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## EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

### APPLICATION OF THE CHARTER IN THE CZECH REPUBLIC

#### 2nd monitoring cycle

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

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making recommendations for improving its 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. The report should be made public by the State. 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 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, so as to attempt to obtain a fair and just overview of the real language situation. After a preliminary examination of an initial 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. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

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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 23 March 2012  
and presented to the Committee of Ministers of the Council of Europe  
in accordance with Article 16 of the Charter

### **Chapter 1 Background information**

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

1. 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.
2. The instrument of ratification is set out in Appendix I to this report. Therein, the Czech authorities declared that the Charter applied to the German, Polish, Romani and Slovak languages.
3. 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 second periodical report to the Secretary General of the Council of Europe on 19 July 2011.

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

4. This second evaluation report is based on the information obtained by the Committee of Experts from the second periodical report of the Czech Republic as well as through interviews held with representatives of the regional or minority languages in the Czech Republic and the Czech authorities during the on-the-spot visit, which took place from 18-20 January 2012. 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.
5. In the present second 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 evaluation report as raising particular problems. It will evaluate in particular how the Czech authorities have reacted to the issues detected 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 second monitoring round.
6. 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 second 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.
7. 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 (January 2012).
8. The present report was adopted by the Committee of Experts on 23 March 2012.

#### **1.3. Presentation of the regional or minority language situation in the Czech Republic**

9. The Czech Republic identified in the instrument of ratification German, Polish, Romani and Slovak as regional or minority languages.
10. In the first evaluation report, it appeared that the Croat minority also had a traditional presence in the Czech lands and the question ensued as to whether the Croatian spoken in Southern Moravia may be considered as a regional or minority language in the Czech Republic within the meaning of Article 1.a of the

<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.

Charter. 1 585 people had declared Croat nationality at the 2001 census. The Committee of Experts encouraged the Czech authorities to examine this matter in co-operation with the speakers.

11. No further information is provided in the second periodical report. During the on-the-spot visit, the Committee of Experts received information from an association representing the minority that Croats have a centuries-old traditional presence in Southern Moravia. In addition, Croatian migrants arrived on the present territory of the Czech Republic after World War II. In 1948, most Moravian Croats (about 1 500) were displaced by the authorities in 120 villages throughout Moravia and were forbidden to return to the traditional villages of Dobré Pole, Jevišovka and Nový Přerov<sup>2</sup>. Only a small number of people from the traditional Moravian Croat minority remained in these villages. They (or their descendants) are still present in the villages concerned whereas the displaced families as well as the Croats who arrived after World War II live in the cities in North Moravia.

12. The Moravian Croats have traditionally spoken Croatian, Czech and German. The representatives of the speakers increasingly refer to the local variety of Croatian as Moravian Croatian. The Committee of Experts will follow this way of referring to the local variety of Croatian in the Czech Republic. Moravian Croatian has been used orally and has never been taught in school. It has kept its basic structure since the 16<sup>th</sup> century and adopted modern expressions from Czech and German. Nowadays, there are 15-20 people in Jevišovka who speak Moravian Croatian while 50-60 understand it. Throughout Moravia, there are about 100 persons speaking and about 500 understanding Moravian Croatian. The Moravian Croats are interested in preserving their language and, for example, intend to set up an e-learning system. Efforts are also being made to establish a museum in Jevišovka.

13. The Czech authorities confirmed to the Committee of Experts during the on-the-spot visit that Croatian is still used by a small number of speakers. They co-operate with the minority and grant support to various projects. However, the Czech authorities consider that the minority's dispersion makes the promotion of the language in education, for example, difficult.

14. In light of the information above, the Committee of Experts considers that Moravian Croatian is traditionally used on the territory of the Czech Republic and therefore is a regional or minority language within the meaning of Article 1.a of the Charter. As a result, Part II of the Charter applies to Moravian Croatian. The Committee of Experts asks the Czech authorities to report on Moravian Croatian under Part II in the next periodical report.

#### **1.4. General legal framework**

15. For the presentation of the general legal framework, the Committee of Experts refers to the relevant paragraphs of the first evaluation report (34-37).

16. According to the second periodical report and the information received during the on-the-spot visit, several legislative measures have been adopted in the monitoring period. In 2011 the Statute of the Government Council for National Minorities was amended and the promotion and protection of regional or minority languages in its activities has been strengthened. Furthermore, regional or minority language speakers have a larger number of representatives among the members of the Council. The amendments also emphasize the co-operation of the Council with linguists and with representatives of local authorities. The Committee of Experts welcomes these developments.

17. In the field of education a new model of school-leaving examinations has been introduced. According to the Education Act, as of the 2010/2011 school year, pupils studying in the language of national minorities may take both the common and the profile part of the school leaving examination in Czech or in the language of their national minority, except the Czech language and literature examinations.

18. In January 2011 an amendment to the deeds of the Pedagogical Centre for Polish-medium Schools was approved by the Ministry of Education, Youth and Sport. The amendment included in the deeds certain activities related to the application of the Charter, already performed by the centre in practice. These concern the training of pedagogical staff from schools other than the Polish schools and schools with integrated Polish classes, as part of lifelong learning and the possibility of cross-border education.

19. In December 2009, the Czech Government approved Resolution no. 1572 on the Strategy for Roma Integration for 2010-2013. The document contains provisions concerning the support for research and teaching of Romani, the drafting of methodological and teaching materials and aids for teaching Romani, as well as the support for literature in Romani.

<sup>2</sup> See also 1<sup>st</sup> Report of the Committee of Experts on the Czech Republic, ECRML (2009) 7, paragraph 49

20. In March 2009 the Government Council for National Minorities initiated an amendment to Act No. 128/2000 Coll. on municipalities, as amended, Act No. 129/2000 Coll. on regions and Act No. 131/2000 Coll. on the capital city of Prague, pertaining to the committees for national minorities and the display of bilingual topographical signs (see paragraphs 34 - 42 below).

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

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

21. In its instrument of ratification, the Czech Republic declared that the Charter applied to the Slovak language "all over the territory of the Czech Republic".

22. In its first evaluation report, the Committee of Experts considered the application of Article 8 paragraph 2 and Article 12 paragraph 2 redundant. Its assessment was based on the Czech Republic's declaration to apply the Charter to Slovak "all over the territory of the Czech Republic".

23. In their second periodical report, the Czech authorities present information concerning Slovak under Article 12 paragraph 2, such as a Czech-Slovak meeting of young amateur actors in Šumperk. Moreover, during the on-the-spot visit, the Committee of Experts was informed that Slovak associations organise cultural activities also in areas where Slovak speakers moved after 1992.

24. The Committee of Experts invites the Czech authorities to specify the territories where the Slovak language speakers are present in sufficient numbers to justify the adoption of the various protective and promotional measures in the Czech Republic, in order for the Committee of Experts to evaluate the undertakings chosen under Article 8 and Article 12.

#### *The 2011 census*

25. The number of speakers of the regional or minority languages in the Czech Republic is based on those who declared themselves as native speakers in the census of 2001. These numbers are in some cases different from those relating to the persons declaring themselves as members of a national minority.

26. A new census was organized in the Czech Republic on 25-26 March 2011 and its results are expected to provide updated information on the number of speakers of regional or minority languages. According to the second periodical report, the question referring to the mother tongue in the census form offered Czech, as well as German, Polish, Romani, Slovak and sign language as options, while a blank field was provided to enter another language. The possibility of entering two languages was also offered.

27. The final results of the census were not available during the present monitoring cycle. However, during the on-the-spot visit, the representatives of the regional or minority languages speakers expressed their concern with respect to the results of the census, as it appeared from the preliminary results that almost one third of the population did not declare any nationality and the number of persons declaring themselves as members of the national minorities had generally dropped. In their view, the meaning of nationality or double nationality was not clear to most of the respondents.

28. The results of the census are relevant, for example, for setting up committees for national minorities and minority language schools, as well as for displaying bilingual topographical signs. In this sense, the Committee of Experts was informed during the on-the-spot visit that the legislation does not explicitly prescribe that a committee for national minorities has to be dissolved if the threshold of persons belonging to nationalities other than Czech no longer reaches 10%, but this possibility exists. However, the authorities seem aware of the possible negative consequences of the results of the new census.

29. Since the introduction of the possibility to claim multiple ethnicity or not to declare any ethnicity, the use of the census data has become less reliable in relation to the ethnicity. For some national minority groups there are other estimations regarding their numbers. For example, the Roma population reaches 200 000 – 250 000<sup>3</sup>. However, the preliminary results of the latest census show that there are 5 199 persons who claim only Roma nationality and 7951 claiming Roma and Czech or other nationality<sup>4</sup>.

<sup>3</sup> See 1st Report of the Committee of Experts on the Czech Republic, ECRML (2009) 7, paragraph 32

<sup>4</sup> See [http://www.czso.cz/sldb2011/eng/redakce.nsf/i/preliminary\\_results\\_of\\_the\\_2011\\_population\\_and\\_housing\\_census](http://www.czso.cz/sldb2011/eng/redakce.nsf/i/preliminary_results_of_the_2011_population_and_housing_census)

According to the previous census data, there is only one municipality where the Roma minority reaches 10%.

30. The Committee of Experts asks the authorities to provide information on the number of regional or minority language speakers in the next periodical report. In light of the information above, the Committee of Experts encourages the Czech authorities to complement the results of the 2011 census by collecting data, in co-operation with the speakers, concerning the regional or minority languages speakers<sup>5</sup>. For example, the authorities could carry out sociological surveys regarding the linguistic groups or could base the number of users of regional or minority languages on local indicators such as the existence of minority-related associations, events, education or the number of subscriptions to print media in that language.<sup>6</sup> However, in the meantime, the Committee of Experts encourages the authorities to take measures to protect and promote regional or minority languages in the areas where there is a demand.

#### *Information and promotion of the Charter*

31. In the first evaluation report, several representatives of the regional or minority language speakers as well as of the authorities were of the view that the information about the Charter may not have been distributed widely enough and that many municipalities were not sufficiently aware of the Charter.

