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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN THE CZECH REPUBLIC**

**3<sup>rd</sup> monitoring cycle**

- A. Report of the Committee of Experts on the Charter**  
(adopted on 17 June 2015)
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the Czech Republic**  
(adopted on 1 December 2015)

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

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under 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 of Experts' 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 periodical report shall be made public by the State in accordance with Article 15, paragraph 2.

The Committee of Experts' 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 of Experts gathers information from the respective authorities and from independent sources within the State, in order to obtain a fair and just overview of the real language situation. After a preliminary examination of a periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an on-the-spot visit by a delegation of the Committee of Experts to the State in question. 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. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. Once adopted by the Committee of Experts, this evaluation report is submitted to the authorities of the respective State Party for possible comments within a given deadline. Subsequently, the evaluation report is submitted to the Committee of Ministers, together with suggestions for recommendations that, once adopted by the latter, will be addressed to the State Party. The full report also contains the comments which the authorities of the State Party may have made.

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

adopted by the Committee of Experts on 17 June 2015  
and presented to the Committee of Ministers of the Council of Europe  
in accordance with Article 16 of the Charter

### **Executive Summary**

1. The Czech Republic ratified the European Charter for Regional or Minority Languages in 2006. The Charter entered into force in the Czech Republic on 1 March 2007 and today protects and promotes German, Moravian Croatian, Polish, Romani and Slovak, of which Moravian Croatian was added as a result of the second monitoring cycle.

2. A generally well-developed legal and institutional framework for the protection of national minorities, which also benefits regional or minority languages, is in place in the Czech Republic. After the ratification of the Charter, a special funding programme was set up for the implementation of the Charter, which constitutes a best practice example. Nevertheless, in recent years there have been severe cuts in several programmes supporting the activities of national minorities, for example the production of print media. Similar restrictions have affected the central institutions in charge of minority issues, which are clearly understaffed.

3. The promotion of the regional or minority languages in the Czech Republic is partly dependent on local committees for national minorities and on a threshold of 10% of the local population reporting minority affiliation in the census. According to the current legislation, such committees are to be established in municipalities and regions where at least 10% and 5%, respectively, of the citizens report minority affiliation in the census. The existence of a committee for national minorities at municipal level is a prerequisite for organising education in a regional or minority language. Bilingual signs are to be installed if at least 10% of the citizens of a municipality reported minority affiliation in the latest census and if the committee for national minorities requests it. Education and public use of regional or minority languages are therefore dependent on the census, the 10% threshold and the functioning of the committees for national minorities. This presents obstacles for the long-term promotion of regional or minority languages, in particular of German and Romani, and is a problem which should be addressed.

4. There is little knowledge about the country's traditional minority languages in the Czech society as a whole. More efforts should be made to raise the awareness of the general public about the presence of the regional or minority languages, especially German and Romani, and their contribution to the cultural heritage of the Czech Republic. This should mainly be done via measures directed towards the media and through education, including teacher training. Due to recurrent negative attitudes vis-à-vis regional or minority languages, their use in public remains weak.

5. German is widely perceived, and also taught, as a foreign language. An educational model for German as a minority language should be developed and pro-actively offered by the authorities. Acknowledging and promoting German as part of the cultural heritage of the Czech Republic, not only as an important and economically relevant foreign language, are necessary aspects of the promotion of German. German should be promoted to become more visible in the public sphere and more present in the broadcasting media.

6. The protection and promotion of Moravian Croatian is in the initial phases and support has been granted to the minority for several language-related activities.

7. Polish largely remains in a good situation and the education system for Polish is well developed in its traditional areas. It is possible to use Polish in dealings with the administration, but the authorities should more actively encourage Polish speakers to make use of this possibility in practice. There is a continued process of installing Polish-Czech bilingual signs, although practical difficulties occasionally arise. In the media, the offer of Polish on television is very limited and broadcast at an inadequate time.

8. The implementation of the Charter in respect of Romani is hampered to a large extent by the history of social exclusion and the negative public perception of Roma. Romani has only a symbolic presence in education. The education of a disproportionately high number of Roma children in schools for children with "mild mental disabilities" (so-called "practical schools") where a reduced curriculum is followed or in mainstream Roma-only schools (in practice, segregated schools) with lower educational standards are major challenges that need to be immediately addressed by the Czech authorities. Romani is only to a very limited extent present on television or radio.

9. Slovak and Czech are mutually intelligible and, in certain areas in public life, the two languages are on a par. Nevertheless, despite some earlier efforts, renewed measures to raise interest in the subject of Slovak in school should be tried out and the use of Slovak in the media should be promoted.

## **Chapter 1 Background information**

### **1.1. The Charter's ratification by the Czech Republic**

10. The Czech Republic signed the European Charter for Regional or Minority Languages (hereafter referred to as "the Charter") on 9 November 2000 and ratified it on 15 November 2006. The Charter entered into force with regard to the Czech Republic on 1 March 2007. The instrument of ratification is set out in Appendix I to this report.

11. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers<sup>1</sup>. The Czech authorities presented their third periodical report to the Secretary General of the Council of Europe on 22 September 2014.

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

12. This third evaluation report is based on the information obtained by the Committee of Experts from the third periodical report of the Czech Republic and additional information submitted by the authorities, as well as through interviews held with representatives of the regional or minority language speakers in the Czech Republic and the Czech authorities during the on-the-spot visit, which took place on 25-27 February 2015. The Committee of Experts received comments from bodies and associations legally established in the Czech Republic, submitted pursuant to Article 16, paragraph 2 of the Charter.

13. In the present third evaluation report, the Committee of Experts will focus on the provisions and issues under both Part II and Part III which were singled out in the first and second evaluation reports as raising particular problems. It will evaluate, in particular, how the Czech authorities have reacted to the issues identified by the Committee of Experts and, where relevant, to the recommendations made by the Committee of Ministers. The report will firstly recall the key elements of each issue. The Committee of Experts will also look at the new issues detected during the third monitoring round.

14. The present report contains detailed observations that the Czech authorities are encouraged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of general proposals for the preparation of a third set of recommendations to be addressed to the Czech Republic by the Committee of Ministers, as provided in Article 16, paragraph 4 of the Charter.

15. This report is based on the political and legal situation prevailing at the time of the Committee of Experts' on-the-spot visit to the Czech Republic (February 2015).

16. The present report was adopted by the Committee of Experts on 17 June 2015.

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

#### *The ratification for the Slovak language*

17. In the second evaluation report, the Committee of Experts invited the Czech authorities to specify the territories where the Slovak language speakers are traditionally present in sufficient numbers, in order for the Committee to evaluate the undertakings chosen under Article 8 and Article 12.

18. According to information submitted by the authorities, Slovak speakers are present nowadays in regions of the Czech Republic. There are 26,068 in Moravia-Silesia, 23,089 in Prague, 17,474 in Central Bohemia, 14,106 in South Moravia, 12,033 in Ústí nad Labem, 7,982 in Plzeň, 7,306 in Olomouc, 7,217 in Karlovy Vary, 6,602 in South Bohemia, 6,053 in Liberec, 5,806 in Zlín, 5,638 in Hradec Kralové, 4,789 in Pardubice and 2,989 in Vysočina.

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<sup>1</sup> MIN-LANG (2009)8 Outline for three-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

19. However, both the information received from the authorities as well as that received from the Slovak speakers indicate that at least in the regions Central Bohemia, Karlovy Vary, Liberec, Moravia-Silesia, South-Moravia, Ústí nad Labem, and in Prague, Slovaks settled after the end of the Second World War. In the sense of the Charter, this does not constitute a traditional presence. Therefore, only Articles 8.2 and 12.2 could apply to Slovak in these areas.

20. However, in order to evaluate all the undertakings chosen under Article 8 and Article 12, the Committee of Experts invites the Czech authorities to specify the territories where Slovak has a traditional presence before the end of the Second World War in the Czech Republic.

#### *The 2011 census*

21. In the second evaluation report, the Committee of Experts asked the Czech authorities to provide information on the number of regional or minority language speakers. It encouraged them to complement the results of the 2011 census by collecting additional data in co-operation with the regional or minority languages speakers. The Committee of Experts further encouraged the authorities to take measures to protect and promote regional or minority languages in the areas where there is a demand.

22. The third periodical report presents the results of the 2011 census, influenced by the increased number of people declaring two ethnic affiliations (163,648 persons) or not declaring any at all (2.6 million people, almost 25% of the total population of the Czech Republic of 10,436,560 people). According to these results, 1125 people declared being of only Croatian ethnicity (1585 in 2001), while 311 declared being of Croatian ethnicity and of one other. 25,431 people declared being of German ethnicity, either exclusively (18,658 persons) or combined with another one. 42,463 people indicated Polish ethnicity, either exclusively (39,096 persons) or in combination with another one. 12,530 persons declared being of Roma ethnicity, most of them in combination with another one; only 5,135 indicated the Roma ethnicity exclusively. 167,930 people indicated being of Slovak ethnicity, either exclusively (147,152) or in combination with a second one. As far as their mother tongue is concerned, 14,148 people indicated German, 33,597 people Polish, 4,919 people Romani and 154,465 Slovak as their mother tongues.

23. The results show a general decrease in the number of people declaring themselves members of national minorities or declaring a regional or minority language as mother tongue. There has been only a slight increase in the overall number of persons claiming Roma ethnicity, but only due to those indicating two ethnic affiliations. Furthermore, the Committee of Experts notes that only the data indicating one ethnicity exclusively are taken into consideration when data concerning national minorities is used (for example, for the 10% threshold), much to the dissatisfaction of the representatives of the national minorities.

24. With respect to the collection of additional data, the authorities have given information about a programme of *Applied Research and Development of National and Cultural Identity*, carried out by the Ministry of Culture and running from 2011-2017, as well as research on *Problems Related to the Legal Position of Minorities in Practice and their Long-term Development* carried out by the Law Faculty of the Charles University in Prague from 2011-2015. It is not clear, however, whether these studies provide any relevant additional data on the number of speakers of regional or minority languages.

25. The Committee of Experts reiterates that additional data, complementary to the census and collected in cooperation with the speakers, should be used by the authorities when designing policies promoting regional or minority languages. The Committee encourages the authorities to complement the results of the 2011 census by collecting, in co-operation with the speakers, data concerning the number of users of the regional or minority languages and their geographic distribution. For the role of the censuses in regional or minority language protection, the Committee refers to paragraphs 29-33.

*Information and promotion of the Charter*

26. In the second evaluation report, the Committee of Experts encouraged the Czech authorities to take measures to further promote the Charter at local and regional levels.

27. According to the information received from the authorities, the 2006 brochure “The Charter, what should we know” is still available on the website of the government’s Council for National Minorities. In addition, municipalities where national minorities represent more than 10% of the population are required to provide information on the Charter and its application for the Government’s “Report on the Situation of National Minorities”. According to the information received during the on-the-spot visit, it appears that central authorities try to maintain regular contact with the local authorities and guide them in the implementation of the Charter. The Committee of Experts also notes that the Association of Regions is part of the government’s Council for National Minorities and that the Union of Towns and Municipalities will also become a member of this body. Their participation could prove useful for the implementation of the Charter at local level.

*The Committees for national minorities*

28. In the second monitoring cycle, the Committee of Ministers recommended that the Czech authorities **“further improve legislation concerning the committees for national minorities, so that these do not present barriers to the implementation of the Charter, including the provision of education in regional or minority languages and the setting-up of bilingual topographical signs”<sup>2</sup>**. Furthermore, the Committee of Experts encouraged the Czech authorities to adopt a flexible approach ensuring the implementation of the provisions of the Charter and to encourage local authorities to apply the Charter where there is a demand, irrespective of thresholds<sup>3</sup>. The Committee of Experts also encouraged the Czech authorities to facilitate the establishment of committees for national minorities in the municipalities where the German, Polish, Roma and Slovak minorities reach the 10% threshold.

29. The current Czech legislation foresees percentage thresholds relating to the numbers of persons belonging to a national minority, which influence the protection and promotion of regional or minority languages in certain fields. Committees for national minorities are to be established in municipalities and regions where, according to the last census, at least 10% and 5%, respectively, of the citizens considered themselves to be of nationalities other than Czech. The existence of such a committee for national minorities at municipal level is a prerequisite for organising education in a regional or minority language. Bilingual signs are to be installed if, according to the last census, at least 10% of the citizens of a municipality consider themselves to be members of the respective minority and if the committee for national minorities requests it. Amendments allowing minority associations to ask for committees for national minorities to be established and for bilingual signs to be displayed, while maintaining the percentage thresholds, were prepared in the previous monitoring cycle<sup>4</sup>, but did not come into force. The amending procedure had to be restarted after the Chamber of Deputies of the Czech Parliament was dissolved.

30. According to additional information submitted by the authorities, the amending procedure is under way. The proposed text foresees that “a municipality on whose territory, according to the most recent census, at least 10% of the municipality’s citizens have declared a national identity other than Czech, a committee for national minorities will be established, if its establishment is requested in writing by an association representing the interests of the national minority”. As far as bilingual signs are concerned, the proposed text provides that “in a municipality inhabited by representatives of national minorities, the name of the municipality, its parts, its streets and other public spaces and labelling of the buildings of state bodies and local governments shall also be displayed in the language of the national minority, if according to the two most recent censuses at least 10% of the citizens of the municipality declared themselves to be members of that national minority, if requested by representatives of the particular national minority

<sup>2</sup> The recommendations of the Committee of Ministers in the previous monitoring cycle are quoted in bold.

<sup>3</sup> The box recommendations of the Committee of Experts in the previous monitoring cycle are quoted underlined.

<sup>4</sup> For detailed information, see 2<sup>nd</sup> report on the Czech Republic, ECRML (2013) 2, paragraphs 36-38.



through a committee for national minorities and if the said committee recommends such a step via a resolution, or if requested in writing by a civic association, which according to statutes represents the interests of the particular national minority and which by the date of submission of the request has been active within the municipality for at least 5 years.” As the authorities explained during the on-the-spot visit, according to this proposal, a minority association can ask for bilingual signs to be displayed, even if the 10% threshold is not reached. The authorities also indicated that there will be no negative consequences in those situations where the 10% threshold has already been reached, irrespective of possible drops in future censuses.

31. The Committee of Experts notes that, according to the 2011 census, the German minority does not reach 10% in any municipality, whereas it had reached this percentage in 18 municipalities on the basis of the previous census. The Roma minority does not reach 10% in any municipality either. The Polish minority represents more than 10% of the population in 30 municipalities, one less than previously. The Slovak minority reaches 10% of the population in almost 50 municipalities. In practice, committees for national minorities have not been established in all municipalities where the 10% threshold has been reached, but, in some places, they have been set up without the threshold being reached. After the 2014 local elections and as far as the national minorities whose languages are covered by the Charter are concerned, committees were set up in 48 municipalities, including 15 where the 10% threshold is not reached. In addition, three regions – Karlovy Vary, Moravia-Silesia and Ústí nad Labem – have established committees for national minorities, although only one (Moravia-Silesia) had a legal obligation to do so. However, as both the authorities and the representatives of national minorities indicated, practical problems related to the functioning still exist.

32. The Committee of Experts welcomes the efforts of the authorities to amend the legislation. Nevertheless, it notes that after three monitoring cycles, no new legislation is in force. On the basis of the current situation, the Committee of Experts considers that the application of the Charter should not be hampered by the existence of a threshold or of a special body. The current situation affects in particular German and Romani and the field of education. In addition, it seems that the application of the 10% threshold repeatedly leads to practical difficulties, as many Czech municipalities have a very low number of inhabitants, which may lead to dramatic changes between censuses.

33. The Committee of Experts urges the Czech authorities to adopt a flexible approach ensuring the implementation of the provisions of the Charter irrespective of the thresholds, where regional or minority language speakers are present in sufficient numbers in municipalities or regions.

***The Committee of Experts urges the Czech authorities to adopt a flexible approach ensuring the implementation of the relevant provisions of the Charter to all regional or minority languages and to encourage local authorities to apply the Charter where there is a demand, irrespective of any thresholds.***

## **Chapter 2 Conclusions of the Committee of Experts on how the Czech authorities reacted to the recommendations of the Committee of Ministers**

### **Recommendation no. 1:**

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

34. New measures taken by the Czech authorities include a campaign against racism and hate violence, covering the years 2014-2016, as well as new training programmes for teachers, focused on multicultural and inclusive education. The Framework Educational Programmes have not yet been revised to include a more detailed perspective on the history and culture of the national minorities. Consultations with the public Czech radio and television broadcasters about how to better integrate and reflect national minorities and minority languages in their programmes are planned for 2015. Cultural events are also used to raise awareness and promote mutual understanding.

### **Recommendation no. 2:**

*“further improve legislation concerning the committees for national minorities, so that these do not present barriers to the implementation of the Charter, including the provision of education in regional or minority languages and the setting-up of bilingual topographical signs;”*

35. The planned amendments concerning the setting up of committees for national minorities and the display of bilingual place name signs have not been adopted. New amendments in this respect are now under discussion. No amendments have been prepared concerning the educational field.

### **Recommendation no. 3:**

*“adopt a structured policy for the protection and promotion of German and Romani, and create favourable conditions for their use in public life;”*

36. A new Strategy for Roma Integration until 2020 was adopted in February 2015 and, similarly to the previous one, it contains provisions about the protection and promotion of Romani. Otherwise, although support is granted to projects related to German and Romani, these do not amount to a structured language-promotion policy.

### **Recommendation no. 4:**

*“take measures to make available teaching in or of German and Romani, in co-operation with the speakers;”*

37. German is *de facto* treated as a foreign language in the Czech education system. A model for German as a minority language has not yet been developed.

38. Romani was taught in two primary schools on an experimental basis only for a short time in 2012, as part of a project. It is currently not offered at pre-school or primary level. The new Strategy for Roma Integration until 2020 contains provisions about the protection and promotion of Romani, including its teaching.

### **Recommendation no. 5:**

*“continue the efforts to ensure that speaking Romani at school is not prohibited or discouraged”*

39. According to the information received by the Committee of Experts, speaking Romani at school is not prohibited or discouraged.

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

### 3.1. Evaluation in respect of Part II of the Charter

40. Part II of the Charter applies to all regional or minority languages in the Czech Republic, i.e. German, Moravian Croatian, Polish, Romani and Slovak.

41. The authorities informed the Committee of Experts that they considered updating the instrument of ratification in order to include Moravian Croatian. The Committee of Experts welcomes such a step, which reflects the Committee's observation that Part II of the Charter applies to Moravian Croatian.

42. In the chapter on Part III of the third periodical report, the Czech authorities also included information about the German language, which is covered by Part II only. This information, which points to possible compliance with several Part III provisions concerning German, was taken into account by the Committee of Experts in its examination of Part II.

## 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;*

43. In the second evaluation report, the Committee of Experts encouraged the Czech authorities to take steps to recognise German as an expression of cultural wealth.

