-speakers in practice do use German (in apparent contravention of the law), the Committee of Experts considers that Article 13 para. 2.c requires the authorities to ensure certain results. However, Slovak legislation, if implemented, would lead to preventing these results and denies German-speakers the possibilities which the article is intended to ensure. The Committee of Experts therefore considers that the present undertaking is not fulfilled.

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

Article 14 – Transfrontier exchanges

“The Parties undertake:

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

376. According to the initial periodical report (see p. 47), the Slovak Ministry of the Interior has drafted an agreement on transfrontier cooperation between the Slovak and Austrian Governments, which has already been notified to the Austrian Ministry of Foreign Affairs. According to the draft agreement, all contacts between the users of the Slovak and German languages are to be encouraged in both countries in the fields of culture, education, information, vocational and life-long education.

377. The Committee of Experts considers that this undertaking is fulfilled as regards Austria but would welcome information, in the next periodical report, on the outcome of the draft agreement, as well as on any existing or planned bilateral or multilateral agreements with other German-speaking countries.

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

378. The initial periodical report (see p. 47) states that Slovak-Austrian cross-border co-operation continues to grow as confirmed by the fact that the Euro-region Morava River Valley was established within the territories of three countries (including also a portion of the Czech Republic) and preparations are continuing with a view to introducing the Euro-region Bratislava-Vienna-Győr (including also a portion of Hungary). Furthermore, on 24-25 October 2001, the Slovak Government co-organised a conference with the Council of Europe on Slovak-Austrian cross-border co-operation, which took place in the towns of Piešťany (in Slovakia) and of Baden bei Wien (in Austria). It is unclear, however, in what way these forms of cross-border co-operation have benefited the German language in Slovakia. The Committee of Experts is therefore

not in a position to conclude and it asks the Slovak authorities to comment on this point in their next periodical report.

2.2.4 Evaluation of the application of Part III to the Ruthenian language⁴

Article 8 – Education

“Paragraph 1

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

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

379. According to the additional information provided by the Slovak Government, the network of nursery schools does not include any pre-school education using Ruthenian as the language of instruction since parents have not asked for it. During the “on-the-spot” visit, the Slovak authorities reiterated that when in 1997-1998, after the codification process of the language had been completed, teaching of Ruthenian was introduced, the speakers did not request teaching in Ruthenian as well. The absence of any pre-school education was confirmed by the Ruthenian-speakers during the “on-the-spot” visit but this was not at all imputed to a lack of interest on the part of parents.

380. The Committee of Experts therefore considers that the present undertaking is not fulfilled.

“b ii to make available a substantial part of primary education in the relevant regional or minority languages;”

381. According to the additional information provided by the Slovak Government, Ruthenian language and literature are taught at 8 primary schools. However, no subject in the curriculum is taught in Ruthenian. Furthermore, teaching of the Ruthenian language and literature is available only as an optional subject. During the “on-the-spot” visit, the speakers stressed the difference with the Ukrainian language, the teaching of which is compulsory and which is also used as a language of instruction. Furthermore, the Education Act (Act No. 29/1984, republished in the Act No. 350/1994 and amended by Act No. 334/2002) mentions Ruthenian as a foreign language and not as a mother-tongue language. The case was also reported to the Committee of Experts, during the “on-the-spot” visit, one child who was obliged to learn Ukrainian instead of Ruthenian (it apparently took the Ministry of Education two years to intervene, after the parents refused to send the child to school).

382. The Committee of Experts observes that the present undertaking is concerned with providing a substantial part of primary education in Ruthenian, meaning that in addition to teaching of the language other subjects must also be taught *in* the language. This provision must obviously form an integral part of the curriculum. The Committee of Experts therefore considers that the present undertaking is not fulfilled.

“c ii to make available a substantial part of secondary education in the relevant regional or minority languages;”

383. There is only one grammar school providing for teaching of the Ruthenian language and literature as an optional subject. The Committee of Experts observes that the present undertaking is concerned with providing a substantial part of secondary education in Ruthenian, meaning that in addition to teaching of the language other subjects must also be taught *in* the language. This provision must obviously form an integral part of the curriculum. The Committee of Experts therefore considers that the present undertaking is not fulfilled.

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

384. On the basis of the information provided to the Committee of Experts, there seems to be no provision for technical or vocational education including a substantial part in the Ruthenian language. The Committee of Experts observes that the present undertaking is concerned with providing a substantial part of technical and vocational education in Ruthenian, meaning that in addition to teaching of the language other subjects must

⁴ The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by Slovakia.

also be taught *in* the language. This provision must obviously form an integral part of the curriculum. The Committee of Experts therefore considers that the present undertaking is not fulfilled.

The Committee of Experts encourages the Slovak authorities to take measures to ensure a substantial part of pre-school, primary, secondary and technical and vocational education in Ruthenian.

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

385. During the “on-the-spot” visit, it was reported to the Committee of Experts that the academic senate, which has relevant competences at university level, has so far not supported the study of the Ruthenian language. There is in fact no university department devoted to Ruthenian and there seem to be no facilities for studying the Ruthenian language and culture. This seems to be indirectly confirmed by the additional information provided by the Slovak Government, according to which preparations for a new study programme on “Ruthenian language and literature” are in progress at Prešov University. Although the Committee of Experts welcomes this initiative, it must conclude that the undertaking is not at present fulfilled.

The Committee of Experts encourages the Slovak authorities to take the necessary measures to accelerate the establishment of facilities for the study of Ruthenian language and culture.

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

386. No specific information was provided in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

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

387. No specific information was provided in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

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

388. The University of Prešov offers courses for the training of primary school teachers (grades 1-4). The information provided to the Committee of Experts during the “on-the-spot” visit, however, points to a very serious lack of qualified teachers and of the necessary funds to remunerate them. Paradoxically, the problem does not seem to be the lack of teaching materials (see para. 70 above) but that of teachers able to use them. The problem of teacher training seems to be aggravated by the lack of teaching of Ruthenian as a university and higher education subject (see para. 385 above). The Committee of experts considers that the present undertaking is not fulfilled.

The Committee of Experts encourages the Slovak authorities to take urgent and substantial measures to develop a structured and comprehensive approach to teacher training for the Ruthenian language.

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

389. No body specifically in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of regional or minority languages and of drawing up public periodic reports of its findings appears to exist. The Committee of Experts considers that this undertaking is not fulfilled.

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

Article 9 – Judicial authorities

390. As results from the examination of the preliminary issue relating to the 20% threshold (see paras. 40 - 47 above), Article 9 applies also to those areas where the number of Ruthenian-speakers is less than 20% but is nevertheless sufficient for the purpose of the application of Article 9 of the Charter. This is acknowledged by the Slovak authorities themselves. Furthermore, as was confirmed to the Committee of Experts by official sources, court districts do not coincide with the territory of the municipalities to which the 20% threshold is applied.

“Paragraph 1

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

a in criminal proceedings:

ii to guarantee the accused the right to use his/her regional or minority language; and/or

iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

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

391. Section 2, sub-section 14 of the Code of Criminal Procedure stipulates that “(e)very person shall have the right to use his mother tongue before the criminal justice authorities”. Furthermore, according to Section 28 of the Code of Criminal Procedure, “(i)f there is a need to translate the content of a statement or a written document or if the accused declares that he does not have a command of the language of the proceedings, an interpreter shall be engaged; the interpreter may also act as the recorder”. According to the initial periodical report, these provisions apply also to the period prior to the beginning of criminal prosecution, notably to the lodging of information on crime under Section 59 in connection with Section 158 para. 1 of the Code of Criminal Procedure.

392. However, in the additional information provided to the Committee of Experts the Slovak Government explicitly stated that interpretation into or from a regional or minority language is provided only if the accused does not have a sufficient command of the Slovak language.

393. Furthermore, section 55, para. 3 of the Code of Criminal Procedure stipulates as follows:

“Records of oral testimony from a person who does not have command of Slovak shall also be drawn up in Slovak; if a verbatim record of the testimony is necessary, the recorder or the interpreter shall also enter the relevant part of the testimony into the records in the language in which the testimony was provided.”

394. According to the relevant case-law, as reported in the initial periodical report (see p. 31 seq.), this means that an interpreter must be engaged and the related costs be borne by the State only if the person delivering the statement does not have a command of Slovak. Similarly, translation must be provided for any documentary evidence not in the Slovak language. In other words, requests and evidence in a regional or minority language, including Ruthenian, do not seem to be admissible if the author has a command of the Slovak language.

395. No specific provision seems to exist in relation to written testimony or requests in any form.

396. The Committee of Experts considers that the exact scope of the mentioned right to use one’s mother tongue in criminal proceedings is not clear. Taking account of the practical information gathered during the “on-the-spot” visit, it appears that the judge, the prosecutor or the police will focus their attention on whether the accused is fluent enough in Slovak. If the accused is fluent enough in Slovak, then the judge nevertheless has discretion to grant him/her interpretation, and this seems likely to be granted. However, the fact remains that the right of the accused to use his or her regional or minority language irrespective of his degree of knowledge of Slovak does not seem to be clearly guaranteed. Furthermore, during the “on-the-spot” visit official sources reported to the Committee of Experts that summons do not mention linguistic rights, as it is assumed that they are known to everyone. The announcement of the accusation does include a mention of the general right to interpretation but the police officer concerned will simply assess whether the person *needs* an interpreter.

397. Finally, according to the information provided to the Committee of Experts during the “on-the-spot” visit, there is very little use of Ruthenian in criminal court proceedings. Indeed, in spite of the fact that some members of the judicial staff in Slovakia have a certain command of Ruthenian (see Appendix III of the initial periodical report), most people, with the exception of a few elderly persons, tend to use Slovak. The Committee of Experts considers that these undertakings are not fulfilled in the case of Ruthenian.

The Committee of Experts encourages the Slovak authorities:

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

“b in civil proceedings:

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

if necessary by the use of interpreters and translations;

c in proceedings before courts concerning administrative matters:

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

**iii to allow documents and evidence to be produced in the regional or minority languages,
if necessary by the use of interpreters and translations;"**

398. Section 18 of the Code of Civil Judicial Procedure stipulates as follows:

"The Parties shall participate in civil proceedings on an equal footing. They have the right to use their mother tongue in proceedings before court. The court shall have to provide them with equal opportunities to exercise their rights."

399. Furthermore, Section 141, sub-section 2 of the Code of Civil Judicial Procedure provides that:

"The costs of evidence that are not covered by the security, as well as cash expenses incurred by the appointed counsel, who is not an attorney-at-law, and costs related to the use of the party's mother tongue in the proceedings shall be borne by the State".

400. According to the information provided in the initial periodical report (see p. 33), the above-mentioned provisions of the Code of Civil Judicial Procedure apply also to the proceedings before administrative courts.

401. The possibility of engaging an interpreter with no additional costs with a view to enabling a litigant in civil or administrative proceedings to use his/her mother tongue has also been confirmed by the case-law (see p. 33 of the initial periodical report). However, according to several sources, including official ones, these provisions represent an implementation in the civil (and administrative) proceedings of the general right to interpretation for non-speakers of Slovak, guaranteed by Article 47 para. 4 of the Slovak Constitution but which is not available to regional or minority language speakers who are also able to speak Slovak.

402. Finally, according to the information provided to the Committee of Experts during the "on-the-spot" visit, there is very little use of Ruthenian in civil court proceedings. Indeed, in spite of the fact that some members of the judicial staff in Slovakia have a certain command of Ruthenian (see Appendix III of the initial periodical report), most people, with the exception of a few elderly, tend to use Slovak. The Committee of Experts considers that these undertakings are not fulfilled.

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

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

403. Even though interpretation or translation seems to be provided in the case of elderly Ruthenian-speakers lacking an adequate command of Slovak, in the light of the conclusions reached under Article 9 paras. 1.a.ii/a.iii/b.ii/b.iii/c.ii/c.iii above, the Committee of Experts nevertheless considers that this undertaking is not fulfilled.

"Paragraph 3

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

404. The initial periodical report (see p. 82) confines itself to referring to point C of Governmental Resolution No. 27/2001 of the Deputy Prime Minister for Human and Minority Rights and Regional Development, assigning to the latter the task of drawing up a comprehensive report on the legislative, financial and other measures adopted to comply with this undertaking. However, the initial periodical report admits that the application of the

present undertaking would require the allocation of significant financial means. The Committee of Experts considers that the present undertaking is not fulfilled.

Article 10 – Administrative authorities and public services

Preliminary remark

405. In the light of the information received, the Committee of Experts is of the impression that it is in the sphere of the local branches of the State administration and of local authorities that the 20% rule is directly relevant. In respect of regional authorities, the relevant legislation therefore does not appear to apply with the consequence that use of regional or minority languages is not formally permitted.. Although the Slovak Constitution provides that “citizens belonging to national minorities or ethnic groups also have, under conditions defined by law, a guaranteed right to use their language in dealings with the authorities” (see Article 34 para. 2.b), the implementation of some of the relevant provisions is, under Slovak law, formally impossible below this threshold. There is consequently a formal barrier to proper fulfilment of these undertakings.

406. Apart from other problems, a proper implementation of the undertakings below inevitably presupposes the reconsidering of the 20% rule so that the relevant undertakings under Article 10 para. 1 and 2 of the Charter can be implemented also in those cases where the Ruthenian-speakers represent less than 20% of the municipal population but are still traditionally present in sufficient numbers for the purpose of the undertakings entered into by Slovakia in the field of local and regional government. It will be in the first place for the Slovak authorities to assess in what areas the said sufficient numbers, below the 20% threshold, exist (see paras. 40 – 47 above).

“Paragraph 1

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

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

407. The Committee of Experts observes in the first place that in the case of sub-paragraphs a.iii and a.iv of paragraph 1 of Article 10 of the Charter, Slovakia did not specify, in its instrument of ratification, which of these two options should apply. In fact, the two options listed in the above-mentioned sub-paragraphs are alternatives and Contracting Parties are required to opt for one of them. According to the practice of the Committee of Experts, in the absence of a choice by the State where several options are available, the highest option from the point of view of the protection and promotion of the language shall normally be applied “ex officio”, unless specific circumstances make the highest option appear as manifestly incompatible with the needs of the regional or minority language concerned and/or with the expressed wishes of the speakers (see for example the second evaluation report of the Committee of Experts on the implementation of the Charter by Hungary, quoted above, para. 95). In this case, the Committee of Experts sees no reason to depart from its usual practice and will therefore apply the highest option, i.e. para. 1.a.iii of Article 10.

408. According to the information provided to the Committee of Experts by official sources, local State administration authorities are district offices as first-instance authorities and regional offices as authorities of appeal. Other local branches of the State administration are specialised State administration authorities, such as tax offices and customs offices.

409. The Committee of Experts has received little information with regard to the compliance by the local branches of the State administration with this undertaking. The initial periodical report (see p. 60) indicates that according to Section 2 paras. 1 and 3 of Act No. 184/1999 on the Use of National Minority Languages Ruthenian-speakers may use Ruthenian in official contact and may submit requests and receive replies in this language. However, during the “on-the-spot” visit the Committee of Experts was informed that Ruthenian is very little used in this area and the initial periodical report explicitly states that applications in Ruthenian may not be submitted to competent bodies at local level with regard to official instruments and documents (such as identity cards, driving licences, passports, etc.; see p. 60 of the initial periodical report). Other information provided to the Committee of Experts points to very low awareness of State officers about the obligations

deriving from the Charter. Furthermore, it is unclear whether the 20% requirement applies in the case of the local branches of the State administration. On the other hand, the second periodical report (see p. 60) states, with reference to the present undertaking, that Ruthenian is used in 68 municipalities and even mentions the fact that one of the municipalities where the Ruthenian-speakers live (Medzilaborce) is the seat of a district office.

410. The information at the Committee of Experts' disposal points to lack of fulfilment but it is still not sufficient to enable the Committee of Experts to reach a conclusion on this point. The Slovak authorities are therefore encouraged to comment on this point in their next periodical report.

“Paragraph 2

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

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

411. According to the initial periodical report (see p. 60), Ruthenian-speakers may use their language in official communications (which appears to include also oral applications) and may also submit applications to a local government body, except for official instruments and documents. Of course, this is at present in any event not formally guaranteed in the areas where Ruthenian-speakers do not attain the 20% rule. Furthermore, no such possibilities exist at the level of the region. In fact, the information provided to the Committee of Experts during the “on-the-spot” visit indicates that there is very little use of Ruthenian in the context of regional or local government, owing in particular to the formal barrier resulting from the 20% rule. The Committee of Experts considers that the present undertaking is not fulfilled.

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

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

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

412. Section 3 of Act No. 270/1995 on the State Language of the Slovak Republic stipulates that “(t)he official language shall be used: a) to publish laws, governmental ordinances and other generally binding regulations, including regulations of territorial self-government authorities, decisions and other public documents; (...) c) to maintain all official records (registers, records, resolutions, statistics, official records, public information, etc.)”.

413. Section 4 paras. 2 and 3 of Act No. 184/1999 on the Use of Minority Languages provides that in the municipalities where the regional or minority language speakers represent at least 20% of the population, “important information, in particular warning, protection and health notices, shall be displayed in publicly accessible places both in the official and the minority language”. Furthermore, according to Sections 1 para. 1, 5 para. 1 e) and 6 para. 5 of Act No. 211/2000 (Freedom of Information Act), the said municipalities are obliged to disclose an outline of the following information also in the regional or minority language concerned: regulations, orders, instructions and interpretations, which the municipality uses in decision-making or which define the rights and obligations of natural persons and legal entities in respect of the municipality. In 1999 guidelines were issued to general internal administration units, small traders' licensing units and fire protection units for the use of minority languages in official communications.

414. However, what may be published in the conditions described above is only an outline and not the official document as such. Furthermore, no such possibility exists with regard to regional authorities. Finally, this possibility is not guaranteed concerning those municipalities where the Ruthenian-speakers represent less than 20% of the population but where they are nevertheless present in sufficient numbers for the purpose of the present undertakings.

415. As a matter of fact, no official documents appear to be published in Ruthenian either at municipal or at regional level. The Committee of Experts considers that the present undertakings are not fulfilled.

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

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

416. Section 2 para. 3 of Act No. 184/1999 on the Use of National Minority Languages provides that the members of municipal councils in the municipalities where the regional or minority language speakers represent at least 20% of the population have the right to use the minority language in the debates of this body and that interpretation shall have to be provided by the municipality. The use of Ruthenian in conducting a session of a local authority is also possible if all present consent to it (it is however not clear whether this refers to internal meetings as well as public sessions).

417. The Committee of Experts considers that the fact that this right is limited to the municipalities where the number of regional or minority language speakers at least reaches the 20% threshold affects in itself the fulfilment of the present undertaking. Having said this, the Committee of Experts lacks practical information as to the extent to which Ruthenian-speakers actually avail themselves of this possibility in practice. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to provide the said practical information in the next periodical report.

418. The Committee of Experts is in any event particularly concerned at the pre-condition that all present must consent to the use of Ruthenian for a session of a local authority to be conducted in Ruthenian. This is an unnecessary and discriminatory pre-condition (see also para. 416 above).