32. During the second on-the-spot visit, the representatives of the Polish-speakers informed the Committee of Experts that only one brochure about the Charter had been distributed in the Moravian-Silesian Region and, in their view, more awareness raising about the Charter was necessary. During the meeting with the regional authorities in Ostrava specific issues arose concerning the implementation of the Charter, such as the languages to which the Charter applies or the need for a proactive approach of the authorities with respect to regional or minority languages, and the Committee of Experts provided additional information on the Charter.

33. At central level, the authorities generally have a good knowledge of the Charter and are open to finding practical solutions to support its implementation. The Committee of Experts considers that there is need to provide more information about the Charter at local and regional level and encourages the Czech authorities to take measures to further promote the Charter at these levels. These could include, for example, information brochures or information and training seminars for the representatives of the authorities active in the fields where the Charter applies.

#### *The Committees for national minorities*

34. In the first evaluation report, the Committee of Experts noted that the Czech law applied percentage thresholds relating to the numbers of members of national minorities when protecting and promoting regional or minority languages in certain fields. Committees for national minorities had 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. These provisions could be interpreted in a flexible manner and allowed committees to be established below the given thresholds or not established at all. The existence of a committee for national minorities at municipal level was a precondition to establishing education in a regional or minority language. Bilingual topographical signs had to be installed if, according to the last census, at least 10% of the citizens of a municipality considered themselves to be members of the minority in question and if the committee for national minorities requested this. The Committee of Experts considered that these percentage thresholds might prevent the Charter from being applied to those regional or minority languages whose speakers are present in sufficient numbers in municipalities or localities for the application of provisions of the Charter, but where there was no committee for national minorities. This restriction affected in particular the application of Articles 8 and 10 of the Charter, as well as the application in respect of languages protected only under Part II of the Charter.

35. According to the second periodical report and the information received during the on-the-spot visit, the Czech authorities have prepared two amendments to the relevant legislation regarding the establishment of the committees for national minorities and the display of bilingual topographical signs, which are expected to enter into force in the near future.

<sup>5</sup> See 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraph 27, 3<sup>rd</sup> Opinion on the Czech Republic of the Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/OP/111(2011)008, paragraph 38

<sup>6</sup> See 2<sup>nd</sup> report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 10

36. According to a foreseen amendment to Act No. 128/2000 Coll., on municipalities. “if, according to the last census, at least 10% of citizens living in the territorial district of a municipality declare themselves to be of a nationality other than Czech nationality, the municipality shall establish a committee for national minorities if this is requested in writing by a civic association representing the interests of the relevant national minority”<sup>7</sup>. As the authorities explain, this approach would also accommodate changes that might take place in-between two censuses with respect to the presence of a national minority in a municipality. According to the second periodical report, a written request may be submitted by a civic association which represents the interests of some of the national minorities in a municipality.

37. The amendment would maintain the provision that the members of the committee for national minorities have to be members of a national minority, but would eliminate the requirement that they are delegated by an association set up under special legislation (Act No. 83/1990 Coll., on association of citizens, as amended). According to the authorities, the present requirement restricts the possibility of the municipality to freely decide on the composition of these committees and makes these bodies questionable in terms of access for other members of national minorities who are not members of an association. The amendment would solve the case where no one in the municipality is interested in joining the committee, although conditions for its establishment are met. Civic associations would still be allowed to propose members to the municipal authority, but they would have to exercise this right according to the Act on the right of petition. The local authority may choose not only from local government officials or residents of the municipality, as any member of the national minority may become a member of the committee.

38. The amendment concerning the display of bilingual topographical signs maintains the 10% threshold and foresees that an application for bilingual signs can also be submitted by a civic association which represents the interests of the minority in question and has been present on the territory of the municipality for at least five years. The authorities explain that the request of the representatives of the national minorities through the committee for national minorities would remain the main method, while the application submitted by an association would be an exceptional solution in cases where the committee does not properly fulfil its role. The amendment has been prepared by the Committee for Co-operation with Local Authorities of the Government Council for National Minorities, the Secretariat of this Council and the Ministry of the Interior.

39. As regards education, the Committee of Experts has not been made aware of any proposed legal amendments, but only of a debate in this sense.

40. Furthermore, the Committee of Experts was informed that 261 committees for national minorities should exist throughout the territory of the Czech Republic, but only 72 have been established. For the minorities whose languages are protected by the Charter, the German minority reached the 10% threshold in 18 municipalities, the Polish minority in 31 municipalities, the Roma minority in one municipality and the Slovak minority in 47 municipalities. Except for the Polish minority, the Committee of Experts is not aware in which of the relevant municipalities committees for national minorities have been established and would welcome such information in the next periodical report, especially bearing in mind that a new census has been carried out. The Committee of Experts encourages 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.

41. While welcoming the steps taken by the authorities, the Committee of Experts is of the view that maintaining the 10% threshold still hampers the application of the Charter to those regional or minority languages whose speakers are present in sufficient numbers in municipalities or localities for the application of the provisions of the Charter, but where there is no committee for national minorities. This affects in particular German and Romani and the field of education.

42. In the light of the information above, the Committee of Experts encourages 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 localities.

***The Committee of Experts encourages 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>7</sup> The text of the amendment was provided by the Czech authorities during the on-the-spot visit.

## **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:**

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

43. Multicultural education, human rights and education against extremism, racism and intolerance are part of the framework educational programmes for Czech schools and are reflected in different manners in the curriculum, according to the school level and type. The authorities plan to deal extensively with the history and culture of the national minorities when the framework educational programmes is revised. They are also organizing or subsidising projects aiming to promote awareness and tolerance, including in the educational area. Several programmes for and about minorities are broadcast, but, in practice, these do not deal with problematic issues. Negative portrayal in the media and misreporting are major concerns for the regional or minority language speakers. The authorities are aware of this problem and are considering possible measures to tackle it.

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

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

44. A Strategy for Roma Integration for 2010-2013 has been approved and it contains provisions referring to the Romani language as well. This could be part of the structured policy required for the protection and promotion of Romani. Otherwise, the authorities continue to grant support to projects of the German and Romani speakers, including those related to the language, but this does not appear to be part of a structured language-promotion policy. Measures are still needed to create favourable conditions for the use of German and Romani in public life.

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

*“improve legislation concerning the composition and powers of committees for national minorities, so that these rules do not present barriers to the implementation of the Charter; including*

- the creation of regional or minority language schools and*
- the use of Polish place names in topographical signs.”*

45. Amendments concerning the committees for national minorities and the display of bilingual place name signs have been prepared, but are not yet in force. Both maintain the reference to the 10% threshold. The former amendment foresees that a municipality where such threshold is met shall establish a committee for national minorities if this is requested in writing by a national minority association. Conditions for membership are also amended. The latter prescribes that, where the 10% threshold is met, an application for bilingual signs can also be submitted by a national minority association which has been present on the territory of the municipality for at least five years. No amendments have been prepared concerning education.

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

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

46. The Czech authorities continue to support projects of the German, Romani and Slovak speakers or related to these languages. While German is present in mainstream education, it is mainly taught as a foreign language and not in all areas where an interest has been expressed by the speakers. A Strategy for Roma Integration for 2010-2013 has been approved, containing provisions referring to the Romani language and Council of Europe documents related to the teaching of Romani have been translated. Neither Romani nor Slovak are taught at pre-school and primary level.

**Recommendation no. 5:**

*“ensure that speaking Romani at school is not prohibited or discouraged”*

47. The Czech authorities have adopted a Strategy for Roma Integration for 2010-2013 and a new law against discrimination. However, in practice, there are still cases where speaking Romani at school is 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

48. 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.

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

50. The Committee of Experts will focus on the provisions of Part II which were singled out in the first evaluation report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the first evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess their implementation. These provisions are as follows:

Article 7, paragraph 1.b

Article 7, paragraph 1.e

Article 7, paragraph 1.g

Article 7, paragraph 1.i

### 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;*

51. In the first evaluation report, the Committee of Experts observed that, despite the improvement in public perception of the German national minority, the **German** language was still not sufficiently perceived as a part of the cultural wealth of the Czech Republic. Furthermore, it observed that the **Romani** language suffered from low prestige in the Czech Republic. According to the speakers, it was not always considered a language in its own right or as equal to other languages by the general public or by all members of the Roma minority.

52. With regard to **German**, the information the Committee of Experts received during the on-the-spot visit points to the fact that the German minority and the German language are to some extent still negatively perceived, under the influence of the past. Initiatives of the German speakers such as opening a German-language class in a school in the town of Český Krumlov have been negatively perceived by the Czech society and rejected. The Committee of Experts encourages the Czech authorities to take steps to recognizing German as an expression of cultural wealth. This may include a symbolic gesture in respect of the German speakers confirming that the German language is part of the Czech cultural wealth<sup>8</sup>.

53. As to **Romani**, according to the second periodical report, the Czech Government approved in December 2009 the Strategy for Roma Integration for 2010-2013, which *inter alia* recognizes Romani as part of Europe's cultural wealth. The Committee of Experts welcomes this development as an important step towards the further promotion of Romani.

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

54. In the first evaluation report, the Committee of Experts, while welcoming the measures taken by the authorities, was of the view that decisive steps needed to be taken to promote regional or minority languages in the Czech Republic, particularly for **German** and **Romani**. The Committee of Experts observed that in the case of **Romani** there was a need for particularly resolute action and a planned and structured approach to

<sup>8</sup> See 2nd Opinion on the Czech Republic of the Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/INF/OP/II(2005)002, paragraph 84

the promotion and preservation of the Romani language in the Czech Republic. The Committee of Ministers recommended that the Czech authorities “**adopt a structured policy for the protection and promotion of Romani and German [...]**”. Furthermore, the Committee of Experts encouraged the Czech authorities to develop, in co-operation with the speakers, a planned and structured approach to the promotion and preservation of the Romani language in the Czech Republic.