44. The information received in the third monitoring cycle clearly shows that the situation of the German language and the German minority is still strongly influenced by 20<sup>th</sup> century history. German speakers often prefer not to seek the implementation of their rights, fearing they might be perceived as "trouble-makers". Activities promoting the German language in the Czech Republic are to a great extent financially supported mainly by Germany. In education, German is treated *de facto* as a foreign language, despite its presence there for centuries.

45. Therefore, the Committee of Experts urges the Czech authorities to take steps to recognise the German language as part of the cultural wealth of the Czech Republic and by promoting this perspective in education and the media. Such recognition would also contribute to raising awareness among the majority population about the German language as an integral part of the Czech cultural heritage.

46. As for Moravian Croatian, the authorities consider amending the instrument of ratification to specifically include this language. In addition, as of 2014, Moravian Croatian has been included in the *Support for the implementation of the European Charter for Regional or Minority Languages* special grant programme (hereinafter, the Charter Implementation Grant).

*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;*

47. The Committee of Experts has not received any information allowing it to assess the application of this provision to Moravian Croatian.

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

48. In the second monitoring cycle, the Committee of Experts encouraged the authorities to further develop the special funding programme dedicated to the implementation of the Charter, in co-operation with the speakers. It further encouraged the authorities to ensure that special measures taken in response to the financial crisis do not disproportionately affect the promotion of regional or minority languages. The Committee also asked the authorities to clarify the methodology used for grant programmes related to national minorities and to provide specific information concerning the extent to which the projects financed support activities targeting the respective regional or minority language.

49. According to the third periodical report, the Czech authorities have continued to earmark annual funds for the activities of all national minorities and for Roma integration, covering mainly the domains of culture, media and education<sup>5</sup>. Such activities are to a certain extent also relevant for regional or minority languages' protection and promotion. However, the Committee of Experts notes that, in particular, the funds foreseen for media and culture decreased in 2013.

50. In addition, the Charter Implementation Grant has continued. CZK 1.85 million/€67,000 were allocated annually from 2011 to 2013, a decrease compared to CZK 2.5 million/€100,000 in 2010. The programme has covered three thematic areas: education and media, research and bilingual signage<sup>6</sup>. The most important funds – CZK 2.1 million/€76,000 for eight projects from 2011 to 2013 – were awarded to projects related to Romani, covering mainly a linguistic research programme of the Charles University and language, history and culture activities for children. 22 projects promoting Polish and mainly addressing education and bilingual signage received CZK 1.7 million/€61,000. Slovak language projects covering media, publication of fairy tales and activities for children were financed with CZK 1.08 million/€39,000. Two projects promoting German were also financed. As of 2014, Moravian Croatian has been included in this grant programme, but no applications have as yet been submitted.

51. As far as the selection of the programmes is concerned, in case of the Charter Implementation Grant, this is made by a commission comprising representatives of regional or minority language speakers, of the Czech central authorities and of the Region Moravia-Silesia. For the other grant programmes, the body assessing the applications includes representatives of the authorities and of the national minorities. It looks at the quality of the projects and their continuity, but it also tries to maintain a balance between all national minorities in the Czech Republic. Applications may be submitted by individuals and legal entities registered or established by 31 December two years before the tender year, which can prove at least one year of activities to the benefit of national minorities. A non-profit organisation of a municipality may also apply and receive funds. For financial reasons and in order to direct projects with a local character to municipalities and regions for funding, there is a limit of two projects per entity. Each applicant has to assess its priorities and submit the project applications accordingly. During the on-the-spot visit, the Committee of Experts noted that minority associations are, however, concerned about the regularity and predictability of the funding. The support of local and regional authorities also appears to be inconsistent. The fact that associations other than minority associations have access to the same grant programmes still appears to be a matter of concern for some national minorities. The Committee of Experts encourages the authorities to clarify these aspects in co-operation with the speakers.

52. The Committee of Experts notes that the president of the government's Council for National Minorities is the minister for human rights, which was welcomed by the representatives of the minorities.

53. The Committee of Experts is concerned that general financial cuts have affected the secretariat of the government's Council for National Minorities, which is severely understaffed.

54. In light of the information about the sometimes significant decrease of funds for the activities of the national minorities and its practical impact, the Committee of Experts urges the authorities to ensure that

<sup>5</sup> For more details, see also 2<sup>nd</sup> report on the Czech Republic, ECRML 2013 (2), paragraph 55

<sup>6</sup> For more details, see also 2<sup>nd</sup> report on the Czech Republic, ECRML 2013 (2), paragraph 57

special measures taken in response to the financial crisis do not disproportionately affect the promotion of regional or minority languages.

### German

55. In the second monitoring cycle, the Committee of Ministers recommended that the Czech authorities “**adopt a structured policy for the protection and promotion of German [...]**“. The Committee of Experts urged the Czech authorities to develop, in co-operation with the speakers, a planned and structured approach to the protection and promotion of [...] German [...] in the Czech Republic.

56. A structured policy for the protection and promotion of German is not yet in place. According to information provided by the authorities, the German minority expressed an interest in a debate about the installation of bilingual signs. During the on-the-spot visit, representatives of the German speakers also mentioned education as a priority.

57. The Committee of Experts also notes that activities promoting the German language are to a large extent subsidised by Germany. In addition, in education, German is treated *de facto* only as a foreign language. The approach of the authorities is focused on German as a foreign language and there seems to be no interest to develop minority language instruction. According to the information received from the speakers, many activities depend on the initiative of the German associations and the good will of the authorities.

58. The Committee of Experts reiterates<sup>7</sup> that a structured policy and decisive steps are needed to ensure the protection and promotion of German as a minority language in the Czech Republic. In addition to targeted efforts, in the particular case of German, a more pro-active approach is needed on behalf of the Czech authorities. The authorities should develop, in co-operation with the speakers, a comprehensive long-term strategy where the most important and/or most immediately needed measures are given priority.

***The Committee of Experts strongly urges the Czech authorities to develop and implement, in co-operation with the speakers, a planned and structured approach to the protection and promotion of German as a minority language in the Czech Republic.***

### Moravian Croatian

59. According to the information received from the speakers, projects covering documentation, e-learning and a dictionary are supported by the Ministry of Culture and the Ministry of Education. The Committee of Experts welcomes these initiatives and asks the authorities to provide more information on the resolute action taken to promote Moravian Croatian in order to safeguard it.

### Romani

60. In the second monitoring cycle, the Committee of Ministers recommended that the Czech authorities “**adopt a structured policy for the protection and promotion of [...] Romani**“. The Committee of Experts urged the Czech authorities to develop, in co-operation with the speakers, a planned and structured approach to the protection and promotion of [...] Romani [...] in the Czech Republic.

61. A new Strategy for Roma Integration covering the period up to 2020 was adopted by the Czech government in February 2015. According to the authorities, this strategy, developed in cooperation with Roma representatives, is focused more than the previous one on Roma as a national minority. As indicated by the authorities, the strategy sets as tasks, *inter alia*, to increase the effectiveness of the Charter Implementation Grant, to support the teaching of Romani as a minority language at primary level, to raise awareness about the culture, history and language of the Roma, to include Roma-related topics and Romani in public broadcasting. As in the case of the previous Strategy for Roma Integration 2010-2013, the Committee of Experts notes that it could be part of the structured policy required for the promotion of Romani. It notes, however, that in practice there have been very limited developments

<sup>7</sup> See also 2nd report on the Czech Republic, ECRML 2013 (2), paragraph 62

concerning the protection and promotion of Romani. According to the information received from the speakers, the situation is different from one region to another and, although good initiatives exist, these still depend too much on local NGOs and authorities to be considered a structured approach for the protection and promotion of Romani.

62. Taking into consideration the new Strategy for Roma Integration, the authorities should decide, in co-operation with the speakers, on the most important and/or most immediately needed measures and take concrete steps to their implementation. The Committee of Experts asks the authorities to report about these steps in the next periodical report.

***The Committee of Experts strongly urges the Czech authorities to develop and implement, in co-operation with the speakers, a planned and structured approach to the protection and promotion of Romani in the Czech Republic.***

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

63. As already noted previously, regional or minority languages, especially German and Romani are very rarely, if at all, used in public life. The Committee of Experts reiterates that the Charter aims to promote the use of regional or minority languages in public and private life, and the fact that their speakers are fluent in the official majority language does not mean that these languages should not be actively promoted. Article 7.1.d not only implies passive permission to use regional or minority languages in public and private life, but also requires the authorities to facilitate and/or encourage the use of the languages in the public sphere. This would require a pro-active approach on the part of the authorities.<sup>8</sup>

64. According to the third periodical report, there has been a significant decrease in the funds for support to minority media, from CZK 30 million/ €1.1 million in 2009 to CZK 15.7 million/€ 570,000 in 2013. This has affected all regional or minority languages and has led, in some cases, to a lowering of the publications' frequency or to their discontinuation.

### **German**

65. In the second monitoring cycle, the Committee of Ministers recommended that the Czech authorities "**create favourable conditions for [the use of German] in public life**". The Committee of Experts also encouraged the authorities to create favourable conditions and adopt measures to facilitate the use of German in public life. It further encouraged the Czech authorities to take measures to develop broadcasting in German as a minority language and provide a regular German-language television programme, in co-operation with the speakers. The Committee of Experts encouraged the authorities to facilitate, following the internal legislation, the display of bilingual place name signs in the 18 municipalities where the German minority reached the 10% threshold. It also asked the Czech authorities to provide information on the use of German in other areas, such as administration, economic and social life.

66. According to the third periodical report, Czech Radio broadcasts every Friday a 15-minute magazine in German, available in all regions. There is no specific broadcast in German on Czech television. Some foreign productions in German (movies, documentaries) are broadcast in the original version with subtitles; German has also been an option in the dual language broadcasting system for some programmes since 2013. According to information received from the speakers, a Czech-German internet radio in Hlučín (Hallo Radio Hultschin) is currently being set up, within the framework of a project. As to the written media, three German language publications received support (CZK 5.4 million/ € 197,000 in total in 2011-2013): the bi-monthly *Landeszeitung*, which transformed into the monthly *Landesecho*, the regional monthly *Eghaland Bladl* and the quarterly *Brünner Gassenbote* (except in 2013). The monthly *Landesecho* is financed up to 30% by Germany.

<sup>8</sup> See also 2nd report on the Czech Republic, ECRML 2013 (2), paragraph 65

67. The Committee of Experts urges the Czech authorities to take measures to further develop radio broadcasting in German as a minority language and support the creation of regular German-language television programmes, in co-operation with the speakers.

68. With respect to the use of German in public life, according to additional information submitted by the authorities, German is mainly used in cultural life. There is no information about the use of German in other areas such as administration, economic or social life. As to bilingual signage, the third periodical report indicates that, according to the 2011 census, the German minority does no longer reach the 10% threshold in any municipality. According to the representatives of the speakers, the German minority in these municipalities has never asked for bilingual signage, for fear of being perceived as “trouble-makers”.

69. The Committee of Experts reiterates<sup>9</sup> that the adoption and use of additional place names is a relatively simple promotional measure with a considerable positive effect for the prestige and public awareness of a regional or minority language. Historical bilingual Czech-German street names are, for example, displayed in the centre of Prague. Similar to an initiative of the German minority in Slovakia, bilingual welcome signs could be set up voluntarily in municipalities where there is a significant number of German speakers.

70. The Committee of Experts urges the Czech authorities to create favourable conditions and adopt measures to facilitate the use of German in public life.

### **Moravian Croatian**

71. As far as Moravian Croatian is concerned, according to information received from the speakers, the language is mainly used during cultural activities. In 2014, a book with old songs in Moravian Croatian was published. A Croatian House, museum and cultural centre, is active in Jevišovka and is currently preparing an exhibition about the Moravian Croats. Moravian Croatian is not present on radio or television. The Committee of Experts asks for more information on the facilitation and/or encouragement of the use of Moravian Croatian, in speech and writing, in public and private life.

### **Romani**

72. In the second monitoring cycle, the Committee of Ministers recommended that the Czech authorities “**create favourable conditions for [the use of Romani] in public life**”. The Committee of Experts encouraged the authorities to adopt measures to encourage the use of regional or minority languages in public life, in particular for Romani. The Committee of Experts also encouraged the Czech authorities to take measures to strengthen the presence of Romani on radio and television, and to initiate a dialogue with the representatives of the Romani speakers in order to specify the public areas where Romani should be promoted. Furthermore, it encouraged the authorities to continue taking measures to raise awareness of the Romani language within the Roma community.

73. According to the third periodical report, Czech Radio broadcasts *O Roma vakeren*, a magazine offering news and information about Roma history and culture and parts of the programme are broadcast in Romani. The programme is broadcast twice per week for 15 minutes, in all regions and once per week for 55 minutes on the nationwide Radio-Journal. There is currently no regular broadcast in Romani on the Czech Television. *Romaňi Luma*, a five-minute magazine in Romani was broadcast weekly in 2011 and 2012. Czech Television has also broadcast documentaries and series about Roma cultural events, such as the World Roma Festival *Khamoro*, as well as a programme presenting Roma fairy tales. It is, however, not clear to the Committee of Experts to what extent these are in Romani. As to the written media, the monthly publications *Romano hangos*, *Romano vod’i* and *Kereka* (for children), together with the bi-annual *Romano Džaniben* (only in 2011-2012) received financial assistance from the authorities (CZK 10.4 million/€ 380 000 for the 2011-2013 period).

74. The Committee of Experts urges the Czech authorities to take measures to strengthen the presence of Romani on radio and television.

<sup>9</sup> See also 2nd report on the Czech Republic, ECRML 2013 (2), paragraph 62



75. According to the information received from the authorities, Roma representatives have been consulted in preparing the new Strategy for Roma Integration. The Committee of Experts has not been made aware of any other dialogue with the representatives of the Romani speakers in order to specify the public areas where Romani should be promoted. However, the authorities informed the Committee that the Charter Implementation Grant has funded a project of Charles University aimed at training translators for Romani. During the on-the-spot visit, the Committee was informed that Roma use Czech in public, as they are generally unaware of the possibility to publicly use Romani and fearful as to the possible reactions.

76. With regard to the measures to raise awareness of the Romani language within the Roma community, the authorities refer to projects financed by the Charter Implementation Grant, such as *Romano Suno*, a literary competition in Romani for Roma children. The authorities also indicate that, as of 2015, the grant programme of the Ministry of Education, Youth and Sport supporting the integration of the Roma community includes, in its section dedicated to cooperation between families and schools, assistance to activities in or related to Romani.

77. The Committee of Experts urges the Czech authorities to create favourable conditions and adopt measures to facilitate the use of Romani in public life, in co-operation with the representatives of the speakers, and to continue taking measures to raise awareness of the Romani language within the Roma community.

- 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;*

78. The Committee of Experts asks the authorities to provide information on the application of this provision to Moravian Croatian.

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

79. In the second monitoring cycle, the Committee of Experts urged the Czech authorities to take action to improve the offering of regional or minority language education in the Czech Republic, including by: making parents aware of the various possibilities for their children to receive education in regional or minority languages; encouraging school boards and principals to offer regional or minority language education and reviewing the existence of a committee for national minorities as a precondition to the right to receive regional or minority language education".

80. According to the information received from the authorities, there have been no changes with respect to the existence of a committee for national minorities as a precondition to receiving minority language education. The Education Act allows the school director to decide that some subjects or parts thereof will be taught bilingually. Language teaching is entirely at the decision of the school director and it depends on the demand from pupils or their parents, as well as on the schools' capacities.

81. The Committee of Experts notes that, in education, the authorities consider all minority languages, except Polish and Slovak, as foreign languages. This is not in line with the Charter's requirements as far as minority languages are concerned, as different models need to be applied to these languages (see also paragraphs below). In addition, a more pro-active approach is needed on behalf of the authorities, who should raise awareness of the parents about the advantage of minority language education and inform them about the various possibilities for their children to receive minority language education.

82. The Committee of Experts has not been made aware of any measures to raise awareness of the parents with respect to the possibilities and advantages of minority language education or encouraging school directors to offer these languages. The Committee reiterates that in many cases the lack of interest from the parents is explained by the impression that minority language education would be burdensome and counterproductive for the development of their children. The Committee underlines that more

awareness-raising about the virtues of, and opportunities for, minority language education is needed. It could be envisaged, for example, that the responsible authorities regularly provide parents of new-born children with an information package about the opportunities of minority language education.

83. The Committee of Experts underlines that the Czech authorities should take measures to make families aware of the advantages of minority language education and encourage schools to offer minority language education. The Committee of Experts also encourages the Czech authorities to abolish the statutory requirement that a committee for national minorities exists as a prerequisite to the right to receive minority language education.

### German

84. In the second monitoring cycle, the Committee of Ministers recommended to the Czech authorities to **“take measures to make available teaching in or of German [...], in co-operation with the speakers”**. The Committee of Experts urged the Czech authorities to improve the situation of German as a regional or minority language in the field of education, taking into account the proposals of the speakers.

85. According to the third periodical report, education exclusively in German is offered only at the German School in Prague, (*Deutsch-tschechische Begegnungsschule*) a private institution covering the kindergarten, primary and secondary levels. Six other primary schools (in Prague, Děčín, Ostrava-Zábřeh, Ostrava-Poruba and Havířov-Podlesí) teach some subjects in German. The school in Děčín offers also kindergarten education. At secondary level, in addition to the above-mentioned German School, four schools (in Prague, Liberec and Znojmo) use to some extent German as a medium of instruction, as German is used to teach some subjects or parts thereof. At secondary level a total of 883 pupils in 45 classes (an increase compared to the previous monitoring cycle) are taught at varying degrees in German. In the Czech-German border area school projects are carried out, which include, *inter alia*, teaching of some subjects in German in the Czech schools, while German schools teach some subjects in Czech. German continues to be taught to a large extent as a foreign language, in some schools from the first grade. Teaching a second foreign language is compulsory starting with September 2013 and German is currently the second foreign language for 70% of the pupils.

86. The Committee of Experts notes that, although there are opportunities for at least some education in German, that there is still no specific model for German as a minority language in education in the Czech Republic. Some of the above-mentioned schools are private schools, or established through bilateral agreements with Austria or Germany. They do not cover all the areas where the German minority lives or all levels of education in a systematic way. Teaching German as a foreign language, although it may contribute to raising awareness about German in the Czech Republic, is not sufficient to protect and promote German as a minority language. In addition, according to the information received from the speakers, it appears that even when parents ask for German as a foreign language, practical problems, such a lack of teachers or an opposing decision of the school, occur, even in the area where the German minority is traditionally present.