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

419. This provision requires a separate examination. The Committee of Experts recalls that the obligation in question has a special importance, since it is one of the most effective ways in which a regional or minority language can be given full visibility in the territory in which it is traditionally present. An ideal thread therefore links the fundamental definition of territorial regional or minority languages within the meaning of the Charter, embodied in Article 1.a and b, and the present undertaking. Furthermore, the full visibility granted to a regional or minority language in the territory in which it is traditionally spoken through the use or adoption of bilingual place-names is clearly a factor which helps to raise the public prestige of a regional or minority language, which in turn is a crucial factor for safeguarding and promotion (see the second evaluation report on the application of the Charter by Croatia, quoted above, para. 152).

420. Various pieces of legislation deal with this point. Section 4 para. 1 of Act No. 184/1999 on the Use of National Minority Languages stipulates that the municipalities where regional or minority language speakers represent at least 20% of the population can use names of streets and other local place-names in the regional or minority language. However, according to the information provided to the Committee of Experts by official sources, Act No. 270/1995 on the State Language of the Slovak Republic had previously integrated Act No. 191/1994 on the Indication of Names of Municipalities in National Minority Languages to the effect that the term “place-names” only concerns the name of municipalities but not of parts of municipalities. Furthermore, an annex to the 1995 State Language Act contains a list of the municipalities where the road signs in regional or

minority languages are to be used. This list includes 96 municipalities but this figure refers indiscriminately to the Ruthenian and Ukrainian languages. On the other hand, from the information provided to the Committee of Experts by official sources it appears that the list of the municipalities appended to the 1999 Act on National Minority Languages gives the figure of 86 municipalities, again referring indiscriminately to the Ruthenian and to the Ukrainian languages.

421. The Committee of Experts considers that the 20% requirement leaves out a number of other municipalities where the Ruthenian-speakers do not attain this threshold but may still constitute a significant number for the purpose of the present undertaking. Furthermore, Section 3 para. 3 of the 1994 Act provides that this possibility shall not apply in favour of those place-names which were imposed between 1867 and 1918 and between 1938 and 1945.

422. The information at the Committee of Experts' disposal does not enable it to understand the reason for the above-mentioned discrepancy in the number of municipalities concerned by the use of bilingual place-names, resulting from the different lists appended respectively to the 1994 Act and to the subsequent 1999 Act applying the 20% criterion. The Committee of Experts is also unable to determine in how many municipalities bilingual place-names involve the use of the Ruthenian language as opposed to the municipalities where bilingual place-names involve the use of Ukrainian. Furthermore, the Committee of Experts, while understanding the sensitivities which lie behind the legislation, does not know whether the limitation contained in Section 3 para. 3 of the 1994 Act prevents traditional Ruthenian place-names from being used as a matter of fact.

423. The Slovak authorities are encouraged to clarify these points in their next periodical report. Nevertheless, the Committee of Experts is in a position to consider that the present undertaking is partly fulfilled.

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

“Paragraph 3

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

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

424. According to the information provided by official sources, public services are included under the term “public law authority”, used by Act No. 270/1995 on the State Language Act of the Slovak Republic. Following this interpretation, it would be impossible to use any language other than Slovak in the contacts with these bodies. The initial periodical report (see p. 61 seq.) confines itself to referring to Section 2 para. 3 of Act No. 184/1999 on the Use of Minority Languages, which guarantees the general right to submit written applications to a body of State administration and to a body of local self-government. The Committee of Experts considers that this information is insufficient to enable it to conclude on this point. It therefore asks the Slovak authorities to submit information concerning specifically public services in their next periodical report.

“Paragraph 4

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

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

425. The initial periodical report confines itself to stating that local State administration bodies or social service facilities are able to provide interpreting services when necessary and upon request of the person concerned (see p. 62 of the initial periodical report). The Committee of Experts considers that this information is insufficient to enable it to conclude on this point. It therefore asks the Slovak authorities to elaborate further in their next periodical report.

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

426. No specific information was provided in this regard. The Committee of Experts is therefore unable to conclude and it asks the Slovak authorities to comment on this undertaking in their next periodical report.

“Paragraph 5

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

427. According to Section 2 para. 1 of Act No. 300/1993, a person born in the Slovak Republic can be given more than one name, including foreign names, up to three. Furthermore, Section 19 paras. 3 and 5 to 7 of Act No. 154/1994 on Registry Offices allows for the correction of the first entry of the name in the register, as well as the removal of the Slovak grammatical suffix in female surnames, if a person with a nationality other than Slovak so requests (this procedure is not subject to any charges; see the initial periodical report, p. 86).

428. However, according to the additional information provided to the Committee of Experts by official sources, district registry offices interpret the relevant provisions in the sense that the use of a female surname, in the register or extract from the register, without the grammatical suffix of gender indication according to the Slovak grammatical rules is only possible for the surname currently used by the applicant but not for the surname at birth (see the Conclusions from the Meeting of State Citizenship and Registry Offices Staff of District Offices held on 13 and 14 October 1994 in Bardejov, by which district registry offices abide).

429. The Committee of Experts does not know whether in Ruthenian the grammatical rule applying to female family names' endings is practically the same as in Slovak, so that the above-mentioned provisions would not really affect female Ruthenian-speakers. However, it is also unclear whether the Ruthenian script is allowed (as is the case in Hungary, which the Committee of Experts considers to be a best practice; see the second evaluation report on the application by Hungary, quoted above, paras. 115-117). The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to comment on this point in the next periodical report.

Article 11 – Media

“Paragraph 1

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

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

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

430. The initial periodical report (see p. 63 seq.) refers to the programme “National Minority and Ethnic Broadcasting” broadcast by the Slovak Radio. Within the national minority and ethnic broadcasting office there are separate departments for individual national minorities including broadcasting in the Ruthenian language. The broadcasts are aired on medium wave at Prešov 1071 kHz and Stakčín 864 kHz.

431. Radio broadcasting concerns Ruthenian and Ukrainian at the same time for a total of 13,5 hours per week. The Committee of Experts has received contradictory information with regard to the division of broadcasting time between Ruthenian and Ukrainian..

432. However, during the “on-the-spot” visit the Committee of Experts received information which seems to contradict the initial periodical report’s statements. Even though as of 1st September 2003 the Slovak radio opened a Ruthenian office in Košice, which the Ruthenian-speakers consider as a positive development, it would seem that in practice the contents of the broadcasting are in the Ukrainian language and that the Ruthenian-speakers continue to be portrayed as members of the Ukrainian group.

433. As far as television is concerned, the initial periodical report (see p. 64), states that a Ruthenian national magazine is broadcast 7 times per year, representing 3,7 hours in all. On the other hand, during the “on-the-spot” visit the Committee of Experts was informed that in principle a minority programme should be broadcast once a week but in practice there is no periodicity and no precise air-time exists.

434. The contradictory information at the Committee of Experts’ disposal does not enable it to conclude on these undertakings. The Slovak authorities are therefore encouraged to clarify the situation in their next periodical report.

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

435. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of radio programmes in Ruthenian on a regular basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML 2005 (4), para. 426).

436. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking. It is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. Account should be taken, however, of the fact that the obligation for private radio stations to have all the broadcasting translated into Slovak constitutes an obvious burden for a commercial radio. During the “on-the-spot” visit, the Slovak authorities themselves referred to an amendment drafted by the Ministry of Culture, which is intended to eliminate this obligation.

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

437. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of television programmes in Ruthenian on a regular basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML 2005 (4), para. 430).

438. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking. It is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. Account should be taken, however, of the fact that as the Slovak authorities themselves conceded during the “on-the-spot” visit, the obligation to have all programmes subtitled in Slovak represents an additional cost. Subtitling is certainly of interest from the point of view of the Charter (see para. 261 above), but adequate financial solutions could usefully be sought to avoid putting private television stations wanting to broadcast also in Ruthenian at a disadvantage compared to private television stations broadcasting only in Slovak.

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

439. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

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

440. According to the additional information provided by the Slovak Government, the Ministry of Culture funds the Rusyn magazine (500,000 Slovak Crowns in 2003) and the Národné novinky newspaper (1,100,000 Slovak Crowns in 2003). However, the Committee of Experts does not know whether either of these qualifies

as a “newspaper” within the meaning of the present Charter provision. The Committee of Experts is therefore not in a position to conclude on the present undertaking and it asks the Slovak authorities to clarify this point in their next periodical report.

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

441. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

“Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

442. The information provided in the initial periodical report (see p. 64) and during the “on-the-spot” visit suggests that generally speaking no difficulties exist in this area. However, the Committee of Experts does not know whether Ruthenian-speakers in Slovakia can actually receive radio and/or television programmes in Ruthenian from broadcasters located in neighbouring countries. It is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to clarify this point in their next periodical report.

“Paragraph 3

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

443. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

Article 12 – Cultural activities and facilities

“Paragraph 1

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

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

444. The initial periodical report focuses on the funding role of the Ministry of Culture, in particular its Section for Minority Culture, as the main element of the Slovak Government’s policy of support for regional or minority languages (see p. 65 seq. of the initial periodical report). The initial periodical report (see p. 67) also provides figures concerning the funding in general of minority cultures, including the Ruthenian one. However,

apart from the above-mentioned publications (see para. 440), it is unclear what types of expression specific to the Ruthenian language are encouraged. It is true that the initial periodical report (see p. 67) refers to the funding of the Museum of the Ruthenian-Ukrainian Culture located in Svidník and that the additional information provided by the Slovak Government also refers to the support given to the Alexander Duchnovič Theatre in Prešov, presented as the “Ruthenian and Ukrainian minority theatre”. The additional information provided by the Slovak Government also mentions the organisation of an initiative on Ruthenian-speakers at Bibiana, the international house of children’s art and a series of events organised by the Union of Ruthenians and Ukrainians in Slovakia (the Drama and Artistic Word Festival at Medzilaborce, the Culture Festival in Svidník, the Spiritual Song Festival at Snina and the Makovice String Folk Song at Bardejov).

445. However, during the “on-the-spot” visit the Committee of Experts received complaints according to which many of these events are purely folkloristic and are presented in Ukrainian or Slovak. Furthermore, the Museum of the Ruthenian-Ukrainian Culture only seems to focus on the Ukrainian language. A notable exception was however brought to the Committee of Experts’ attention, i.e. the theatre located in Prešov, which fully supports the Ruthenian culture. On the other hand, it was reported to the Committee of Experts that this theatre has insufficient funding. In this respect, it was complained more generally that funds arrive late, to the point that events may have to be financed via credits or personal loans.

446. The Committee of Experts considers that the contradictory information at its disposal does not enable it to conclude on this undertaking. The Slovak authorities are therefore encouraged to clarify these points in the next periodical report. However, it must be stressed already now that there is a clear wish on the part of the Ruthenian-speakers that their language is fully recognised as being distinct from Ukrainian and is treated accordingly also in the field of culture.

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

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

447. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;”

448. The initial periodical report (see p. 66) describes the main elements of the scheme that the Ministry of Culture has established for supporting regional or minority languages. This scheme includes in particular the guidelines for the provision and accounting of subsidies and the rules of organisation and procedure of the Committee for the transfer of earmarked funds intended to support the culture of national minorities. The latter Committee, which is composed mainly of representatives from the various minorities concerned (see para. 450 below), is the body in charge of assessing the applications of individual groups of speakers for funding and, by a majority vote, adopting recommendations to the Minister on the amounts of subsidies to be granted. In the light of the general situation characterising the Ruthenian language in Slovakia, the Slovak authorities are asked to clarify in their next periodical report whether there are separate representatives on this committee for the Ruthenian and Ukrainian languages.

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

449. According to the additional information provided by the Slovak Government, the Cabinet of National Minority Cultures to be established within the National Education Centre, which operates under the supervision of the Ministry of Culture, will be in charge of selecting the staff referred to in the present undertaking. However, the Committee of Experts has received no information regarding staff at the disposal of the bodies who

organise or support such activities at present. It therefore asks the authorities to provide such information in the next report.

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

450. The Committee for the transfer of earmarked funds intended to support the culture of national minorities, in charge of advising the Minister of Culture on these matters (see para. 448 above), consists of 11 representatives of the minorities concerned, who are appointed by the Minister of Culture. The Secretary of the Committee is an employee of the Ministry of Culture. The Committee relies on the work of sub-committees related to each minority. Each sub-committee is in charge of setting priorities and of concretely allocating the funds granted to the minority concerned by the Committee (see the initial periodical report, p. 42). In the light of the general situation characterising the Ruthenian language in Slovakia, the Slovak authorities are asked to clarify in their next periodical report whether there are separate representatives on this committee for the Ruthenian and Ukrainian languages. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in their next periodical report.

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

451. According to the additional information provided by the Slovak Government, by means of grants the Ministry of Culture encourages the activities of non-governmental organisations the role of which is to collect, archive and publish works in regional or minority languages. One of the most important institutions fulfilling this role is the Fórum institute for research of national minorities in Šamorín, which in 2003 received 880,000 Slovak Crowns from the Ministry of Culture. It is unclear to the Committee of Experts how the said institute performs the activities referred to in the present undertaking with specific regard to the Ruthenian language. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in the next periodical report.

“Paragraph 2

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

452. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“Paragraph 3

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

453. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

Article 13 – Economic and social life

“Paragraph 1

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

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

454. According to the initial periodical report (see p. 69), no provision of the sort referred to in the present undertaking exists in the Slovak legislative system and no complaints were received in this field. However, Section 8 of Act No. 270/1995 on the State Language seems to impose the use of Slovak in a number of cases which are relevant for the purpose of the present undertaking, such as: legal documents related to labour relations, financial and technical documentation, statutes of associations, unions and companies. Prima facie this appears to be a limitation to the use of a regional or minority language, such as Ruthenian. No justification for this limitation has been given to the Committee of Experts by the Slovak authorities. The Committee of Experts therefore considers that this undertaking is not fulfilled .

The Committee of Experts encourages the authorities to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life

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

455. The Committee of Experts was not informed of any such prohibition. Therefore the Committee of Experts considers that the present undertaking is not fulfilled.

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

456. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“Paragraph 2

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

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

457. Section 8 para. 4 of Act No. 270/1995 on the State Language provides as follows:

“All documentation of healthcare establishments shall be maintained in the official language. The communication between healthcare professionals and patients shall be usually conducted in the official language; if the patient is a citizen or foreigner who does not have a command of the official language, it can be conducted in a language that makes communication with the patient possible.”

458. The Committee of Experts is of the view that this provision conflicts with the undertaking entered into by Slovakia, insofar as it allows communications in a non-official language in healthcare establishments only in those cases where the person concerned does not have a command of Slovak. Furthermore, even though the initial periodical report (see p. 45) states in general terms that social care facilities provide for the reception and treatment of their clients in their language, the Committee of Experts did not receive any information indicating that Ruthenian is actually used in the context of the present undertaking.

459. Although it is unclear whether the healthcare establishments referred to in Section 8 para. 4 of Act No. 270/1995 on the State Language also include retirement homes and hostels, the Committee of Experts considers that Article 13 para. 2.c requires the authorities to ensure certain results. However, Slovak legislation, if implemented, would lead to preventing these results and denies Ruthenian-speakers the possibilities which the article is intended to ensure. The Committee of Experts therefore considers that the present undertaking is not fulfilled.

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

Article 14 – Transfrontier exchanges

“The Parties undertake:

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

460. The initial periodical report (see p. 70) refers to the Treaty on Good Neighbourliness, Friendly Relations and Co-operation between the Slovak Republic and Ukraine of 1993. It also refers to the Agreement between the Government of the Slovak Republic and the Cabinet of Ministers of Ukraine on Cross-Border Co-operation, concluded on 5 December 2002. According to the Slovak Government, the Agreement created favourable conditions for the development of closer co-operation between territorial self-governments and local state administrations and provided comprehensive support for contacts between the users of the Slovak, Ruthenian and Ukrainian languages in both states in the fields of culture, education, information, vocational training and permanent education. On the basis of the agreement, it has been proposed that a working group for cross-border co-operation be established within the Slovak-Ukrainian Intergovernmental Commission for Scientific and Technical Development. However, it is unclear to the Committee of Experts in what way contacts between Ruthenian-speakers in Slovakia and Ruthenian-speakers in Ukraine and other states where Ruthenian is spoken have been concretely fostered in the said framework and other corresponding treaties. The Committee of Experts is therefore unable to conclude and it asks the Slovak authorities to provide further information in their next periodical report.

2.2.5 Evaluation of the application of Part III to the Ukrainian language⁵**Article 8 – Education****“Paragraph 1**

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

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

461. According to the additional information provided by the Slovak Government, there are 27 pre-schools using the Ukrainian language. Although the Committee of Experts does not know the degree to which Ukrainian is used in these schools, in particular as to whether “a substantial part” of the education is actually provided in Ukrainian (meaning that Ukrainian is the language of instruction as well as Slovak), no complaints were raised with the Committee of Experts in this regard. The Committee of Experts therefore considers that the present undertaking is fulfilled.

“b ii to make available a substantial part of primary education in the relevant regional or minority languages;”

462. There are currently 18 schools providing a substantial part of the education in the Ukrainian language (meaning teaching of the language plus teaching of subjects in the language, namely music and painting in the case of Ukrainian). However, during the “on-the-spot” visit the Committee of Experts received complaints according to which the situation used to be better insofar as all subjects were previously taught in Ukrainian.

463. Although the Committee of Experts considers that this undertaking is fulfilled at present, it nevertheless encourages the Slovak authorities to look into the possibility of increasing the share of subjects taught in the Ukrainian language.

“c ii to make available a substantial part of secondary education in the relevant regional or minority languages;”

464. There is one grammar school in Prešov, which follows a similar model to primary schools. However, the complaints on the worsening of the situation concern especially secondary education. Indeed, problems relating to the university entry-exams have apparently led to teaching in Ukrainian of a number of technical subjects being dropped. Furthermore, the necessity to teach English on top of Slovak is presently creating further problems.

465. Although the Committee of Experts considers that this undertaking is fulfilled at present, it nevertheless encourages the Slovak authorities to look into the possibility of increasing the share of subjects taught in the Ukrainian language.

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

466. One technical and vocational school exists, i.e. the Medical School in Humenné. However, given the high specialisation of this school, it is unclear how Ukrainian is catered for in other technical and vocational fields. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to clarify this point in their next periodical report.

“e i to make available university and other higher education in regional or minority languages; or

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

⁵ The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by Slovakia.

467. According to the additional information provided by the Slovak Government, there is a fairly long tradition of study of Ukrainian at Prešov University. The Committee of Experts considers that the present undertaking is fulfilled.

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

468. No specific information was provided in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

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

469. No specific information was provided in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

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

470. Very little information was provided to the Committee of Experts on this important undertaking. During the “on-the-spot” visit, the Committee of Experts received complaints according to which there is an increasing lack of teachers and of teaching materials. The Committee of Experts considers that the information at its disposal is insufficient to enable it to conclude and therefore asks the Slovak authorities to provide further information in their next periodical report.

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

471. No body specifically in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of regional or minority languages and of drawing up public periodic reports of its findings appears to exist. The Committee of Experts considers that this undertaking is not fulfilled.

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

Article 9 – Judicial authorities

472. As results from the examination of the preliminary issue relating to the 20% threshold (see paras. 40 - 47 above), Article 9 applies also to those areas where the number of Ukrainian-speakers is less than 20% but is nevertheless sufficient for the purpose of the application of Article 9 of the Charter. This is acknowledged by the Slovak authorities themselves. Furthermore, as was confirmed to the Committee of Experts by official sources, court districts do not coincide with the territory of the municipalities to which the 20% threshold is applied.

“Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of

each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

ii to guarantee the accused the right to use his/her regional or minority language; and/or

iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

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

473. Section 2, sub-section 14 of the Code of Criminal Procedure stipulates that “(e)very person shall have the right to use his mother tongue before the criminal justice authorities”. Furthermore, according to Section 28 of the Code of Criminal Procedure, “(i)f there is a need to translate the content of a statement or a written document or if the accused declares that he does not have a command of the language of the proceedings, an interpreter shall be engaged; the interpreter may also act as the recorder”. According to the initial periodical report, these provisions apply also to the period prior to the beginning of criminal prosecution, notably to the lodging of information on crime under Section 59 in connection with Section 158 para. 1 of the Code of Criminal Procedure.

474. However, in the additional information provided to the Committee of Experts the Slovak Government explicitly stated that interpretation into or from a regional or minority language is provided only if the accused does not have a sufficient command of the Slovak language.

475. Furthermore, section 55, para. 3 of the Code of Criminal Procedure stipulates as follows:

“Records of oral testimony from a person who does not have command of Slovak shall also be drawn up in Slovak; if a verbatim record of the testimony is necessary, the recorder or the interpreter shall also enter the relevant part of the testimony into the records in the language in which the testimony was provided.”

476. According to the relevant case-law, as reported in the initial periodical report (see p. 31 seq.), this means that an interpreter must be engaged and the related costs be borne by the State only if the person delivering the statement does not have a command of Slovak. Similarly, translation must be provided for any documentary evidence not in the Slovak language. In other words, requests and evidence in a regional or minority language, including Ukrainian, do not seem to be admissible if the author has a command of the Slovak language.

477. No specific provision seems to exist in relation to written testimony or requests in any form.

478. The Committee of Experts considers that the exact scope of the mentioned right to use one’s mother tongue in criminal proceedings is not clear. Taking account of the practical information gathered during the “on-the-spot” visit, it appears that the judge, the prosecutor or the police will focus their attention on whether the accused is fluent enough in Slovak. If the accused is fluent enough in Slovak, then the judge nevertheless has discretion to grant him/her interpretation, and this seems likely to be granted. However, the fact remains that the right of the accused to use his or her regional or minority language irrespective of his degree of knowledge of Slovak does not seem to be clearly guaranteed. Furthermore, during the “on-the-spot” visit official sources reported to the Committee of Experts that summons do not mention linguistic rights, as it is assumed that they are known to everyone. The announcement of the accusation does include a mention of the general right to interpretation but the police officer concerned will simply assess whether the person *needs* an interpreter.

479. Finally, there seems to be no use of Ukrainian in criminal court proceedings, in spite of the fact that some members of the judicial staff in Slovakia have a certain command of Ukrainian (see Appendix III of the initial periodical report). The Committee of Experts considers that these undertakings are not fulfilled in the case of Ukrainian.

The Committee of Experts encourages the Slovak authorities:

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

“b in civil proceedings:

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

if necessary by the use of interpreters and translations;

c in proceedings before courts concerning administrative matters:

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

if necessary by the use of interpreters and translations;”

480. Section 18 of the Code of Civil Judicial Procedure stipulates as follows:

“The Parties shall participate in civil proceedings on an equal footing. They have the right to use their mother tongue in proceedings before court. The court shall have to provide them with equal opportunities to exercise their rights.”

481. Furthermore, Section 141, sub-section 2 of the Code of Civil Judicial Procedure provides that:

“The costs of evidence that are not covered by the security, as well as cash expenses incurred by the appointed counsel, who is not an attorney-at-law, and costs related to the use of the party’s mother tongue in the proceedings shall be borne by the State”.

482. According to the information provided in the initial periodical report (see p. 33), the above-mentioned provisions of the Code of Civil Judicial Procedure apply also to the proceedings before administrative courts.

483. The possibility of engaging an interpreter with no additional costs with a view to enabling a litigant in civil or administrative proceedings to use his/her mother tongue has also been confirmed by the case-law (see p. 33 of the initial periodical report). However, according to several sources, including official ones, these provisions represent an implementation in the civil (and administrative) proceedings of the general right to interpretation for non-speakers of Slovak, guaranteed by Article 47 para. 4 of the Slovak Constitution but which is not available to regional or minority language speakers who are also able to speak Slovak.

484. Finally, there seems to be no use of Ukrainian in civil or administrative court proceedings, in spite of the fact that some members of the judicial staff in Slovakia have a certain command of Ukrainian (see Appendix III of the initial periodical report). The Committee of Experts considers that these undertakings are not fulfilled in the case of Ukrainian.

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

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

485. In the light of the conclusions reached under Article 9 paras. 1.a.ii/a.iii/b.ii/b.iii/c.ii/c.iii above, the Committee of Experts considers that this undertaking is not fulfilled.

“Paragraph 3

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

486. The initial periodical report (see p. 82) confines itself to referring to point C of Governmental Resolution No. 27/2001 of the Deputy Prime Minister for Human and Minority Rights and Regional Development, assigning to the latter the task of drawing up a comprehensive report on the legislative, financial and other measures adopted to comply with this undertaking. However, the initial periodical report admits that the application of the present undertaking would require the allocation of significant financial means. The Committee of Experts considers that the present undertaking is not fulfilled.

Article 10 – Administrative authorities and public services

Preliminary remark

487. In the light of the information received, the Committee of Experts is of the impression that it is in the sphere of the local branches of the State administration and of local authorities that the 20% rule is directly relevant. In respect of regional authorities, the relevant legislation therefore does not appear to apply with the consequence that use of regional or minority languages is not formally permitted.. Although the Slovak Constitution provides that “citizens belonging to national minorities or ethnic groups also have, under conditions defined by law, a guaranteed right to use their language in dealings with the authorities” (see Article 34 para. 2.b), the implementation of some of the relevant provisions is, under Slovak law, formally impossible below this threshold. There is consequently a formal barrier to proper fulfilment of these undertakings.

488. Apart from other problems, a proper implementation of the undertakings below inevitably presupposes the reconsidering of the 20% rule so that the relevant undertakings under Article 10 para. 1 and 2 of the Charter can be implemented also in those cases where the Ukrainian-speakers represent less than 20% of the municipal population but are still traditionally present in sufficient numbers for the purpose of the undertakings entered into by Slovakia in the field of local and regional government. It will be in the first place for the Slovak authorities to assess in what areas the said sufficient numbers, below the 20% threshold, exist (see paras. 40 – 47 above).

“Paragraph 1

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

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

489. The Committee of Experts observes in the first place that in the case of sub-paragraphs a.iii and a.iv of paragraph 1 of Article 10 of the Charter, Slovakia did not specify, in its instrument of ratification, which of these two options should apply. In fact, the two options listed in the above-mentioned sub-paragraphs are alternatives and Contracting Parties are required to opt for one of them. According to the practice of the Committee of Experts, in the absence of a choice by the State where several options are available, the highest option from the point of view of the protection and promotion of the language shall normally be applied “*ex officio*”, unless specific circumstances make the highest option appear as manifestly incompatible with the needs of the regional or minority language concerned and/or with the expressed wishes of the speakers (see for example the second evaluation report of the Committee of Experts on the implementation of the Charter by Hungary, quoted above, para. 95). In this case, the Committee of Experts sees no reason to depart from its usual practice and will therefore apply the highest option, i.e. para. 1.a.iii of Article 10.

490. According to the information provided to the Committee of Experts by official sources, local State administration authorities are district offices as first-instance authorities and regional offices as authorities of appeal. Other local branches of the State administration are specialised State administration authorities, such as tax offices and customs offices.

491. The Committee of Experts has received little information with regard to the compliance by the local branches of the State administration with this undertaking. The initial periodical report (see p. 60) indicates that according to Act No. 184/1999 on the Use of National Minority Languages Ukrainian-speakers may use Ukrainian in official contact and may submit requests and receive replies in this language. However, it is unclear to the Committee of Experts to what extent Ukrainian is actually used in this area and the initial periodical report explicitly states that applications in Ukrainian may not be submitted to competent bodies at local level with regard to official instruments and documents (such as identity cards, driving licences, passports, etc.; see p. 60 of the initial periodical report). Other information provided to the Committee of Experts points to very low awareness of State officers about the obligations deriving from the Charter. Furthermore, it is unclear whether the 20% requirement applies in the case of the local branches of the State administration. On the other hand, the initial periodical report states that Ukrainian is used in 18 municipalities with regard to the present field of application.

492. The information at the Committee of Experts’ disposal is not sufficient to enable the Committee of Experts to reach a conclusion on this point. The Slovak authorities are therefore encouraged to comment on it in their next periodical report.

“Paragraph 2

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

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

493. According to the initial periodical report (see p. 60), Ukrainian-speakers may use their language in official communications (which appears to include also oral applications) and may also submit applications to a local government body, except for official instruments and documents. Of course, this is at present in any event not formally guaranteed in the areas where Ukrainian-speakers do not attain the 20% rule. Furthermore, no such possibilities exist at the level of the region. Since the Committee of Experts has not received any information on the situation in practice as regards those municipalities where the Ukrainian-speakers do not attain the 20% threshold, it considers that the present undertaking is only partly fulfilled.

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

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

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

494. Section 3 of Act No. 270/1995 on the State Language of the Slovak Republic stipulates that “(t)he official language shall be used: a) to publish laws, governmental ordinances and other generally binding regulations, including regulations of territorial self-government authorities, decisions and other public documents; (...) c) to maintain all official records (registers, records, resolutions, statistics, official records, public information, etc.)”.

495. Section 4 paras. 2 and 3 of Act No. 184/1999 on the Use of Minority Languages provides that in the municipalities where the regional or minority language speakers represent at least 20% of the population, “important information, in particular warning, protection and health notices, shall be displayed in publicly accessible places both in the official and the minority language”. Furthermore, according to Sections 1 para. 1, 5 para. 1 e) and 6 para. 5 of Act No. 211/2000 (Freedom of Information Act), the said municipalities are obliged to disclose an outline of the following information also in the regional or minority language concerned: regulations, orders, instructions and interpretations, which the municipality uses in decision-making or which define the rights and obligations of natural persons and legal entities in respect of the municipality. In 1999 guidelines were issued to general internal administration units, small traders’ licensing units and fire protection units for the use of minority languages in official communications.

496. However, what may be published in the conditions described above is only an outline and not the official document as such. Furthermore, no such possibility exists with regard to regional authorities. Finally, this possibility is not guaranteed concerning those municipalities where the Ukrainian-speakers represent less than 20% of the population but where they are nevertheless present in sufficient numbers for the purpose of the present undertakings.

497. As a matter of fact, no official documents appear to be published in Ukrainian either at municipal or at regional level. The Committee of Experts considers that the present undertakings are not fulfilled.

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

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

498. Section 3 para. 2 of Act No. 184/1999 on the Use of National Minority Languages provides that the members of municipal councils in the municipalities where the regional or minority language speakers represent at least 20% of the population have the right to use the minority language in the debates of this body

and that interpretation shall have to be provided by the municipality. The use of Ukrainian in conducting a session of a local authority is also possible if all present consent to it (it is however not clear whether this refers to internal meetings as well as public sessions).

499. The Committee of Experts considers that the fact that this right is limited to the municipalities where the number of regional or minority language speakers at least reaches the 20% threshold affects in itself the fulfilment of the present undertaking. Having said this, the Committee of Experts lacks practical information as to the extent to which Ukrainian-speakers actually avail themselves of this possibility in practice. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to provide the said practical information in the next periodical report.

500. The Committee of Experts is in any event particularly concerned at the pre-condition that all present must consent to the use of Ukrainian for a session of a local authority to be conducted in Ukrainian. This is an unnecessary and discriminatory pre-condition (see also para. 498 above).

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

501. This provision requires a separate examination. The Committee of Experts recalls that the obligation in question has a special importance, since it is one of the most effective ways in which a regional or minority language can be given full visibility in the territory in which it is traditionally present. An ideal thread therefore links the fundamental definition of territorial regional or minority languages within the meaning of the Charter, embodied in Article 1.a and b, and the present undertaking. Furthermore, the full visibility granted to a regional or minority language in the territory in which it is traditionally spoken through the use or adoption of bilingual place-names is clearly a factor which helps to raise the public prestige of a regional or minority language, which in turn is a crucial factor for safeguarding and promotion (see the second evaluation report on the application of the Charter by Croatia, quoted above, para. 152).

502. Various pieces of legislation deal with this point. Section 4 para. 1 of Act No. 184/1999 on the Use of National Minority Languages stipulates that the municipalities where regional or minority language speakers represent at least 20% of the population can use names of streets and other local place-names in the regional or minority language. However, according to the information provided to the Committee of Experts by official sources, Act No. 270/1995 on the State Language of the Slovak Republic had previously integrated Act No. 191/1994 on the Indication of Names of Municipalities in National Minority Languages to the effect that the term “place-names” only concerns the name of municipalities but not of parts of municipalities. Furthermore, an annex to the 1995 Act on the State Language contains a list of the municipalities where the road signs in regional or minority languages are to be used. This list includes 96 municipalities but this figure refers indiscriminately to the Ukrainian and Ruthenian languages. On the other hand, from the information provided to the Committee of Experts by official sources it appears that the list of the municipalities appended to the 1999 Act on National Minority Languages gives the figure of 86 municipalities, again referring indiscriminately to the Ukrainian and the Ruthenian languages.

503. The Committee of Experts considers that the 20% requirement leaves out a number of other municipalities where the Ukrainian-speakers do not attain this threshold but may still constitute a significant number for the purpose of the present undertaking. Furthermore, Section 3 para. 3 of the 1994 Act provides that this possibility shall not apply in favour of those place-names which were imposed between 1867 and 1918 and between 1938 and 1945.

504. The information at the Committee of Experts' disposal does not enable it to understand the reason for the above-mentioned discrepancy in the number of municipalities concerned by the use of bilingual place-names, resulting from the different lists appended respectively to the 1994 Act and to the subsequent 1999 Act applying the 20% criterion. The Committee of Experts is also unable to determine in how many municipalities bilingual place-names involve the use of the Ukrainian language as opposed to the municipalities where bilingual place-names involve the use of Ruthenian. Furthermore, the Committee of Experts, while understanding the sensitivities which lie behind the legislation, does not know whether the limitation contained in Section 3 para. 3 of the 1994 Act prevents traditional Ukrainian place-names from being used as a matter of fact.

505. The Slovak authorities are encouraged to clarify these points in their next periodical report. Nevertheless, the Committee of Experts is in a position to consider that the present undertaking is partly fulfilled.

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

“Paragraph 3

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

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

506. According to the information provided by official sources, public services are included under the term “public law authority”, used by Act No. 270/1995 on the State Language of the Slovak Republic. Following this interpretation, it would be impossible to use any language other than Slovak in the contacts with these bodies. The initial periodical report (see p. 61 seq.) confines itself to referring to Section 2 para. 3 of Act No. 184/1999 on the Use of Minority Languages, which guarantees the general right to submit written applications to a body of State administration and to a body of local self-government. The Committee of Experts considers that this information is insufficient to enable it to conclude on this point. It therefore asks the Slovak authorities to submit information concerning specifically public services in their next periodical report.

“Paragraph 4

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

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

507. The initial periodical report confines itself to stating that local State administration bodies or social service facilities are able to provide interpreting services when necessary and upon request of the person concerned (see p. 62 of the initial periodical report). The Committee of Experts considers that this information is insufficient to enable it to conclude on this point. It therefore asks the Slovak authorities to elaborate further in their next periodical report.

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

508. No specific information was provided in this regard. The Committee of Experts is therefore unable to conclude and it asks the Slovak authorities to comment on this undertaking in their next periodical report.

“Paragraph 5

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

509. According to Section 2 para. 1 of Act No. 300/1993, a person born in the Slovak Republic can be given more than one name, including foreign names, up to three. Furthermore, Section 19 paras. 3 and 5 to 7 of Act No. 154/1994 on Registry Offices allows for the correction of the first entry of the name in the register, as well as the removal of the Slovak grammatical suffix in female surnames, if a person with a nationality other than Slovak so requests (this procedure is not subject to any charges; see the initial periodical report, p. 86).

510. However, according to the additional information provided to the Committee of Experts by official sources, district registry offices interpret the relevant provisions in the sense that the use of a female surname, in the register or extract from the register, without the grammatical suffix of gender indication according to the Slovak grammatical rules is only possible for the surname currently used by the applicant but not for the surname at birth (see the Conclusions from the Meeting of State Citizenship and Registry Offices Staff of District Offices held on 13 and 14 October 1994 in Bardejov, by which district registry offices abide).

511. The Committee of Experts does not know whether in Ukrainian the grammatical rule applying to female family names' endings is practically the same as in Slovak, so that the above-mentioned provisions would not really affect female Ukrainian-speakers. However, it is also unclear whether the Ukrainian script is allowed (as is the case in Hungary, which the Committee of Experts considers to be a best practice; see the second evaluation report on the application by Hungary, quoted above, paras. 115-117). The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to comment on this point in the next periodical report.

Article 11 – Media

“Paragraph 1

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

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

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

512. The initial periodical report (see p. 63 seq.) refers to the programme “National Minority and Ethnic Broadcasting” broadcast by the Slovak Radio. Within the national minority and ethnic broadcasting office there are separate departments for individual national minorities including broadcasting in the Ukrainian language. The broadcasts are aired on medium wave at Prešov 1071 kHz and Stakčín 864 kHz.

513. Radio broadcasting concerns Ruthenian and Ukrainian at the same time for a total of 13,5 hours per week. The Committee of Experts has received contradictory information with regard to the division of broadcasting time between Ruthenian and Ukrainian.

514. Taking account of the contradictory information it has received concerning the Ruthenian and Ukrainian languages (see para. 513 above), the Committee of Experts is not in a position to conclude as far as radio is concerned and it asks the Slovak authorities to clarify the situation in their next periodical report.

515. As far as television is concerned, the initial periodical report (see p. 64), states that a Ukrainian national magazine is broadcast 12 times per year, representing 5,5 hours in all. The Committee of Experts considers this amount of time insufficient, given the importance of the electronic media, especially television, in modern societies. The Committee of Experts therefore considers that the present undertaking is not fulfilled as far as television is concerned.

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

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

516. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of radio programmes in Ukrainian on a regular

basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML 2005 (4), para. 426).

517. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking. It is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. Account should be taken, however, of the fact that the obligation for private radio stations to have all the broadcasting translated into Slovak constitutes an obvious burden for a commercial radio. During the “on-the-spot” visit, the Slovak authorities themselves referred to an amendment drafted by the Ministry of Culture, which is intended to eliminate this obligation.

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

518. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of television programmes in Ukrainian on a regular basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML 2005 (4), para. 430).

519. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking. It is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. Account should be taken, however, of the fact that as the Slovak authorities themselves conceded during the “on-the-spot” visit, the obligation to have all programmes subtitled in Slovak represents an additional cost. Subtitling is certainly of interest from the point of view of the Charter (see para. 261 above), but adequate financial solutions could usefully be sought to avoid putting private television stations wanting to broadcast also in Ukrainian at a disadvantage compared to private television stations broadcasting only in Slovak.