55. According to the second periodical report, the Czech authorities continue to earmark an annual budget for national minorities, which includes the funding of the activities aimed at the promotion of regional or minority languages. The Ministry of Culture oversees three grant programmes having an impact on regional or minority languages: the programme supporting media in the languages of national minorities (covering printed media and production of radio and television programmes), the programme supporting cultural activities of the national minorities (covering cultural and educational activities, research, editorial activities and documentation) and the programme promoting the integration of the Roma community (covering cultural and educational activities, research, documentation and editorial activities). The Ministry of Education, Youth and Sports also implements grant programmes, which relate to a certain extent to regional or minority languages. One programme is dedicated to education in minority languages and multicultural education and supports activities related to education in the languages of the national minorities, the drafting of educational programmes and teaching materials related to minority education, aimed at presenting the history and culture of other nations and at promoting tolerance, as well as research on education of children belonging to minorities. Two other programmes aim at promoting the education of socially disadvantaged children, pupils and students and at the integration of the Roma community by supporting young Roma wishing to attend secondary and vocational education.

56. The subsidies from the Ministry of Culture and the Ministry of Education amounted in 2010 to CZK 2.1 million (€ 85 000) for the German speakers, CZK 3.6 million (€ 144 000) for the Polish speakers, CZK 3.5 million (€ 143 000) for the Romani speakers and CZK 1.9 million (€ 77 000) for the Slovak speakers.

57. In addition, the Czech authorities have maintained the special earmarked funds for activities related to the implementation of the Charter, under the grant programme *Support for the Implementation of the European Charter for Regional or Minority Languages*. A major change took place in 2010. Whereas initially the funds were granted to the Moravian-Silesian Region, to support the implementation of the Charter to the Polish language (more specifically, for the costs of translation of written applications and bilingual signs), as of 2010 the funding is available to all regional or minority languages and to various beneficiaries (e.g. municipalities, NGOs, universities). The new setup covers three areas: educational activities, research and the use of traditional and correct forms of place names in regional or minority languages. In 2010 CZK 2.5 million (€100 000) were earmarked for this programme and 17 projects received funding (10 in the area of education, 5 in the research field and 2 for the use of traditional and correct forms of place names in regional or minority languages). One German-language project received CZK 40 000 (€1 600), six Romani language projects received CZK 1.2 million (€ 48 000), three Polish-language projects received CZK 384 727 (€ 15 000) and four Slovak-language projects received CZK 643 600 (€ 26 000). According to the information received during the on-the-spot-visit, the same overall amount was earmarked in 2011 and 20 projects were financed. The Committee of Experts welcomes this initiative of the Czech authorities and considers a special funding programme dedicated to the implementation of the Charter as best practice. The Committee of Experts encourages the authorities to further develop this programme in co-operation with the speakers.

58. In addition some funds are granted by local and regional authorities for the cultural activities of the national minorities.

59. The Committee of Experts has been informed by the representatives of the Polish-speakers that the grant programmes of the central authorities, such as the one supporting the cultural activities of the national minorities, are used to a large extent to fund municipalities' projects for multicultural education or projects by Czech associations involving performances by ensembles of the national minorities. Furthermore, the methodology for the grant programmes is not clear and organisations are only allowed to submit two projects, irrespective of the number of their members. The Committee of Experts asks the Czech authorities to clarify these issues in the next periodical report.

60. The Committee of Experts observes that funding in 2010 has been reduced for the majority of the programmes compared to the previous years, due to the financial crisis. This concern was also expressed by the representatives of the regional or minority language speakers whom the Committee of Experts met during the on-the-spot visit. Moreover, the Czech authorities confirmed that for 2012 the funds have again been reduced. The Committee of Experts is aware that at present states need to apply special measures, including budgetary cuts in response to the financial crisis, but nevertheless encourages the authorities to ensure that these measures do not disproportionately affect the promotion of regional or minority languages.

61. Furthermore, on the basis of the information presented by the authorities as regards the funding, it is not always clear which projects specifically target the promotion of the language. Therefore, the Committee of Experts asks the Czech authorities to provide specific information concerning to what extent the projects support activities in the respective regional or minority language in the next periodical report.

62. With respect to the **German** language, the second periodical report makes general reference to the support given to schools teaching in German and to German periodicals, and to the overall support of the local and central authorities to the activities of the German minority. The Committee of Experts points out that decisive steps and a structured policy are needed for the promotion and protection of the German language and is of the view that more targeted efforts and a structured action are needed on behalf of the Czech authorities to this end.

63. As regards **Romani**, the Committee of Experts has been informed that a Strategy for Roma Integration for 2010-2013 has been adopted by the Czech government and that it contains provisions referring to the Romani language as well. This could be part of the structured policy required for the promotion of Romani. The Committee of Experts would welcome more information concerning the Romani language-related provisions in this or future strategies concerning the Roma minority. The Committee of Experts further notes that projects by or for the Roma community receive important funds, compared to the other minorities. Nevertheless, it notes that despite the efforts of the authorities, there has been very little progress in practice concerning the protection and promotion of Romani. The efforts of the authorities seem to focus on the social integration of the Roma community and, while supporting these efforts, the Committee of Experts is of the view that protection and promotion of the Romani language is a necessary component and is even more conducive to their successful integration.<sup>9</sup>

64. Therefore, the Committee of Experts maintains the view that resolute action and a structured approach are needed for the protection and promotion of German and Romani. A structured approach means in practice that a comprehensive long-term strategy on the protection and promotion of the language is developed in co-operation with the speakers and the most important and/or most immediately needed measures are given priority.<sup>10</sup>

***The Committee of Experts urges the Czech authorities to develop, in co-operation with the speakers, a planned and structured approach to the protection and promotion of the German and Romani languages 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;***

65. The Committee of Experts points out that the term “public” should be interpreted in a broad sense to include the use of languages in the courts, administration, media and economic, social and cultural life. Education is also included in public life, but it is covered by a special provision under Article 7 paragraph 1.f. It further underlines that this provision 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 these specific public spheres. This would require a pro-active approach.<sup>11</sup>

66. From the information available to the Committee of Experts, it appears that regional or minority languages, especially German and Romani are very rarely, if at all, used in public life. Furthermore, during the on-the-spot visit, the Committee of Experts noted that regional or minority language speakers use Czech in public life, as they are bilingual. The Committee of Experts recalls that the Charter aims to promote the use of regional or minority languages in public and private life and the fact that regional or minority language speakers are fluent in the official majority language does not mean that these languages should not be actively promoted.<sup>12</sup>

67. The Committee of Experts encourages the authorities to adopt measures to encourage the use of regional or minority languages in public life, in particular for **German** and **Romani**.

#### German

68. In the first monitoring cycle, the Committee of Experts was informed that radio programmes in German were broadcast on regional stations of the Czech Radio (ČRo Plzeň, ČRo North and ČRo Brno). There were also programmes in German on Radio Prague, but their contents were not relevant to German

<sup>9</sup> See 1st Report of the Committee of Experts on the Czech Republic, ECRML (2009) 7, paragraph 97

<sup>10</sup> See 3rd Report of the Committee of Experts on Cyprus, ECRML (2012) 2, paragraph 37

<sup>11</sup> See 1st Report of the Committee of Experts on Denmark, ECRML (2004) 2, paragraph 36

<sup>12</sup> See 1st Report of the Committee of Experts on Denmark, ECRML (2004) 2, paragraph 21

speakers living in the Czech Republic. On television, the only broadcasts available in German were some programmes produced in Germany and Austria. As to print media, two periodicals were subsidised by the Czech authorities, but, according to the speakers the subsidy level could not be predicted in advance, which made planning difficult. The Committee of Experts noted as well that German-speakers often refrained from using their language in public because they feared repercussions. The Committee of Experts considered that there was a need for greater promotion of German and encouragement of its use in public life, for example by strengthening the broadcast offer in this language. The Committee of Ministers recommended that the Czech authorities “**create favourable conditions for [the use of German] in public life**”.

69. According to the second periodical report, the Ministry of Culture continues to subsidize the fortnightly *Landeszeitung* and the monthly *Eghaländ Bladl*. In 2010, the above-mentioned periodicals as well as a regional monthly were subsidised with CZK 1.7 million (€ 68 000). This amount is lower compared to the previous years.

70. As to radio broadcasts, according to the information received during the on-the-spot visit, ČRo Plzeň broadcasts a 15-minute programme in German twice a week and ČRo České Budějovice broadcasts a 30-minute programme weekly. These are also available on the internet. A Czech-German weekly journal is broadcast on ČRo North.<sup>13</sup> The representatives of the speakers have informed the Committee of Experts that they would welcome nationwide broadcasting in German as a minority language.

71. The Committee of Experts is not aware of any developments concerning television.

72. The Committee of Experts encourages 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.

73. As to the use of German in public life, the representatives of the speakers have informed the Committee of Experts that the language is mainly used in private, while Czech is used in public. This is due mainly to the past restrictions concerning the use of German, when speaking and teaching the language were forbidden. The Committee of Experts refers to paragraph 65 above and encourages the authorities to create favourable conditions and adopt measures to facilitate the use of German in public life.

74. In this context, the Committee of Experts notes 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.<sup>14</sup> The Committee of Experts notes the presence of historical bilingual Czech-German street names in the centre of Prague and encourages the Czech authorities to facilitate, following the internal legislation, the display of bilingual place name signs in the 18 municipalities where the German minority reaches the 10% threshold. Furthermore, the Committee of Experts asks the Czech authorities to provide information on the use of German in other areas, such as administration, economic and social life.

### Romani

75. In the first monitoring cycle, the Committee of Experts was informed that there were several radio programmes for Roma, but Romani was only partly used. The Czech public television had produced several programmes on Roma and by Roma, but these were discontinued allegedly due to the lack of a positive response from the Roma community. With respect to print media, the Ministry of Culture subsidized several periodicals published by and for the Roma minority and some of these published articles in Romani. The Committee of Experts considered that there was a need for greater promotion of Romani and encouragement of its use in public life, for example by strengthening the broadcast offer in the language. The Committee of Ministers recommended that the Czech authorities “**create favourable conditions for [the use of Romani] in public life**”.