87. The Committee of Experts reminds the Czech authorities of the fact that Article 7.1.f requires the provision of *appropriate* forms and means for the teaching and study of minority languages at all appropriate stages, i.e. from kindergarten to secondary education. This implies *inter alia* an educational model which takes the traditional character of the given language into account, for example by covering the local culture which is reflected by the language. Furthermore, such a model needs to be provided pro-actively by the authorities who should inform parents and/or pupils about its availability and encourage them to apply for it.<sup>10</sup>

88. The Committee of Experts has also been informed that a German minority association in Opava carried out a survey on the demand of German language education at universities, colleges, secondary schools and primary schools in the Moravia-Silesia, Olomouc, Pardubice and Hradec Králové regions. This could be used as a basis for further developing an offer for German as a minority language in education.

<sup>10</sup> See also 3<sup>rd</sup> report on Slovenia ECRML (2010) 5, paragraph 55

***The Committee of Experts strongly urges the Czech authorities to take proactive measures to offer teaching of German as a minority language.***

### **Moravian Croatian**

89. As to Moravian Croatian, according to the information received from the speakers, the language is not taught in any form or at any level. However, it appears that a project on e-learning has received support from the authorities. The Committee of Experts asks the Czech authorities to provide information on the teaching and study of Moravian Croatian.

### **Romani**

90. In the second monitoring cycle, the Committee of Ministers recommended to the Czech authorities to **“take measures to make available teaching in or of [...] Romani, in co-operation with the speakers”**. The Committee of Experts urged the Czech authorities, in co-operation with the speakers, to adopt a structured policy for Romani education and to identify areas where and ways in which Romani could be introduced in mainstream education, starting with pre-school and primary level.

91. According to the information received in the third monitoring cycle, Romani is currently not taught at pre-school or primary level. Romani was temporarily taught at two primary schools in Brno in autumn 2012, as part of a project. As of September 2012, for 10 months Romani language classes were organised at the Museum for Roma Culture in Brno, with the support of Charles University. At secondary level, Romani was taught at the Secondary Vocational School of Management and Law in Jihlava. It is unclear, however, whether this is currently pursued. Teaching materials for Romani have been developed in the framework of the QUALIROM project. As far as teacher training is concerned, no structured policy appears to be in place. The Romani studies seminar at Charles University offers training that enables its graduates to teach Romani, although without a pedagogical component.

92. It appears that the introduction of Romani in education faces two important challenges. On the one hand, such an initiative meets with a negative reaction of society as a whole. On the other hand, the priority for Roma parents is that their children master Czech, and the possibilities and advantages of bilingual education are not known to them. In addition, the Committee of Experts was informed that the prevailing opinion of Czech educational specialists is that submersion in a completely Czech language environment is the best way for Roma pupils to learn Czech.

93. The Committee of Experts emphasises that minority language teaching does not exclude the teaching/learning of the official majority language and that viable bilingual educational models have been developed and are implemented throughout Europe. It underlines that a pro-active approach on behalf of the Czech authorities is needed in the field of minority language education. They should actively inform parents on the advantages of and opportunities for bilingual education. In addition, awareness of teachers should be raised with respect to pupils whose mother tongue is other than Czech and educational models for them.

***The Committee of Experts strongly urges the Czech authorities to adopt, in co-operation with the speakers, a structured policy for how Romani could be introduced in early stages of mainstream education.***

94. Furthermore, the Committee of Experts notes that Roma children are not fully integrated into mainstream education. A disproportionately high number of Roma children are taught in schools for children with “mild mental disabilities” (“practical schools”), where a reduced curriculum is followed, or in mainstream Roma-only schools with lower educational standards (segregated schools)<sup>11</sup>.

95. The third periodical report explains that children are screened each year and that the informed consent of the parent or legal guardian is needed before deciding in which type of school the child should

<sup>11</sup> See also Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, CommDH (2013)1, paragraphs 43-44

be enrolled. Nevertheless, according to the information received during the on-the-spot visit, the tests used are not specifically adapted to Roma children, including the language that is used. Moreover, special education is frequently presented to Roma parents as the better option for their children. Many of them are not sufficiently informed or are hesitant to contradict the authorities on this topic. The authorities have stated that they are developing new tests, as well as preparing the complete abolition of special education and the integration of all children in mainstream education, with supportive measures.

96. Education of Roma children in segregated schools is an issue of concern. Furthermore the quality of education is low and some children do not even learn to read. An additional problem is that non-Roma parents frequently refuse to let their children be educated in schools with a majority of Roma children. The authorities have stated that measures to improve the situation, such as changing the school districts in cooperation with local authorities, are already in place, while further measures are envisaged<sup>12</sup>. The Committee of Experts is of the view that fully separate schools (practical schools, segregated schools) neither promote the use and learning of Romani nor improve the inclusion of Roma children in the Czech educational system.

97. The Committee of Experts underlines that inclusion of Roma children in regular mainstream education, while fully recognising their bilingual needs and their cultural heritage, is fundamental for their future as successful citizens of the Czech Republic.

***The Committee of Experts encourages the Czech authorities to intensify efforts to counteract the practice of unjustified enrolment of Roma children in practical and segregated schools.***

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

98. In the second evaluation report, the Committee of Experts asked the Czech authorities to provide information concerning research on German as a regional or minority language in the Czech Republic.

99. The third periodical report provides information about the study of German at university level, but not about research carried out on German as a minority language at universities or equivalent institutions. According to the information received by the Committee of Experts, research on German in the Czech Republic takes place, for example, at Charles University Institute of German Studies.

100. The Committee of Experts asks the Czech authorities to provide information about the study and research on Moravian Croatian as a minority language in the Czech Republic.

*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.*

101. The Committee of Experts asks the Czech authorities to provide information concerning the promotion of appropriate types of transnational exchanges for Moravian Croatian, in the fields covered by this Charter.

## **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.***

102. In the second monitoring cycle, the Committee of Ministers recommended to the Czech authorities to **“continue their efforts to ensure that speaking Romani at school is not prohibited or discouraged”**. The Committee of Experts also asked for more detailed information with respect to the measures to eliminate discrimination included in the country’s Strategy for Roma Integration.

<sup>12</sup> See Strategy on Roma Integration, [http://ec.europa.eu/justice/discrimination/files/roma\\_czech\\_republic\\_strategy2\\_cs.pdf](http://ec.europa.eu/justice/discrimination/files/roma_czech_republic_strategy2_cs.pdf)

103. According to the information submitted by the authorities, the use of Romani in schools is not prohibited. During the on-the-spot visit, the Committee of Experts was also informed by the representatives of the speakers that no cases of prohibiting or discouraging the use of Romani have been registered in recent years. They explained, however, that the school environment is not favourable to Romani, due to the prevailing opinion that submersion in an exclusively Czech language environment is the best way for Roma pupils to learn Czech.

104. A new Strategy on Roma Integration until 2020 was adopted by the Czech authorities in February 2015. In addition, the powers of the ombudsman have been extended in the monitoring period, with respect to the possibility to turn to the Constitutional Court and to file lawsuits against discrimination.

### **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.*

105. In the second monitoring cycle, the Committee of Ministers recommended that the Czech authorities **“continue the efforts to promote awareness and tolerance vis-à-vis all the regional or minority languages and the cultures they represent as an integral part of the cultural heritage of the Czech Republic, both in the general curriculum at all stages of education and in the media”**. Furthermore, the Committee of Experts urged the Czech authorities to continue their efforts to improve tolerance and understanding within the Czech society at large towards regional or minority languages, in particular in education and the media.

106. The information provided by the authorities refers to cultural events dedicated to national minorities or which they attend and which contribute to awareness raising and promote mutual understanding.

107. As far as education is concerned, according to the third periodical report, the National Institute for Further Education extended its educational offer in the 2012/2013 school year; new training programmes for teachers in all types of education focus on multicultural and inclusive education, including work with children from disadvantaged environments and national minorities. The authorities also reiterate that the history and culture of the national minorities will be included in extended form in the Framework Educational Programmes during their periodical revisions.

108. In the media, Czech television continues to broadcast several programmes on minority topics, where occasionally minority languages are also used. Such programmes are *Babylon* (15 to 25 minutes weekly), *Kosmopolis* (25 minutes weekly, in 2011-2012), *Domov ve Středu Evropy* (*A Home in the Centre of Europe*, a 13-part series of 8 minutes each, broadcast in 2012), *Setkávání* (*Encounter*, 10 minutes weekly, 2012), *City Folk* (25 minutes, several days per week, in 2011-2012), *Hranice bez hranic* (*A border without borders*, 25 minutes weekly in 2012-2013). In addition, the Social Sciences Faculty of Charles University offers the subject *The Journalist and Minority Topics* as part of the Journalism study programme. During the on-the-spot visit, the authorities informed the Committee of Experts that the Government’s Council for National Minorities will hold consultations with the public Czech radio and television broadcasters about how to better integrate and reflect national minorities and minority languages in their programmes.

109. The authorities have also informed the Committee of Experts that a campaign against racism and hate violence is being implemented in the years 2014-2016.

110. During the on-the spot visit, however, the Committee of Experts was informed by representatives of the regional or minority language speakers that there is still very little knowledge in Czech society about the country’s national minorities and regional or minority languages. The history and culture of minorities are not sufficiently taught and the media shows almost no interest in presenting topics related to national minorities.

111. Strong prejudices against and stigmatisation of Roma are still widespread. Negative attitudes prevail about the German speakers, who often give up claiming their rights, for fear of being perceived as “trouble-makers”. The Committee of Experts was also informed of cases where derogatory comments were made about Slovak speakers using their language in public life, outside institutions. Polish speakers also informed the Committee of Experts about negative attitudes towards them.

***The Committee of Experts strongly urges the Czech authorities to step up their efforts to improve tolerance and understanding within the Czech society at large towards regional or minority languages, in particular in education and the media.***

***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.***

112. In the second monitoring cycle, the Committee of Ministers recommended that the Czech authorities “**further improve legislation concerning the committees for national minorities, so that these do not present barriers to the implementation of the Charter, including the provision of education in regional or minority languages and the setting-up of bilingual topographical signs.**”

113. No legal changes have been adopted in the monitoring period and new amendments are currently under preparation (see also Chapter 1.3). Practical problems continue to exist in the setting up and functioning of the committees for national minorities. Despite the legal provisions, a lot seems to depend on the good will of the local authorities when it comes to the existence and composition of these committees. Although the law prescribes that at least half of the members should belong to national minorities, this is not always the case. Moreover, even if a committee exists, not all national minorities are necessarily represented there. For example, the German minority is represented in the committee for national minorities of Havířov, which established such a body without being obliged by legislation, but neither in Karvina, Český Těšín nor Třinec, despite their request in this sense. Finally, opposing views between the representatives of the members in the committee often prevent these bodies from fully serving their purpose.

114. In its previous evaluation report, the Committee of Experts noted that, after amendments to the Statute of the Government Council for National Minorities in 2011, regional or minority language speakers have a larger number of representatives among the members of the Council. The Czech authorities have clarified that only for Part III languages there are two representatives in the Council for National Minorities, while for Part II languages and the other minorities there is one representative.

***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.***

115. The Czech Republic did not identify any non-territorial languages in the instrument of ratification.

### 3.2. Evaluation in respect of Part III of the Charter

116. Part III of the Charter applies to Polish and Slovak.

#### 3.2.1. Polish

117. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new information which would have required a reassessment of its previous findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 e iii, h  
 Article 9, paragraph 1 a.iii, d, paragraph 2.a  
 Article 10, paragraph 4 a, paragraph 5  
 Article 11, paragraph 1.c ii, paragraph 2  
 Article 12, paragraph 1 f, g.

### 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;*
- c i to make available secondary education in the relevant regional or minority languages;*
- d ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages;*

118. In the second evaluation report, the Committee of Experts considered these undertakings fulfilled. It nevertheless asked for information about the reform of the schools' financing system, which has been under preparation, and about the developments related to secondary and vocational education, where the number of pupils was declining significantly.

119. According to the information received in the third monitoring cycle, the reform of the schools' financing system is still being discussed. The Polish speakers, who are satisfied with the current system, expressed some concern about the future changes, as the practical functioning and consequences of the new approach are not yet known.

120. As far as secondary education is concerned, the four-year secondary Polish-medium school in Český Těšín was attended by 340 pupils in the 2013/2014 school year, a slight decrease (by eleven) compared to the previous monitoring cycle. In vocational education, 45 pupils were enrolled at the only vocational school providing instruction in Polish, the Český Těšín Business School, compared to 79 in the previous monitoring cycle.

121. The Committee of Experts notes that since the first monitoring cycle the number of vocational schools offering Polish-medium education has decreased from three (a technical school, a business school and a nursing school) to one. During the on-the-spot visit, the Polish speakers expressed concern about the limited offer of vocational education in Polish.

122. Furthermore, during the on-the-spot visit, the Committee of Experts was informed by the Polish speakers that the textbooks for the Polish-medium schools are mainly imported from Poland. Since the Czech Ministry of Education, Youth and Sport cannot finance the acquisition of foreign textbooks, the school directors have to find resources to buy them or ways to obtain them for free. Recently, the Czech authorities

decided to allow project funds to be used to buy approved textbooks in order for children in Polish schools to receive their textbooks free of charge as in Czech mainstream education.

123. In light of the above information, the Committee of Experts considers the undertakings concerning pre-school, primary and secondary education fulfilled. However, it revises its conclusion concerning technical and vocational education and considers the undertaking only partly fulfilled. The Committee encourages the authorities, in co-operation with the speakers, to identify additional fields where a substantial part of technical and vocational education could be made available in Polish and to develop an offer in these domains. The Committee also encourages the authorities to consult the Polish speakers and to take into consideration the needs of Polish-medium education, including the issue of textbooks, when reforming the schools financing system.

**Adult and continuing education**

- f*      *iii*      *if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

124. In the second evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the authorities to take concrete measures to encourage the offer of Polish as a subject in adult and further education.

125. According to the third periodical report, Polish is not offered as a subject in adult or further education.

126. The Committee of Experts maintains its previous conclusion that the undertaking is not fulfilled. It urges the authorities to take concrete measures to encourage the offering of Polish as subject of adult and continuing education.

**Teaching of history and culture**

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

127. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Czech authorities to provide detailed information on how the history and culture reflected by the Polish language are reflected in practice in the school curriculum.

128. According to the additional information submitted by the authorities, the Framework Education Programme for Primary Education does not specifically refer to the topic of the history and culture reflected by the Polish language. However, its objectives allow for its inclusion in the curriculum. In addition, in the history textbooks, Polish history and culture are dealt with only to a limited extent. The authorities further reiterate<sup>13</sup> that the history and culture of the minorities in the Czech Republic will be included in more detail in the Framework Education Programmes, as part of their cycle-based revisions. In light of this information, the Committee of Experts considers that the current system does not ensure the teaching of the history and culture reflected by the Polish language. Moreover, it is not clear to the Committee when the Framework Education Programmes will be revised, in order to include clearer provisions.

129. The Committee of Experts considers the undertaking fulfilled for minority schools, in light of the existing Polish-language education system, and not fulfilled for mainstream schools. It encourages the authorities to make arrangements to ensure the teaching of the history and culture which are reflected by the Polish language in schools in the area where Polish is traditionally used.

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<sup>13</sup> See also 2<sup>nd</sup> report on the Czech Republic ECRML (2013) 2, paragraphs 118 and 152



**Monitoring**

- 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.**

130. In the second evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It was unclear to what extent the reports of the Czech School Inspectorate, which appeared to examine measures taken and the progress achieved with regard to minority language education, contained information on developments in language proficiency, teacher supply and the provision of teaching materials.

131. According to the additional information submitted by the authorities, the reports of the Czech School Inspectorate “contain indicators of qualified instruction in monitored subjects and they evaluate the teaching materials used during instruction”. Evaluations are conducted for all education areas of the Framework Education Programme for Primary Education.

132. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It asks the authorities to clarify whether the reports also cover secondary, technical or vocational education and information on developments in language proficiency.

**Paragraph 2**

***With regard to education and 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 or provide teaching in or of the regional or minority language at all the appropriate stages of education.***

133. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Czech authorities to provide information on where in the Czech Republic, outside the traditional language area, the numbers of Polish speakers are such as to justify the offer of Polish language education and whether teaching in or of Polish is provided.

134. The third periodical report does not contain specific information in this respect. According to information received from the Polish speakers, it appears that, outside the traditional area, Polish speakers are also present in cities such as Prague and Brno. The Committee of Experts has not been informed of any educational offer for Polish at pre-school, primary or secondary level in these areas.

135. In view of the repeated lack of information from the authorities, the Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to clarify, in co-operation with the speakers, where in the Czech Republic, outside the traditional language area, the numbers of Polish speakers justifies teaching in or of Polish at all the appropriate stages of education being offered in these areas.

**Article 9 – Judicial authorities****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***
  - iv** ***to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,***  
***if necessary by the use of interpreters and translations involving no extra expense for the person concerned;***
- b** ***in civil proceedings:***

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

136. In the second evaluation report, the Committee of Experts urged the Czech authorities to remove from legislation the condition that a person must declare that he or she does not have a command of Czech before they can use Polish in criminal proceedings and before documents connected to criminal proceedings are produced in Polish. It asked the authorities to provide further information about the legal framework for civil and administrative proceedings, as well as about the practical implementation of the undertakings in all three domains.

137. According to the third periodical report, no amendments have been made to the legislation governing the criminal proceedings which would bring it in line with the Charter. A new law, the Act on the Victims of Crime, which entered into force on 1 August 2013, also foresees an obligation for authorities and other bodies to provide the victim, if he or she does not speak Czech, with information in a language the person understands.

138. The Committee of Experts underlines that, according to the Charter, the right of the accused to use his/her minority language has to be guaranteed even when the person has a command of Czech. According to legislation currently in place in the Czech Republic, the accused is only guaranteed the right to use Polish or to receive documents in Polish if he/she declares not to have a command of Czech<sup>14</sup>.

139. Article 18 of the Civil Procedure Code (Act no 99/1963, as amended) provides that participants have the right to address the court in their mother tongue and that the court is obliged to provide them with the same opportunities to exercise their rights. If the mother tongue of a person is not Czech, “the court shall appoint an interpreter at the moment when such a need occurs in the proceedings”. Related expenses shall be borne by the state. The authorities have explained during the on-the-spot visit that these provisions are interpreted in such a way that in practice an interpreter is provided every time a person asks for one. Furthermore, the judge, when informing parties about their rights, also assesses if interpretation is needed. It is, however, not clear to the Committee of Experts if these provisions also allow for documents and evidence to be produced in Polish, if necessary by the use of interpreters and translations.

140. The Administrative Procedure Code obliges the courts to provide participants with the same opportunities to exercise their rights, thereby giving them indirectly the possibility of using other languages than Czech. In addition, the Civil Procedure Code is applied, unless otherwise provided for by the Administrative Procedure Code. It is not clear to the Committee of Experts, however, if these provisions also allow for documents and evidence to be produced in Polish, if necessary by the use of interpreters and translations.