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

520. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

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

521. According to the additional information provided by the Slovak Government, the Ministry of Culture funds the Dukl'a magazine (which received 380,000 Slovak Crowns in 2003) and the Nove Žyt'ta magazine (which received 590,000 Slovak Crowns in 2003). However, it is unclear to the Committee of Experts whether either of these publications qualifies as a “newspaper” within the meaning of the present Charter provision. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in their next periodical report.

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

522. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

“Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic

society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

523. The information provided in the initial periodical report (see p. 39) and during the “on-the-spot” visit suggests that no difficulties exist in this area. The Committee of Experts considers that this undertaking is fulfilled.

“Paragraph 3

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

524. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

Article 12 – Cultural activities and facilities

“Paragraph 1

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

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

525. The initial periodical report focuses on the funding role of the Ministry of Culture, in particular its Section for Minority Culture, as the main element of the Slovak Government’s policy of support for regional or minority languages (see p. 65 seq. of the initial periodical report). The initial periodical report (see p. 67) also provides figures concerning the funding in general of minority cultures, including the Ukrainian one. However, apart from the above-mentioned publications (see para. 521) and from the support being apparently provided, although not in a regular manner, also to a review of Ukrainian writers and to a magazine for children, it is unclear what other types of expression specific to the Ukrainian language are encouraged. It is true that the initial periodical report (see p. 67) refers to the funding of the Museum of the Ruthenian-Ukrainian Culture located in Svidník and that the additional information provided by the Slovak Government also refers to the support given to the Alexander Duchnovič Theatre in Prešov, presented as the “Ruthenian and Ukrainian minority theatre”. The additional information provided by the Slovak Government also mentions a series of events organised by the Union of Ruthenians and Ukrainians in Slovakia (the Drama and Artistic Word Festival at Medzilaborce, the Culture Festival in Svidník, the Spiritual Song Festival at Snina and the Makovice String Folk Song at Bardejov). During the “on-the-spot” visit the Committee of Experts was likewise informed of the existence of a publishing house for the Ukrainian language.

526. However, in the light also of the unclear situation regarding the Ruthenian and Ukrainian languages (see paras. 444 and 445 above), the Committee of Experts feels unable to reach a conclusion with regard to the Ukrainian language either and it asks the Slovak authorities to clarify the situation in their next periodical report.

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

527. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;”

528. The initial periodical report (see p. 42) describes the main elements of the scheme that the Ministry of Culture has established for supporting regional or minority languages. This scheme includes in particular the guidelines for the provision and accounting of subsidies and the rules of organisation and procedure of the Committee for the transfer of earmarked funds intended to support the culture of national minorities. The latter Committee, which is composed mainly of representatives from the various minorities concerned (see para. 530 below), is the body in charge of assessing the applications of individual groups of speakers for funding and, by a majority vote, adopting recommendations to the Minister on the amounts of subsidies to be granted. In the light of the general situation characterising the Ukrainian and Ruthenian languages in Slovakia, the Slovak authorities are asked to clarify in their next periodical report whether there are separate representatives on this committee for the Ukrainian and Ruthenian languages.

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

529. According to the additional information provided by the Slovak Government, the Cabinet of National Minority Cultures to be established within the National Education Centre, which operates under the supervision of the Ministry of Culture, will be in charge of selecting the staff referred to in the present undertaking. However, the Committee of Experts has received no information regarding staff at the disposal of the bodies who organise or support such activities at present. It therefore asks the authorities to provide such information in the next report.

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

530. The Committee for the transfer of earmarked funds intended to support the culture of national minorities, in charge of advising the Minister of Culture on these matters (see para. 528 above), consists of 11 representatives of the minorities concerned, who are appointed by the Minister of Culture. The Secretary of the Committee is an employee of the Ministry of Culture. The Committee relies on the work of sub-committees related to each minority. Each sub-committee is in charge of setting priorities and of concretely allocating the funds granted to the minority concerned by the Committee (see the initial periodical report, p. 42). In the light of the general situation characterising the Ukrainian and Ruthenian languages in Slovakia, the Slovak authorities are asked to clarify in their next periodical report whether there are separate representatives on this committee for the Ukrainian and Ruthenian languages. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in their next periodical report.

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

531. According to the additional information provided by the Slovak Government, by means of grants the Ministry of Culture encourages the activities of non-governmental organisations the role of which is to collect, archive and publish works in regional or minority languages. One of the most important institutions fulfilling this role is the Fórum institute for research of national minorities in Šamorín, which in 2003 received 880,000 Slovak Crowns from the Ministry of Culture. It is unclear to the Committee of Experts how the said institute performs the activities referred to in the present undertaking with specific regard to the Ukrainian language. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in the next periodical report.

“Paragraph 2

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

532. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“Paragraph 3

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

533. The additional information provided by the Slovak Government refers to the support provided to the tour performed in Ukraine by the “Taras Ševčenko Choir”, a Ukrainian language artistic ensemble. It is however unclear to the Committee of Experts if and how the Ukrainian language and culture are presented as part of the Slovak cultural heritage in other relevant contexts, such as international exhibitions, tourist materials and in general activities of promotion of Slovakia for tourist purposes. The Committee of Experts is therefore not in a position to conclude on this point and it asks the Slovak authorities to provide further information in their next periodical report.

Article 13 – Economic and social life

“Paragraph 1

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

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

534. According to the initial periodical report (see p. 69), no provision of the sort referred to in the present undertaking exists in the Slovak legislative system and no complaints were received in this field. However, Section 8 of Act No. 270/1995 on the State Language seems to impose the use of Slovak in a number of cases which are relevant for the purpose of the present undertaking, such as: legal documents related to labour relations, financial and technical documentation, statutes of associations, unions and companies. Prima facie this appears to be a limitation to the use of a regional or minority language, such as Ukrainian. No justification for this limitation has been given to the Committee of Experts by the Slovak authorities. The Committee of Experts therefore considers that this undertaking is not fulfilled .

The Committee of Experts encourages the authorities to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life

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

535. The Committee of Experts was not informed of any such prohibition. Therefore the Committee of Experts considers that the present undertaking is not fulfilled.

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

536. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“Paragraph 2

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

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

537. Section 8 para. 4 of Act No. 270/1995 on the State Language provides as follows:

“All documentation of healthcare establishments shall be maintained in the official language. The communication between healthcare professionals and patients shall be usually conducted in the official language; if the patient is a citizen or foreigner who does not have a command of the official language, it can be conducted in a language that makes communication with the patient possible.”

538. The Committee of Experts is of the view that this provision conflicts with the undertaking entered into by Slovakia, insofar as it allows communications in a non-official language in healthcare establishments only in those cases where the person concerned does not have a command of Slovak. Furthermore, even though the initial periodical report (see p. 45) states in general terms that social care facilities provide for the reception and treatment of their clients in their language, the Committee of Experts did not receive any information indicating that Ukrainian is actually used in the context of the present undertaking.

539. Although it is unclear whether the healthcare establishments referred to in Section 8 para. 4 of Act No. 270/1995 on the State Language also include retirement homes and hostels, the Committee of Experts considers that Article 13 para. 2.c requires the authorities to ensure certain results. However, Slovak legislation, if implemented, would lead to preventing these results and denies Ukrainian-speakers the possibilities which the article is intended to ensure. The Committee of Experts therefore considers that the present undertaking is not fulfilled.

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

Article 14 – Transfrontier exchanges

“The Parties undertake:

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

540. The initial periodical report (see p. 70) refers to the Treaty on Good Neighbourliness, Friendly Relations and Co-operation between the Slovak Republic and Ukraine of 1993. It also refers to the Agreement between the Government of the Slovak Republic and the Cabinet of Ministers of Ukraine on Cross-Border Co-operation, concluded on 5 December 2002. According to the Slovak Government, the Agreement

created favourable conditions for the development of closer co-operation between territorial self-governments and local state administrations and provided comprehensive support for contacts between the users of the Slovak, Ruthenian and Ukrainian languages in both states in the fields of culture, education, information, vocational training and permanent education. On the basis of the agreement, it has been proposed that a working group for cross-border co-operation be established within the Slovak-Ukrainian Intergovernmental Commission for Scientific and Technical Development. However, it is unclear to the Committee of Experts in what way contacts between Ukrainian-speakers in Slovakia and Ukrainian-speakers in Ukraine and other states where Ukrainian is spoken have been concretely fostered in the said framework and other corresponding treaties. The Committee of Experts is therefore unable to conclude and it asks the Slovak authorities to provide further information in their next periodical report.

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

541. According to the initial periodical report (see p. 70), Slovak-Ukrainian cross-border co-operation is also developing within the framework of the Carpathian Euro-region, which covers the territory of several other States. The Slovak Ministry of the Interior co-organised with the Council of Europe an International Conference on Slovak-Ukrainian Cross-Border Co-operation held in the towns of Michalovce (in Slovakia) and of Uzhhorod (in Ukraine) in May 2002 in order to promote such co-operation. However, it is unclear how the said forms of co-operation and initiatives have benefited the Ukrainian language in Slovakia. The Committee of Experts is therefore unable to conclude and it asks the Slovak authorities to clarify this point in their next periodical report.

2.2.6 Evaluation of the application of Part III to the Czech language⁶Preliminary remark

542. The Committee of Experts recalls the remarks it has already made in the first Chapter of this report, according to which a proper application of Part III of the Charter to the Czech language, and therefore the possibility for the Committee of Experts to monitor it, requires the Slovak authorities to assess in what areas the Czech-speakers are traditionally present in sufficient numbers for the purpose of the undertakings entered into by Slovakia under Part III of the Charter (see paras. 40 - 47 above).

543. Section 6 of Act No. 184/1999 states that in the application of this act “the use of the Czech language in official contact shall be deemed to satisfy the requirement of basic comprehensibility with the state language, unless otherwise specified in an international treaty binding for the Slovak Republic”. According to official sources, through this provision the Czech language has been granted a “quasi-official status”.

Article 8 – Education**“Paragraph 1**

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

- a i to make available pre-school education in the relevant regional or minority languages; or*
- ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
- iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient;***
- b iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;***
- c iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;***
- d iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or***
- e i to make available university and other higher education in regional or minority languages; or*
- ii to provide facilities for the study of these languages as university and higher education subjects;***
- f i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or*
- ii to offer such languages as subjects of adult and continuing education;”***

544. According to the information received by the Committee of Experts, no teaching of Czech or in Czech is available at any level of education. According to the additional information provided by the Slovak Government, Czech is not taught at university level either, given the exceptional proximity with Slovak. However, during the “on-the-spot” visit the Committee of Experts was informed that there is at present no demand on the part of the speakers in respect of the relevant provisions under this article. In view of this and of the special status of Czech, as mentioned in para ... above, the Committee of Experts considers that there is no

⁶ The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by Slovakia.

need to conclude on these undertakings as far as the Czech language is concerned. Should a demand arise, however, the Committee of Experts will revisit this issue.

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

545. The Committee of Experts recalls in the first place that the present undertaking concerns not only education for pupils using regional or minority languages but also education for non-speakers about the specific history and traditions of the regional or minority languages spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the regional or minority language in the national curriculum, or at least in the curriculum for Slovak-speaking pupils within the territories concerned (see the second evaluation report on the application of the Charter by Croatia, ECRML (2005) 3, para. 100).

546. No specific information was provided to the Committee of Experts as to what teaching the Czech-speakers receive on the history and the culture which are reflected by the Czech language and as to how the majority Slovak-speaking pupils are educated about the history and traditions of the Czech-speakers in Slovakia, at least in the curriculum for Slovak-speaking pupils within the territories concerned. Although presumably no real problem arises in this area given that the two groups of speakers shared the same State until recently and separated from each other in a peaceful and cooperative way, the Committee of Experts is nevertheless not in a position to conclude on this undertaking and it asks the Slovak authorities to submit specific comments in their next periodical report.

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

547. In the light of its preceding conclusion (see para. 546 above), the Committee of Experts considers that there is no need to conclude on this undertaking either.

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

548. No body specifically in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of regional or minority languages and of drawing up public periodic reports of its findings appears to exist. The Committee of Experts considers that such a body is of relevance for the Czech language as well, given that it cannot be ruled out that a wish of the speakers to receive education of and in Czech may arise one day. The Committee of Experts therefore considers that this undertaking is not fulfilled.

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

Article 9 – Judicial authorities

549. As results from the examination of the preliminary issue relating to the 20% threshold (see paras. 40 – 47 above), Article 9 applies also to those areas where the number of Czech-speakers is less than 20% but is nevertheless sufficient for the purpose of the application of Article 9 of the Charter. This is acknowledged by the Slovak authorities themselves. Furthermore, as was confirmed to the Committee of Experts by official sources, court districts do not coincide with the territory of the municipalities to which the 20% threshold is applied.

“Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of

each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

ii to guarantee the accused the right to use his/her regional or minority language; and/or

iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;

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

550. Section 2, sub-section 14 of the Code of Criminal Procedure stipulates that “(e)very person shall have the right to use his mother tongue before the criminal justice authorities”. Furthermore, according to Section 28 of the Code of Criminal Procedure, “(i)f there is a need to translate the content of a statement or a written document or if the accused declares that he does not have a command of the language of the proceedings, an interpreter shall be engaged; the interpreter may also act as the recorder”. According to the initial periodical report, these provisions apply also to the period prior to the beginning of criminal prosecution, notably to the lodging of information on crime under Section 59 in connection with Section 158 para. 1 of the Code of Criminal Procedure.

551. However, in the additional information provided to the Committee of Experts the Slovak Government explicitly stated that interpretation into or from a regional or minority language is provided only if the accused does not have a sufficient command of the Slovak language.

552. Furthermore, Section 55, para. 3 of the Code of Criminal Procedure stipulates as follows:

“Records of oral testimony from a person who does not have command of Slovak shall also be drawn up in Slovak; if a verbatim record of the testimony is necessary, the recorder or the interpreter shall also enter the relevant part of the testimony into the records in the language in which the testimony was provided.”

553. According to the relevant case-law, as reported in the initial periodical report (see p. 31 seq.), this means that an interpreter must be engaged and the related costs be borne by the State only if the person delivering the statement does not have a command of Slovak. Similarly, translation must be provided for any documentary evidence not in the Slovak language. In other words, requests and evidence in a regional or minority language, including Czech, do not seem to be admissible if the author has a command of the Slovak language.

554. No specific provision seems to exist in relation to written testimony or requests in any form.

555. The Committee of Experts considers that the exact scope of the mentioned right to use one’s mother tongue in criminal proceedings is not clear. Taking account of the practical information gathered during the “on-the-spot” visit, it appears that the judge, the prosecutor or the police will focus their attention on whether the accused is fluent enough in Slovak. If the accused is fluent enough in Slovak, then the judge nevertheless has discretion to grant him/her interpretation, and this seems likely to be granted. However, the fact remains that the right of the accused to use his or her regional or minority language irrespective of his degree of knowledge of Slovak does not seem to be clearly guaranteed. Furthermore, during the “on-the-spot” visit official sources reported to the Committee of Experts that summons do not mention linguistic rights, as it is assumed that they are known to everyone. The announcement of the accusation does include a mention of the general right to interpretation but the police officer concerned will simply assess whether the person *needs* an interpreter.

556. On the other hand, during the “on-the-spot” visit it was reported to the Committee of Experts that in practice no problem arises given the high degree to which Czech-speakers and Slovak-speakers can communicate with each other. This seems to be confirmed by the figures provided to the Committee of Experts by the Ministry of Justice on the number of magistrates and administrative staff with a certain command of Czech in a number of judicial districts (see Appendix III of the initial periodical report), although their distribution is somewhat uneven.

557. Taking account of a certain degree of implementation in practice of the present undertaking, the Committee of Experts considers that the undertaking is partly fulfilled in the case of Czech. However, the need remains to clarify and complete the legal framework.

The Committee of Experts encourages the Slovak authorities:

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

“b in civil proceedings:

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

if necessary by the use of interpreters and translations;

c in proceedings before courts concerning administrative matters:

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

if necessary by the use of interpreters and translations;”

558. Section 18 of the Code of Civil Judicial Procedure stipulates as follows:

“The Parties shall participate in civil proceedings on an equal footing. They have the right to use their mother tongue in proceedings before court. The court shall have to provide them with equal opportunities to exercise their rights.”

559. Furthermore, Section 141, sub-section 2 of the Code of Civil Judicial Procedure provides that:

“The costs of evidence that are not covered by the security, as well as cash expenses incurred by the appointed counsel, who is not an attorney-at-law, and costs related to the use of the party’s mother tongue in the proceedings shall be borne by the State”.

560. According to the information provided in the initial periodical report (see p. 33), the above-mentioned provisions of the Code of Civil Judicial Procedure apply also to the proceedings before administrative courts.

561. The possibility of engaging an interpreter with no additional costs with a view to enabling a litigant in civil or administrative proceedings to use his/her mother tongue has also been confirmed by the case-law (see p. 33 of the initial periodical report). However, according to several sources, including official ones, these provisions represent an implementation in the civil (and administrative) proceedings of the general right to interpretation for non-speakers of Slovak, guaranteed by Article 47 para. 4 of the Slovak Constitution, but which is not available to regional or minority language speakers who are also able to speak Slovak.

562. Taking account of a certain degree of practical implementation, thanks to the high degree to which Slovak-speakers and Czech-speakers can communicate with each other, the Committee of Experts considers that the present undertakings are partly fulfilled.

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

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

563. In spite of the above-mentioned shortcomings in the legal framework, the Committee of Experts hesitates to draw conclusions on the present undertaking, given the high degree to which Slovak-speakers and Czech-speakers can communicate with each other, apparently without interpretation or translation being needed. However, the Committee of Experts would welcome clarifications from the Slovak authorities in this respect, in their next periodical report.

Article 10 – Administrative authorities and public services

“Paragraph 1

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

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

Paragraph 2

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

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;***
- c the publication by regional authorities of their official documents also in the relevant regional or minority languages;***
- d the publication by local authorities of their official documents also in the relevant regional or minority languages;***
- f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;***
- g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.***

Paragraph 3

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

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

Paragraph 4

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

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

Paragraph 5

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

564. Section 6 of Act No. 184/1999 states that in the application of this act "the use of the Czech language in official contact shall be deemed to satisfy the requirement of basic comprehensibility with the official language, unless otherwise specified in an international treaty binding for the Slovak Republic". According to official sources, through this provision the Czech language has been granted a "quasi-official status". Furthermore, during the "on-the-spot" visit the Czech-speakers stated that the use of Czech in the field of administration does not raise any problem thanks to the similarity of the two languages. The Committee of Experts considers that these undertakings are fulfilled.

Article 11 – Media

"Paragraph 1

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

- a to the extent that radio and television carry out a public service mission:***
 - iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;"***

565. As far as the public radio service is concerned, the initial periodical report (see p. 38) refers to the broadcasting of a programme designed for national minorities (the "Minority-Ethnic Programme"). The programme is prepared by a specialised desk which relies on specialised units for each of the languages concerned. The broadcasting time depends on the results of the latest census. The Czech language is currently granted 30 minutes, once in 4 weeks (twice a month according to the Czech-speakers). Programmes are broadcast on AM frequencies (Prešov 1071 kHz and Stakčín 864 kHz).