76. According to the second periodical report, since September 2010 an 8-10 minute Romani programme is broadcast every Sunday on the Czech Television studio in Ostrava, as part of the regional news. It is also available as part of *iVysílání* (internet broadcasting). The Committee of Experts welcomes this development.

77. As to radio broadcasting, according to the information received during the on-the-spot visit, Czech Radio has a Romani Department and there are several broadcasts for the Roma community, but mainly in Czech. The Committee of Experts would welcome more detailed information on radio programmes in Romani in the next periodical report.

<sup>13</sup> See also [http://media.rozhlas.cz/\\_binary/02298610.xls](http://media.rozhlas.cz/_binary/02298610.xls)

<sup>14</sup> See for example 2nd Report of the Committee of Experts on Croatia, ECRML (2005) 3, paragraph 152

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

79. As to the print media, the Ministry of Culture continued to subsidize several periodicals. In 2010 CZK 3.8 million (€ 154 000) were granted to the newspaper *Romano hangos*, the monthly *Romano Vod'i*, the children's magazine *Kereka*, the half-yearly journal *Romano džaniben* and the regional news programme in Romani of the Czech TV studio in Ostrava. This amount is lower than in the previous years.

80. With regard to the use of Romani in public, the Committee of Experts was informed during the on-the-spot visit that as Romani has been a language of communication within the Roma community, the Romani speakers are usually not aware that Romani could be publicly or officially used and are not accustomed to being addressed in Romani by authorities or even to read magazines in Romani. Moreover, there are still strong prejudices in the public perception of the Roma community, which discourage the use of Romani in public.

81. The Committee of Experts refers to paragraph 65 above and encourages the authorities 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 encourages the authorities to continue taking measures to raise awareness of the Romani language within the Roma community.

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

82. The Committee of Experts will deal in greater detail with the situation of the Polish and Slovak languages in education in the relevant sections of Part III below.

83. In the first monitoring cycle, the Committee of Experts observed that there were several contexts in which regional or minority language education could be provided in the Czech Republic, but it could only be guaranteed where a committee for national minorities existed. The Committee of Ministers recommended that the Czech authorities **“improve legislation concerning the composition and powers of committees for national minorities, so that these rules do not present barriers to the implementation of the Charter; including the creation of regional or minority language schools [...]”**. Furthermore, the Committee of Experts encouraged the Czech authorities to take action to improve the offering of regional or minority language education in the Czech Republic, including 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; considering reviewing the existence of a committee for national minorities as a precondition to the right to receive regional or minority language education.

84. In the second periodical report, the authorities refer to the support from the state budget for the teaching and study of regional or minority languages, through the relevant grant programmes. They further explain that the *Grant Programme to Support the Implementation of the Charter* supports education and enables schools and minority organisations to implement educational programmes in regional or minority languages.

85. During the on-the-spot visit the authorities underlined that regional or minority languages can be offered as an optional subject by schools, if there is a demand (for example, 10 pupils at elementary level), while for education in regional or minority languages the condition related to the existence of a committee for national minorities applies. According to the authorities, there is usually no interest from the parents for the teaching of minority languages. There are also Advisory Centres, but it was not clear whether these provide any information on the possibilities or advantages of bilingual education.

86. The Committee of Experts has not been made aware of any measures to inform parents of the possibilities for their children to receive education in regional or minority languages or to encourage schools to offer regional or minority language education. On the contrary, it has been informed by the representatives of the speakers that teachers even discourage parents from using regional or minority languages at home, so that they do not confuse children who may have difficulties with the Czech language.

87. As to legal amendments regarding the existence of a committee for national minorities as a precondition to the right to receive regional or minority language education, the authorities informed the Committee of Experts that there is at present a debate concerning a possible decrease in the 10% threshold, so that education in a minority language would be more easily accessible.

88. The Committee of Experts recalls 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 of Experts 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.<sup>15</sup> The educational Advisory Centres could also be involved in promoting bilingual education.

***The Committee of Experts urges 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;***

***- reviewing the existence of a committee for national minorities as a precondition to the right to receive regional or minority language education.***

### German

89. In the first monitoring cycle, the Committee of Experts noted that German was taught at primary and secondary levels mainly as an optional compulsory subject<sup>16</sup>, as a foreign language. German-medium education was offered at five schools, some subsidised by the Czech state. Some German was also taught at six pre-schools, and associations offered voluntary German classes to pupils under the age of six, mainly in Krumlov. The Committee of Experts was informed of an attempt to set up a German-medium pre-school in the Hlučín region and requested information on its development in the next periodical report. However, although there was an interest to introduce German-medium education in the regions, it was not possible in light of the regulations which imposed a minimum number of pupils or the existence of a committee for national minorities in the relevant municipality. The areas where there was a demand for German language education starting at primary school level were Jihlava, Liberec, Cheb, Moravská Třebová, Šumperk, Hlučín and Opava. The Committee of Ministers recommended that the Czech authorities “**take measures to make available teaching in or of [German] in co-operation with the speakers.**” Furthermore, the Committee of Experts encouraged the Czech authorities to improve the situation of German as a regional or minority language in the field of education, in co-operation with the speakers.

90. In the second periodical report, the authorities refer to the support to schools providing education in German and leading to the award of a German language diploma. They also refer to the *Grant programme to Support the Implementation of the European Charter for Regional or Minority Languages*, which is also applicable to German language projects, proposed by minority organisations or schools. In this framework, in 2010, one educational programme was submitted by the German minority, but was not implemented.

91. As regards primary level, the authorities further state that the bilingual Czech-German primary school in Prague is attended by 126 pupils in five classes. German is also taught in primary school as a foreign language and some primary schools offer German language instruction from the first class, such as in K Milíčovu, Kladská and the *Bernard Bolzan* primary school in Tábor. At secondary level, there are five schools offering German-medium education, attended by a total of 757 students in 40 classes. The number of pupils decreased by 24 compared to 2009.

92. During the on-the-spot visit, the representatives of the German speakers informed the Committee of Experts that their associations continue to organize German courses, at different levels, which are financed mainly by Germany. Such courses are organized, for example, in the Moravian-Silesian Region, in Karvina, Český Těšín, Havírov and Hlučín, in the afternoon or at week-ends. In Cheb, in the Carlsbad Region, the local association has an agreement with a kindergarten and 13 children learn German there. As to teaching of German as a foreign language in mainstream schools, the German speakers informed the Committee of Experts that there is a decrease in this respect and English is now the first foreign language. Furthermore, they are concerned about the quality of the German language courses in mainstream schools.

93. There have been no further developments with respect to the establishment of a German-medium pre-school in the Hlučín Region. The representatives of the German speakers in the Moravian-Silesian Region informed the Committee of Experts that they would welcome the establishment of one school covering the Hlučín-Opava area, that could be set up as a boarding school or for which transport could be

<sup>15</sup> See 4th Report of the Committee of Experts on Hungary, ECRML (2010) 2, paragraph 66.

<sup>16</sup> At secondary schools, in addition to the core subjects, pupils must choose a certain number of subjects from a greater list of subjects. Just like the core subjects, these so-called optional compulsory subjects are marked and taught as an integral part of the curriculum.

ensured. Furthermore, the German speakers have applied for a project to assess the demand for pre-school and primary education in German. Apart from the kindergarten in Hlučín, they are also trying to establish one in the Chomutov area. However, an attempt to establish a German language class in a school in the town of Český Krumlov has been negatively perceived by the local community and rejected.

94. The Committee of Experts notes that there have been almost no developments concerning the situation of German as a regional or minority language in the field of education. It recalls that the situation of German is particularly difficult due to the dispersed presence of the speakers and the public perception tributary to the past. Furthermore, it emphasizes the need to promote German as a regional or minority language in education, rather than only teaching of German as a foreign language.

***The Committee of Experts urges 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.***

### Romani

95. In the first monitoring cycle, the Committee of Experts was informed that there were plans for a pilot project to introduce Romani as an optional subject in a primary school and looked forward to receiving information on this development in the next periodical report. It also appeared that the attitude of some teachers towards Romani was negative and that they even forbade pupils to speak Romani. As to the teaching staff, there was a general lack of trained teachers, especially with regard to teaching through the medium of Romani. Teaching assistants worked in the first two classes of primary school and occasionally spoke Romani to the Roma pupils. The Committee of Experts emphasized that integration of the Romani-speaking people into Czech society implied the inclusion of teaching of and in Romani in the Czech school system. It was furthermore of the view that the results of a survey on the sociolinguistic situation of the Roma community, conducted by Charles University, may serve as a basis to identify the needs of the Roma pupils and the schools where Romani could be taught. The Committee of Experts pointed out that, as an intermediate solution, the Czech authorities should take urgent action to end the unacceptable practice of preventing children from speaking Romani in schools, including through awareness-raising campaigns and training of staff who are responsible for Romani-speaking children. They should also consider employing more Romani-speaking teaching assistants until there was a sufficient number of trained teachers. In the medium term the authorities should establish the acquisition of Romani literacy skills as a priority, with a clearly defined career path for teachers of the Romani language. The Committee of Ministers recommended that the Czech authorities **“take measures to make available teaching in or of [Romani] in co-operation with the speakers”**. Furthermore, the Committee of Experts encouraged the Czech authorities to adopt a structured policy to Romani education and to take immediate interim measures to improve the situation.

96. According to the second periodical report, the authorities focus on inclusive education programmes. The 2010 National Action Plan for Inclusive Education and the *Early care concept* pay special attention to the education of Roma children. The Centre for Support of Inclusive Education project launched in the 2009/2010 school year offers methodological support for pedagogical staff at all levels of education and Roma children are an important target group in this framework. There are also grant programmes supporting the access to education for Roma pupils.