141. As to the practical aspects, according to the periodical report and the Polish speakers, there seem to be no difficulties in using Polish before courts. However, the Committee of Experts was also informed that Polish speakers, as they are bilingual, tend to use Czech before courts. The Committee reiterates that the Charter aims to promote the use of regional or minority languages in public life and the fact that their speakers are fluent in the official language does not mean that regional or minority languages should not be actively promoted. The Committee considers that the authorities should take measures promoting the use of Polish before courts in practice; for example, judicial staff should actively encourage citizens to use

<sup>14</sup> See also 2<sup>nd</sup> report on the Czech Republic ECRML (2013) 2, paragraph 166

a minority language in courts, through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or court forms.

142. During the on-the-spot visit the Committee of Experts was informed that amendments to the Criminal, Civil and Administrative Procedure Codes are under preparation and clearer provisions related to the use of minority languages could be introduced, if necessary. The Committee encourages the authorities to use this opportunity and make the necessary changes in order for the Codes to correspond to the Charter's aims as far as the use of minority languages is concerned.

143. The Committee of Experts considers the undertaking concerning criminal proceedings not fulfilled.

***The Committee of Experts strongly urges the Czech authorities to remove from legislation the condition that a person must declare that he or she does not have a command of Czech before they can use a minority language in criminal proceedings and before documents connected to criminal proceedings are produced in minority languages.***

144. As far as civil and administrative proceedings are concerned, the Committee of Experts, bearing in mind the positive interpretation/implementation of the existing provisions and the apparent lack of practical difficulties, considers the undertaking concerning civil and administrative proceedings partly fulfilled. It encourages the authorities to specify in the Civil and Administrative Codes that in civil and administrative proceedings a litigant may use his/her minority language without thereby incurring additional expenses and that documents and evidence may be produced in minority languages, if necessary, by the use of interpreters and translators.

## **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*      *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 or 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;*

145. In the second evaluation report, the Committee of Experts considered these undertakings only partly fulfilled. It urged the Czech authorities to take pro-active steps to encourage the Polish speakers to submit oral or written applications in Polish to the state administrative bodies and to the local and regional authorities.

146. According to the information submitted by the authorities, no special measures have been taken in this respect. During the on-the-spot visit, the Polish speakers stated that Polish is only occasionally used in dealings with administrative authorities, although the possibility exists. Polish speakers often prefer to use Czech in dealings with the administration, believing this would ease the procedure.

147. The Committee of Experts reiterates that the fact that minority language speakers are fluent in the official language does not mean that minority languages should not be actively promoted. In applying the Charter, the authorities should take a pro-active approach, informing and actively encouraging the Polish speakers to avail themselves of the possibility of using Polish during contacts with the authorities. Encouragement measures include, *inter alia*, making official documents and forms in Polish more

automatically available or ensuring that signs on administrative buildings as well as plates/doorplates used in administration offices also have inscriptions in Polish<sup>15</sup>.

148. The Committee of Experts maintains its previous conclusion that the undertakings are partly fulfilled. The Committee again urges the Czech authorities to take pro-active steps to encourage the Polish speakers to submit oral or written applications in Polish to state administrative bodies and to local and regional authorities.

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

149. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It urged the authorities to inform the speakers of the possibility of using the Polish language in the regional assembly and to create favourable conditions for its use in practice.

150. According to the information submitted by the authorities, no special measures have been taken in this respect. The Committee of Experts was informed by the Polish speakers that it is possible to use Polish in regional assemblies.

151. The undertaking seems to be fulfilled. However, the Committee of Experts asks the authorities to provide practical examples on the implementation of the undertaking.

**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;*

152. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the authorities to create more favourable conditions for the use of the Polish language in local assemblies in practice.

153. According to the information submitted by the authorities, no special measures have been taken in this respect. The Committee of Experts was informed by the Polish speakers that it is possible to use Polish in local assemblies.

154. The undertaking seems to be fulfilled. However, the Committee of Experts asks the authorities to provide practical examples on the implementation of the undertaking.

**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;*

155. In the second evaluation report, the Committee of Experts urged the Czech authorities to remove the legal and practical obstacles to the use of Polish place names and topographical signs in accordance with the Charter.

156. At present, two thirds of the municipalities where the Polish minority reaches 10% of the total population (20 out of 31) have bilingual signs, to varying degrees. Each municipality decides on the basis of the recommendation of its committee for national minorities which signs are to be displayed bilingually, varying from signs on public buildings, in public spaces to road signs or signs indicating the name of the town. It appears that displaying the municipality name bilingually creates more difficulties in practice than other signs. The Committee of Experts underlines that, within the meaning of the present undertaking, "place names" ("toponymie" in the French version of the Charter) includes the name of the municipality and all topographical names of that municipality that can be officially used, for example in documents or in signage<sup>16</sup>. Therefore, displaying only a selection of bilingual signs does not fully comply with this undertaking.

<sup>15</sup> See 2<sup>nd</sup> report on Ukraine, ECRML (2014) 3, paragraph 131

<sup>16</sup> See 2<sup>nd</sup> report on Slovakia, ECRML (2009) 8, paragraph 232

157. As far as the legal provisions are concerned, the Committee of Experts refers to its comments under Chapter 1.3.

158. The Committee of Experts considers the undertaking partly fulfilled. It strongly urges the Czech authorities to remove the legal and practical obstacles to the use of Polish place names and topographical signs in accordance with the Charter.

## Article 11 – Media

### Paragraph 1

*The Parties undertake, for the users of the regional and 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;*

159. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled for radio and not fulfilled regarding television. It encouraged the Czech authorities to take measures to increase the broadcasting time in Polish on public television.

160. According to the third periodical report, until 2013, five minutes of news in Polish were broadcast on television every Friday as part of the regional news. Afterwards, due to a redesigning of programmes, the news in Polish, still only five to seven minutes, has been included in a different programme, broadcast on Sundays at 6 a.m. The Polish speakers are unsatisfied with the broadcasting hour and the government's Committee for National Minorities has approached the broadcaster with a view to changing it, but without success. Consultations with the public radio and television broadcasters will be carried out by the government's Committee for National Minorities in 2015 and this issue will be raised again.

161. The Committee of Experts maintains its view that a weekly programme duration of five to seven minutes per week is not sufficient in the framework of this provision. In addition, the Committee of Experts considers that scheduling the Polish broadcast on Sunday at 6.a.m. signals the very limited interest in improving the television broadcasts in minority languages. It therefore considers the undertaking not fulfilled for television.

***The Committee of Experts urges the Czech authorities to take measures to increase the broadcasting time in Polish on public television and to provide it with an appropriate time slot.***

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

162. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Czech authorities to take measures to encourage and/or facilitate the broadcasting of programmes in Polish on private radio on a regular basis.

163. According to the additional information submitted by the authorities, the legal criteria for assessing applications for radio licences include the benefits brought to “the development of the culture of national, ethnic or other minorities in the Czech Republic”. In addition, under the grant programme for supporting minority media, the production of radio and television programmes in minority languages may be subsidised. During the on-the-spot visit, the Committee of Experts was informed that some private radio stations use Polish in their broadcasting. It is unclear, however, to what extent this takes place.

164. The Committee of Experts asks the Czech authorities to provide information in the next periodical report on whether any radio programmes in Polish are actually broadcast by private radio stations.

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

165. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Czech authorities to provide examples of audio or audiovisual works in Polish in the next periodical report.

166. According to the third periodical report, the new Act on Audio-visuals (Act 496/2012), in force as of 1 January 2013, does not provide for specific support for productions in minority languages. Act 239/1992 on the Czech Republic State Fund for Culture can be used to support projects aimed at maintaining and developing the culture of national minorities. However, as this undertaking requires specific assistance for productions in minority languages, providing access to the general scheme is not enough for fulfilling it. Audiovisual products can also be developed under the grant programme supporting media for national minorities or the implementation of the Charter.

167. The Committee of Experts has not been made aware of any audiovisual works produced or distributed in Polish. It therefore considers the undertaking not fulfilled. The Committee encourages the authorities to facilitate the production and distribution of audiovisual works in Polish.

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

168. In the second evaluation report, the Committee of Experts considered the undertaking fulfilled. Nevertheless, it asked the Czech authorities to provide specific information on the financial support granted to the Polish newspaper *Glos Ludu*.

169. According to the third periodical report, the value of the overall grant programme for media of national minorities has decreased every year, reaching in 2013 half of the 2009 value. Nevertheless, the newspaper *Glos Ludu* continued to be subsidised and to be published three times per week, receiving one quarter of the whole funds of the grant programme. During the on-the-spot visit, the Polish speakers expressed their concern about the financing of their written media, as it is based on annual projects and therefore subject to uncertainty. Long-term financing, covering, for example, five years, would reduce this uncertainty and allow for better planning. In addition, an important share of the subsidies received from the authorities is spent on the distribution via the Czech Post, which has a monopoly position in the distribution field.

170. The Committee of Experts considers the undertaking still fulfilled at present. Nevertheless, it encourages the authorities to identify, in cooperation with the Polish speakers, ways to improve the financing system for Polish written media.

## **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;*

171. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. Nevertheless, the Committee had been informed that projects with a multicultural component submitted by municipalities or Czech associations were also funded from the grants of the central authorities intended for the cultural activities of the national minorities. In addition, the grants for national minorities'

organisations were limited to two projects and the priorities of the minorities had not always been taken into consideration. It therefore asked for further clarification on these issues.

172. The Committee of Experts refers to its comments made under Article 7.1.c.

173. The Committee of Experts also notes that, in addition to the Polish newspaper, funds were awarded to the *Zwrot* cultural monthly and, in 2011 and 2012, to the children's magazine *Nasza gazетка*, published twice per month during the school year.

174. The Committee of Experts considers the undertaking fulfilled.

**Paragraph 2**

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

175. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Czech authorities to provide examples of cultural activities organised outside the Frýdek-Místek and Karviná districts in areas where the number of Polish speakers justifies such measures.

176. The third periodical report does not contain specific information in this respect. According to information received from the Polish speakers, it appears that, outside the traditional area, Polish speakers are also present in cities such as Prague and Brno. It is unclear whether any cultural activities are provided in these areas.

177. In view of the repeated lack of information from the authorities, the Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to encourage and/or provide appropriate cultural activities, in areas other than those where Polish is traditionally used and where the number of speakers justifies it.

**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.*

178. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities to make appropriate provision in their cultural policy abroad for the Polish language and the culture it reflects and provide detailed information in the next periodical report.

179. As in the previous monitoring cycle, the authorities refer to the participation of amateur artistic groups in cultural events in Poland. The Committee of Experts reiterates that the present undertaking concerns above all the way in which the country presents its own diverse linguistic and cultural heritage abroad. The concept of 'cultural policy abroad' not only refers to the kin state of the given minority, but obliges the authorities to show the multilingual nature more generally in countries in which their cultural institutions, such as the Czech Cultural Centres, are active<sup>17</sup>. This could consist of references to the minority languages spoken in the Czech Republic in exhibitions or events, or in information material concerning minority languages in the Czech Republic distributed at an international public event.

180. The Committee of Experts therefore maintains its conclusion that the undertaking is not fulfilled. It urges the authorities to make appropriate provision in their cultural policy abroad for the Polish language and the culture it reflects.

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<sup>17</sup> See also 3<sup>rd</sup> evaluation report in respect of Hungary, ECRML (2007) 5, paragraph 202, 3<sup>rd</sup> report on Denmark, ECRML (2011) 1, paragraph 86

## Article 13 – Economic and social life

### Paragraph 1

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

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

181. In the second evaluation report, the Committee of Experts asked the Czech authorities to inform it to what extent the use of Polish is discouraged in the workplace.

182. According to the additional information submitted by the Czech authorities, no complaints from Polish speakers in this respect have been registered. The Committee of Experts has also not received any such complaints from Polish speakers.

183. The Committee of Experts considers the undertaking fulfilled.

### Paragraph 2

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

- e to ensure for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.*

184. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Czech authorities to provide detailed information in the next periodical report on materials concerning the rights of consumers provided in Polish.

185. The third periodical report only reiterates that every year the Minister of Industry and Trade issues information booklets about the rights of consumers in several languages, including Polish. Furthermore, information in Polish may be obtained at the European Consumer Centre. According to the Polish speakers, however, information about the rights of consumers does not seem to be available in Polish.

186. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Czech authorities to provide an overview of the materials on the rights of consumers available in Polish and information on how the authorities contribute to the distribution of such material.

## Article 14 – Transfrontier exchanges

*The Parties undertake:*

- a to apply the 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 users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

187. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Czech authorities to provide specific information and examples on the way the agreements concluded with Poland or other states foster contacts between Polish speakers.

188. The third periodical report does not provide the specific information requested. It refers, however, to the participation of Polish ensembles and associations from the Czech Republic in cultural events in Poland. Lecturers from Poland also took part in the *Opava cantat* competition for school choirs. In addition, the authorities provide information about the Czech-Polish Forum, established by the Ministries of Foreign Affairs of the two countries, which support projects of NGOs, municipalities, regions, schools, research institutions or other bodies.



189. The Committee of Experts considers this undertaking fulfilled.

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

190. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. However, it asked the Czech authorities to provide specific information on and examples of the extent to which the Polish speakers in the Czech Republic benefit from the cultural activities agreed by the Czech-Polish Intergovernmental Commission for Transfrontier Co-operation and what role the Polish language actually plays.

191. According to the additional information submitted by the authorities, the working group on culture of the Czech-Polish Intergovernmental Commission for Transfrontier Co-operation is no longer active and no cooperation is carried out at this level. However, the authorities provide information about two projects carried out in the framework of the Operational Cross-Border Co-operation Programme Czech Republic-Poland 2007-2013. The *Historie hranicí nekončí/Historia ponad granicami (The History of Borders is not Over)* project involves schools in the Těšínské Slezsko-Śląsk Cieszyński Euro-Region which are awarded certificates about the common history of the region. The second project, *Akcent@com* covers issues related to communication in the neighbour's language.

192. The Committee of Experts considers this undertaking fulfilled.

### 3.2.2. Slovak

193. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new elements which would have required a reassessment of its findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1.e.iii  
 Article 9, paragraph 1.a.iii, b.ii, b.iii, c.ii, c.iii, d, paragraph 2.a  
 Article 10, paragraph 1.a.iv, paragraph 2.b; e; f, paragraph 3.c, paragraph 4.a, paragraph 5  
 Article 11, paragraph 2  
 Article 12, paragraph 1 a, f, g; paragraph 2  
 Article 13, paragraph 1 c  
 Article 14.b

## Article 8 – Education

### Paragraph 1

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

#### ***Pre-school Education***

- |          |            |  |
|----------|------------|--|
| <b>a</b> | <i>i</i>   | <i>to make available pre-school education in the relevant regional or minority languages; or</i>   |
|          | <i>ii</i>  | <i>to make available a substantial part of pre-school education in the relevant regional or minority languages; or</i>   |
|          | <i>iii</i> | <i>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; or</i>                               |
|          | <b>iv</b>  | <b><i>if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;</i></b> |

#### ***Primary Education***

- |          |            |  |
|----------|------------|--|
| <b>b</b> | <i>i</i>   | <i>to make available primary education in the relevant regional or minority languages; or</i>  |
|          | <i>ii</i>  | <i>to make available a substantial part of primary education in the relevant regional or minority languages; or</i>  |
|          | <i>iii</i> | <i>to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or</i>                     |
|          | <b>iv</b>  | <b><i>to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;</i></b> |

194. In the second evaluation report, the Committee of Experts considered these undertakings not fulfilled. It encouraged the Czech authorities to identify, in co-operation with the speakers, areas and ways in which Slovak-medium pre-school education, and at least the teaching of Slovak in primary schools, could be introduced.

195. According to the third periodical report, the authorities support projects of associations related to Slovak teaching. Slovak is, however, not used in pre-school or primary education. The authorities also refer to the initiatives to provide teaching in or of Slovak at secondary level in the years 1995-2000, which did not lead to any results due to a limited interest from the Slovak speakers.

196. During the on-the-spot visit, the Committee of Experts was informed by representatives of the Slovak speakers that one reason why parents did not express any interest in the teaching of Slovak was that the Slovak class would replace another subject. The authorities explained that in every school six to ten hours per week are at the disposal of the school director to be used for whichever subjects he/she decides. Slovak could be taught within those hours and would not replace a core subject.

197. The Committee of Experts is aware that Slovak and Czech are mutually intelligible and that the Slovak speakers are bilingual. Nevertheless, this should not prevent at least some presence of Slovak at

pre-school and primary levels, in line with the ratification. Furthermore, according to the Charter, the authorities should be pro-active, raising awareness of the parents and informing them about the various possibilities for their children of receiving minority language education.

198. The Committee of Experts considers these undertakings not fulfilled. It urges the Czech authorities to identify, in co-operation with the speakers, areas and ways in which Slovak-medium pre-school education and at least the teaching of Slovak in primary schools could be introduced.

**Teaching of history and culture**

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

199. In the second evaluation report, the Committee of Experts was unable to conclude on the fulfilment of this undertaking. It asked the Czech authorities to provide detailed information on the measures taken to ensure that the history and culture reflected by the Slovak language are included in the teaching process.

200. According to the information received from the authorities, the Framework Education Programme for Primary Education does not specifically refer to the topic of the history and culture reflected by minority languages. However, its objectives allow for its inclusion in the curriculum. In the history textbooks, some information is provided about topics related to Slovak history. The authorities further reiterate that the history and culture of the minorities in the Czech Republic will be included in more detail in the Framework Education Programmes, as part of their cycle-based revisions. It is, however, not clear to the Committee of Experts when the Framework Education Programmes will be revised.

201. The Committee of Experts encourages the Czech authorities to make arrangements to ensure the teaching of the history and culture which are reflected by Slovak.

**Monitoring**

**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.*

202. In view of the situation concerning Slovak education, the Committee of Experts considers this undertaking not fulfilled.

**Paragraph 2**

*With regard to education and 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 or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

203. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It invited the Czech authorities to specify the territories where the Slovak speakers are present in sufficient numbers to justify the adoption of the various protective and promotional measures, in order for the Committee to evaluate the undertakings chosen under Article 8.

204. Since Slovak is not used in pre-school or primary education anywhere in the Czech Republic, the Committee of Experts considers this undertaking not fulfilled. The Committee also refers to its comments under Chapter 1.3.

**Article 9 – Judicial authorities**

**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*
  - iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translations involving no extra expense for the person concerned;*

205. In the second evaluation report, the Committee of Experts considered the undertaking 9.1.a.ii partly fulfilled and the undertaking 9.1.a.iv not fulfilled. It encouraged the Czech authorities to remove from legislation the condition that a person must declare that he or she does not have a command of Czech before they can use Slovak in criminal proceedings and before documents connected to criminal proceedings are produced in Slovak.

206. According to the third periodical report, there have been no amendments to the legislation bringing it in line with the undertaking.