566. As far as the public television service is concerned, the Czech language relies on a magazine which is broadcast 12 times per year for a total of 5,7 hours.

567. During the "on-the-spot" visit the Czech-speakers did not show any interest for a higher provision in the field of public broadcasting. The Committee of Experts considers that the present undertaking is fulfilled.

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

568. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of radio programmes in Czech on a regular basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML (2005) 4, para. 426).

569. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking. It is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. Account should be taken, however, of the fact that the obligation for private radio stations to have all the broadcasting translated into Slovak constitutes an obvious burden for a commercial radio. During the “on-the-spot” visit, the Slovak authorities themselves referred to an amendment drafted by the Ministry of Culture, which is intended to eliminate this obligation.

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

570. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of television programmes in Czech on a regular basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML 2005 (4), para. 430).

571. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking. It is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. Account should be taken, however, of the fact that as the Slovak authorities themselves conceded during the “on-the-spot” visit, the obligation to have all programmes subtitled in Slovak represents an additional cost. Subtitling is certainly of interest from the point of view of the Charter (see para. 261 above), but adequate financial solutions could usefully be sought to avoid putting private television stations wanting to broadcast also in Czech at a disadvantage compared to private television stations broadcasting only in Slovak.

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

572. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

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

573. The Committee of Experts has been informed that the Ministry of Culture of Slovakia and the Czech Ministry of Foreign Affairs fund a monthly magazine for the Czech-speakers in Slovakia. According to the additional information provided by the Slovak Government, two magazines actually seem to exist: “Česká beseda” and “Info-Zpravodaj”. In 2003, for example, they received, respectively, 1,087,000 Slovak Crowns and 19,000 Slovak Crowns of public subsidies. The publication of one of them was however discontinued in 2004 but according to the speakers it should resume soon. This publication is considered by the Czech-speakers to be important, given the dispersed character of their presence but also to keep the language alive. Having said that, it remains unclear as to whether any of these publications qualifies as a “newspaper” within the meaning of the present provision. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in their next periodical report.

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

574. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

“Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority

language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

575. During the “on-the-spot” visit, the Czech-speakers attached a great deal of importance to their ability to receive radio and television broadcasting from the Czech Republic. In this regard, reference was made to the concern that the signals continue to reach Western and Central Slovakia, although it seems that for commercial reasons this may no longer be possible. The Committee of Experts is not in a position to conclude and it asks the Slovak authorities to comment on this point in their next periodical report.

“Paragraph 3

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

576. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

Article 12 – Cultural activities and facilities

“Paragraph 1

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

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

577. The initial periodical report focuses on the funding role of the Ministry of Culture, in particular its Section for Minority Culture, as the main element of the Slovak Government’s policy of support for regional or minority languages (see p. 41 seq. of the initial periodical report). The Ministry of Culture funds in particular the Museum of Czech Culture at the Slovak National Museum – Ethnographic Museum in Martin, as well as the Documentation Centre of Czech Culture in Slovakia. Furthermore, the initial periodical report (see p. 43) provides figures concerning the funding in general of minority cultures, including the Czech one. The Committee of Experts considers that the present undertaking is fulfilled.

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

578. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;”

579. The initial periodical report (see p. 42) describes the main elements of the scheme that the Ministry of Culture has established for supporting regional or minority languages. This scheme includes in particular the guidelines for the provision and accounting of subsidies and the rules of organisation and procedure of the Committee for the transfer of earmarked funds intended to support the culture of national minorities. The latter Committee, which is composed mainly of representatives from the various minorities concerned (see para. 581 below), is the body in charge of assessing the applications of individual groups of speakers for funding and, by a majority vote, adopting recommendations to the Minister on the amounts of subsidies to be granted. The undertaking therefore appears to be fulfilled.

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

580. According to the additional information provided by the Slovak Government, the Cabinet of National Minority Cultures to be established within the National Education Centre, which operates under the supervision of the Ministry of Culture, will be in charge of selecting the staff referred to in the present undertaking. However, the Committee of Experts has received no information regarding staff at the disposal of the bodies who organise or support such activities at present. It therefore asks the authorities to provide such information in the next report.

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

581. The Committee for the transfer of earmarked funds intended to support the culture of national minorities, in charge of advising the Minister of Culture on these matters (see para. 579 above), consists of 11 representatives of the minorities concerned, who are appointed by the Minister of Culture. The Secretary of the Committee is an employee of the Ministry of Culture. The Committee relies on the work of sub-committees related to each minority. Each sub-committee is in charge of setting priorities and of concretely allocating the funds granted to the minority concerned by the Committee (see the initial periodical report, p. 42). The undertaking appears to be fulfilled.

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

582. According to the additional information provided by the Slovak Government, by means of grants the Ministry of Culture encourages the activities of non-governmental organisations the role of which is to collect, archive and publish works in regional or minority languages. One of the most important institutions fulfilling this role is the Fórum institute for research of national minorities in Šamorín, which in 2003 received 880,000 Slovak Crowns from the Ministry of Culture. It is unclear to the Committee of Experts how the said institute performs the activities referred to in the present undertaking with specific regard to the Czech language. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in the next periodical report.

“Paragraph 2

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

583. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“Paragraph 3

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

584. No specific information was provided to the Committee of Experts in this regard as far as the Czech language is concerned. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

Article 13 – Economic and social life

“Paragraph 1

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

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

585. According to the initial periodical report (see p. 45), no provision of the sort referred to in the present undertaking exists in the Slovak legislative system and no complaints were received in this field. However, Section 8 of Act No. 270/1995 on the State Language seems to impose the use of Slovak in a number of cases which are relevant for the purpose of the present undertaking, such as: legal documents related to labour relations, financial and technical documentation, statutes of associations, unions and companies. Prima facie this appears to be a limitation to the use of a regional or minority language, such as Czech. No justification for this limitation has been given to the Committee of Experts by the Slovak authorities. The Committee of Experts therefore considers that this undertaking is not fulfilled .

The Committee of Experts encourages the authorities to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life

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

586. The Committee of Experts was not informed of any such prohibition. Therefore the Committee of Experts considers that the present undertaking is not fulfilled.

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

587. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“Paragraph 2

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

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

588. Section 8 para. 4 of Act No. 270/1995 on the State Language provides as follows:

“All documentation of healthcare establishments shall be maintained in the official language. The communication between healthcare professionals and patients shall be usually conducted in the official language; if the patient is a citizen or foreigner who does not have a command of the official language, it can be conducted in a language that makes communication with the patient possible” (it is unclear whether the healthcare establishments referred to in this provision also include retirement homes and hostels).

589. The Committee of Experts is of the view that this provision conflicts with the undertaking entered into by Slovakia, insofar as it allows communications in a non-official language healthcare establishments only in those cases where the person concerned does not have a command of Slovak (although in practice the Czech-speakers do not seem to have any problems in this area of communication either). However, it is unclear whether the provision contained in Section 6 of Act No. 184/1999, and which grants Czech a “quasi-official status” (see para. 543 above), supersedes Section 8 para. 4 of Act No. 270/1995 on the State Language. The Committee is therefore not in a position to conclude and the Slovak authorities are encouraged to clarify this point in their next periodical report.

Article 14 – Transfrontier exchanges

“The Parties undertake:

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

590. According to the initial periodical report (see p. 47), on 2 November 2000, the Slovak and Czech Governments entered into an agreement on transfrontier co-operation that encourages traditional contacts between the users of the Slovak and Czech languages in both countries in the fields of culture, education, information, vocational and life-long education. Under Article 8 of the agreement, a Slovak-Czech committee on transfrontier co-operation was set up. The Committee of Experts considers the undertaking fulfilled.

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

591. According to the initial periodical report (see p. 47), in June 1999 the Slovak Ministry of the Interior co-organised an international conference with the Council of Europe on Slovak-Czech cross-border co-operation. The conference took place in the towns of Skalica (Slovakia) and Strážnice (Czech Republic). The initial periodical reports stresses the positive results of this co-operation and refers to the establishment of three Euro-regions: Beskids (covering the territories of three countries, including the Czech Republic), White Carpathians and Morava River Valley. The Committee of Experts considers the undertaking fulfilled.

2.2.7 Evaluation of the application of Part III to the Bulgarian, Polish and Croatian languages⁷

Preliminary remark

592. The Committee of Experts considers that the decision to extend Part III protection under the Charter to the Bulgarian, Polish and Croatian languages was a very ambitious step.

593. While welcoming this strong long-term commitment, the Committee of Experts recalls that it must nonetheless evaluate the present level of implementation of the precise undertakings entered into under Part III with respect to the Bulgarian, Polish and Croatian languages. This evaluation clearly shows that there is a significant gap between a number of the undertakings chosen and the level of implementation provided for by the domestic legal framework and practice.

594. Furthermore, the Committee of Experts recalls the remarks it has already made in the first Chapter of this report, according to which a proper application of Part III of the Charter to Bulgarian, Polish and Croatian, and therefore the possibility for the Committee of Experts to monitor it, requires the Slovak authorities to assess in what areas the speakers of Bulgarian, Polish and Croatian languages are traditionally present in sufficient numbers for the purpose of the undertakings entered into by Slovakia under Part III of the Charter (see paras. 40 – 47 above).

Article 8 – Education

“Paragraph 1

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

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

595. No pre-school education essentially or substantially in Bulgarian is available to the Bulgarian-speakers. However, during the “on-the-spot” visit it was reported to the Committee of Experts by a representative of the Bulgarian-speakers that the latter do not feel a need for that. As a result, no request for pre-school education in Bulgarian seems to have been submitted to the authorities so far. The Committee of Experts is of the opinion that when Slovakia signed up to this undertaking, it had to establish a structured policy to facilitate the possibilities of pre-school education in Bulgarian, for example through disseminating information about this possibility among the Bulgarian-speakers. The Committee of Experts has not been informed of any such measures taken by the Slovak authorities. The Committee of Experts therefore considers the undertaking not fulfilled for Bulgarian.

596. As regards Polish, the information provided by the Slovak Government confines itself to stating that pre-school education involving the use of the Polish language is provided depending on the parents’ interest. During the “on-the-spot” visit the Committee of Experts was informed that no pre-school education is available since the number of pupils (5 or 6 at the most) is apparently not sufficient to set up a class. The Committee of Experts considers that the information at its disposal does not enable it to reach a conclusion on this point and it asks the Slovak authorities to elaborate further in their next periodical report and to clarify what is the exact minimum number of pupils required to set up a class at pre-school level.

597. With respect to Croatian, the Committee of Experts has received very little information on the fulfilment of the above undertakings. The additional information provided by the Slovak Government confines itself to stating that pre-school education involving the use of the Croatian language is provided depending on the parents’ interest. The Committee of Experts considers that the information with regard to Croatian is insufficient

⁷ The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by Slovakia.

to enable it to conclude on this fundamental undertaking and it asks the Slovak authorities to elaborate further on it in their next periodical report.

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

598. According to the various information received by the Committee of Experts, a private bilingual Slovak/Bulgarian primary school and grammar school exist in Bratislava. They are financed by the Bulgarian State but they are open to any child, irrespective of the linguistic background. No teaching of Bulgarian is offered in Košice but according to the information collected by the Committee of Experts during the "on-the-spot" visit, no requests for that have been presented so far. It is however unclear to the Committee of Experts whether the Slovak authorities contribute in any manner to the financing of the said schools. The Committee of Experts is therefore not in a position to conclude on this undertaking with regard to Bulgarian and it asks the Slovak authorities to clarify this point in their next periodical report.

599. With regard to Polish, the information provided by the Slovak Government confines itself to stating that primary and secondary education involving the use of the Polish language is provided depending on the parents' interest and that there is no school where Polish is taught.

600. On the other hand, during the "on-the-spot" visit the Committee of Experts was informed that Polish is not used at all in Slovak public schools since the number of pupils is insufficient to set up a class. Some private schools were established under the auspices of the Polish Embassy but these are not accredited as regular schools and do not have regular classes. They cover the age of 7 up to the age of 13 and they take place outside normal school hours and in private buildings. They are meant to provide basic elements of the Polish language, history, literature and superficially geography.

601. The Committee of Experts considers that these undertakings are not fulfilled with respect to Polish.

The Committee of Experts encourages the Slovak authorities to provide in the relevant geographical areas, within primary and secondary education, for teaching of Polish as an integral part of the curriculum.

602. With respect to Croatian, the Committee of Experts has received very little information on the fulfilment of the above undertakings. The additional information provided by the Slovak Government confines itself to stating that primary and secondary education involving the use of the Croatian language is provided depending on the parents' interest and that there is no school where Croatian is taught. The Committee of Experts considers that this information is insufficient to enable it to conclude on these fundamental undertakings with respect to Croatian and it asks the Slovak authorities to elaborate further on them in their next periodical report.

- "d iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;"**

603. No teaching of Bulgarian is offered in the context of technical or vocational education. During the "on-the-spot" visit reference was made to a certain demand for courses on the Bulgarian language. It is however unclear whether this demand refers also to technical or vocational schools. The Committee of Experts considers the undertaking not fulfilled with respect to Bulgarian.

604. With regard to Polish, the information provided by the Slovak Government confines itself to stating that pre-school, primary and secondary education involving the use of the Polish language are provided depending on the parents' interest and that there is no school where Polish is taught. The Committee of Experts considers that these undertakings are not fulfilled with respect to Polish.

The Committee of Experts encourages the Slovak authorities to provide in the relevant geographical areas, within technical and vocational education, for teaching of Polish as an integral part of the curriculum.

605. With respect to Croatian, the Committee of Experts has received very little information on the fulfilment of this undertaking and considers it insufficient to enable it to conclude on this undertaking. The Committee of Experts asks the Slovak authorities to elaborate further on it in their next periodical report.

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

606. Bulgarian is taught at the Comenius University in Bratislava and at the Matej Bel University in Banská Bystrica. The Committee of Experts considers that the present undertaking is fulfilled.

607. According to the information provided to the Committee of Experts by official sources, Polish is offered as a higher education subject at the University of Bratislava. The Committee of Experts considers that the present undertaking is fulfilled.

608. With respect to Croatian, the Committee of Experts has received very little information on the fulfilment of this undertaking and considers it insufficient to enable it to conclude on this undertaking. The Committee of Experts asks the Slovak authorities to elaborate further on it in their next periodical report.

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

609. With regard to Bulgarian, no specific information was provided to the Committee of Experts in this regard, although reference was made, during the “on-the-spot” visit, to a demand for courses on the Bulgarian language, which presumably concerns especially the adult population. The Committee of Experts is not in a position to conclude and it asks the Slovak authorities to elaborate on this point in their next periodical report.

610. With respect to Croatian and Polish, the Committee of Experts has received little or no information on the fulfilment of this undertaking. It is therefore not in a position to conclude and it asks the Slovak authorities to comment on it, in their next periodical report.

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

611. The Committee of Experts recalls in the first place that the present undertaking concerns not only education for pupils using regional or minority languages but also education for non-speakers about the specific history and traditions of the regional or minority languages spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the regional or minority language in the national curriculum, or at least in the curriculum for Slovak-speaking pupils within the territories concerned (see the second evaluation report on the application of the Charter by Croatia, ECRML (2005) 3, para. 100).

612. No specific information was provided to the Committee of Experts as to what teaching the speakers of the Bulgarian, Polish and Croatian languages receive on the history and the culture which are reflected by those languages respectively and as to how the majority Slovak-speaking pupils are educated about the history and traditions of the those speakers respectively in Slovakia, at least in the curriculum for Slovak-speaking pupils within the territories concerned. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

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

613. With regard to Bulgarian, no specific information was provided to the Committee of Experts on the fulfilment of this important undertaking, other than the general pieces of information regarding teaching of Bulgarian as a university subject (see para. 606 above). The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to submit specific comments in their next periodical report.

614. With regard to Polish and Croatian, the Committee of Experts has not received any information on the fulfilment of this undertaking, although with regard to Polish, the situation in the field, as described to it during the “on-the-spot” visit, seems to point to the total lack of any measures in this crucial field. The Committee of Experts is not in a position to conclude and it asks the Slovak authorities to comment on this undertaking, with regard to the Polish and Croatian languages, in their next periodical report.

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

615. No body specifically in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of regional or minority languages and of drawing up public periodic reports of its findings appears to exist. The Committee of Experts considers that this undertaking is not fulfilled.

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

Article 9 – Judicial authorities

616. As results from the examination of the preliminary issue relating to the 20% threshold (see paras.40 – 47 above), Article 9 applies also to those areas where the number of speakers of the Bulgarian, Polish and Croatian languages is less than 20% respectively but is nevertheless sufficient for the purpose of the application of Article 9 of the Charter. This is acknowledged by the Slovak authorities themselves. Furthermore, as was confirmed to the Committee of Experts by official sources, court districts do not coincide with the territory of the municipalities to which the 20% threshold is applied.

“Paragraph 1

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

a in criminal proceedings:

ii to guarantee the accused the right to use his/her regional or minority language; and/or

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

iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;

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

617. Section 2, sub-section 14 of the Code of Criminal Procedure stipulates that “(e)very person shall have the right to use his mother tongue before the criminal justice authorities”. Furthermore, according to Section 28 of the Code of Criminal Procedure, “(i)f there is a need to translate the content of a statement or a written document or if the accused declares that he does not have a command of the language of the proceedings, an interpreter shall be engaged; the interpreter may also act as the recorder”. According to the initial periodical report, these provisions apply also to the period prior to the beginning of criminal prosecution, notably to the lodging of information on crime under Section 59 in connection with Section 158 para. 1 of the Code of Criminal Procedure.

618. However, in the additional information provided to the Committee of Experts the Slovak Government explicitly stated that interpretation into or from a regional or minority language is provided only if the accused does not have a sufficient command of the Slovak language.

619. Furthermore, section 55, para. 3 of the Code of Criminal Procedure stipulates as follows:

“Records of oral testimony from a person who does not have command of Slovak shall also be drawn up in Slovak; if a verbatim record of the testimony is necessary, the recorder or the interpreter shall also enter the relevant part of the testimony into the records in the language in which the testimony was provided.”

620. According to the relevant case-law, as reported in the initial periodical report (see p. 31 seq.), this means that an interpreter must be engaged and the related costs be borne by the State only if the person delivering the statement does not have a command of Slovak. Similarly, translation must be provided for any documentary evidence not in the Slovak language. In other words, requests and evidence in a regional or minority language, including Bulgarian, Polish and Croatian, do not seem to be admissible if the author has a command of the Slovak language.

621. No specific provision seems to exist in relation to written testimony or requests in any form.

622. The Committee of Experts considers that the exact scope of the mentioned right to use one’s mother tongue in criminal proceedings is not clear. Taking account of the practical information gathered during the “on-the-spot” visit, it appears that the judge, the prosecutor or the police will focus their attention on whether the accused is fluent enough in Slovak. If the accused is fluent enough in Slovak, then the judge nevertheless has discretion to grant him/her interpretation, and this seems likely to be granted. However, the fact remains that the right of the accused to use his or her regional or minority language irrespective of his degree of knowledge of Slovak does not seem to be clearly guaranteed. Furthermore, during the “on-the-spot” visit official sources reported to the Committee of Experts that summons do not mention linguistic rights, as it is assumed that they are known to everyone. The announcement of the accusation does include a mention of the general right to interpretation but the police officer concerned will simply assess whether the person *needs* an interpreter.