97. However, during the on-the-spot visit, the representatives of the Romani-speakers informed the Committee of Experts that they are deeply concerned about the future of the whole inclusive education programme after the entire working group within the Ministry of Education, Youth and Sport working under the National Action Plan for Inclusive Education resigned in June 2011.<sup>17</sup>

98. Further information in the second periodical report refers to the Strategy for Roma Integration for 2010 – 2013, which foresees support for research on Romani, Roma culture and the Roma Holocaust, for the development of a degree subject of *Roma studies* and its extension to universities. It also aims to support the extension of Romani teaching at a regional level, the drafting of training materials for pedagogical staff and of methodological and didactic materials for teaching Romani. It further undertakes to incorporate Roma culture and history in the Framework Educational Programmes for schools, in accordance with their revision schedule and to ensure the assessment of the compliance of these programmes with the school educational programme.

99. The authorities also report on the translation of the Council of Europe documents relating to the teaching of Romani, commissioned by the Ministry of Education, Youth and Sport. The documents, translated

<sup>17</sup> See also 3rd Opinion on the Czech Republic of the Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/OP/111(2011)008, paragraph 112.

into Czech, Northern Central Romani and Lovari Romani, have been published on the Council of Europe website. They include the Curriculum Framework for Romani, the European Language Portfolio *Learning the Romani language* for primary school pupils, the European Language Portfolio *Learning the Romani language* for lower secondary level pupils and the handbook for teachers *Using the European Language Portfolio for Romani*.

Furthermore, in the framework of the preparation of the QUALIROM project, developed by the European Centre for Modern Languages in Graz and in which the Charles University Faculty of Philosophy is a partner, a seminar was organized in Prague in February 2010 with the support of the Czech Ministry of Education, Youth and Sport. It addressed mainly those responsible for training Romani teachers and included a discussion of the final form of a related draft project, submitted to and then approved by the European Commission under the European Union Lifelong Learning Programme.

100. Romani is still not taught at pre-school and primary level. The authorities explained during the on-the-spot visit that there is no interest from the Roma minority. As an example, they referred to the optional Romani courses organized by Charles University, which had only one pupil still attending after six months. The authorities cooperate with NGOs in various projects, expecting that in time the interest in Romani will increase.

101. According to the second periodical report, Romani continues to be taught at three secondary schools in the Czech Republic. The private Secondary vocational school of management and law, s. r. o., Kolín, teaches about the Roma history, culture and language, and prepares graduates to work in the Roma communities. Degree programmes and continuous education (lifelong learning) are offered by universities and include the training of teaching assistants and Roma studies. Institutions accredited to train teachers for Romani include, for example, the Faculty of Philosophy of Charles University in Prague.

102. During the on-the-spot visit, the representatives of the speakers informed the Committee of Experts that they are deeply concerned about the increased segregation in education.<sup>18</sup> There is a disproportionately high number of Roma children in the practical schools, which have replaced the “special schools”. It appears that the tests used for the children are not adapted to take into consideration the special needs and situation of the Roma children, including the insufficient knowledge of Czech. The authorities have informed the Committee of Experts that the Advisory Centres for schools have been advised to use the language that the child speaks and to use Roma assistants for interpretation if necessary. The Advisory Centres have further to inform the parents about the role of the advising procedures and their consequences. Moreover, the authorities have informed the Committee of Experts that the specialised department within the Ministry of Education, Youth and Sport has started to revise the tests. The Ombudsman intends to pay special attention to these matters and to map the number of Roma children in practical schools.

103. The Committee of Experts has been further informed by the representatives of the Romani-speakers that one of the reasons Romani is not promoted as an optional subject in mainstream education is the possible negative reaction of the society at large. It has also been informed that the reason teachers do not support teaching of Romani and encourage the use of Czech, is to prevent an alleged confusion between languages. There are still cases where teachers forbid children to speak Romani.

104. There is also disagreement among the Romani speakers when asked whether Romani should be taught in schools. It appears that they do not wish for Romani-medium education and favour the presence of Czech in education as well. Public perception of Roma and Romani also influences their views. However, according to a representative of the Romani speakers organising Romani courses, children are open and interested in speaking Romani, but in many cases are told by the parents not to.

105. The Committee of Experts has further learned that of the Romani varieties present in the Czech Republic most of the speakers use Northern Central varieties and consider Romani as part of their identity, but use Czech as the first language. The situation is similar for the Southern Central varieties whose speakers are scattered throughout the country. Teaching materials are developed at Charles University, but the same teaching materials cannot be used for all varieties.

106. According to the information received during the on-the-spot visit, one of the most important measures is to raise awareness about Romani among the Roma community. It is also important that teachers are able to explain from the first years that Romani is a fully-fledged language and to know about the Roma history and culture.

<sup>18</sup> See also 3rd Opinion on the Czech Republic of the Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/OP/111(2011)008, paragraph 110-118

107. As regards the teaching assistants, these are not seen as an integral part of the school staff and it appears that there are still budgetary problems related to their employment. As to teachers able to teach Romani, according to the information received, there are graduates from Charles University who would be capable of teaching.

***The Committee of Experts urges 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.***

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

108. In the first monitoring cycle, the Committee of Experts was informed about university programmes in German studies. The Committee of Experts has not received any further information concerning research on **German** as a regional or minority language in the Czech Republic and asks the Czech authorities to provide such information in the next periodical report.

109. According to the second periodical report, a 2011-2014 project of the Czech Language Institute of the Academy of Sciences of the Czech Republic is supported by the Grant Agency of the Czech Republic and includes research into the use of **Slovak** in the Czech Republic, mainly in the area of legal communication.

### Romani

110. In the first monitoring cycle, the Committee of Experts was informed that Charles University was carrying out a two-year extensive research project on the sociolinguistic situation of Romani in the Czech Republic, which had received a grant from the Ministry of Education. It asked the Czech authorities to provide information on the main findings of the research in the next periodical report.

111. According to the second periodical report, in 2010 a project by the Charles University Philosophy Faculty entitled "Qualitative and quantitative analysis of the linguistic situation of the Roma in the Czech Republic" received a grant of CZK 1.3 million (€ 55 000). This continues the 2009 project "Research and verification of work with Romani in schools" and the 2008 project "Sociolinguistic research on the situation of the Roma in the Czech Republic", both supported by the authorities. These projects have provided data on the competence of school-age Roma children in Romani and they drew attention to the fact that Romani is being abandoned by the children. The 2010 project included research into language transfer, language attitudes, opinions on the possible support for language and its mutual connections. The language repertoire of the Roma community, including Czech and any other languages, was investigated. The information acquired concerning the language situation in a given area was discussed with the teachers at the relevant primary schools. The project also included research into the language environment in selected Roma families. The results will be used in the education of Roma children and in directing support to Romani as a minority language. One of the objectives was to gather information on the preferences of the Roma community regarding the language support offered by the state. The results also allow for a rough estimate of the situation of Romani in a large number of locations. The Committee of Experts welcomes this information.

### **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.***

112. In the first monitoring cycle, the Committee of Experts received information that the use of the Romani language was prohibited and/or discouraged in certain schools and that there were occasional restrictions on speaking Polish in the workplace. The Committee of Experts pointed out that the undertaking required not only a legislative framework which prohibits discrimination on the grounds of language, but also practical steps to eradicate it. It looked forward to receiving further information in the next periodical report as to the practical steps taken. The Committee of Ministers recommended that the Czech authorities take measures to "ensure that speaking Romani at school is not prohibited or discouraged."

113. According to the second periodical report, Act No. 198/2009 Coll. on equal treatment and on the legal instruments of protection against discrimination and on amendments to certain acts (the Antidiscrimination

Act) entered into force in September 2009. The law does not directly ban discrimination on the basis of language, but direct and indirect discrimination on the basis of racial or ethnic origin or nationality.

114. As to *Romani*, the authorities refer to the Strategy for Roma Integration for 2010-2013. The Committee of Experts would welcome more detailed information with respect to its provisions concerning measures to eliminate discrimination.

115. According to the information received during the on-the-spot visit, it appears that there are still cases of teachers forbidding children to speak Romani in schools.

***The Committee of Experts encourages the authorities to take measures to ensure that speaking Romani at school is not prohibited or discouraged.***

### **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.***

116. In the first evaluation report, the Committee of Ministers recommended that the Czech authorities **“take practical steps to promote awareness and tolerance vis-à-vis the regional or minority languages and the cultures they represent as an integral part of the cultural heritage of the Czech Republic, both in the general curriculum at all stages of education and in the media.”** Furthermore, the Committee of Experts encouraged the Czech authorities to take measures to improve the awareness and understanding in relation to regional or minority languages in the Czech society at large. It encouraged the Czech authorities to take measures in relation to both education and the media to improve tolerance and understanding within the Czech society at large towards regional or minority languages.

117. According to the second periodical report, as part of the educational reform, school educational programmes are being prepared in accordance with the Framework Educational Programmes issued by the Ministry of Education, Youth and Sport. The issue of multicultural education, human rights and education against extremism, racism and intolerance is included in the Framework Educational Programmes at primary and secondary level and as such has been implemented in the school educational programmes. In June 2010 the Government Decree No 211/2010 Coll. on the curriculum for basic, secondary and higher vocational education was published. The same year the Framework Educational Programmes for the practical schools were approved and the new school educational programmes will regulate the curriculum in these schools as of 2012. For these schools, a cross-sectional topic of multicultural education does not exist, but related matters are covered as part of other cross-sectional topics and subjects. The Framework Educational Programmes for grammar and secondary vocational schools contain a cross-sectional topic *The citizen in a democratic society*, which includes the issues of combating extremism and xenophobia.

118. The history and culture of minorities living on the territory of the Czech Republic will be included in extended form in the Framework Educational Programmes during their periodical revisions. In the history curriculum, emphasis is placed on recent history. The curriculum for democratic citizenship deals with political radicalism and extremism, the current situation in the Czech extremist scene and its symbolism, as well as youth and extremism.

119. Schools are also advised to include in their school educational programmes a sufficient content of another mandatory cross-sectional topic, *Multicultural education*. Recommendations and information on several topics are available and professional seminars or projects for pupils are organized as well. Schools are encouraged to emphasise the Czech-German relations in their teaching programme, including objective information on the expulsion of the Sudeten Germans and to provide information on current extremist social phenomena.