207. The Committee of Experts understands that legislation does not create any obstacles against the practical use of Slovak at present. It therefore considers the undertakings fulfilled.

## **Article 11 – Media**

### **Paragraph 1**

*The Parties undertake, for the users of the regional and 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;*

208. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled with respect to radio broadcasting, and not fulfilled with respect to television broadcasting. It encouraged the authorities to take measures to ensure that programmes in Slovak are broadcast by the public television.

209. According to the third periodical report, the Czech public television broadcasts programmes produced in Slovakia, such as films, series or entertainment shows, in the original version. It also broadcasts programmes where Slovak celebrities are invited.

210. It is not clear to the Committee of Experts if these broadcasts have an adequate duration and are provided regularly, so that they can be considered under this undertaking. The Committee asks the Czech authorities to provide such information in the 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;*

211. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Czech authorities to take measures to encourage and/or facilitate the broadcasting of programmes in Slovak on private radio on a regular basis.

212. According to the additional information submitted by the authorities, the legal criteria for assessing radio licences applications include the benefits brought to “the development of the culture of national, ethnic or other minorities in the Czech Republic”. In addition, under the grant programme for supporting minority media, the production of radio and television programmes in minority languages may be subsidised.

213. The Committee of Experts is aware that programmes in Slovak are broadcast on internet radio. However, the Committee of Experts has not received any information on programmes for Slovak speakers broadcast by regular private radio stations. The Committee of Experts asks the authorities to provide more information on these aspects in the next periodical report.

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

214. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

215. According to the third periodical report, the new Act on Audio-visuals (Act 496/2012), in force as of 1 January 2013, does not provide for specific support for productions in minority languages. The Act 239/1992 on the Czech Republic State Fund for Culture can be used to support projects aimed at maintaining and developing the culture of national minorities. In addition, under the grant programme for supporting minority media, the production of radio and television programmes in minority languages may be subsidised. As far as Slovak is concerned, the production of the radio programmes *Džavotanie* by a Slovak association, broadcast on BBC Zet, and *Do you understand Slovak?*, broadcast by the Radio Colour, a private Internet radio, were supported under the minority media grant or the Charter Implementation grant. In addition, the publication of fairy tales for children, in book and electronic format, was subsidised.

216. In light of this information, the Committee of Experts considers the undertaking fulfilled.

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

217. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Czech authorities to facilitate the creation and maintenance of a newspaper in Slovak, in co-operation with the speakers.

218. According to the third periodical report, the monthly magazines *Slovenské dotyky*, *Slovenské korene*, *Listy* and the quarterly *Zrkadlenie – Zrcadlení* were subsidised in 2011-2013.

219. The Committee of Experts notes that there is still no periodical in Slovak being published at least once per week and thus falling under the definition of a newspaper. The Committee considers the undertaking not fulfilled. It encourages the Czech authorities to facilitate the creation and maintenance of a newspaper in Slovak, in co-operation with the speakers.

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

### ***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.*

220. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities to make appropriate provision in their cultural policy abroad for the Slovak language and the culture it reflects and provide detailed information in the next periodical report.

221. As in the previous monitoring cycle, the authorities refer to the participation of amateur artistic groups in cultural events in Slovakia. The Committee of Experts reiterates that the present undertaking concerns above all the way in which the country presents its own diverse linguistic and cultural heritage abroad. The concept of ‘cultural policy abroad’ not only refers to the kin state of the given minority, but obliges the authorities to show the multilingual nature more generally in countries in which their cultural

institutions, such as the Czech Cultural Centres, are active<sup>18</sup>. This could consist of references to the minority languages spoken in the Czech Republic in exhibitions or events, or in information material concerning minority languages in the Czech Republic distributed at an international public event.

222. The Committee of Experts therefore maintains its conclusion that the undertaking is not fulfilled. It urges the authorities to make appropriate provision in their cultural policy abroad for the Slovak language and the culture it reflects.

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

### ***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*

- e to ensure for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.*

223. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It requested the Czech authorities to provide detailed information in the next periodical report on materials on the rights of consumers provided in Slovak.

224. The third periodical report only states that information about the rights of consumers in Slovak may be obtained at the European Consumer Centre. The Committee of Experts has not received any complaints from the Slovak speakers regarding this undertaking.

225. The Committee of Experts considers the undertaking fulfilled.

## **Article 14 – Transfrontier exchanges**

*The Parties undertake:*

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

226. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless asked the Czech authorities to provide specific examples resulting from the agreements with Slovakia and fostering contacts between Slovak speakers in the two countries in the fields of culture, education, information, vocational training and permanent education.

227. The third periodical report does not provide the specific information requested. It refers, however, to several cultural events in the Czech Republic where guests from Slovakia participated. Lecturers from Slovakia participated at the *Opava cantat* competition for school choirs and the *Šrámkův písek* theatre festival and workshop. Theatre companies from Bratislava and Nitra also attended the event. Folklore ensembles from Myjava and Žilina took part in the *Pardubice - Hradec Králové Folklore Festival*. Slovak ensembles and associations from the Czech Republic also attended events in Slovakia.

228. The Committee of Experts considers the undertaking fulfilled.

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<sup>18</sup> See also 3<sup>rd</sup> evaluation report in respect of Hungary, ECRML (2007) 5, paragraph 202, 3<sup>rd</sup> report on Denmark, ECRML (2011) 1, paragraph 86

## **Chapter 4 Findings of the Committee of Experts in the third monitoring cycle**

A. The Committee of Experts appreciates the excellent co-operation it enjoyed with the Czech authorities during the preparation and carrying out of the on-the-spot visit.

B. The Czech legislative framework for the protection and promotion of national minorities and thereby regional or minority languages is on the whole well developed, despite some shortcomings which have been outlined by the Committee of Experts in its evaluation reports. Amendments to the national legislation are being prepared by the authorities.

C. The Czech Republic has a fairly well established system of institutionalised representation of minority language speakers through the committees for national minorities at the central, regional and local level. However, at local level the existing system in some cases hampers the promotion of regional or minority languages. The problems connected to the local level representation consist of the 10% threshold, the use of the censuses as the only source to decide the size of the national minorities groups and the composition of the committees for national minorities. This affects in particular education for the Part II languages.

D. The Czech Republic provides an annual budget for the activities relating to national minorities, including the fostering of their languages. Apart from this, the government established a separate grant programme to support the implementation of the Charter. However, due to the financial crisis, the overall funding to support national minorities has decreased considerably.

E. German, Moravian Croatian and Romani are in a difficult position and decisive and concrete measures are needed to protect and promote these languages.

F. As regards Romani, the Czech authorities have taken some positive steps, including language-related provisions in the new Strategy for Roma Integration, cultural activities, research and publications. The activities carried out by Charles University Seminar of Romani Studies are a good example. Nevertheless, the situation of Romani in the Czech Republic is still strongly affected by the history of social exclusion and the negative public perception of Roma. The language has a low prestige. Romani speakers suffer from a negative portrayal in the media. These factors are a barrier to the implementation of the Charter in respect of Romani. There is little Romani to be heard on television or radio, although some progress has been made. The language remains virtually non-existent in pre-school and primary education.

G. Roma children are not fully integrated into mainstream education. A disproportionately high number of Roma children are still taught in schools for children with 'mild mental disabilities' (so-called 'practical schools'), where a reduced curriculum is followed, or in mainstream Roma-only schools (in practice, segregated schools) with lower educational standards. Fully separate schools (practical schools, segregated schools) neither promote the use and learning of Romani, nor improve the inclusion of Roma children in the Czech educational system. The inclusion of Roma children in regular mainstream education requires the recognition of their bilingual needs and cultural heritage.

H. The presence of German in the media is very limited. While German is widely taught as a foreign language, minority language education needs to be developed and actively promoted. German cultural activities are rather well developed, but remain almost solely funded by German institutions and companies, outside the Czech Republic. German speakers are hesitant to publicly appear as German, use their language in public life and claim their rights.

I. In general terms, the situation of the Polish language remains satisfactory, including in the field of education and especially at pre-school and primary levels. However, there has been a reduction of Polish-medium vocational schools. With regard to criminal proceedings, according to the current legislation, the use of Polish is only possible if the speaker declares not to have a command of Czech. Although it is possible to use Polish in dealings with the administration, there is no structured policy in this respect, nor are Polish speakers generally made aware of and encouraged to make use of this possibility.

J. The installation of Polish-Czech bilingual signs has continued, but the process is still hampered in certain cases by the problems related to the system of committees for national minorities. The installation of bilingual signs occasionally causes tensions. Amendments to the legislation, allowing minority associations to request the installation of bilingual signs even when stricter rules concerning the 10% threshold are not met, are under discussion. The situation with regard to Polish on radio remains satisfactory, but the offer of Polish programmes on television is inadequate.

K. Due to the mutual intelligibility of the Slovak and Czech languages and the special historical circumstances, few problems are encountered with the use of the Slovak language in practice. In certain areas it is on a par with the Czech language in public life. Additional proactive measures to raise interest in the subject of Slovak in school should be tried out and the use of Slovak in the media should be promoted.

L. The Charter also applies to Moravian Croatian. The authorities co-operate with the minority and grant support to various projects. There is a need to establish an offer of education for Moravian Croatian, in co-operation with the speakers.

M. Finally, the Committee of Experts considers that there is still a need to raise awareness among the Czech-speaking majority population about the Czech Republic's regional or minority languages as an integral part of its cultural heritage. To that end, more targeted efforts are needed to improve the image of minority language communities in the media, to inform the population at large of the languages and cultures they reflect, also through educational measures, and to create an atmosphere of respect, tolerance and mutual understanding.

The Czech 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 2.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to the Czech Republic. At the same time it emphasised the need for the Czech authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1242<sup>nd</sup> meeting on 1 December 2015, the Committee of Ministers adopted its Recommendation addressed to the Czech Republic, which is set out in Part B of this document.



## Appendix 1: Instrument of ratification



Czech Republic :

### **Declaration contained in the instrument of ratification deposited on 15 November 2006 - Or. Engl.**

The Czech Republic hereby declares that it will apply the provisions of the Charter in conformity with its constitutional order and the relevant international treaties by which it is bound.

Though there exists no general legal regulation in the Czech Republic relating to the country's official language, for the purposes of the Charter, regarded as minority languages are languages meeting the conditions of Article 1.a. In conformity with the Charter, the Czech Republic therefore declares that it considers the Slovak, Polish, German and Roma languages as minority languages which are spoken in its territory and in respect of which it will apply the provisions of Part II of the Charter.

**Period covered: 1/3/2007 -**

The preceding statement concerns Article(s) : 1

### **Declaration contained in the instrument of ratification deposited on 15 November 2006 - Or. Engl.**

The Czech Republic declares that, pursuant to Article 2, paragraph 2, and Article 3, paragraph 1, of the Charter, it will apply the following selected provisions of Part III of the Charter to these languages:

*The Polish language* in the Moravian-Silesian Region, in the territory of the districts of Frydek-Místek and Karviná:

Article 8, paragraph 1 a (i), a (ii), b (i), b (ii), c (i), c (ii), d (ii), e (iii), f (iii), g, h, i, paragraph 2;  
 Article 9, paragraph 1 a (ii), a (iii), a (iv), b (ii), b (iii), c (ii), c (iii), d, paragraph 2 a;  
 Article 10, paragraph 1 a (iv), paragraph 2 b, e, f, g, paragraph 4 a, paragraph 5;  
 Article 11, paragraph 1 a (iii), b (ii), c (ii), d, e (i), paragraph 2;  
 Article 12, paragraph 1 a, f, g, paragraph 2, paragraph 3;  
 Article 13, paragraph 1 c, paragraph 2 e;  
 Article 14 a, b.

*The Slovak language* all over the territory of the Czech Republic :

Article 8, paragraph 1 a (iv), b (iv), e (iii), g, i, paragraph 2;  
 Article 9, paragraph 1 a (ii), a (iii), a (iv), b (ii), b (iii), c (ii), c (iii), d, paragraph 2 a;  
 Article 10, paragraph 1 a (iv), a (v), paragraph 2 b, e, f, paragraph 3 c, paragraph 4 a, paragraph 5;  
 Article 11, paragraph 1 a (iii), b (ii), d, e (i), paragraph 2;  
 Article 12, paragraph 1 a, f, g, paragraph 2, paragraph 3;  
 Article 13, paragraph 1 c, paragraph 2 e;  
 Article 14 a, b.

**Period covered: 1/3/2007 -**

The preceding statement concerns Article(s) : 2, 3

## Appendix 2: Comments from the Czech authorities

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*The Czech Republic welcomes the Third Report of the Committee of Experts as part of a continuous dialogue, which makes an important contribution to meeting the commitments arising from the European Charter for Regional or Minority Languages. The evaluations and findings of the Committee of Experts will be taken into account in the preparation or review of measures to ensure compliance with these commitments, but the Czech Republic is now submitting the following comments in order to clarify certain ambiguities and to provide additional information for the text of the report.*

## **1. Comments on selected areas**

### **1.1. Concerning committees for national minorities – proposed amendment to Act No. 128/2000 Coll., on Municipalities (paragraphs 29, 30 and 31 of the Report)**

At several points, the report highlights the fact that no legislative changes have been made recently regarding the issue of the committees for national minorities (hereinafter referred to as the “Committee”), which are currently regulated by Act No. 128/2000 Coll., on Municipalities (the Municipal Order), as amended.

At its meeting on 8 April 2015, the Government approved a bill amending Act No. 128/2000 Coll., on Municipalities (the Municipal Order), as amended, Act No. 129/2000 Coll., on Regions (Establishment of Regions), as amended, Act No. 131/2000 Coll., on the City of Prague, as amended, and Act No. 256/2013 Coll., on the Land Register (Catastral Act), which also includes amendments to the activities of the committees for national minorities and provides for bilingual street signs to be displayed in the language of the national minority. The bill (Parliamentary Print No. 454) has been distributed to members of the House of Deputies of the Czech Parliament on 13 April 2015. After the first reading, which took place on 29 April 2015, the bill was debated on 11 June 2015 by the Guarantee Committee for Public Administration and Regional Development, which recommended its approval. The proposed amendment to Sections 29 and 117 of the Municipal Order corresponds to the wording approved by the Government. Given the current stage of the legislative process, we can expect the bill to be passed by the end of 2015.

The report largely submits to criticism of the setting of percentage thresholds for establishing Committees in municipalities and displaying bilingual road signs. The Government’s proposed amendment to the Municipal Order (Parliamentary Print 454) maintains these percentage thresholds.

### **1.2. Ethnic minorities and the media (paragraphs 108, 110, 159, 160, 161, 163, 164, 208, 209, 210 and 213 of the Report)**

At the meeting of the Government Council for National Minorities (hereinafter referred to as the “Council”) in March 2015, statutory representatives of the public media (Czech Radio and Czech Television), were invited to present the approach adopted by these media with regard to national minorities. The presence of statutory representatives of the relevant media councils was also beneficial on this occasion (Council for Radio and Television Broadcasting, Czech Radio Council and Czech Television Council).

A debate on possible changes in the broadcasting schedule for ethnic minority broadcasts by Czech Radio was initiated on the basis of this meeting and members of the Working Group for ethnic minority broadcasting, the Advisory Panel to the Council, held five meetings over six months, together with the relevant Czech Radio employees, to generate the first systemic changes. The Czech Radio management allowed access to journalists/editors at Czech Radio regional stations, who were instructed to communicate with contact persons from ethnic minorities regarding activities minority representatives wish to present to the general public. As part of the proposed changes in its broadcasting policies, Czech Radio is also preparing a strategy for new Czech Radio broadcasts aimed at ethnic minorities. It will present its proposals to the Council (working group) for consideration.

At the same time, this November Czech Radio is preparing to establish a desk for broadcasts aimed at people from the countries of the former Yugoslavia and is also considering setting up joint desks for other minorities who do not have their own broadcasting channels (i.e. for the Belarusian, Bulgarian, Hungarian, Ruthenian, Russian, Greek, Ukrainian and Vietnamese minorities). Given the current situation in Ukraine, special attention is being paid to the Ukrainian minority, which has requested its own broadcasts.

The fact that Czech Radio has initiated this dialogue is seen as extremely positive and may signify a qualitative shift towards a greater respect for minority groups and their languages.

The progress outlined above may have a positive impact on a number of areas which are currently viewed in the Third Report as problematic (e.g. the image of minority groups in the media - item M in the findings of the Committee of Experts in the third monitoring cycle; the status of German as a minority language - item H in the findings of the Committee of Experts in the third monitoring cycle; the prestige of the Romani language and its speakers in society/the media - item F in the findings of the Committee of Experts in the third monitoring cycle; Chapter 4.1 of the Report). The participation by Czech Radio in discussions as part of the Working Group on National Minority Broadcasting is perceived as positive.

A similar process has been planned for discussions with statutory representatives of Czech Television.

### 1.3. The Croatian minority (paragraphs 40, 41, 59, 71 and 89 of the Report)

In connection with Moravian Croatian, we feel it is necessary to point out that the Czech Republic is still at the stage of assessing, at the level of the Council, whether and to what extent it will accede to the inclusion of Moravian Croatian under the protection of the Charter, a situation which the Committee of Experts is aware of (see also paragraph 41 of the evaluation report).

One of the projects which received an award from the Ministry of Culture under its Aid Programme for cultural activities by members of national minorities living in the Czech Republic was the Documentation of the Croatian national minority living in the Czech Republic, which was presented by the Association of Croats in the Czech Republic, Jevišovka. This involves on-going research consisting of the collection, sorting and gradual publication of materials, which aims to collect material documenting the Croatian minority, in either material (photographs, archive documents, official documents, private correspondence) or non-material form (information obtained through interviews with members of this minority), which will be presented in a museum in a Croatian house in Jevišovka, as well as partly over the Internet, and will also be used by professional and scientific institutions with which the association is working.

**Tab. 1 Ministry of Culture subsidies for the Croatian minority documentation project for the period from 2011-2014**

<i>year</i>	<i>project</i>	<i>subsidy (CZK)</i>
2011	Documentation of the Croatian national minority in south Moravia and its language	210 000
2012 <sup>19</sup>	Documentation of the Croatian national minority in the Czech Republic during the period from 1840 - 2011	150 000
2013	Documentation of the Croatian national minority in the Czech Republic during the period from 1840 - 2011	80 000
2014	Documentation of the Croatian national minority in the Czech Republic	170 000

During the period from 2012 – 2014, alongside Ministry of Culture, Ministry of Education, Youth and Sports also providing funding through its aid programme to support education in minority languages and multicultural education. This covered the following projects: *Expansion of the e-learning system for teaching Moravian Croatian* and *Expansion of the Moravian Croatian dictionary and the use of words in sentences*.