623. Finally, according to the information provided to the Committee of Experts during the “on-the-spot” visit, there is no use of either Bulgarian or Polish in criminal court proceedings, in spite of the fact that some members of the judicial staff in Slovakia appear to speak Polish (see Appendix III of the initial periodical report). However, there is no Bulgarian-speaking member of the judicial staff in Slovakia (see Appendix III). The Committee of Experts considers that this undertaking is not fulfilled in the case of Bulgarian and Polish.

624. Although the Committee of Experts lacks information on the practice and although there are some members of the judicial staff in Slovakia who speak Croatian (see Appendix III of the initial periodical report), the Committee of Experts considers that this undertaking is neither fulfilled in the case of Croatian.

The Committee of Experts encourages the Slovak authorities:

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

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

625. Section 18 of the Code of Civil Judicial Procedure stipulates as follows:

“The Parties shall participate in civil proceedings on an equal footing. They have the right to use their mother tongue in proceedings before court. The court shall have to provide them with equal opportunities to exercise their rights.”

626. Furthermore, Section 141, sub-section 2 of the Code of Civil Judicial Procedure provides that:

“The costs of evidence that are not covered by the security, as well as cash expenses incurred by the appointed counsel, who is not an attorney-at-law, and costs related to the use of the party’s mother tongue in the proceedings shall be borne by the State”.

627. According to the information provided in the initial periodical report (see p. 33), the above-mentioned provisions of the Code of Civil Judicial Procedure apply also to the proceedings before administrative courts.

628. The possibility of engaging an interpreter with no additional costs with a view to enabling a litigant in civil or administrative proceedings to use his/her mother tongue has also been confirmed by the case-law (see p. 33 of the initial periodical report). However, according to several sources, including official ones, these provisions represent an implementation in the civil (and administrative) proceedings of the general right to interpretation for non-speakers of Slovak, guaranteed by Article 47 para. 4 of the Slovak Constitution but which is not available to regional or minority language speakers who are also able to speak Slovak.

629. According to the information provided to the Committee of Experts during the “on-the-spot” visit, in practice there is no use of Bulgarian or Polish in civil or administrative proceedings, in spite of the fact that some members of the judicial staff in Slovakia appear to speak Polish. There is no Bulgarian-speaking member of the judicial staff in Slovakia (see Appendix III of the initial periodical report).

630. The Committee of Experts considers that these undertakings are not fulfilled for Bulgarian and Polish.

631. Although the Committee of Experts lacks information on the practice and although there are some members of the judicial staff in Slovakia who speak Croatian (see Appendix III of the initial periodical report), the Committee of Experts considers that these undertakings are not fulfilled for Croatian either.

The Committee of Experts encourages the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use one of these languages without thereby incurring additional expense, and evidence and documents may be produced in Bulgarian, Polish or Croatian if necessary by the use of interpreters and translations, even if the speaker of Bulgarian, Polish or Croatian has a command of the Slovak language.

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

632. In the light of the conclusions reached under Article 9 paras. 1.a.ii/a.iii/b.ii/b.iii/c.ii/c.iii above, the Committee of Experts considers that this undertaking is not fulfilled.

Article 10 – Administrative authorities and public services

Preliminary remark

633. In the light of the information received, the Committee of Experts is of the impression that it is in the sphere of the local branches of the State administration and of local authorities that the 20% rule is directly relevant. In respect of regional authorities, the relevant legislation therefore does not appear to apply, with the consequence that use of regional or minority languages is not formally permitted. Although the Slovak Constitution provides that “citizens belonging to national minorities or ethnic groups also have, under conditions defined by law, a guaranteed right to use their language in dealings with the authorities” (see Article 34 para. 2.b), the implementation of some of the relevant provisions is, under Slovak law, formally impossible below this threshold. This means that in the case of the Bulgarian, Polish and Croatian languages this is always the case, since nowhere in Slovakia do the speakers of either Bulgarian, Polish or Croatian attain the 20% threshold. There is consequently a formal barrier to proper fulfilment of these undertakings.

634. Apart from other problems, a proper implementation of the undertakings below inevitably presupposes the reconsidering of the 20% rule and assessing in what areas the speakers of the Bulgarian, Polish and Croatian languages are traditionally present in sufficient numbers for the purpose of the undertakings entered into by Slovakia under Article 10 paras. 2 to 4 of the Charter (see also paras. 40 – 47 above).

635. According to the information provided by the Slovak Government, this actually seems to be the case only in Bratislava-Čunovo, where the Croatian-speakers represent 16,2% of the population living in this municipality.

“Paragraph 1

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

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

636. The Committee of Experts observes in the first place that in the case of sub-paragraphs a.iii and a.iv of paragraph 1 of Article 10 of the Charter, Slovakia did not specify, in its instrument of ratification, which of these two options should apply. In fact, the two options listed in the above-mentioned sub-paragraphs are alternatives and Contracting Parties are required to opt for one of them. According to the practice of the Committee of Experts, in the absence of a choice by the State where several options are available, the highest option from the point of view of the protection and promotion of the language shall normally be applied “ex officio”, unless specific circumstances make the highest option appear as manifestly incompatible with the needs of the regional or minority language concerned and/or with the expressed wishes of the speakers (see for example the second evaluation report of the Committee of Experts on the implementation of the Charter by Hungary, quoted above, para. 95). In this case, the Committee of Experts sees no reason to depart from its usual practice and will therefore apply the highest option, i.e. para. 1.a.iii of Article 10.

637. According to the information provided to the Committee of Experts by official sources, local State administration authorities are district offices as first-instance authorities and regional offices as authorities of appeal. Other local branches of the State administration are specialised State administration authorities, such as tax offices and customs offices.

638. The Committee of Experts has not received any specific information with regard to the compliance by the local branches of the State administration with this undertaking, although some information points to very low awareness of State officers about the obligations deriving from the Charter and the initial periodical report explicitly states that applications in Bulgarian, Polish and Croatian may not be submitted to competent bodies at local level with regard to official instruments and documents (such as identity cards, driving licences, passports, etc.; see p. 35 of the initial periodical report). Furthermore, it is unclear whether the 20% requirement applies in the case of the local branches of the State administration. If that was the case, given the specific demographic situation of the Bulgarian, Polish and Croatian languages in Slovakia it would be particularly important for the Committee of Experts to know in what areas, irrespective of the 20% threshold, the Bulgarian, Polish and Croatian languages are traditionally present in sufficient numbers for the purpose of the undertaking entered into under Article 10 para. 1.a.iii of the Charter.

639. The information at the Committee of Experts' disposal points to lack of fulfilment but it is still not sufficient to enable the Committee of Experts to reach a conclusion on this point. The Slovak authorities are therefore encouraged to comment on this point in their next periodical report.

“Paragraph 2

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

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;***
- c the publication by regional authorities of their official documents also in the relevant regional or minority languages;***
- d the publication by local authorities of their official documents also in the relevant regional or minority languages;***
- f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;***
- g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.***

Paragraph 3

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

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

Paragraph 4

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

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

640. With respect to Bulgarian and Polish, the information provided to the Committee of Experts during the “on-the-spot” visit confirmed that there is no use at all of Bulgarian or Polish in the context of regional or local government. This seems to be the case also as far as public services are concerned.

641. The relevant legislation provides that the use of Bulgarian and Polish in conducting a session of a local authority is also possible if all present consent to it (it is however not clear whether this refers to internal meetings as well as public sessions; see also paras. 141, 240, 334 and 498 above).

642. The Committee of Experts therefore considers that the undertakings above are not fulfilled in the case of Bulgarian and Polish. The Committee of Experts is also concerned at the pre-condition that all present must consent to the use of Bulgarian or Polish respectively for a session of a local authority to be conducted in Bulgarian or Polish respectively. This is an unnecessary and discriminatory pre-condition.

The Committee of Experts encourages the Slovak authorities to take the necessary measures regarding the implementation of the undertakings entered into by Slovakia under Article 10 paras. 2 to 4 of the Charter, in the first place by assessing where in Slovakia there are sufficient numbers of speakers of Bulgarian and Polish for the purpose of these undertakings. Furthermore, the condition that all present consent to the use of Bulgarian or Polish for conducting a session of a local authority should be removed; The relevant regional or minority language or Slovak should be used in accordance with the choice of the speakers and appropriate provision be made for translation and/or interpretation during the session.

643. With respect to Croatian, the Committee of Experts did not receive any information, either from the Slovak authorities or from the Croatian-speakers, concerning the use of Croatian in the context of regional or local government and public services. However, the relevant legislation provides that the use of Croatian in conducting a session of a local authority is possible if all present consent to it (it is however not clear whether this refers to internal meetings as well as public sessions; see also paras. 141, 240, 334 and 498 above). In any event, according to the information provided by the Slovak Government there seems to be only one municipality in Slovakia (Bratislava-Čunovo) where the Croatian-speakers appear to be present in sufficient numbers (16,2% of the population living in this municipality) for the purpose of the above undertakings.

644. The Committee of Experts considers that the information received is insufficient to enable to conclude on this undertaking for Croatian and asks the Slovak authorities to provide further information in the next periodical report. The Committee of Experts is nevertheless concerned at the pre-condition that all present must consent to the use of Croatian for a session of a local authority to be conducted in Croatian. This is an unnecessary and discriminatory pre-condition.

“Paragraph 5

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

645. According to Section 2 para. 1 of Act No. 300/1993, a person born in the Slovak Republic can be given more than one name, including foreign names, up to three. Furthermore, Section 19 paras. 3 and 5 to 7 of Act No. 154/1994 on Registry Offices allows for the correction of the first entry of the name in the register, as well as the removal of the Slovak grammatical suffix in female surnames, if a person with a nationality other than Slovak so requests (this procedure is not subject to any charges; see the initial periodical report, p. 37).

646. However, according to the additional information provided to the Committee of Experts by official sources, district registry offices interpret the relevant provisions in the sense that the use of a female surname, in the register or extract from the register, without the grammatical suffix of gender indication according to the Slovak grammatical rules is only possible for the surname currently used by the applicant but not for the surname at birth (see the Conclusions from the Meeting of State Citizenship and Registry Offices Staff of District Offices held on 13 and 14 October 1994 in Bardejov, by which district registry offices abide).

647. The Committee of Experts understands that in Bulgarian the grammatical rule applying to female family names' endings is practically the same as in Slovak, so that the above-mentioned provisions do not really affect female Bulgarian-speakers. However, it is unclear whether the Bulgarian script is allowed (as is the case in Hungary, which the Committee of Experts considers to be a best practice; see the second evaluation report on the application by Hungary, quoted above, paras. 115-117). With respect to Bulgarian, the Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to comment on this point in the next periodical report.

648. With regard to Polish and Croatian, the above-mentioned provisions mean in practice that a female Polish- or Croatian-speaker is able to use her husband's family name, for example, without the typical Slovak ending but will have to use that ending for her surname at birth (which several regulations require to be stated in a number of cases).

649. Since the right to use or adopt family names in Polish and Croatian is available unconditionally only to men and not to women, the undertaking is not fulfilled for Polish and Croatian.

With respect to Polish and Croatian, the Committee of Experts encourages the Slovak authorities to take the necessary measures to allow in all cases the use or adoption of family names in the regional or minority languages, at the request of those concerned.

Article 11 – Media

“Paragraph 1

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

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

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

650. There is no public radio-broadcasting as far as the Bulgarian language is concerned.

651. As far as television is concerned, a “Bulgarian minority magazine” is broadcast twice a year for a total of 54 minutes. The Committee of Experts considers this amount of time insufficient, given the importance of the electronic media, especially television, in modern societies.

652. The Committee of Experts considers that the present undertaking is not fulfilled for Bulgarian.

The Committee of Experts encourages the Slovak authorities to make adequate provision so that broadcasters offer radio programmes in the Bulgarian language. The Slovak authorities are also encouraged to increase the frequency of the time-slots allocated to the Bulgarian language on public television.

653. As far as the public radio service is concerned for Polish, the initial periodical report (see p. 38) refers to the broadcasting of a programme designed for national minorities (the “Minority-Ethnic Programme”). The programme is prepared by a specialised desk which relies on specialised units for each of the languages concerned. The broadcasting time depends on the results of the latest census. The Polish language is currently granted 30 minutes once in four weeks. Programmes are broadcast on AM frequencies (Prešov 1071 kHz and Stakčín 864 kHz). The Committee of Experts considers this amount of time insufficient, given the importance of the electronic media in modern societies.

654. As far as the public television service is concerned, the Polish language relies on a magazine which is broadcast 5 times per year for a total of 2,3 hours. The Committee of Experts considers this amount of time insufficient too, given the special importance that television has in modern societies.

655. The Committee of Experts considers that the present undertaking is not fulfilled for Polish.

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

656. There seems to be no broadcasting in the Croatian language on either the public radio or television. The Committee of Experts considers that the present undertaking is not fulfilled for Croatian.

The Committee of Experts encourages the Slovak authorities to make adequate provision so that public broadcasters offer radio and television programmes in Croatian.

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

657. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of radio programmes in Bulgarian, Polish and Croatian on a regular basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML 2005 (4), para. 426).

658. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking. It is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. Account should be taken, however, of the fact that the obligation for private radio stations to have all the broadcasting translated into Slovak constitutes an obvious burden for a commercial radio. During the “on-the-spot” visit, the Slovak authorities themselves referred to an amendment drafted by the Ministry of Culture, which is intended to eliminate this obligation.

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

659. The Committee of Experts observes in the first place that the present undertaking is concerned with the encouragement or facilitation of the private broadcasting of television programmes in Bulgarian, Polish and Croatian on a regular basis (see the first evaluation report of the Committee of Experts on the implementation of the Charter by Spain, ECRML (2005) 4, para. 430).

660. The Committee of Experts did not receive any specific information on measures aimed at fulfilling the present undertaking. It is therefore not in a position to conclude on this point and it asks the Slovak authorities to comment on the present undertaking in their next periodical report. Account should be taken, however, of the fact that as the Slovak authorities themselves conceded during the “on-the-spot” visit, the obligation to have all programmes subtitled in Slovak represents an additional cost. Subtitling is certainly of interest from the point of view of the Charter (see para. 261 above), but adequate financial solutions could usefully be sought to avoid putting private television stations wanting to broadcast also in Bulgarian, Polish and Croatian at a disadvantage compared to private television stations broadcasting only in Slovak.

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

661. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

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

662. The Committee of Experts has been informed that the Ministry of Culture funds a magazine for the Bulgarian-speakers in Slovakia (“Roden Glas”), which in 2003, for example, received 315,000 Slovak Crowns of public subsidies. According to the speakers, their magazine could not survive without this support. It is

however unclear whether this magazine qualifies as a “newspaper” within the meaning of the present provision. The Committee of Experts is therefore not in a position to conclude with respect to Bulgarian and it asks the Slovak authorities to clarify this point in their next periodical report.

663. Regarding Polish and Croatian, the Committee of Experts has been informed that the Ministry of Culture funds the Polish “Monitor Polonijny” magazine and the Croatian “Hrvatska Rosa” magazine which in 2003, for example, received 315,000 and 480, 000 Slovak Crowns respectively of public subsidies. It is however unclear whether these magazines qualify as “newspapers” within the meaning of the present provision. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in their next periodical report.

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

664. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

“Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

665. The information provided in the initial periodical report (see p. 39) and during the “on-the-spot” visit suggests that no difficulties exist in this area. The Committee of Experts considers that this undertaking is fulfilled.

“Paragraph 3

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

666. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on this undertaking and it asks the Slovak authorities to comment on it in their next periodical report.

Article 12 – Cultural activities and facilities

“Paragraph 1

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

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

667. The initial periodical report focuses on the funding role of the Ministry of Culture, in particular its Section for Minority Culture, as the main element of the Slovak Government's policy of support for regional or minority languages (see p. 41 seq. of the initial periodical report).

668. With respect to Bulgarian, however, it is unclear what sort of encouragement is provided with regard to types of expression and initiatives specific to the Bulgarian language, other than the above-mentioned support for the magazine addressing to the Bulgarian-speakers (see para. 662 above). The Committee of Experts has been informed that a cultural association for Bulgarian-speakers exists, but it is unclear if and how the latter is supported by the authorities. The Committee of Experts is therefore not in a position to conclude with respect to Bulgarian and it asks the Slovak authorities to comment on this point in their next periodical report.

669. With respect to Polish, apart from the above-mentioned support for the "Monitor Polonijny" magazine (see para. 663 above), the initial periodical report (see p. 43) provides figures concerning the funding in general of minority cultures, including the Polish one. According to the report, the provision of funding for minority cultures from the special allocation under the Ministry of Culture budget chapter amounted in total to SKK 67,470, 800 in 2002, out of which SKK 1,300,000 was specified for the Polish minority. According to the additional information provided by the Slovak Government, "Polish Culture Days" were thus organised in Bratislava. The Committee of Experts considers that the present undertaking is fulfilled for Polish.

670. The Ministry of Culture funds in particular the Documentation Centre of Croatian Culture at the Historical Museum in Bratislava. Furthermore, the initial periodical report (see p. 43) provides figures concerning the funding in general of minority cultures, including the Croatian one (According to the report, SKK 1,879,00 was allocated to the Croatian minority in 2002). According to the additional information provided by the Slovak Government, Bibiana, the international house of children's art, thus organised an exhibition on the culture, history and way of life of Croats living in Slovakia. A Croatian Music Festival, organised by the Cultural Union of Croats in Slovakia, also appears to have been supported. The Committee of Experts lacks information about the extent to which the Croatian language is involved in these initiatives. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

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

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

671. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

"d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;"

672. The initial periodical report (see p. 42) describes the main elements of the scheme that the Ministry of Culture has established for supporting regional or minority languages. This scheme includes in particular the guidelines for the provision and accounting of subsidies and the rules of organisation and procedure of the Committee for the transfer of earmarked funds intended to support the culture of national minorities. The latter Committee, which is composed mainly of representatives from the various minorities concerned (see para. 674 below), is the body in charge of assessing the applications of individual groups of speakers for funding and, by a majority vote, of adopting recommendations to the Minister on the amounts of subsidies to be granted. The undertaking therefore appears to be fulfilled.

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

673. According to the additional information provided by the Slovak Government, the Cabinet of National Minority Cultures to be established within the National Education Centre, which operates under the supervision of the Ministry of Culture, will be in charge of selecting the staff referred to in the present undertaking. However, the Committee of Experts has received no information regarding staff at the disposal of the bodies who organise or support such activities at present. It therefore asks the authorities to provide such information in the next report.

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

674. The Committee for the transfer of earmarked funds intended to support the culture of national minorities, in charge of advising the Minister of Culture on these matters (see para. 672 above), consists of 11 representatives of the minorities concerned, who are appointed by the Minister of Culture. The Secretary of the Committee is an employee of the Ministry of Culture. The Committee relies on the work of sub-committees related to each minority. Each sub-committee is in charge of setting priorities and of concretely allocating the funds granted to the minority concerned by the Committee (see the initial periodical report, p. 42). The undertaking appears to be fulfilled.