120. Multicultural education is also supported by research and methodological assistance for teachers, including via Internet. Moreover, a full questionnaire survey was carried out in 2010, which mainly addressed teachers' attitudes to the issue of cross-sectional topics (including multicultural education) and questions relating to their teaching.

121. The Centre for the Support of Inclusive Education project was launched in the 2009/2010 school year in nine towns in the Czech Republic. The Centre aims at ensuring that schools are able to offer inclusive education and develop each child's potential according to his or her individual or special educational needs.

122. The grant programmes of the Ministry of Culture and the Ministry of Education, Youth and Sports also support projects related to the promotion of tolerance and understanding. One of the grant programmes administered by the Ministry of Education, Youth and Sports supports projects dedicated to the preparation of teaching materials related to national minorities, their history and culture and to the promotion of tolerance and mutual understanding.

123. Furthermore, in 2009 and 2010 the Government organized a campaign against racism, which included the awarding of the “Gypsy Spirit Prize”. This rewards persons, municipalities, companies or NGOs which are involved in successful activities and projects supporting the Roma community.

124. As to the media, according to the second periodical report, the Czech television broadcasts several programmes that relate to national minorities. The 25-minute weekly programme “Babylon” is dedicated to all national minorities in the Czech Republic. Other programmes include the 25-minute weekly “Open borders/Rozmówki polsko-czeskie”, a magazine co-financed by the European Union, concerning the Czech-Polish border area, broadcast since 2010; the 25-minute weekly “Kosmopolis”, covering minorities in general; the 25-minute programme “Roma in Europe”, broadcast, to this date, 19 times. During the on-the-spot visit, several representatives of the regional or minority language speakers drew the attention of the Committee of Experts to the fact that the broadcasting time of the programme “Babylon” is not sufficient to cover issues related to all twelve national minorities in the Czech Republic.<sup>19</sup> Their efforts to discuss this issue with the Czech Television have led to no practical result. Furthermore, critical subjects and problems of the national minorities are never discussed during these programmes.

125. During the on-the-spot visit, the Committee of Experts has been informed by the representatives of the regional or minority language speakers that more awareness raising is needed vis-à-vis the regional or minority languages and the cultures they represent, as there is in fact little knowledge about this in the Czech society at large. In education, the history and culture of minorities need to be emphasized. According to the German-speakers certain topics are not discussed in schools and there is very little knowledge among pupils and students about the expulsion of the Sudeten Germans. Several representatives have also drawn the attention of the Committee of Experts to the attitude of the teachers towards regional or minority languages. During the on-the-spot visit the Ministry of Education explained that most seminars for teachers focus on multicultural education and it was not clear to what extent teacher training dealt with national minorities. However, a pilot project evaluating the methodology for teacher training is scheduled to start in April 2012.

126. As regards the media, according to the information received during the on-the-spot visit, these rarely discuss minorities and in most cases contribute to the promotion of a negative image. The Czech Commissioner for Human Rights is concerned about the attitudes reflected especially in some programmes and intends to discuss it with Czech Television. The Committee of Experts is of the view that the authorities could also include topics related to national minorities in the training programmes for journalists.

127. According to the information received by the Committee of Experts, there are strong prejudices against the **Roma** in the Czech society. In the view of the representatives of the Roma minority, the situation has worsened compared to the previous monitoring cycle, due to the economic crisis as well, which affected Roma in particular.

128. Prejudices still exist against the **German** minority. According to its representatives, the older generation in particular is very sensitive and hesitant to publicly appear as German and claim their rights. Several initiatives of the German minority, such as setting of memorial plaques or establishing a German class have been negatively perceived by the majority.

***The Committee of Experts urges 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.***

#### **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.***

<sup>19</sup> Twelve national minorities are recognised as such in the Czech Republic, meeting the definition in the National Minorities Act. However, apart from German, Moravian Croatian, Polish, Romani and Slovak, other languages are not traditionally used in the Czech Republic, within the meaning of Article 1a of the Charter, and therefore are not covered by this treaty.

129. In the first evaluation report, the Committee of Experts, while commending the system of committees for national minorities, expressed its concern that in certain cases the promotion of a regional or minority language and the application of the Charter were hampered by problems related to their composition and functioning. The Committee of Ministers recommended that the Czech authorities **“improve legislation concerning the composition and powers of committees for national minorities, so that these rules do not present barriers to the implementation of the Charter.”**

130. According to the second periodical report and the information received during the on-the-spot visit, the Czech authorities prepared an amendment to the relevant legislation regarding the establishment of the committees for national minorities, which is expected to enter into force in the near future. The amendment foresees that “if, according to the last census, at least 10% of citizens living in the territorial district of a municipality declare themselves to be of a nationality other than Czech nationality, the municipality shall establish a committee for national minorities if this is requested in writing by a civic association representing the interests of the relevant national minority. At least half of the members of the committee must be members of the national minorities, unless this condition cannot be met due to an insufficient number of candidates from the ranks of the national minorities”.<sup>20</sup>

131. The Committee of Experts noted during the on-the spot visit that the composition of the committees for national minorities is one of the main concerns of the representatives of the national minorities, as it appears that in some cases it does not adequately reflect the presence of the national minorities. The Committee of Experts was informed that in the Moravian-Silesian Region, the German speakers are only represented in the town of Třinec, and not at all at regional level.

132. As to the powers of the committees, which are advisory bodies, according to the speakers, in practice the situation is different in each municipality. In many cases, however, the authorities disregard the recommendations of the committees. Sometimes, problems appear within the committees when several minorities are represented and the proposals of interest for only one minority do not receive the support of the others, as in the case of the Polish place name signs.

133. At the national level, representatives of the various national minority groups are being involved in advisory functions, such as the Council for National Minorities or the Government Council for Roma Community. However, due to co-operation difficulties developing from the recent political situation one prominent Roma representative resigned from the Government Council for the Roma Community.

#### **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.***

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

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<sup>20</sup> The text of the amendment has been provided by the Czech authorities during the on-the-spot visit.

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

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

#### 3.2.1. Polish

136. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the previous report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1. 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.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;*

137. In the first evaluation report, the Committee of Experts considered these undertakings fulfilled. However, it was brought to the attention of the Committee of Experts that the general demographic decline affected the Polish schools disproportionately and that, for example, in the town of Třinec two schools had been merged, a decision which it was feared might lead to fewer parents opting for Polish-medium education.

138. According to the second periodical report, the number of institutions providing Polish-medium education is lower compared to the first evaluation report. In the 2010/2011 school year there were 20 kindergartens providing Polish-medium education and five bilingual kindergartens compared to 33 in the first monitoring cycle, 21 Polish-medium schools covering primary education or primary and lower secondary education compared to 25 and one Polish-medium grammar school in Český Těšín covering lower and upper secondary education compared to two (in Český Těšín and Karviná). Two vocational schools - a business college in Český Těšín and a nursing school in Karviná - offered instruction in Polish compared to three in the first monitoring cycle (a technical school, a business academy and a nursing school).

139. The number of children attending Polish-medium or bilingual pre-school education has increased and the number of children attending primary school only slightly decreased (by ten) compared to the first monitoring cycle. However, there is a significant decrease at secondary level (by 206) and in vocational education (by 102). Furthermore, there are no pupils studying in Polish at the Karviná technical school, as well as in the first two years of the nursing school in Karviná and in the first year of the business college in Český Těšín. The authorities confirm the significant decline of pupils in secondary and vocational education.

140. During the on-the-spot visit the Committee of Experts was informed by the representatives of the Pedagogical Centre for Polish-medium Schools that the merging of schools has been completed. Moreover, in their view, the current situation of Polish-medium education is satisfactory.

141. The Committee of Experts was further informed that a reform of the schools financing system is under preparation. According to the representatives of the Pedagogical Centre for Polish-medium Schools, it is important to maintain the current system for the Polish-medium schools and not to treat them as regular Czech

schools. The Committee of Experts would welcome information with respect to this reform in the next periodical report.

142. According to the second periodical report, the Society of Polish Teachers and the Pedagogical Centre for Polish-medium Schools are implementing a project concerning the preparation of new Polish language, history, geography and biology textbooks for schools providing instruction in Polish. The project is financed by the Ministry of Education, Youth and Sport under its grant programme supporting education in the languages of national minorities and multicultural education to an amount of CZK 110 000 (€ 4 400). The Committee of Experts welcomes this initiative.

143. In light of the information above, the Committee of Experts considers that the undertakings are fulfilled. However, it would welcome information in the next periodical report about the developments related to secondary and vocational education.

### **University and Higher Education**

- e) *i to make available university and other higher education in regional or minority languages; or*
- ii to provide facilities for the study of these languages as university and higher education subjects; or*
- iii if, for reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;*

144. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled, but requested more information on the bachelor programme on Polish Language for Business Practice, which was under preparation at the Department of Polish Studies at Ostrava University.

145. According to the second periodical report, a university degree programme in Polish for Business is currently offered at the Ostrava University. Several other universities offer degree programmes in Polish.<sup>21</sup>

146. The Committee of Experts considers that the undertaking is fulfilled.

### **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;*

147. In the first evaluation report, the Committee of Experts was not in a position to conclude on the undertaking and asked the authorities to provide the relevant information in the next periodical report.

148. According to the second periodical report, at present there is no adult and continuing education programme covering regional or minority languages.

149. The Committee of Experts points out that this undertaking requires the authorities to favour and/or encourage the offering of Polish as subject of adult and continuing education. The Committee of Experts has not been made aware of any such measures.

150. The Committee of Experts considers the undertaking not fulfilled. It invites 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;*

151. In the first monitoring cycle, the Committee of Experts was informed that the history and culture reflected by the Polish language was included in the teaching of the history of national minorities, which was part of the Framework Education Programme for Basic Education and that the history of the settlement of national minorities in the Czech Republic was dealt with in school history books. However, according to the Polish-speakers, the teaching of the history and culture reflected by the Polish language in the territory where

<sup>21</sup> See 1st Report of the Committee of Experts on the Czech Republic, ECRML (2009) 7, paragraph 151

Polish is traditionally spoken was not ensured. The Committee of Experts was unable to conclude on this undertaking and asked the Czech authorities to provide more detailed information on how the above mentioned framework ensured in practice that the history and culture reflected by the Polish language was taught in the areas where it was traditionally spoken to a sufficient degree.