We should also add that, at its meeting on 10 November 2014, the Council started a debate on the prerequisites for including Croatian under the protection of the European Charter for Regional or Minority Languages. The main concern is what form of the language should be included: the Moravian Croatian

<sup>19</sup> Because the Association of Croats in the Czech Republic in Jevišovka sent its invoice for the subsidy for 2011 after the deadline, under Section 44a of Act No. 218/2000 Coll. this constituted a breach of budgetary discipline by the beneficiary and was subject to sanctions under the applicable legislation. This meant that the subsidy for 2012 could not be provided. The beneficiary of the subsidy for 2012 was the Civic association of Moravian Croats, Jevišovka.

dialect, the Gradistan Croatian literary language (see the approach adopted by Austria) or literary Croatian (as was, for example, used by Slovakia during its ratification of the Charter).

Concerning general support for Croatian culture and language, we should mention that, on 15 October 2014, the Government approved Resolution No. 847 authorising the transfer of funds to support the reconstruction of the Museum of Moravian Croats in Jevišovka, amounting to CZK 8,351,710. This was aid administered by Ministry of Culture under the Aid Programme for the development and renewal of the material and technical base of regional cultural facilities. It was provided in response to a request from the Croatian minority in 2012, and approximately the same amount of aid is anticipated in 2016 to complete the necessary stages of reconstruction of this community centre for the Croatian minority in its historic settlement area.

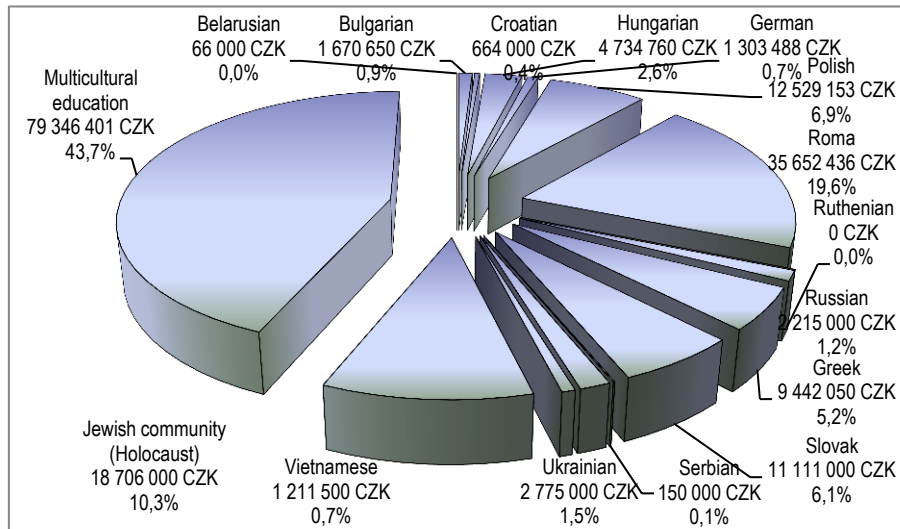
1.4. Subsidies for the activities of national minority organisations (paragraphs 48, 49, 50, 51 and 54 of the Report)

As can be seen from the graphs showing the long-term development of financial support from the state, the largest decline in subsidies for national minority activities occurred in 2013 (from the Ministry of Culture), while the figures for 2014 reflect an increase in support. Financial support by local and regional authorities shows a different situation.

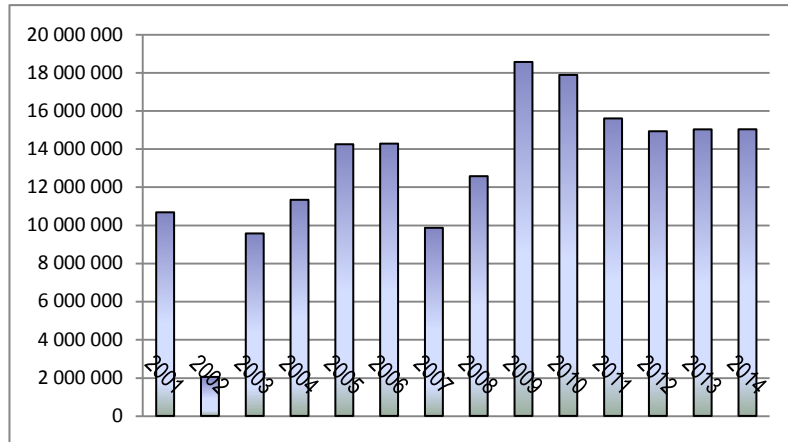
MINISTRY OF EDUCATION, YOUTH AND SPORTS

Aid programme for education in national minority languages and multicultural education:

**Graph no. 1 Subsidy from the Ministry of Education, Youth and Sports during the period from 2001-2014**



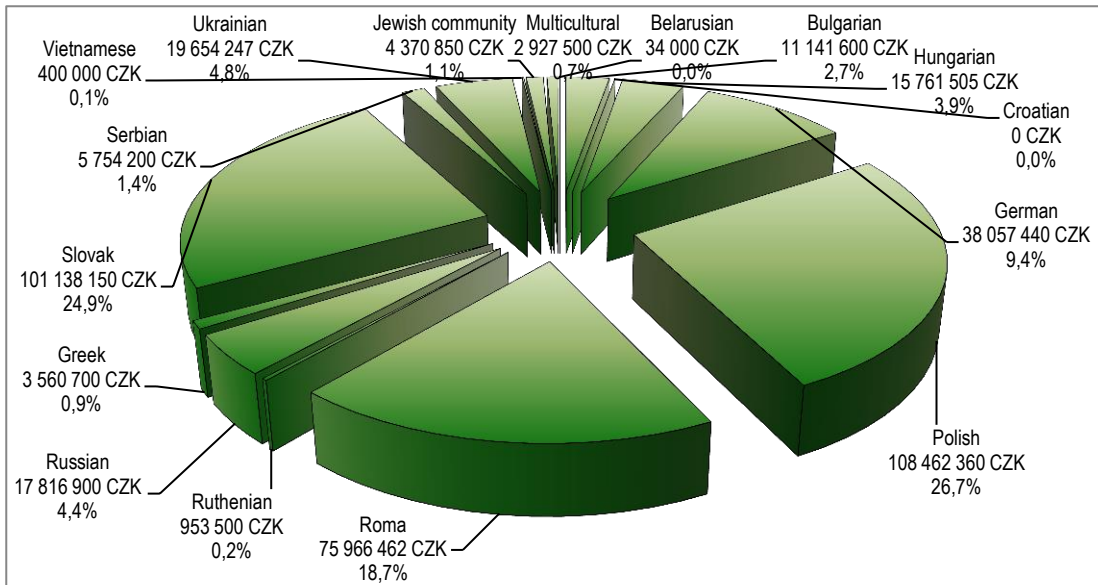
**Graph no. 2 Subsidies broken down by individual years**



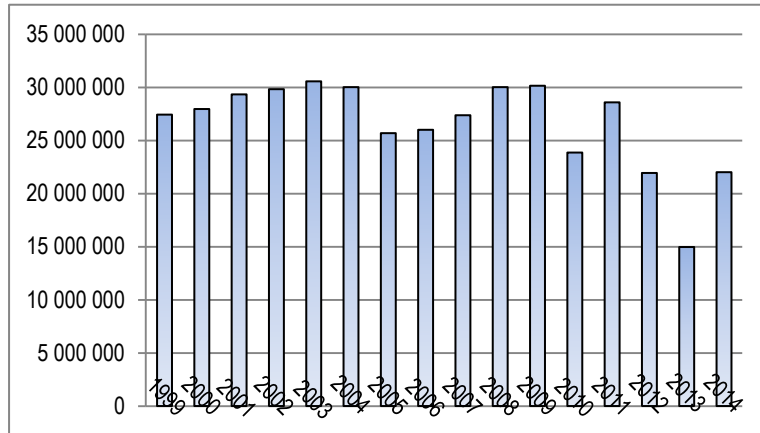
MINISTRY OF CULTURE

Aid programme for the dissemination and acquisition of information in national minority languages:

**Graph no. 3 Subsidy for disseminating and acquiring information in national minority languages (1999-2014)**

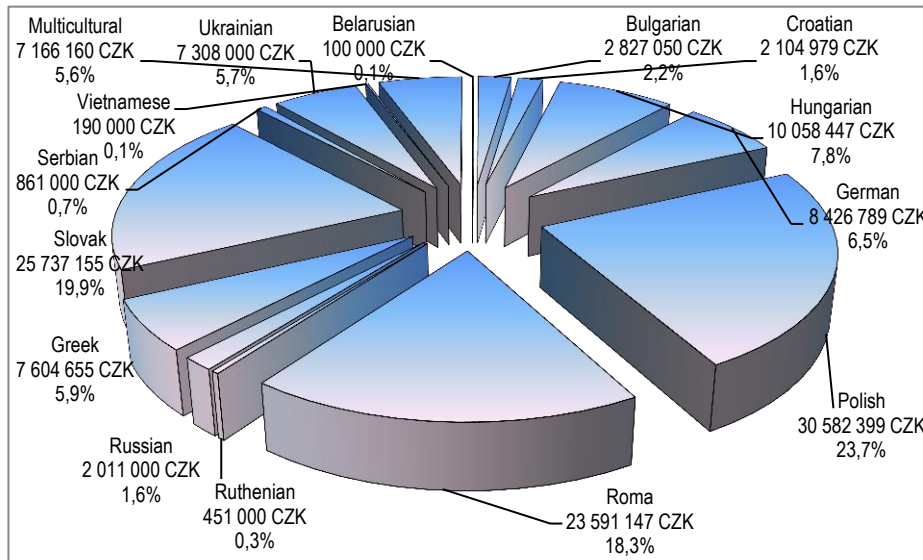


**Graph no. 4 Subsidies broken down by individual years**

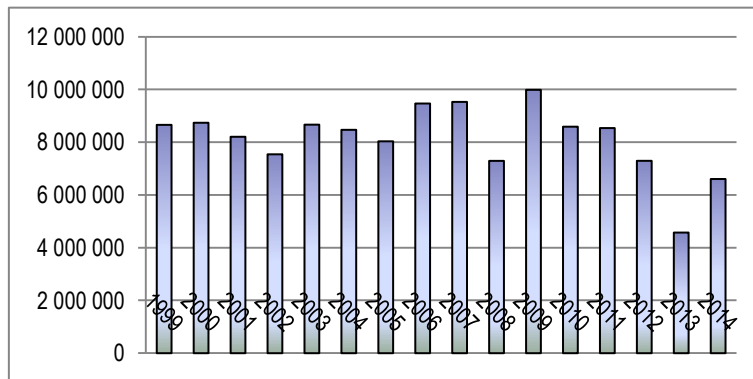


Aid programme for cultural activities by members of national minorities:

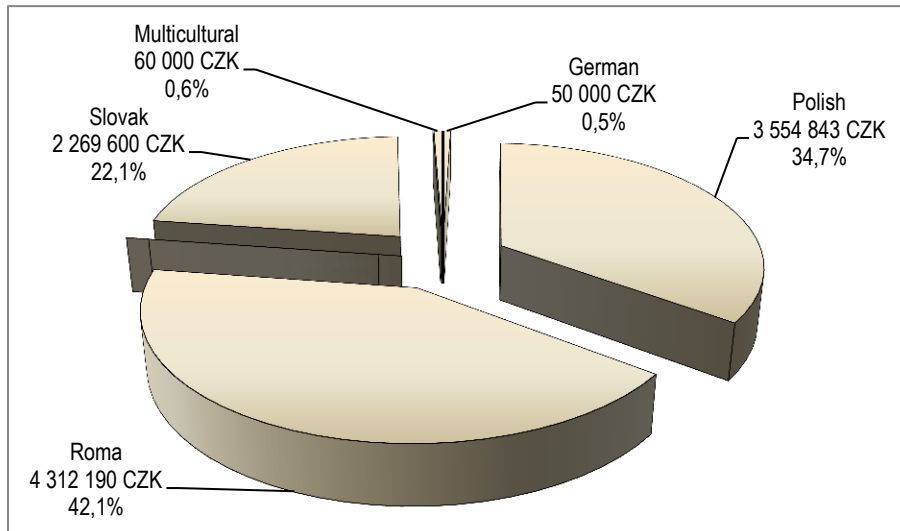
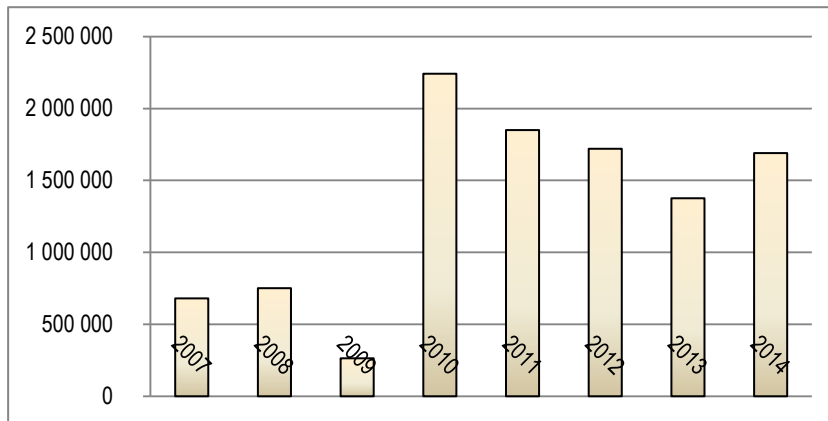
**Graph no. 5 Subsidies for cultural activities of members of national minorities (1999-2014)**



**Graph no. 6 Subsidies broken down by individual years**

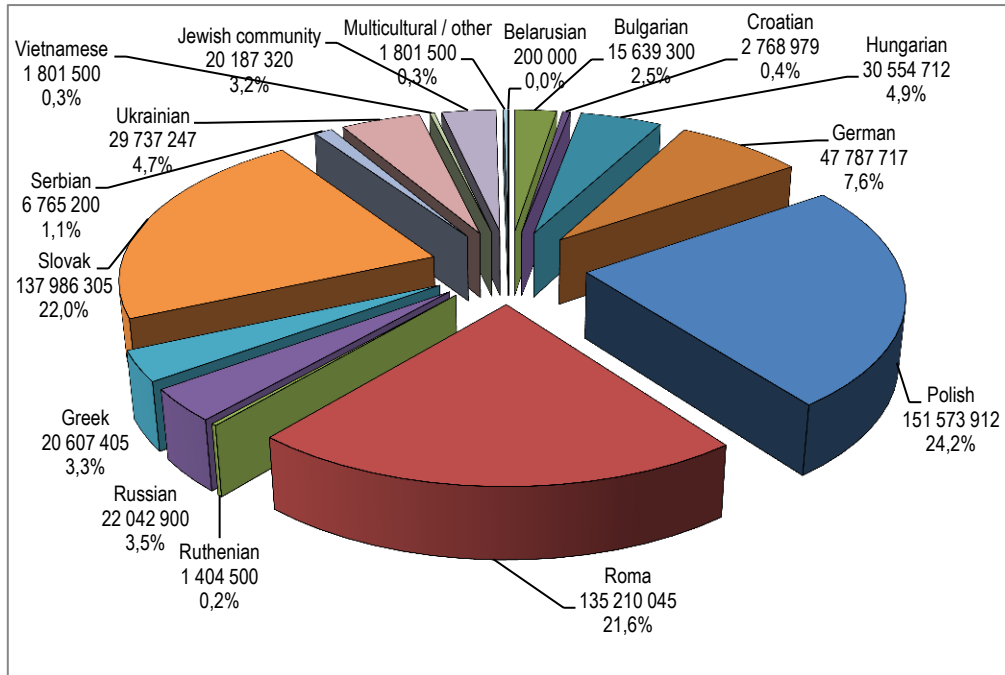


OFFICE OF THE GOVERNMENT

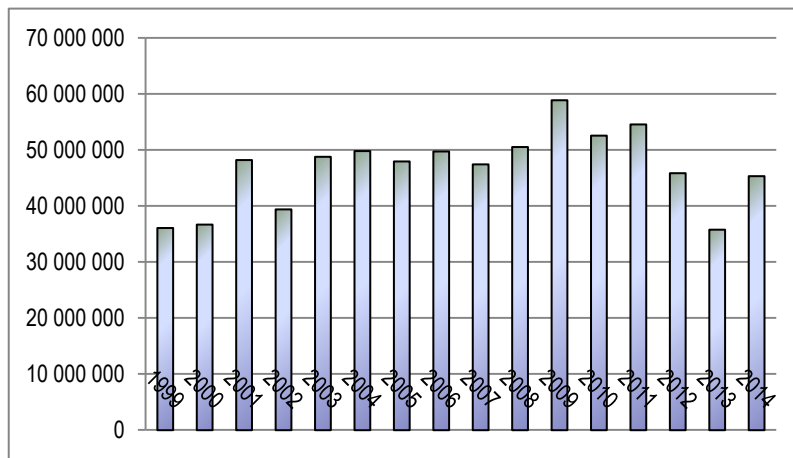
**Graph no. 7 Support for the implementation of the European Charter of regional or minority languages (2007-2014)****Graph no. 8 Subsidies broken down by individual years**



**Graph no. 9 Subsidies from the state administration as a whole for the period 1999-2014**



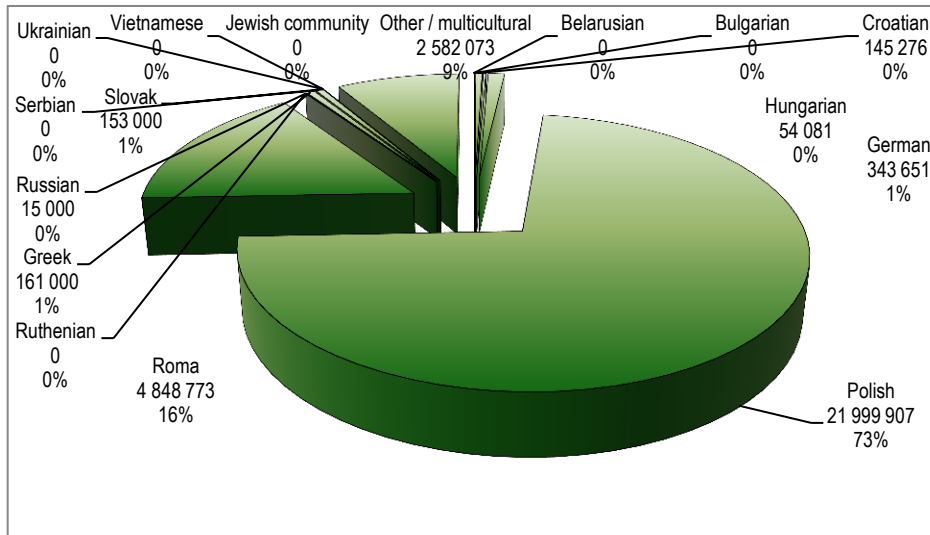
**Graph no. 10 Subsidies broken down by individual years**



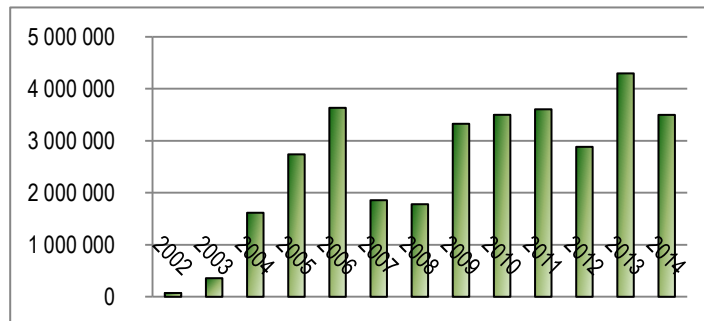
MUNICIPALITIES, STATUTORY CITIES, REGIONS

The situation is different for local and regional authorities, where 2013 is not the worst year in terms of the level of subsidies, both in the case of municipalities and statutory cities and in the case of the regions. By far the largest beneficiary of municipal subsidies is the Polish minority, while the Roma population and multinational and multicultural projects benefit most from subsidies from statutory cities and the regions.