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

675. According to the additional information provided by the Slovak Government, by means of grants the Ministry of Culture encourages the activities of non-governmental organisations the role of which is to collect, archive and publish works in regional or minority languages. One of the most important institutions fulfilling this role is the Fórum institute for research of national minorities in Šamorín, which in 2003 received 880,000 Slovak Crowns from the Ministry of Culture. It is unclear to the Committee of Experts how the said institute performs the activities referred to in the present undertaking with specific regard to the Bulgarian, Polish or Croatian language. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to clarify this point in the next periodical report.

“Paragraph 2

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

“Paragraph 3

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

676. No specific information was provided to the Committee of Experts in these regards as far as the Bulgarian, Polish and Croatian languages are concerned. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

Article 13 – Economic and social life

“Paragraph 1

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

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

677. According to the initial periodical report (see p. 45), no provision of the sort referred to in the present undertaking exists in the Slovak legislative system and no complaints were received in this field. However, Section 8 of Act No. 270/1995 on the State Language seems to impose the use of Slovak in a number of cases which are relevant for the purpose of the present undertaking, such as: legal documents related to labour relations, financial and technical documentation, statutes of associations, unions and companies. Prima facie this appears to be a limitation to the use of a regional or minority language, such as Bulgarian. No justification for this limitation has been given to the Committee of Experts by the Slovak authorities. The Committee of Experts therefore considers that this undertaking is not fulfilled .

The Committee of Experts encourages the authorities to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life

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

678. The Committee of Experts was not informed of any such prohibition. Therefore the Committee of Experts considers that the present undertaking is not fulfilled.

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

679. No specific information was provided to the Committee of Experts in this regard. The Committee of Experts is therefore not in a position to conclude on these undertakings and it asks the Slovak authorities to comment on them in their next periodical report.

“Paragraph 2

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

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

680. Section 8 para. 4 of Act No. 270/1995 on the State Language provides as follows:

“All documentation of healthcare establishments shall be maintained in the official language. The communication between healthcare professionals and patients shall be usually conducted in the official language; if the patient is a citizen or foreigner who does not have a command of the official language, it can be conducted in a language that makes communication with the patient possible.”

681. The Committee of Experts is of the view that this provision conflicts with the undertaking entered into by Slovakia, insofar as it allows communications in a non-official language in healthcare establishments only in those cases where the person concerned does not have a command of Slovak. Furthermore, even though the initial periodical report (see p. 45) states in general terms that social care facilities provide for the reception and treatment of their clients in their language, the information provided to the Committee of Experts during the “on-the-spot” visit indicates that there is no use of Bulgarian, Polish or Croatian in the context of the present undertaking.

682. Although it is unclear whether the healthcare establishments referred to in Section 8 para. 4 of Act No. 270/1995 on the State Language also include retirement homes and hostels, the Committee of Experts considers that Article 13 para. 2.c requires the authorities to ensure certain results. However, Slovak legislation, if implemented, would lead to preventing these results and denies speakers of Bulgarian, Polish and Croatian the possibilities which the article is intended to ensure. The Committee of Experts therefore considers that the present undertaking is not fulfilled.

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

Article 14 – Transfrontier exchanges

“The Parties undertake:

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

683. With respect to Bulgarian and Croatian, no specific information was provided in this regard. The Committee of Experts is therefore not in a position to conclude and it asks the Slovak authorities to comment on this point in their next periodical report.

684. With respect to Polish, according to the initial periodical report (see p. 46), on 18 August 1994 the Slovak and Polish Governments concluded an agreement on transfrontier co-operation. As a result, a Slovak-Polish intergovernmental committee on transfrontier co-operation was set up. According to the Slovak Government, this agreement has contributed to contacts between Polish-speakers in both countries being developed, namely in the field of education, information and culture.. The Committee of Experts considers the undertaking fulfilled.

Applies to Polish only:

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

685. The initial periodical report (see p. 47) refers in the first place to the conference co-organised by the Slovak Government and the Council of Europe on Slovak-Polish cross-border co-operation and which took place in May 2000 in the towns of Dolný Kubín (in Slovakia) and Szczawnica (in Poland). The initial periodical report also refers to the concrete results of the Slovak-Polish cross-border co-operation, such as the establishment of the Euro-region Tatras, of the Carpathian Euro-region (operating within the territories of several countries) and of the Euro-region Beskids (operating within the territories of three countries). The Committee of Experts considers the undertaking fulfilled.

Chapter 3. Findings

686. The Committee of Experts hereby presents its general findings on the application of the Charter in Slovakia.

A. The Slovak authorities showed excellent co-operation during the "on-the-spot" visit and must be complimented for this. Slovakia also opted for a very ambitious instrument of ratification, with Part III protection covering all regional or minority languages spoken in Slovakia. This is particularly noteworthy, when one considers the difficulties Slovakia experienced in the field of regional or minority language protection until recent times.

B. However, taking account of the very diversified situation of these languages and of the fact that some of them have a very weak and/or dispersed territorial presence (in particular Bulgarian, Czech, Croatian and Polish), the application of Part III undertakings in these cases is particularly difficult. Furthermore, proper monitoring concerning these languages requires the Slovak authorities to assess in what territories their speakers are present in sufficient numbers for the purpose of the relevant undertakings.

C. The Committee of Experts identified a number of general problems which affect all the languages. The first problem concerns the requirement that the regional or minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational. This threshold leaves out a number of municipalities where regional or minority language speakers do not attain 20% of the local population but are still present in sufficient numbers for the purpose of the relevant undertakings. In the case of some languages this rules out completely any application of Article 10 of the Charter. There is therefore a need to address this issue.

D. The second general problem, affecting several of the areas covered by the Charter, arises from the fact that the Law on the State Language has remained in force in spite of the entry into force of the Charter. This law contains several restrictive provisions which hamper a proper implementation of some of the Charter provisions (inter alia with regard to the use or adoption of bilingual place-names and the use of regional or minority languages in social care facilities). There is therefore a need to amend this law in the light of the obligations that Slovakia accepted when ratifying the Charter so as to make it consistent with the Charter. There is also a need to adapt the complementary or related legislation, for example with regard to the publication of official documents by regional and local authorities.

E. Much remains to be done in the field of education, with regard to many of the languages, for instance in the field of teacher-training. There is a general lack of awareness of the positive effects of bilingualism. Furthermore, there are no bodies specifically in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of regional or minority languages and of drawing up public periodic reports of its findings.

F. In the field of justice a general problem relates to the absence of specific legal rules regarding the use of regional or minority languages. The right for regional or minority language speakers to use their language even if they understand Slovak is not guaranteed. There may be some degree of use of the language in practice, owing to favourable local conditions, but there is a need to complete and improve the legislative framework in the field of justice.

G. With regard to administration, the Committee of Experts found general shortcomings concerning the use of regional or minority languages within the framework of and in relations with regional or local authorities. The Committee of Experts also found that in the case of several languages the right to use or adopt a family name in a regional or minority language is unconditional only for men.

H. In the field of the media, with the sole exception of the Hungarian language the provision on public radio and/or television is generally insufficient. The provision is greater in the cultural field and the Slovak authorities have developed quite a coherent administrative framework in this area. However, irregular funding appears to be a problem and the Committee of Experts found that no action has yet been taken with regard to some specific undertakings (such as ensuring that competent bodies have at their disposal staff with a command of the regional or minority languages concerned).

I. Insufficient measures have been taken so far with respect to education and especially history teaching for the majority Slovak-speaking pupils as well as the Slovak-language media, with a view to encouraging the

Slovak majority population to respect and value regional or minority languages as part of the linguistic and cultural heritage of the Slovak State.

J. In relation to Romany, the Slovak authorities must be praised for devising a specific menu of protection for this language under Part III. However, the implementation of the Charter undertakings in the crucial field of education is still limited to pilot projects. A Slovak contribution to developing a European initiative aimed at coordinating and financing adaptable codification tools and teaching materials at European level could greatly enhance the process of fully incorporating teaching of and in Romany in the Slovak school system, alongside teaching of and in Slovak as the official language. There is evidence that schools are still systematically undermining the demand, which is put forward by a substantial number of Roma families, for provision of teaching in/of the Romany language. Furthermore, the unacceptable practice of enrolling Roma children who fail some linguistic criteria in Slovak at pre-school level in schools for children with special needs still exists. The Romany language and culture continue to suffer from prejudice and rejection in the Slovak society.

K. Although Hungarian is the strongest regional or minority language spoken in Slovakia, the general problems identified above affect this language too.

L. The German language is in a very weak position in today's Slovakia and suffers from some serious shortcomings in the field of education, particularly as regards pre-school, primary and secondary school, as well as teacher training.

M. The Ruthenian language suffers from an insufficient recognition of its specificity vis-à-vis the Ukrainian language, in spite of its significant presence in the territories concerned. In the field of education the existing provision fails to meet the undertakings chosen at practically all levels.

N. The Ukrainian language finds itself in a relatively favourable situation. However, the demographic indicators show a worrying trend and the Committee of Experts was concerned to observe signs of regression as far as teaching of subjects in Ukrainian at primary and secondary level is concerned.

O. Because of the special status of the Czech language and its closeness to Slovak, there are fewer problems with the practical use of this language.

P. Finally, concerning the Bulgarian, Croatian and Polish languages a great number of undertakings are not being complied with. The Committee of Experts needs to have a clearer picture of the situation of these languages, particularly concerning the areas where their speakers are present in sufficient numbers for the purpose of the undertakings entered into under Part III, and also concerning the actual demands of the speakers.

The Slovak government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Slovakia. At the same time it emphasised the need for the Slovak authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 988th meeting on 21 February 2007, the Committee of Ministers adopted its Recommendation addressed to Slovakia, which is set out in Part B of this document.

Appendix I: Instrument of ratification



Slovakia:

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic declares that it shall apply the Charter in accordance with the Constitution of the Slovak Republic and the relevant international conventions ensuring the equality of all citizens before the law without distinction as to origin, race or nationality in order to promote the European language heritage without prejudice to the use of the official language.

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): -

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic declares, pursuant to Article 1, paragraph b, of the Charter, that the term "territory in which the regional or minority language is used", also regarding the application of Article 10, shall refer to the municipalities in which the citizens of the Slovak Republic belonging to national minorities form at least 20 % of the population, according to the Regulation of the Government of the Slovak Republic N. 221/1999 Coll., dated 25 August 1999.

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 1, 10

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic declares that, in accordance with Article 3, paragraph 1, of the Charter, the "regional or minority languages" in the Slovak Republic are the following languages: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Roma, Ruthenian and Ukrainian. The application of the provisions of the Charter in accordance with Article 2, paragraph 2, shall be as follows:

Bulgarian, Croatian, Czech, German, Polish and Roma languages:

Article 8, paragraph 1 a iii; b iii; c iii; d iii; e ii; f ii; g; h; i;

Article 9, paragraph 1 a ii/iii; b ii/iii; c ii/iii; d;

Article 10, paragraph 1 a iii/iv; paragraph 2 b; c; d; f; g; paragraph 3 c; paragraph 4 a; c; paragraph 5;

Article 11, paragraph 1 a iii; b ii; c ii; d; e i; f ii; paragraph 2; paragraph 3;

Article 12, paragraph 1 a; b; c; d; e; f; g; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; b; c; paragraph 2 c;

Article 14 a;

Article 14 b, only for the Czech, German and Polish languages.

Ruthenian and Ukrainian languages:

Article 8, paragraph 1 a ii; b ii, c ii, d ii, e ii, f ii; g; h; i;

Article 9, paragraph 1 a ii/iii; b ii/iii; c ii/iii; d; paragraph 3;

Article 10, paragraph 1 a iii/iv; paragraph 2 b; c; d; f; g; paragraph 3 c; paragraph 4 a; c; paragraph 5;

Article 11, paragraph 1 a iii; b ii; c ii; d; e i; f ii; paragraph 2; paragraph 3;

Article 12, paragraph 1 a; b; c; d; e; f; g; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; b; c; paragraph 2 c;

Article 14 a;
Article 14 b, only for the Ukrainian language.

Hungarian language:

Article 8, paragraph 1 a i; b i; c i; d i; e i; f i; g; h; i;
Article 9, paragraph 1 a ii/iii; b ii/iii; c ii/iii; d; paragraph 2 a; paragraph 3;
Article 10, paragraph 1 a ii; paragraph 2 a; b; c; d; f; g; paragraph 3 b; c; paragraph 4 a; c; paragraph 5;
Article 11, paragraph 1 a iii; b ii; c ii; d; e i; f i; paragraph 2; paragraph 3;
Article 12, paragraph 1 a; b; c; d; e; f; g; paragraph 2; paragraph 3;
Article 13, paragraph 1 a; b; c; paragraph 2 c;
Article 14 a; b.
Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 2, 3

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic interprets Article 8, paragraph 1 e i, as relating to the training of teachers, theologians, cultural and education workers without prejudice to teaching in the official language, it being understood that the majority of teaching subjects, including the profile ones, will be conducted in the minority language, respecting the legislation of the Slovak Republic in the field of higher education institutions.

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 8

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic declares that Article 10, paragraph 1 a ii, Article 10, paragraph 2 a, and Article 10, paragraph 3 b, shall be interpreted without prejudice to the use of the official language pursuant to the Constitution of the Slovak Republic and in accordance with the legal order of the Slovak Republic.

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 10

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic declares that Article 12, paragraph 1 e, and Article 13, paragraph 2 c, shall be applied provided that the effects of their application are not in conflict with other provisions of the legal order of the Slovak Republic on prohibition of discrimination of the Slovak Republic citizens in labour law relations on the territory of the Slovak Republic.

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 12, 13

Appendix II: Comments by the Slovak authorities

Comments on the Report of the Committee of Experts on the application of the European Charter for Regional or Minority Languages

On the basis of the provision of Article 16(3) of the European Charter for Regional or Minority Languages (hereinafter referred to as the "Charter"), Slovakia hereby presents comments on the report on the application of Charter provisions in Slovakia:

The Slovak Republic thanks the Committee of Experts of the Council of Europe for preparation of the above-mentioned report and appreciates the effort of unbiased assessment of the practical application of individual undertakings adopted and the cooperation with the Committee of Experts during their on-the-spot visit to Slovakia in September 2004. Slovakia entered very ambitious undertakings with respect to both the number of provisions opted for and the number of languages chosen. It is understandable that not all issues can be resolved in a short time and that the solutions cannot be implemented immediately. For the application of the existing international undertakings, the Slovak Republic will continue creating an adequate legal framework and conditions for their practical implementation.

The Committee of Experts proposes the revision of the 20% proportion of persons speaking minority languages in the population of a municipality determined as the threshold for use of the minority languages in official communications. The judgement as to what a state being a party to the Charter considers to be a sufficient number justifying the application of the undertaking of enabling the use of a minority language in official contacts is in our opinion exclusively the right of the state. The Slovak Republic will come back to this issue within the framework of the preparation of its second implementation report.

The Explanatory report to the Charter stating on Art. 1(b), ("territory in which the regional or minority language is used" means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures), that The territory referred to is that where a regional or minority language is spoken to a significant extent, even if only by a minority, and which corresponds to its historical base. As the terms used in the Charter are flexible in this respect, it is up to each state to define, more precisely and within the spirit of the Charter, the understanding of the term "territory of a regional or minority language", taking into consideration the provision of Article 7(1.b) concerning the territory of regional or minority languages. The key expression in this provision is the "number of people justifying the adoption of the various protective and promotional measures". The authors of the Charter avoided determining an accurate percentage of regional or minority language speakers subject to the measures laid down in the Charter. They preferred leaving the solution upon the states within the spirit of the Charter.

The Slovak Republic, in its declaration when adopting the Charter, set a threshold, which it considers adequate with respect to the application of the undertakings under Article 10 of the Charter. This threshold is expressed as a percentage of 20% of persons belonging to national minorities in the municipality. In this respect, the Slovak Republic took into consideration the interests of the persons belonging to national minorities in using the minority languages in official contacts, the situation of individual minority languages and the real need of their protection from becoming extinct, but also the tasks, justified interests, needs, economic effectiveness and other criteria on the part of the state.

The above-mentioned proportion is based on the high number of national minorities in the territory of the Slovak Republic, their high proportion in the population of the Slovak Republic, as well as the structure of settlement of the Slovak Republic, which is characterised by a high number of municipalities with small populations.

In this respect we take the liberty to ask to take these argument into account and modify the above-mentioned recommendation of the Committee of Experts on this issue.

On the proposal of the recommendation of reconsidering the limitations of use of minority languages caused by the provision of the State Language Act, we take the liberty to draw the attention to several important facts. The first fact is that the international legal regulation in the field of minority language protection provides that the states that are parties to the respective international legal documents are to ensure an adequate degree of protection to minority languages from their extinction. Yet it does not envisage the minority

languages to be used in the same scope as the state language and does not envisage making these languages “equal” to the state language.

Another fact is that the same principle and an international standard is respected also by the existing domestic legislation of the Slovak Republic, particularly by the Constitution of the Slovak Republic, especially Art. 6, Art. 34, and other relevant valid legal regulations. The Constitution of the Slovak Republic is the fundamental law with the highest legal force followed by constitutional laws, which can amend the Constitution. Laws are of lower legal force. The laws are of mutually equal force. Precedence over Slovak Republic’s laws may be taken only by the Constitution of the Slovak Republic, by constitutional laws or by an international treaty under conditions laid down by the Constitution of the Slovak Republic. To be able to distinguish as to which law is applicable or which law will be used for the given case, there are general principles in legislation, such as the principle that a more recent law amends the preceding law or the principle of the relationship of a general law to a special law. Act No. 270/1995 on the State Language provides for the status of the Slovak language as the state language throughout the territory of the Slovak Republic. This law does not provide for the use of minority languages, which is specially mentioned in one of its introductory provisions (Section 1(4)). In this respect, Act No. 184/1999 on the Use of Minority Languages has, vis-à-vis Act No. 270/1995 on the State Language, the status of a special law, i.e., *lex specialis*. That means that the special law will always be applied in a situation envisaged by such a special law and therefore prevents the use of the general law, i.e., *lex generalis*. For the provisions of the law on the use of minority languages to be applicable, it is not necessary to amend the provisions of the State Language Act. Legislative and legal principles apply automatically in the system of law.

In addition to the above, the fact can be mentioned that the opinion of the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities includes, *inter alia*, a positive conclusion that in practice, there is no restriction of the exercise of language rights of the persons belonging to national minorities through undue interpretation of the 1995 State Language Act.

The Slovak Republic, in its declaration when adopting the Charter, stated *inter alia* that it would apply the undertakings under the Charter in accordance with the Constitution of the Slovak Republic and without limitation of the obligation of using the state language. According to the principles of the international treaty law expressed in the Vienna Convention on the Law of Treaties (1969), Art. 31(2) b), the context for the purpose of the interpretation of a treaty shall comprise any instrument which was made by one or more parties in connexion with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty. A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.

With respect to the above, we take the liberty to request that the Committee of Experts’ recommendation on this issue be dropped or its formulation modified.

The Committee of Experts concludes that in the field of justice a general problem is the absence of specific legal rules regarding the use of regional or minority languages. The right for regional or minority language speakers to use their language even if they understand Slovak is according to the Committee of Experts not guaranteed. The Committee concludes that there may be some degree of use of the regional or minority languages in practice, owing to favourable local conditions, but there is a need to complete and improve the legislative framework in the field of justice.