152. According to the second periodical report, schools follow the school educational programmes, based on the relevant Framework Educational Programmes setting the specific goals, form, length and mandatory educational content. The Framework Educational Programmes include themes reflecting the regional or minority languages and it is expected that the history and culture of minorities living in the Czech Republic will be further extended, during their cyclical revisions. The periodical report states as well that schools receive financial support to implement school educational programmes dealing with themes reflecting the regional or minority languages, for example through the grant programme of the Ministry of Education, Youth and Sport supporting education in minority languages and multicultural education.

153. The authorities further refer to the project “*You ask the questions, we answer. Educational activities for multicultural education in Těšín Silesia*”, implemented by the Congress of the Poles in the Czech Republic. The project, aimed at improving the knowledge of primary and secondary school pupils of the history and multicultural traditions of Těšín Silesia, comprised a series of lectures in schools and other institutions and the development of a graphic design for a CD, which can be used for teaching. The project was implemented in 2008 and 2009.

154. The Committee of Experts has also been informed by the representatives of the Pedagogical Centre for Polish-medium Schools that teaching and methodological materials related to regional education have been developed using funds from the European Union. These contain *inter alia* information about the history of the region. It is not clear, however, whether these materials are used by the Czech mainstream schools in the region as well.

155. While commending the authorities on the initiatives and projects mentioned above, it is unclear to the Committee of Experts whether any arrangements have been made to ensure that the teaching of the history and culture reflected by the Polish language is part of the general curriculum.

156. The Committee of Experts is unable to conclude on this undertaking and asks 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.

### **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.***

157. In the first monitoring cycle, the Committee of Experts did not receive any information regarding the factual monitoring of Polish-medium education and it had not been made aware of any periodic reports and their publication corresponding to the requirements of this undertaking. The Committee of Experts encouraged the authorities to provide more specific information in the next periodical report.

158. In the second periodical report, the authorities refer again to the role and the reports of the Government Council for National Minorities, as well as of the Czech School Inspectorate. These reports are public. The second periodical report further provides information on the 2009/2010 Czech School Inspectorate report on national education in the Moravian-Silesian Region. In addition to the overall evaluation information, the report states that no problems have been identified at the schools providing education in Polish. It further refers to three primary schools where separate classes teach in both Czech and in Polish and to the development of the numbers of pupils attending education in Polish.

159. While welcoming this information, the Committee of Experts underlines that the monitoring needs to be carried out by a supervisory body, which evaluates and analyses the measures taken and the progress achieved with regard to regional or minority language education. It seems to the Committee of Experts that the Czech School Inspectorate is including this work in the monitoring of education in the region. However, it is unclear to the Committee of Experts to what extent the reports contain information on developments in language proficiency, teacher supply and the provision of teaching materials<sup>22</sup>.

<sup>22</sup>See 1<sup>st</sup> Report of the Committee of Experts on the Czech Republic, ECRML (2009) 7, paragraph 165, 3<sup>rd</sup> Report of the Committee of Experts on Germany ECRML (2008) 4, paragraphs 141 - 143

160. The Committee of Experts considers the undertaking partly 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.***

161. In the first evaluation report, the Committee of Experts did not conclude on the undertaking and asked the Czech authorities to provide the necessary information in the next periodical report.

162. In the second monitoring cycle the Committee of Experts did not receive any information as to where in the Czech Republic, outside the traditional language area, the numbers of Polish-speakers are such as to justify the offering of Polish language education. The Committee of Experts has been informed that Polish can be offered as a foreign language or as an optional subject, if there is a demand.

163. The Committee of Experts asks the Czech authorities to provide information in the next periodical report on where in the Czech Republic, outside the traditional language area, the numbers of Polish speakers are such as to justify the offering of Polish language education and whether teaching in or of Polish is provided.

## **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;***

164. In the first evaluation report, the Committee of Experts noted that the right to use Polish before courts was not guaranteed by legislation if the individual spoke Czech. Given the fact that the opportunity to use Polish was nevertheless regularly offered in practice and that documents connected to the legal proceedings were produced in Polish, the Committee of Experts considered these undertakings partly fulfilled. The Committee of Experts 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 Polish in criminal proceedings. In addition, the Committee of Experts encouraged the authorities to remove the condition that a person must declare that he or she does not have a command of Czech before documents connected to criminal proceedings are produced in Polish.

165. According to the information received from the authorities, no difficulties have been reported in practice and, therefore, no amendments to the current legal framework are necessary. The Committee of Experts asks the authorities to provide further information on the way these undertakings are implemented in practice in the next periodical report.

166. The Committee of Experts points out that, according to the Charter, the right of the accused to use Polish has to be guaranteed even when the person has a command of Czech. According to existing legislation, an accused is only guaranteed the right to use Polish or to receive documents in Polish if he or she declares that he or she does not have a command of Czech. The Committee of Experts asks the authorities to report in the next periodical report on measures taken to amend the legislation in order to bring it in line with the undertaking.

***The Committee of Experts 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 Polish in criminal proceedings and before documents connected to criminal proceedings are produced in Polish.***

**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;***

167. In the first evaluation report, the Committee of Experts, in the absence of any evidence of practical implementation of these undertakings, considered them only formally fulfilled. It looked forward to receiving information on how they are implemented in practice in the next periodical report.

168. According to the information received from the authorities, the use of Polish in civil and administrative court proceedings will be accepted if it is necessary. It is not clear to the Committee of Experts on which criteria the courts decide that there is such a need.

169. The Committee of Experts is not in a position to conclude and asks the Czech authorities to provide further information concerning the legal framework and the practical implementation of these undertakings.

## **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;***

170. In the first evaluation report, the Committee of Experts noted that the legal possibility for Polish speakers to use their language in dealings with the administration was guaranteed, but it was necessary to inform the Polish-speakers about it and to actively encourage them to submit oral and written applications in Polish in the municipalities of Frydek-Místek and Karviná. The Committee of Experts considered the undertakings only partly fulfilled and encouraged the Czech authorities to take the necessary steps to ensure that the possibility for Polish-speakers to submit oral or written applications in Polish to the state administrative bodies and to the local and regional authorities was guaranteed in practice.

171. No information in this respect is provided in the second periodical report.

172. According to the information received during the on-the-spot visit the Polish-speakers very rarely use Polish in dealings with the administration. In some cases they are under the impression that issues are solved faster if they address the authorities in Czech. The Committee of Experts has not been made aware of any measures taken by the authorities to encourage the Polish-speakers to use their language in dealings with the administration.

173. The Committee of Experts refers to paragraphs 65-66 above and recalls that in applying the Charter the authorities are required to take a pro-active approach and, in the framework of these undertakings, inform and actively encourage the Polish-speakers to use Polish in dealings with the administration.

174. The Committee of Experts considers the undertakings only partly fulfilled.

***The Committee of Experts urges 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.***

***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;***

175. In the first evaluation report, the Committee of Experts, in the absence of any practical implementation, considered the undertaking only formally fulfilled and encouraged the authorities to inform the speakers of the possibility to use the Polish language in assemblies and to create favourable conditions for its use in practice.

176. No information in this respect is provided in the second periodical report.

177. The Committee of Experts has not been informed whether Polish has been used in practice in the regional assembly.

178. The Committee of Experts considers that the undertaking is only formally fulfilled. It urges the authorities to inform the speakers of the possibility to use the Polish language in the regional assembly and to create favourable conditions for its use in practice.

***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;***

179. In the first evaluation report, the Committee of Experts, in the absence of any practical implementation, considered the undertaking only formally fulfilled and encouraged the authorities to inform the speakers of the possibility to use the Polish language in assemblies and to create favourable conditions for its use in practice.

180. No information in this respect is provided in the second periodical report.

181. According to the information received during the on-the-spot visit, Polish has been used in a several cases by the Polish representatives in the assemblies of the local authorities, but there still seems to be hesitation to use Polish in such assemblies.

182. The Committee of Experts considers the undertaking only partly fulfilled. It encourages the authorities to create more favourable conditions for the use of the Polish language in local assemblies in practice.

***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;***

183. In the first evaluation report, the Committee of Experts noted that, according to the legal provisions, place names and topographical signs in regional or minority languages could be installed if, according to the last census at least 10% of the citizens of the municipality considered themselves to be members of the minority in question and if the committee for national minorities resolved to request this. In practice, 13 of the 31 municipalities that had met the legal requirement had set up bilingual place names, street names and inscriptions to a varying degree within the districts of Český Těšín and Karviná. However, in some municipalities the committees did not propose such recommendations, while in one case a municipality had refused to implement it. Bilingual signs were also to be installed on railway station name boards in the

Moravian-Silesian Region in those municipalities which reached the required 10% of Polish inhabitants. The Committee of Experts concluded that the undertaking was only partly fulfilled and encouraged the Czech authorities to find a solution by amending the current legislation, or adopting further legislation if necessary. The Committee of Ministers recommended that the Czech authorities “**improve legislation concerning the composition and powers of committees for national minorities, so that these rules do not present barriers to the implementation of the Charter; including [...] the use of Polish place names in topographical signs**”. Furthermore, the Committee of Experts encouraged the Czech authorities to remove the legislative and administrative obstacles to the use of Polish place names on topographical signs in the area where Polish was used.

184. According to the second periodical report, bilingual signs have been further installed reaching two thirds of the 31 municipalities meeting the legal requirements. Each municipality decides, on the basis of the recommendations of the committee for national minorities, which signs will be displayed bilingually. The costs for installing bilingual signage in municipalities have been covered from the state budget. Bilingual signs have been installed as well at some railway stations (such as Návsi/Nawsie) and the costs have been covered by Czech Railways. They may be further installed only in municipalities on the new rail corridor being built in the Moravian-Silesian Region.