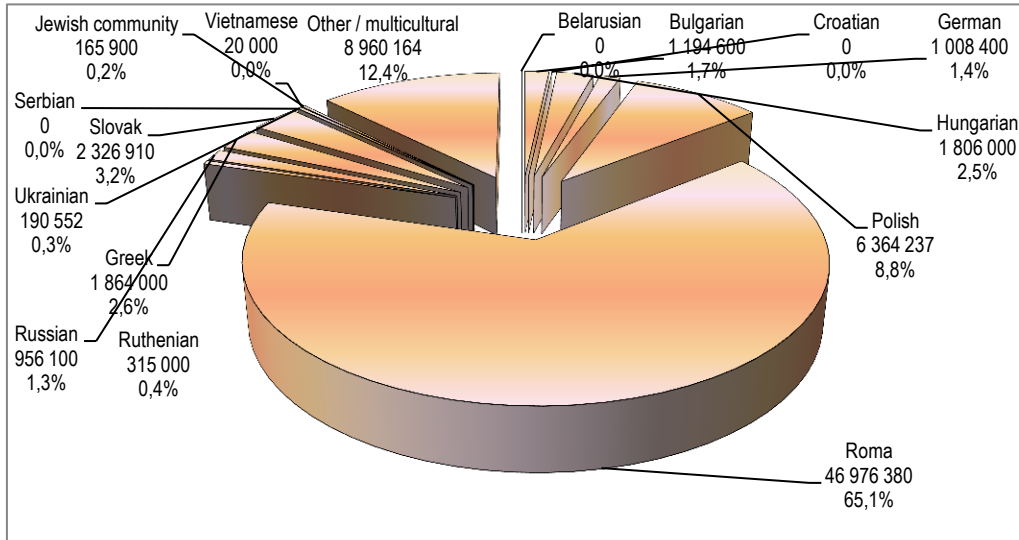
**Graph no. 11 Subsidies from municipalities (2002-2014)**



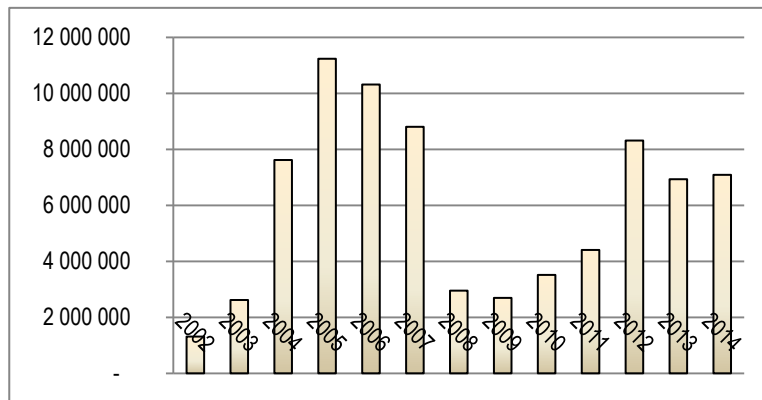
**Graph no. 12 Subsidies broken down by individual years**



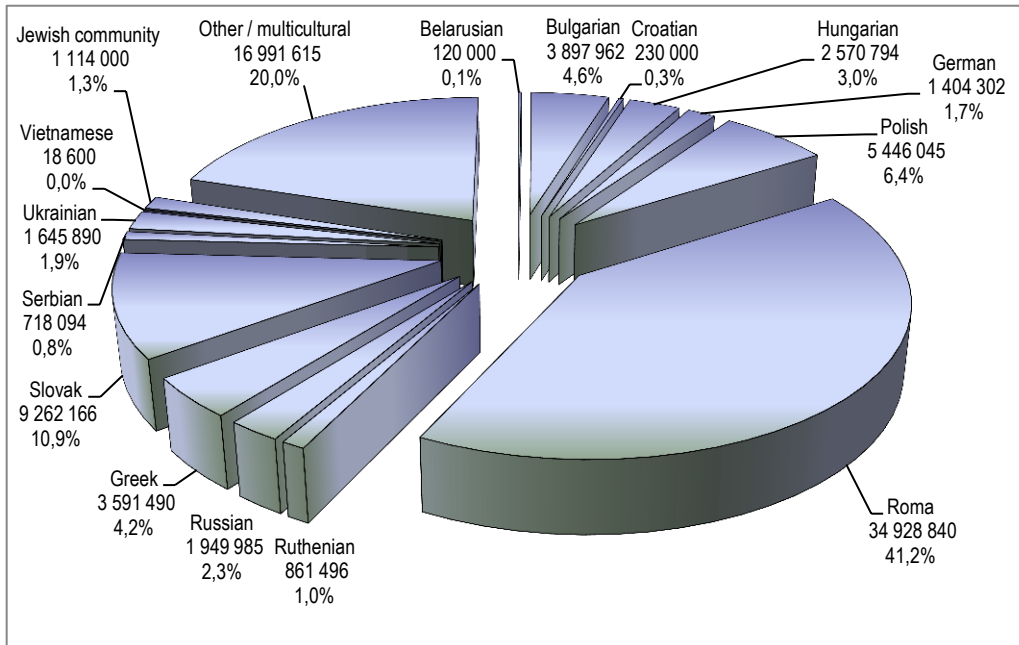
**Graph no. 13 Subsidies from Statutory Cities (2002-2014)**



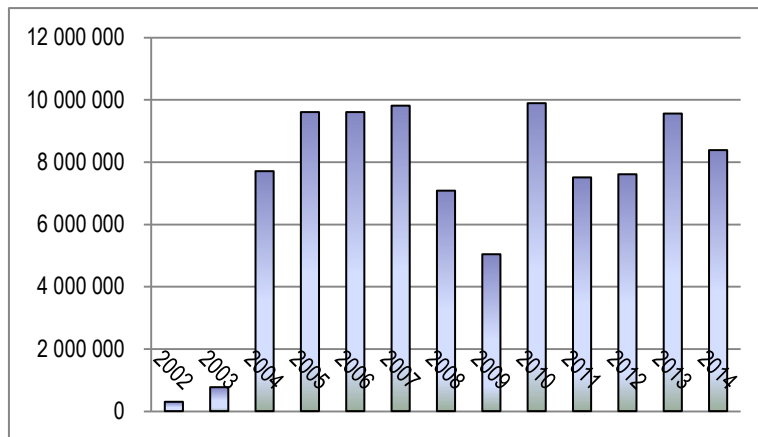
**Graph no. 14 Subsidies broken down by individual years**



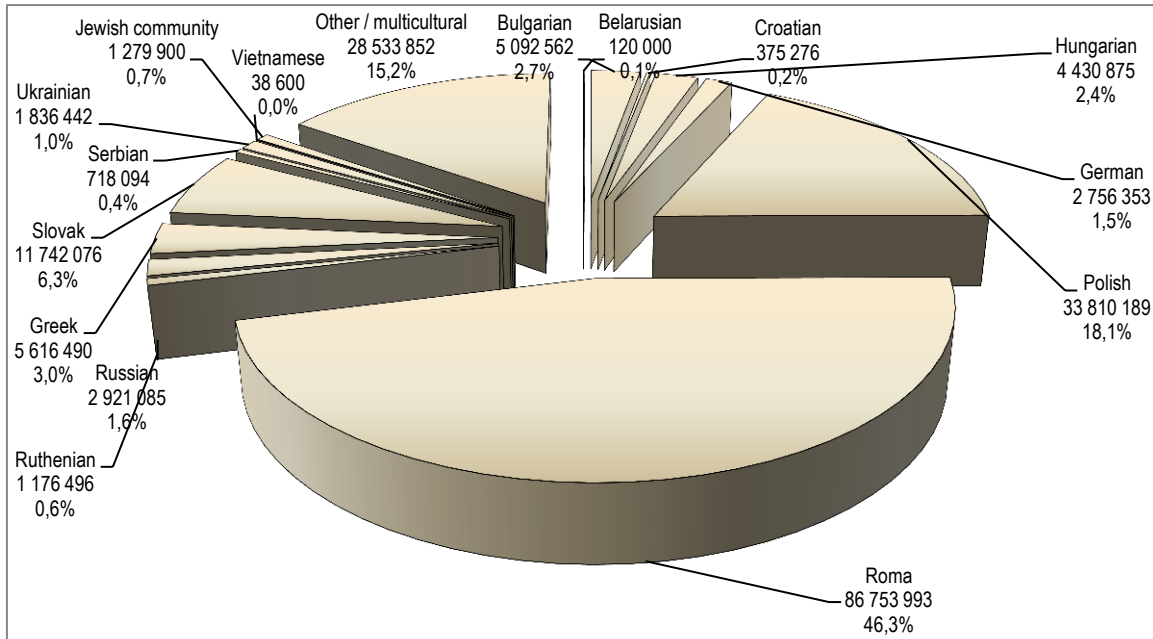
**Graph no. 15 Subsidies from regions (2002-2014)**



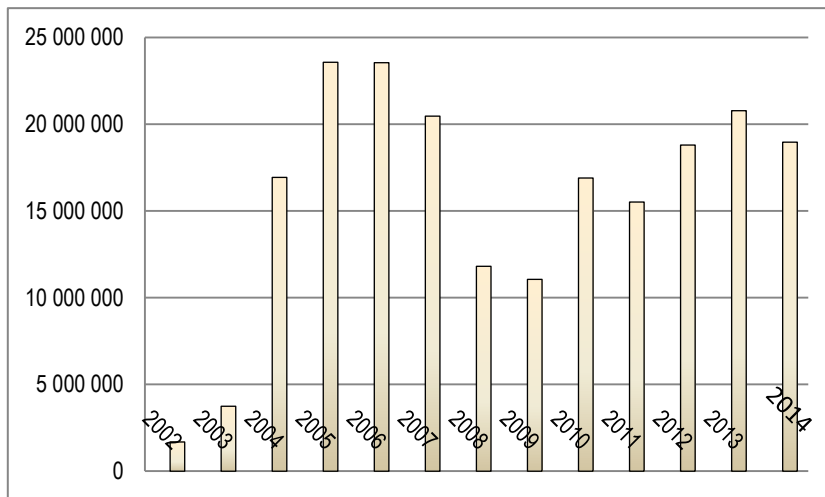
**Graph no. 16 Subsidies broken down by individual years**

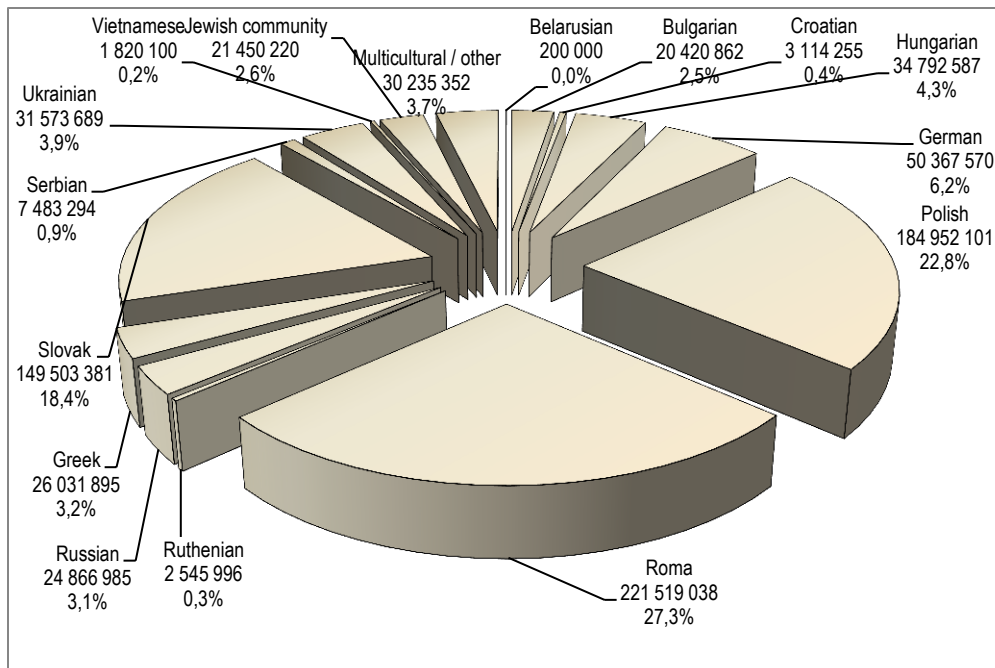
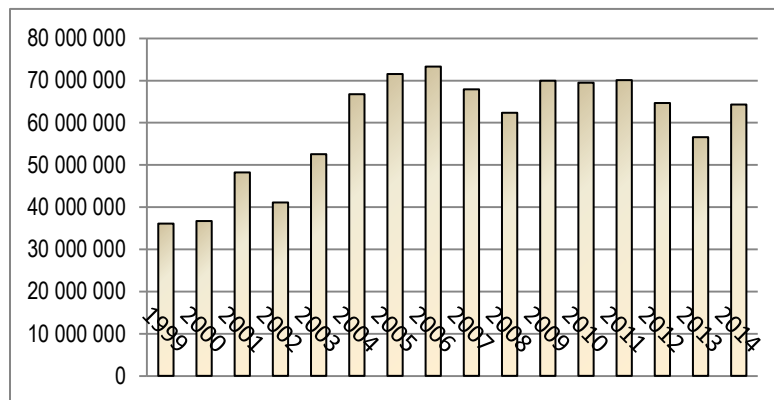


**Graph no. 17 Subsidies from the public administration as a whole (2002-2014)**



**Graph no. 18 Subsidies broken down by individual years**



**Graph no. 19 Subsidies as a whole (central and local government)****Graph no. 20 Subsidies broken down by individual years**

### 1.5. Explanation of individual items

#### Paragraphs 19 and 20

Information is available concerning the Slovak minority in Bohemia, Moravia and Silesia *en bloc* from the censuses that were carried out in 1921 (where the number of Slovaks was 15,630) and 1930 (44,452 individuals). During this period the number of Slovaks mainly increased in traditional immigration points in Bohemia and Moravia – in the major cities and locally in industrial and mining areas. The first post-war census in 1950 assessed the Slovak minority as being six times larger than the pre-war census (258,025 individuals). The reason for this significant increase was primarily the transfer of the German population and the associated, at first spontaneous, repopulation of the border area, which was followed up by an organised resettlement programme.

The only information available for the period before 1945 combines data from historical parts of the country, and the data from the 1920<sup>20</sup> and 1930<sup>21</sup> censuses are as follows:

**Tab. 2 Czech and Slovak nationals in 1920 and 1930**

<i>Land</i>	<i>Number of residents by nationality</i>			
	<i>Czech</i>		<i>Slovak</i>	
	<i>1920</i>	<i>1930</i>	<i>1920</i>	<i>1930</i>
<i>Bohemia</i>	4 373 159	4 683 220	6 657	30 146
<i>Moravia and Silesia</i>	2 338 974	2 581 628	8 973	13 906
<i>Slovakia</i>	71 733	120 926	1 941 942	2 224 983
<i>Ruthenia</i>	9 477	20 719	10 298	13 242

#### Paragraph 27

Since 16 April 2014, the representative of the Union of Towns and Municipalities has been a member of the Council.<sup>22</sup>

#### Paragraph 30

The ten percent threshold must be met. The condition requiring a written request for a committee was included to cover cases where, despite an invitation by the local authority to join a committee, there is no interest from the local community.

#### Paragraph 31

The Slovak minority reaches 10% in two municipalities (Světlík, in the Český Krumlov district; Bílá, in the Frýdek-Místek district). There was no interest in establishing a committee. In two municipalities, where representatives of the Slovak minority and other ethnic minorities together make up more than 10%, a committee was established (Těrlícko, in the Karviná district; Josefov, Sokolov district). In municipalities where committees have been established, although there was no obligation to do so under the law, the Slovak community always represents a certain proportion (e.g. in Aš, Cheb district, 2.98%; Malá Štáhle, Bruntál district, 7.43%; Stanovice, Karlovy Vary district, 2.48%). Of the four regions which have established a committee, three were obliged to by law: Karlovy Vary, Moravia-Silesia and the Capital City of Prague.

#### Paragraph 38 and paragraphs 90 - 95

A number of Romani dialects are spoken in the Czech Republic, with different rates of use. Non-Walachian Romani dialects are under the greatest threat of linguistic change (according to research by the Roma Studies seminar at the Charles University Faculty of Arts in Prague). The fundamental causes of this phenomenon are the stigmatisation of the Roma identity (where the Romani language is still perceived as one of its markers) and an underestimation of the communicative functions of Romani and its status as a fully-fledged language. The long-term goal of this measure is to support Romani and to change its perception, both by the Roma and the non-Roma public, by promoting its use in public as a fully-fledged communication tool and not only in symbolic terms, including support for the teaching of the Romani language in primary schools. Results from the study also indicate that teachers are not fully prepared to work with children from environments that use other languages, including children from families who speak Romani and/or a Czech Roma ethnolect. The Strategy for Roma Integration to 2020 therefore sets out measures to create conditions for the more effective use of the subsidy budget to support the implementation of the European Charter of Regional or Minority Languages with relation to Romani, to

<sup>20</sup> *Census in the Czechoslovak Republic dated 15 February 1921*. Czechoslovak statistics - Volume 9. Prague, SÚS, 1924.

<sup>21</sup> *Census in the Czechoslovak Republic dated 1 December 1930*. Czechoslovak statistics - Volume 98. Prague, SÚS, 1934.

<sup>22</sup> By virtue of the aforementioned Government Resolution No. [262](#) of 16 April 2014

support the use of Romani as a minority language in primary schools, to support the development of methodological and teaching materials and tools for lessons in Romani and support for research into the use of the Czech language by children from environments that use Romani and/or a Roma ethnolect of Czech in their normal communication; to encourage the development of practical tools to correct “errors” in the use of general/literary Czech by children from these environments; to train teachers and teaching assistants who are required to expand the topic of language use by Roma pupils in concrete ways and in the consequences of language and communication barriers in general.