In this respect we take the liberty to mention that Article 9 of the Charter clearly states that the parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice. The Explanatory Report says on this point that although the purpose of the Charter in this issue is to enable the use of minority languages even beyond the limits of practical necessity, when the person speaks the state language, on the other hand, it is not only the aspect of human rights, i.e., the persons’ right to choose whether to use their minority language or the state language before the court and, at the same time, the obligation of the state to ensure a proper exercise of this right. The objective of the Charter is to give the states some discretion as to whether or not to permit the exercise of this right and, at the same time, to limit its application to certain judicial districts. Taking this undertaking into consideration in all its complexity, we are of the opinion that the present wording of Slovak Republic’s legislation corresponds to the contents of the Slovak Republic’s undertakings entered into in the Charter and we do not consider the amendment to be necessary.

With respect to the above, we take the liberty to request that the Committee of Experts' recommendation on this issue be dropped or its formulation modified.

On the recommendation to guarantee women the right to adopt or use family names in regional or minority languages we state that the Slovak Republic's law does grant this right. Pursuant to Section 4a of Act of the National Council of the Slovak Republic No. 300/1993 on Names and Surnames as amended by Act No. 13/2006, if a child is also a citizen of another state, he/she may get a surname or surnames in accordance with such state's law or tradition. In accordance with Section 6(4) of the cited law, the change of surname will be permitted always when a citizen of the Slovak Republic, whose surname is concerned, is also a citizen of another state and the change is to result in a surname in the form that is in accordance with the law and tradition of such other state. If the person is a citizen of only the Slovak Republic, the administrative authority will consider permitting the change of the surname.

According to the provision of the Section 7(2) letter d) of the Law 300/1993 on Names and Surnames the permission for the change of a surname is not required provided that the change concerns the registration of a female surname of a person other than the Slovak nationality without the Slovak grammatical suffix. For the record in the register, this kind of change requires only the written declaration of a person in question or its legal guardian.

Pursuant to Section 16 of Act of the National Council of the Slovak Republic No. 154/1994 on Registry Offices as amended, female surnames of a person of other than Slovak nationality shall be registered without the Slovak suffix,

- a) if requested by the parents when registering the surname of their child of female gender in the book of births pursuant to Section 13(1) or by the adoptive parents when registering the surname of an adopted child, if adoption pursuant to a special regulation is involved,
- b) if requested by the woman upon registration of marriage in the book of marriages pursuant to Section 14,
- c) if requested by the woman in relation to registration of the decision to change the surname pursuant to a special law.

Pursuant to Section 19 of the Act referred to,

(1) The official extract from the book of births (hereinafter referred to as the "birth certificate") includes

- a) document name and indication of the registry office, which issues the document,
- b) day, month, year, place of birth and personal number of the child,
- c) child's first and last name,
- d) child's gender,
- e) first and last name, birth name, date and place of birth, citizenship and parents' personal numbers,
- f) day, month and year of issuing the birth certificate, signature indicating the first name, last name and function of the authorised person and an imprint of the registry office's stamp.

(2) The official extract from the book of marriages (hereinafter referred to as the "marriage certificate") includes

- a) document name and indication of the registry office, which issues the document,
- b) day, month, year and place of marriage,
- c) names, surnames, and birth names, if applicable, of the couple and their personal numbers,
- d) day, month, year and place of birth of the couple,
- e) names, surnames, and birth names, if applicable, of the couple's parents,
- f) couple's agreement on the surname and an agreement on their common children's surname; the agreed surnames being indicated both in male and female form,
- g) day, month and year of issuing the marriage certificate, signature indicating the first name, last name and function of the authorised person and an imprint of the registry office's stamp.

(3) In the birth certificate of a person of other than Slovak nationality, whose name was not registered in the registry before 31 December 1993 in his/her mother tongue but rather in a Slovak equivalent, the name shall be indicated in his/her mother tongue in Latin script, if the person requests so in writing; this fact shall be recorded in the registry in writing. The application must include a representation on

the applicant's nationality. All subsequent official extracts and certificates shall be made using this form of the name.

(4) A person, whose name is registered in the registry in a language other than Slovak, and a later extract from the registry was made with the name in a Slovak equivalent, can apply for an extract from the registry with the name in the original form. The registry office is obliged to accommodate such a request.

(5) The official extract from the book of deaths (hereinafter referred to as the "death certificate") includes

- a) document name and indication of the registry office, which issues the document,
- b) day, month, year, place of death and personal number of the deceased; last day of the month of death of a deceased person found, for whom a medical doctor determined only the month of death, or the last day of the year of death of a deceased person found, for whom a medical doctor determined the year of death,
- c) name, surname, and birth name, if applicable, of the deceased,
- d) gender and permanent residence of the deceased,
- e) day, month, year and place of birth of the deceased,
- f) day, month and year of issuing the death certificate, signature indicating the first name, last name and function of the authorised person and an imprint of the registry office's stamp.

(6) In the birth certificate or marriage certificate of a woman concerned by this official extract, her surname shall be indicated without the Slovak suffix, if she requests so in writing; this fact shall be recorded in the registry. All subsequent official extracts and certificates of information written in the registry shall be made using this form of the surname. The written application pursuant to the first sentence shall be enclosed in the collection of documents.

(7) The written application pursuant to paragraphs 3, 4 and 6 may be filed, if a minor is involved, by her parents.

(8) The registration of a modification of name and surname form pursuant to paragraphs 3, 4 and 6 in an official extract is not subject to the provisions of the special law on modification of name and surname and this act is not subject to the stamp duty pursuant to the special law.

(9) The application for registration of a woman's surname with a Slovak suffix in an official extract made after the right pursuant to paragraphs 3, 4 and 6 or pursuant to Section 16 has been exercised is deemed to constitute an application for modification of a surname pursuant to a special law.

The above-mentioned recommendation is fully implemented in the Slovak Republic on the basis of Act of the National Council of the Slovak Republic No. 154/1994 on Registry Offices as amended as well as the Law 300/1993 on Names and Surnames, and no complaint or comment has been raised in this respect.

In this regard we take the liberty to request that the above-mentioned recommendation of the Committee of Experts on this issue be dropped.

Considering the Committee of Experts' proposal of the recommendation on the issue of persisting cases of unjustified enrolment of Roma children to special schools we state that in the educational system of the Slovak Republic, there are no ethnically oriented schools or schools that would be segregated in any way from the mainstream educational system. The network of special schools provides education of pupils with special educational needs, whose disability prevents them from being educated in other schools. Education obtained at special schools (e.g., schools for the visually impaired, for the hearing impaired, for the physically impaired, etc.), except for education obtained at special schools for pupils with mental impairment, is equivalent to education obtained at elementary and secondary schools.

Enrolment of pupils to special schools is regulated by Decree of the Ministry of Education of the Slovak Republic No. 212/1991 on Special Schools as amended. Pursuant to Section 14(2) of this Decree, enrolment is decided by a school's principal on the basis of a proposal from an expert commission (including a psychologist, a special pedagogue, and other professionals) and with consent from pupil's parent or guardian. If cases of incorrect enrolment of children occur, that means that violation of law is involved or deficiencies in diagnostics of the children. A frequent reason for enrolment of Roma children to special elementary schools from the 1st grade is that there is only a special school available in the municipality and children's parents refuse to let them travel to the next municipality. A proportion of Roma parents prefers

their child to attend a special elementary school from economic reasons (e.g., lower commuting costs for the nearby special school, financial advantages granted to such schools), but also from psychological and social reasons (the parent wants the child to attend the same school as his/her elder sibling or other Roma children; does not want his/her child to go to a place where he/she would have to be ashamed for poorer clothing, etc.). A problem also appears to be the attitude of children's parents to education. Particularly with socially poorer strata of Roma population, the standard is non-provision of support to children aimed at enabling them to achieve a level of education as high as possible. There is a certain problem also in relation to location of special schools. In Slovakia, there are 138 special schools without specific orientation on a specific impairment. The greatest number of them is in the Prešov and Košice regions (24 each) with the largest concentration of Roma population. Many of elementary special schools are in small municipalities with comparably large Roma settlements.

As part of the Phare SR0103.01 project "Reintegration of socially disadvantaged children from special schools into standard primary schools", psycho diagnostic methodologies of School Readiness Test and RR Screening were developed with participation of staff from the Research Institute for Child Psychology and Pathopsychology (hereinafter "VÚDPaP").

For each test within the project, there were two seminars organised for staff of the pedagogical psychological counselling centres and for teachers of schools participating in the research. Information on the project is available at <http://home.nextra.sk/vudpap/reintegracia/>. Both tests were distributed to 67 pedagogical psychological counselling centres in June 2004. On running basis, during November – December 2004, the work with tests was examined, which tests were applied to small samples of children from socially disadvantaged environment comparing the results with those obtained by the children in other, commonly used methodologies. VÚDPaP is preparing detailed statistical and qualitative assessment of data obtained and processing of proposals for further procedures in this respect by the end of 2005. The activity is reflected in the research task P-93 – Implementation of differential diagnostic methodology for Roma pupils in counselling practice.

As a result of a limited number of tests, the methodologies were not sent to all district pedagogical psychological counselling centres but only to selected ones in locations with high concentration of socially disadvantaged Roma children and where difficulties in communication exist. In April 2005, the Ministry of Education arranged additional printing and distribution of these tests so that all pedagogical psychological counselling centres already have them and where there is a high concentration of socially disadvantaged Roma children, they have the tests in sufficient amounts. The Ministry of Education of the Slovak Republic issued the Methodological Guideline No. 12/2005-R of 20 July 2005, which provides for the procedure for pedagogical psychological counselling centres in assessment of school readiness of children from a socially disadvantaged environment in enrolment for the 1st grade of an elementary school.

On the basis of generally binding legal regulations in education and using new diagnostic tests it should not happen that a child without a mental impairment is enrolled, without justification, in a special elementary school for pupils with mental impairment.

Since 10 February 2006, the Methodological Guideline No. 3/2006 on Implementation of School Integration of Pupils with Special Educational Needs at Elementary Schools and at Secondary Schools came into force, adopted by the Ministry of Education on 24 January 2006. This Guideline governs elementary schools, secondary schools and counselling facilities that provide or participate in school integration of pupils with special educational needs. The Guideline further specifies the relevant provisions of the School Act concerning pupils with special educational needs.

On 1 January 2006, the Methodological Guideline No. 12/2005, which provides for the procedure for pedagogical psychological counselling centres in assessment of school readiness of children from a socially disadvantaged environment in enrolment for the 1st grade of an elementary school, came into force, adopted by the Ministry of Education on 20 July 2005. This guideline provides for the procedure for pedagogical psychological counselling centres in assessment of school readiness of children coming from a socially disadvantaged environment after reaching the age of six years, in enrolment for the 1st grade of an elementary school. Children, that are found to have significant deficiencies in communication in the school's language of instruction upon enrolment for the 1st grade of an elementary school, need to be examined using individual psychological methodologies with the purpose of determining the possibility of their enrolment and ensuring adequate conditions for their education.

The finding of a reduced level of a child's psychosocial development or insufficient knowledge of the school's language of instruction constitutes a reason for submitting a proposal to the competent authority of state administration in education, which, with consent from child's parent or guardian, shall decide on his/her enrolment in the zero-grade of the elementary school. The identified areas of child's lagging enable his/her inclusion in specific stimulation programmes organised by a pedagogical psychological counselling centre.

If the diagnostic examinations of the child from a socially disadvantaged environment exclude mental impairment of the child, the pedagogical psychological counselling centre shall not propose such child for enrolment in a special elementary school.

The Government of the Slovak Republic realises that improvement of Roma's educational level including elimination of unjustified enrolment of Roma children in special schools is a key to resolution of problems of Roma communities also in other fields. The issue of upbringing and education of Roma children are specifically dealt with by multiple conceptual and programme documents mentioned in the evaluation report. Speeding up the implementation of the Romany language curricula is possible only provided that there are a sufficient number of pedagogues teaching in Romany available and provided that the project of the State Pedagogical Institute concerning verification of the Romany language, literature and Romany culture curriculum's efficiency at elementary and secondary schools is completed.

Conditions for teaching in Romany mother tongue have been created through experimental verifications approved by the Ministry of Education of the Slovak Republic until 2009 performed by the State Pedagogical Institute and aimed at verification of syllabi, creation of curricula and educational standards for the subjects of Romany language and literature and Romany culture for elementary schools, eight-grade grammar schools, and for secondary schools:

Experimental verification of Romany language and literature curricula at elementary and secondary schools approved by the Ministry of Education of the Slovak Republic on 14 April 2003 under the number 1999/2003-44. Experimental verification of the subject of Romany culture at the second level of elementary schools (grades 5 to 8) and at secondary schools approved by the Ministry of Education of the Slovak Republic on 15 April 2004 under the number CD-2004-5211/18824-3:097. The State Pedagogical Institute performs a project with the support of the European Social Fund entitled "Increase of the qualification potential of Roma community members through introduction of a new specialisation – Romistics in the system of secondary school education"

To provide teaching of Romany mother tongue at elementary and secondary schools, the Ministry of Education of the Slovak Republic approved the "Temporary compensatory measures with the objective of training a sufficient number of pedagogues teaching in the Romany language" under the number CD-2004-7613/14980-1:097 of 28 June 2004, which are presently being implemented by the State Pedagogical Institute. These are available on the website of the Ministry of Education www.minedu.sk – "regionálne školstvo" (Regional Educational System) – "oddelenie výchovy a vzdelávania rómskych komunití" (Department of Upbringing and Education of Roma Communities). In March 2005, the first 30 graduates received accreditation from the Minister of Education of the Slovak Republic. Partial evaluation of project implementation's success takes place every year through Annual Reports of the State Pedagogical Institute – the coordinator of the experiment.

In the preparatory phase of the project, seminars and training courses took place, the objectives and tasks being: to agree a procedure for works in project implementation, to determine limits for creation of syllabi, to consult the contents of the project's pilot phase, consulting with project's expert sponsors from universities (Faculty of Philosophy, Charles University, Prague; Department of Roma Culture, University of Constantin the Philosopher in Nitra), establishing an archive of documents, and preparing educational activities for project authors and implementers.

An important activity in the preparatory phase of the project was also the International Seminar in Strasbourg in May 2003 with participation of experts from 19 European countries and from the Council of Europe. The seminar participants included a representative of the State Pedagogical Institute – a coordinator of the project. The objective of the seminar was to consider the position of Roma in the participating countries and the status of education of Roma children and youth, the use of the Romany language as a mother tongue, second or foreign language at educational institutions, use of Roma culture (literature, music...) in upbringing and education of Roma children and youth, situation in publishing of textbooks, teaching, didactical and methodological materials, training and education of teachers, and language research.

For several years now, Slovakia has been successfully implementing projects of zero-grade (a project for children from socially disadvantaged environment, which, in two-years' cycle, enables mastering the curriculum of the 1st grade of an elementary school) and the project of teacher's assistant in upbringing and education of children and pupils with special educational needs at pre-school facilities, at elementary schools and at special elementary schools.

We take the liberty to respond to the Committee of Experts' recommendation in Part II of the Report, item 55, encouraging the Slovak Republic to support the establishment of a cultural organisation of Ruthenian-speakers. Such cultural organisation has been in existence since 1990 and its name is "Rusínska obroda" (Ruthenian Revival). It has twelve district and municipal organisations and publishes a monthly called InfoRusín. It organises over 50 cultural events every year. Rusínska obroda also has a representative at the Slovak Republic's Government Council for National Minorities and Ethnic Groups, which is an advisory, initiative a coordinating body of the Government for state policy with respect to ethnic groups. However, in addition to Rusínska obroda, there are more Ruthenian organisations, such as "Združenie inteligencie Rusínov Slovenska v Bratislave" (Association of Slovakia's Ruthenian Intelligentsia in Bratislava), "Spolok Rusínskej mládeže na Slovensku" (Federation of Ruthenian Youth in Slovakia), "Spolok rusínskych spisovateľov" (Federation of Ruthenian Writers), "Divadlo Alexandra Duchnoviča" (Alexander Duchnovič Theatre), Nadácia Drevené chrámy pod Duklou (Preservation and Restoration of Cultural Monuments of the Wooden Churches of Dukla Foundation), "Múzeum moderného umenia Andyho Warhola" (Andy Warhol Museum of the Modern Art), "Rusínske obce pod Duklou" (Rusyn Villages Under the Dukla), "Rusínske bratstvo na Slovensku" (Ruthenian Brotherhood in Slovakia).

The Government of the Slovak Republic is aware of the multiethnic nature of the Slovak society and therefore, in its policy statement of November 2002, it committed to fight all forms of intolerance and implement, in the practice, the approved diction of the European Charter for Regional or Minority Languages. Working versions of a draft law on funding of national minorities' culture and a draft law on national minorities were prepared.

Moreover, the Government of the Slovak Republic committed to guarantee civil freedoms and general development of human rights as well as to fight against all forms of intolerance. To ensure these activities, it regularly approves the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance, which is the only comprehensive and systematic tool of the Government of the Slovak Republic in the field of prevention of discrimination and intolerance with the objective of fulfilling both internal and international requirements for creation of a tolerant and democratic state, development of multicultural nature of the society, increasing the tolerance and preventing all forms of discrimination through various activities of the competent ministries, non-governmental organisations and other entities dealing with these issues. In the framework of performing the agenda of the Action Plan, the Government of the Slovak Republic participates in implementation of numerous activities of non-governmental organisations and state authorities in the interest of ensuring development of a multi-cultural society and of better understanding and mutual knowledge of population groups speaking minority languages with the majority, Slovak-speaking population. Events of this nature contribute to the development and knowledge of the variety of cultures of individual national minorities and thereby to the improvement of tolerance, to the creation of multi-cultural environment as well as to the support of the process of inclusion in the majority society.

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Slovakia

Recommendation RecChL(2007)1 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Slovakia

*(Adopted by the Committee of Ministers on 21 February 2007
at the 988th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declarations submitted by Slovakia on 9 April 2001;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Slovakia;

Having taken note of the comments made by the Slovak authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by Slovakia in its national report, supplementary information provided by the Slovak authorities, information submitted by bodies and associations legally established in Slovakia and information obtained by the Committee of Experts during its "on-the-spot" visit;

Recommends that the authorities of Slovakia take account of all the observations of the Committee of Experts and, as a matter of priority:

1. improve and complete the legislative framework in the light of the obligations entered into by Slovakia upon its ratification of the Charter, and in particular:

- review the requirement that regional or minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational;
- review the restrictions on the use of regional or minority languages arising as a consequence of the State Language Act;
- remove the restrictions on the right to use regional or minority languages in court;
- guarantee women the right to adopt or use family names in regional or minority languages;

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

3. improve the provision of broadcast and print media in all regional or minority languages;

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

5. concerning the Romany language:

- ensure that Romany language education is provided where there is a demand for it and inform Roma parents about its availability;

Recommendation of the Committee of Ministers

- accelerate the implementation of a curriculum for the Romany language;
 - abolish without delay the practice of unjustified enrolment of Roma children in schools for children with special needs;
6. take measures to provide Ruthenian language education at all levels.