Romani language teaching should be provided at schools in the same way as other less commonly taught languages (i.e. as an additional optional or non-compulsory subject) and should respond to demand by pupils and their parents. With regard to children who speak the language, the teaching of Romani at school is not only a tool to promote its development as a minority language, but is primarily a tool to improve the quality of teaching for these children. Awareness of their own language and the possibility of developing other language skills (e.g. various ways of working with texts) is seen as a natural part of language learning. Romani speakers still do not have this opportunity. At the same time, we can assume that these pupils will also be able to apply some of the general skills acquired during Romani lessons to other subjects. The teaching of Romani and its inclusion in the linguistic landscape of the school may also help to create a positive attitude to school and to develop an informed and tolerant school environment. Some progress has been made in recent years in the preparation of methodological and teaching materials for the Czech environment. The Ministry should systematically encourage the development of additional methodological and teaching materials, prepared on the basis of existing European documents used for Romani teaching, and at the same time should make significant efforts to address the problem of a shortage of teachers qualified to teach Romani and to incorporate it into the Czech educational system.

There is no evidence to support the sentence “Moreover, special education is frequently presented to Roma parents as the better option for their children” and this is not based on fact.

#### Paragraph 66

Every project, not only *Landesecho*, has to raise at least 30% of the project funds from sources other than the subsidy. In the case of this project, Germany finances the editor’s salary, with the editor coming directly from Germany. This ensures that the work will be carried out and also contact with a native speaker. The amount of the financial assistance is around CZK 500 thousand, which covers about 20%.

#### Paragraph 73

The Romano Džaniben magazine did not only receive financial assistance in 2013, but was also subsidised in 2011, 2012 and 2014; in 2011 and 2012 this magazine was published biannually.

#### Paragraph 114

Polish, Slovak, German and Romani speakers each have two representatives among the members of the Council.

#### Paragraph 123

Representatives of the Polish minority are members of the working group to reform the financing of regional schools: the Director of the Pedagogical Centre for Polish education in Český Těšín, and a representative of the Association of Polish Teachers and the Congress of Poles in the Czech Republic.

#### Paragraph 132

Czech School Inspection reports are prepared on the basis of the inspection timetable for all levels of initial education (pre-school, basic and secondary education).

#### Paragraphs 136 - 144

Article 25 paragraph 2 (b) of the Charter of Fundamental Rights and Freedoms states that citizens belong to national and ethnic minority groups are also guaranteed the right to use their own language in their relations



with officials, under the conditions set down by law. The rights of members of national minorities, including their language rights, are regulated by Act No. 273/2001 Coll., on the rights of members of national minorities and on amendments to certain other Acts, which states in Section 9 that, “members of national minorities, who have traditionally enjoyed long-term residence on the territory of the Czech Republic, have the right to use the language of their national minority in relations with officials and before the courts”. However, the same provision of the Act refers to conditions laid down by other legal regulations for the exercise of this right, i.e. cases where a national minority language is used in criminal proceedings are governed by the Penal Code. Section 2 paragraph 14 of the Penal Code states that “anyone who declares that he/she does not speak Czech is entitled to use his/her mother tongue or a language he/she declares that he/she can speak before the criminal justice authorities”. This interprets Article 37 paragraph 4 of the Charter (“Anyone who declares that he/she does not speak the language in which a proceeding is being conducted has the right to the services of an interpreter.”).

It can be concluded from the previous paragraph that the formal condition for the use of a national minority language (or a regional language) by a particular person is his or her declaration that he/she does not have a command of Czech. There has been no change in this respect since the last evaluation.

It should be pointed out that there is no formal form of the “declaration” in the sense of Section 2 paragraph 14 of the Penal Code, and it is sufficient that the relevant court or criminal justice authorities receive any form of information or communication that the individual wants to use his/her mother tongue, or there may also be cases where the criminal justice authorities discover this by themselves. This is not a task that has any defamatory form and it should not deter the person concerned from using a regional or minority language, particularly because the criminal justice authorities are not able to examine to what extent the person who wants to use their mother tongue does or does not speak Czech.

It is also not known whether the aforementioned has given rise to any problems in practice, as is also stated in the evaluation report. Indeed, a change to this declaration is also accepted in practice (the judgment of the Regional Court in Pilsen can be used as an example here – file no. 6 To 550/2001, which states that *“if the accused declares at any point during the course of the proceeding that he/she requests the assistance of an interpreter in order to use his/her mother tongue, it is the responsibility of the criminal justice authorities to comply with this request, even if the accused did not request an interpreter in earlier stages of the proceeding and it was clear that he/she was able to communicate in Czech. If no interpreter is provided despite being requested by the accused, this shall constitute a substantial procedural defect because it leads to a significant curtailment of the rights of the accused. However, this does not affect the legality of procedural acts carried out without the participation of an interpreter in a situation where the accused declared prior to the proceeding that he/she understands Czech and did not request an interpreter”*).

In terms of the European Convention on Human Rights, the provisions of the European Charter of Regional or Minority Languages goes far beyond its scope, whether with regard to the right to a fair trial [Article 6 paragraph 3 (a) and (e) of the Convention] or the right to liberty and security (Article 5 paragraph 2 of the Convention). The Convention requires that the accused [i.e. the person charged with a criminal offence, not any party to court proceedings] be informed of certain facts “in a language which he understands” and be provided with “the free assistance of an interpreter if he cannot understand or speak the language used in court”.

If you continue to insist on the removal of the condition that any individual who wishes to use a language other than Czech in criminal proceedings must declare that he/she does not have a command of Czech, this may result in increased mandatory spending on translations and interpretation. Similarly, it may also result in interpreters being called in more often when there is de facto no need for them, and may also unnecessarily and inefficiently extend the criminal proceedings themselves. Criminal proceedings must also abide by the principle of speed and efficiency, thereby reflecting the individual components of the right to a fair trial. In a given case, the right to a fair trial may have to be weighed against the right to use a regional or minority language. Interpretation and translation in cases that are not affected by ignorance of the language might be more detrimental for individual parties to criminal proceedings than a failure to use a minority or regional language in any given case.

Chapter 3.2.1 contains an assessment of how the Czech Republic is meeting the obligations arising from Part III of the Charter with regard to Polish. We think that the assessment of compliance with Article 9 of the Charter in the English version of the report submitted confuses the Administrative Procedure Code and the Code of Administrative Justice. In the context of the report as a whole and the contents of Article 9, which concerns

proceedings held by judicial authorities, as well as from other connections it appears that this part of the report focuses on the “soudní řád správní” (Act No. 150/2002 Coll.), or “the Code of Administrative Justice”, and not “the Administrative Procedure Code”, which corresponds to the Czech “správní řád” (Act No. 500/2004 Coll.). For clarification we would emphasise the fact that the administrative courts proceed in accordance with the Administrative Procedure Code, which is actually based on the wording of the civil procedure code, as stated in the text. On the other hand, the administrative authorities organise administrative proceedings in accordance with the Administrative Procedure Code, which has its interpretation of the procedural language. Section 16 paragraph 4 of the Administrative Procedure Code addresses the use of minority languages by members of national minorities (Czech citizens) and, in our opinion, in a manner consistent with the requirements of the Charter.

#### Paragraphs 146 and 148

In response to the statement that “Polish speakers often prefer to use Czech in dealings with the administration, believing this would ease the procedure” (paragraph 146, last sentence) we have to acknowledge that this presumption by Polish-speaking people (as well as representatives of other national minorities) is justified. Given that, under Section 16 paragraph 1 of the Administrative Procedure Code states that the procedural language in administrative proceedings is Czech, parties who wish to file a submission or to communicate on other issues in Polish (or another foreign language) must have their submissions translated. It is difficult to avoid the requirement that administrative documentation be always maintained in Czech. Even if officials working in first stage administrative authorities understood the minority language in question, it cannot be assumed that officials with the same language skills would be found at later stages of the proceedings (to the level of the State administrative authorities) as well as in the administrative and constitutional judicial bodies. The possibility of other parties to the proceedings, who do not necessarily understand the minority language, must also be taken into account. The only viable solution is to keep the files primarily in Czech and, if required, also in the national minority language. As has already been stated above, the need for translation is always associated with financial costs (which are borne by the State in the case of members of the Polish minority), but also with time. We believe that it should be left to the discretion of the national minorities to decide what is more suitable for them in their specific case, whether to communicate with the authorities in their mother tongue, or the speed with which their rights are recognised, and not to force them to use their mother tongue despite the fact that it will ultimately be to their disadvantage.

#### Paragraphs 175 - 177

In 2014, as in previous years, the statutory city of Brno awarded subsidies amounting to CZK 80 thousand out of its own budget to support the association of members of the Polish minority, Polonus, in the Cultural and Social activities of the Polish Club in Brno (the South Moravian region also contributed financial assistance). The budget of the City of Prague was also drawn on to provide financial support for two exhibitions by the Polish Club in Prague (Veškerenstvo věcí – sculptures and a photography exhibition), totalling CZK 80 thousand.

#### Paragraphs 180 and 220

### Tab. 3 Events held by Czech Centres to support national minority culture

#### GERMAN

<i>Czech Centre</i>	<i>date</i>	<i>event / comments</i>
Munich	10.12.2013	<b>How the third generation sees it</b> A project by the Goethe Institute in Prague shows an example of 4 young people aged between 18 and 35, who represent the third generation of the German-speaking minority in the Czech Republic. Short film portraits describe the effect the German language has on their sense of identity today.
	19.10.2012	<b>Organ concert: Music in service of Czech-German neighbourliness</b>
Vienna	3.3.2014	<b>Whimsical musical portraits by Czech and German speaking composers. Josef Bohuslav Foerster und Erwin Schulhoff</b>

		<b>@ Rok české hudby 2014</b> Works by two composers whose musical activities were interrupted or fell into oblivion because of the political upheavals and crimes of the 20 <sup>th</sup> century.
Paris	3.3.2014	<b>Whimsical musical portraits by Czech and German speaking composers</b>

## POLISH

Warsaw	19.10.2013	<b>Czech poet and performer Foll at a major festival of slam poetry in Warsaw</b> Improvisation in Polish – Czech poet Jakub Foll, lecturer at DAMU and Czech master of slam poetry.
	23.-26.9.2014 24.-26.7.2013	<b>European day of languages – getting to know Czech</b> Language exercises on Polish-Czech language mistakes. Location: Warsaw University
Berlin	22.9.2013	<b>Divided cities and territories</b> Český Těšín, Cieszyn and Těšínské Slezsko: lectures and a concert by J.Nohavica

## ROMANI

Bucharest	8.-16.2.2013	<b>Concert tour + workshops by Mário Bihári and Bachtale Apsa</b>
	23.-25.9.2013	<b>Mário Bihári &amp; Gadjo.cz @ SOUNDCZECH</b>
	9.4.2013	<b>Concert on the occasion of the International Romani Day</b> Pianist Cătălin Răducanu – improvisation drawing on Roma music
	20.-24.8.2014	<b>Banát festival</b> Performers including the Roma band Bitumen Beat
	23.9.2013- 12.10.2013	<b>2<sup>nd</sup> annual SOUNDCZECH festival</b> Iva Bittová, Mário Bihári & DJ Gadjo.cz
Bucharest	7.-10.6.2012	<b>Mário Bihári &amp; Bachtale Apsa at the IRAF festival</b>
Sofia	22.2.2013	<b>Mário Bihári and Bachtale Apsa - concert</b>
	21.2.2013	<b>Workshop with Mário Bihári and Bachtale Apsa</b>
Stockholm	13.8.2014	<b>Cultural festival in Göteborg</b> Věra Bílá and Kale concert
New York	19.11.2013	<b>Evening with Helena Třeštíková</b> Presentation of a documentary by the Czech director and discussions with the author of a documentary about a Roma personality, Vojta Lavička: Nahoru a dolů
Vienna	26.-29.4.2014	<b>11<sup>th</sup> annual Crossing Europe festival</b> Helena Třeštíková: Vojta Lavička – Nahoru a dolů @ Crossing Europe
Moscow	6.2.2013	<b>PAVEL ŠPORCL - GIPSY WAY, concert of Roma music</b>
Warsaw	5.-12.12.2012 18.5.2014	<b>Czech films at the Warsaw human rights in film festival WatchDocs</b> The jury selected 70 films from a total of around 1200. The film selected from the Czech Republic was “Vojta Lavička” (H.Třeštíková).
	28.-29.7.2012	<b>International Days of Roma Culture</b> Performances by Terne čhave, Romano Suno Cigany alom from Satoraljaujhely, the Polish group Kale Jakha from Nowé Huty, Romathan theatre from Slovakia
Munich	6.5.2013	<b>Benga Show</b> On the occasion of the opening of the “Past and present of the Sinti and Roma in Europe” exhibition, the Roma group Benga

		Show.
	9.9.2012	<b>Concert by the Roma group Bitumen Beat</b> As part of the Prague Island event at Corso Leopold
	28.4.2012	<b>Le Čavendar</b> Roma band from Rokycany
Paris	4.5.2012	<b>Cindži Rentá</b> , Roma band from Český Krumlov
Düsseldorf	1.9.2013	<b>the Čankišou group at the Tropen Tango festival</b>
	31.8.2013	<b>Čankišou at the folklore festival in Krefeld</b>
Budapest	11.8.2013	<b>Roma band Terne Čhave at Sziget</b>
	20.9.2012	<b>Bitumen Beat at the A 38 festival</b>
Brussels	14.6.2013	<b>Czech Street Party for the seventh time!</b> Alžběta Kolečkářová, Michal Hruza, Čankišou and David Koller
Berlin	8.12.2012	concert by the Roma band, Bitumen Beat

## SLOVAK

Bratislava	4.7.2014	<b>Joined by a song</b> Concert by visually handicapped artists from the V4 countries.
	28.11.2013	<b>Czecho Mecho</b> Czech Centre and OZ literary club - Slam poetry
	17.11.2012	<b>NÁŠ CIEL JE ZAJÍČEK (OUR SKY IS A LITTLE HARE)</b> Readings from dramatic texts, concert by URBAND and DG307
	27.11.2014	<b>Pohádečko moje - Rozprávočka moja (My fairytale)</b> Readings from Czechoslovak storybooks for children and meeting with authors
Paris	2.3.2014	Czecho-slovak duo, concert as part of the Year of Czech Music
Vienna	19.3.2014	Czechoslovak chamber duo Antonín Dvořák & friends
London	30.11.2013	Czechoslovak party with Midi Lidi, Lavagance and Puding paní Elvisovej, concert
	26.10.2013	<b>Czechoslovak party</b> Chinaski, Polemic, Mario Bihari (Roma chansonnier) and Dj Gadjo.cz
Bucharest	14.5.2013	<b>Czech - Slovak Battle</b> Concert, Slovak and Czech dulcimer

## OTHERS (Holocaust, Yiddish)

Stockholm	23.2.2014	<b>Film and recital Refuge in Music: Terezín</b> Projection of a documentary film, which pays tribute to notable Jewish composers and musicians imprisoned in the Terezín Nazi concentration camp.
Munich	18.5.2014	<b>Paths of suffering – the pathway of life (concert)</b> The R. Z. Nováka oratorio, which reflects German-Czech history: the indifference of most of the population on the German side to the Holocaust and the expulsion of the Germans by the Czechs.
Berlin	11.3.2012	<b>Yiddish in three</b> Musical programme representing a new approach to Jewish songs.
Paris	21.9.2014	<b>Prayer for Terezín</b> The Debussy quartet pays tribute to composers deported to Terezín.

Tab. 3 contains additional data from the Third periodic report on compliance with the obligations arising from the European Charter of Regional or Minority Languages in the Czech Republic, the original Table no. 26

from the Third Periodic Report, on support for foreign activities through the Ministry of Culture.<sup>23</sup> Information on 2014 has been added.

**Tab. 4 Support for foreign activities through the Ministry of Culture (2014)**

POLISH

<i>project</i>	<i>organisation / grant beneficiary</i>	<i>grant (CZK)</i>
Association of amateur musicians – youth brass band, Jistebník	8th youth orchestra competition for the “Crystal Round”, Poland - Kolo	20 000
Rosénka folklore association, Prague	International folklore festival “World under Kyczera”, Poland - Legnica	30 000
Chorus Ostrava, Ostrava	3rd Gdaňsk International Choral Festival, Poland - Gdaňsk	25 000
Ostrava teachers choir, Ostrava	18th international “Varsovia Cantat” festival, Poland – Warsaw	20 000
Polish Arts Association Ars Musica, Český Těšín	6th International Wrocław choral festival “Vratislavia Sacra”, Wrocław	15 000
RO. NA. TA., Nový Jičín	Puellae et pueri at the international festival in Warsaw, Poland – Warsaw	20 000
Vojtěch Kouba, Chrást	Participating in the Lidová muzika folk ensemble from Chrást at the International Student Festival in Katowice, Poland – Katowice	14 000

SLOVAK

<i>project</i>	<i>organisation / grant beneficiary</i>	<i>grant (CZK)</i>
Svítání children’s choir, Prague	Svítání at Musica Sacra Bratislava, Slovakia – Bratislava	30 000
Vokál mixed choir, Přerov	Slovakia Cantat competition festival, Slovakia – Bratislava	10 00

<sup>23</sup> Programme to promote foreign contacts in the area of amateur artistic activities.

## **B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the Czech Republic**

### **Recommendation CM/RecChL(2015)5 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by the Czech Republic**

*(Adopted by the Committee of Ministers on 1 December 2015  
at the 1242nd 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 instrument of ratification submitted by the Czech Republic on 15 November 2006;

Having taken note of the evaluation made by the Committee of Experts of the Charter with respect to the application of the Charter by the Czech Republic;

Bearing in mind that this evaluation is based on information submitted by the Czech Republic in its national report, supplementary information provided by the Czech authorities, information submitted by bodies and associations legally established in the Czech Republic and information obtained by the Committee of Experts during its on-the-spot visit;

Having taken note of the comments made by the Czech authorities on the contents of the Committee of Experts' report;

Recommends that the authorities of the Czech Republic take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. change the legislation concerning the committees for national minorities, so that it does not prevent the implementation of the Charter in the field of education;
2. intensify efforts to promote awareness and tolerance vis-à-vis all regional or minority languages and the cultures they represent as an integral part of the cultural heritage of the Czech Republic, both in the general curriculum at all stages of education and in the media;
3. adopt a structured policy for the protection and promotion of German and Romani, and create favourable conditions for their use in public life;
4. take resolute steps to make available teaching in or of German as a minority language in co-operation with the speakers;
5. take resolute steps to offer teaching of Romani in mainstream education, in co-operation with the speakers.