185. The Committee of Experts has been informed by the representatives of the Polish speakers that there are still problems with respect to the bilingual signs and these often create tensions. The situation differs in each municipality and in some cases no steps have been taken to set up bilingual signs. Furthermore, bilingual signs are often destroyed and are not always replaced, partly due to funding problems. Moreover, funds from the state budget are provided with delays, causing problems in the municipal budget and further hesitation from the authorities in approving the bilingual signs. As to the railway stations, no further bilingual signs have been installed on the new corridor, in stations such as Třinec-Konska and Ropice. Where Polish signboards have been installed, these remain switched off. Problems have been indicated as well at the railway stations in Třinec and Vendryně.

186. The authorities are aware that bilingual signs have been destroyed and the former Minister for Human Rights and Government Commissioner for Human Rights has publicly protested against such actions. Furthermore, the authorities explain that bilingual signs are a sensitive issue and the majority population is reserved in this respect.

187. As to the legislation, the authorities have informed the Committee of Experts that an amendment to the relevant legislation has been prepared, which is expected to enter into force in the near future. The amendment maintains the 10% threshold and foresees that an application for bilingual signs can also be submitted by a civic association which represents the interests of the minority in question and has been present on the territory of the municipality for at least five years. The authorities explain that the request of the representatives of the national minorities through the committee for national minorities would remain the main method, while the application submitted by an association would be an exceptional solution in cases where the committee does not properly fulfil its role. The amendment has been prepared by the Committee for Co-operation with Local Authorities of the Government Council for National Minorities, the Secretariat of this Council and the Ministry of the Interior.

***The Committee of Experts 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;***

188. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled with regard to radio broadcasting. With regard to television broadcasting, while welcoming the introduction of Polish language broadcasting on public television, it considered that one 5-minute insert per week was not sufficient and concluded that the undertaking was not fulfilled.

189. According to the second periodical report, on television there is still only a 5-6 minute broadcast per week in Polish, as part of the regional news. The Polish-speakers have informed the Committee of Experts that in practice the broadcast lasts only 3-4 minutes.

190. The Committee of Experts notes that no developments have been made regarding television programmes in Polish. It maintains that the current broadcast is not sufficient and therefore considers the undertaking not fulfilled.

***The Committee of Experts encourages the Czech authorities to take measures to increase the broadcasting time in Polish on public television.***

b) ...

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

191. In the first evaluation report, the Committee of Experts was informed by representatives of the Polish speakers that no Polish programmes were broadcast on private radio. The Committee of Experts asked the authorities to provide more specific information regarding the presence of Polish on private radio and of any additional measures taken by the Czech authorities to encourage and/or facilitate the broadcasting of programmes in Polish on private radio on a regular basis.

192. No further information concerning the presence of Polish on private radio has been brought to the attention of the Committee of Experts. According to the second periodical report, the Ministry of Culture oversees a grant programme supporting media in the languages of national minorities, and projects related to the production of radio and television programmes in these languages may be funded. However, this information is relevant under Article 11 paragraph 1 d.

193. The Committee of Experts has not been made aware of any measures taken by the Czech authorities, such as financing or licensing measures to encourage and/or facilitate the broadcasting of radio programmes in Polish on private radio.

194. The Committee of Experts considers the undertaking not fulfilled. It encourages the Czech authorities to take measures to encourage and/or facilitate the broadcasting of programmes in Polish on private radio on a regular basis.

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

195. In the first monitoring cycle the Committee of Experts was informed that funds for audio and audiovisual works were available from the general budget of the Ministry of Culture dedicated to the promotion of cultural activities of national minorities. However, it had not been made aware of any audio or audiovisual productions in Polish. The Committee of Experts did not conclude on the undertaking and asked the Czech authorities to provide the relevant information in the next periodical report.

196. According to the second periodical report, the Ministry of Culture oversees a grant programme supporting media in the languages of national minorities and projects related to the production of radio and television programmes in these languages may be funded. The fund for the support of the Czech cinematography may be used for the production, distribution and promotion of cinematographic works by the national minorities as well.

197. It is not clear however if any special funds are earmarked for productions in the regional or minority languages under the fund for the support of the Czech cinematography. Furthermore, the Committee of Experts has not been informed whether any audio or audiovisual works in Polish have been produced and distributed in practice. The Committee of Experts asks the Czech authorities to provide examples of audio or audiovisual works in Polish in the next periodical report.

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

198. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled. It nevertheless encouraged the Czech authorities to find a viable solution, in co-operation with the speakers, to the funding arrangements of the Polish-language newspaper, whose editor had to provisionally cover the production costs until the grant money arrived.

199. According to the second periodical report, in 2010 the Polish language newspaper *Głos Ludu*, published three times per week, the monthly cultural magazine *Zwrot* and the fortnightly magazine for school children *Nasza Gazetka* as well as the production of news in Polish by the Czech Television studio in Ostrava were subsidised with CZK 7.1 million (€ 290 000). The amount is lower compared to 2008 and 2009.

200. The representatives of the Polish-speakers have brought to the attention of the Committee of Experts that the financial support is systematically reduced and it is not provided in practice until the second half of the year.

201. The Committee of Experts considers the undertaking still fulfilled at present. Nevertheless, it asks the Czech authorities to provide specific information on the financial support granted to the newspaper in Polish.

## **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;***

202. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled.

203. According to the second periodical report, the Ministry of Culture provides support for the cultural activities of the national minorities. Furthermore, the Ministry of Education, Youth and Sport subsidises libraries in order to provide access to literature in the languages of the national minorities and subsidies may also be provided for the publication of works in the languages of the national minorities.

204. However, the representatives of the Polish speakers have informed the Committee of Experts that projects of the municipalities related to multicultural education or of Czech associations involving performances by ensembles of the national minorities are also funded from the grants of the central authorities intended for the activities of the national minorities. The representatives of the speakers have informed the Committee of Experts of what they consider to be two shortcomings: firstly, grants are limited to two projects, irrespective of how many members an organisation may have, secondly the priorities of the Polish speakers have not been sufficiently taken into consideration.

205. The Committee of Experts considers the undertaking fulfilled, but would welcome further clarification on the issues raised by the representatives of the Polish speakers.

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

206. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled.

207. In the second periodical report, the authorities inform the Committee of Experts on the activities of the Silesian Museum in Opava related to the Polish minority, which have also involved the representatives of the Polish minority, such as the exhibition of documents and photographs *Pamięć Narodu/National remembrance (2010)*.

208. 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.***

209. In the first evaluation report, the Committee of Experts could not conclude on this undertaking, as it had not received any examples of cultural activities taking place other than in Frýdek-Místek and Karviná. It encouraged the Czech authorities to provide the relevant information, including some concrete examples, in their next periodical report.

210. In the second periodical report, the authorities refer to the National Information and Advisory Centre for Culture in Prague and the articles it publishes in the *Local Culture/Místní kultura* magazine. The authorities also explain that national minority associations may use the premises of the National Minorities House in Prague for cultural activities.

211. On the basis of the available information, the Committee of Experts cannot conclude on the fulfilment of the undertaking. Therefore, it asks 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.

## **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.***

212. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Czech authorities to provide examples in their next periodical report on how the Polish language spoken in the Czech Republic is reflected in the cultural policy abroad.

213. According to the second periodical report, the Ministry of Culture supports, under a grant programme, the participation of amateur artistic groups at cultural events abroad, thus enabling performances in regional or minority languages at festivals and competitions abroad and contributing as well to the links between regional or minority language speakers in the Czech Republic and their kin-state.

214. The Committee of Experts recalls that the present undertaking concerns above all the way in which the country presents its own diverse linguistic and cultural heritage abroad. This could consist of cultural exchanges, references to the regional or minority languages spoken in the Czech Republic in the context of exhibitions or events, or information material concerning regional or minority languages in the Czech Republic aiming at an international public event.<sup>23</sup>

215. During the on-the-spot visit the Committee of Experts was informed that the Czech cultural policy abroad is carried out by the Czech Cultural Centres, coordinated by the Ministry of Foreign Affairs.

216. The Committee of Experts did not receive any examples of how the Polish language spoken in the Czech Republic is reflected in the cultural policy abroad. It therefore maintains its previous conclusion that the undertaking is not fulfilled.

217. The Committee of Experts encourages 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.

## **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;***

<sup>23</sup> See 1st Report of the Committee of Experts on the Czech Republic, ECRML (2009) 7, paragraph 232, 2nd Report of the Committee of Experts on Austria, ECRML (2008) 10, paragraph 176

218. In the first evaluation report, the Committee of Experts, bearing in mind the provisions of the Czech Labour Code and the absence of any complaints concerning this provision, considered the undertaking fulfilled.

219. In the second periodical report, the authorities inform the Committee of Experts that in September 2009 the Antidiscrimination Act (Act No. 198/2009 Coll., on equal treatment and on legal instruments of protection against discrimination and on amendments to certain Acts) entered into force, enforcing the right to equal treatment and non-discrimination in areas such as the right to employment and to access to employment or entrepreneurship, access to health care, access to education and access to goods and services. This Antidiscrimination Act has also amended a number of other laws by adding a provision prohibiting direct and indirect discrimination on the basis of racial or ethnic origin or nationality. The authorities state as well that the Antidiscrimination Act does not directly ban discrimination on the grounds of language.

220. As to the use of Polish in the workplace, the representatives of the Polish speakers have informed the Committee of Experts that they may speak Polish in the workplace, but are asked to use Czech if the rest of the persons do not understand Polish. The Committee of Experts asks the Czech authorities to inform it in the next periodical report to what extent the use of Polish is discouraged in the workplace

## **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.***

221. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled.

222. According to the information received from the Polish speakers during the second monitoring cycle, consumer information brochures in Polish published by the Ministry of Industry and Trade are not available in the relevant local and regional offices. Furthermore, the European Consumer Centre does not provide updated information in Polish.

223. The Committee of Experts is not in a position to conclude on this undertaking and asks the Czech authorities to clarify the issues raised by the Polish speakers and to provide detailed information in the next periodical report on materials on the rights of consumers provided in Polish.

## **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;***

224. In the first evaluation report, it was not clear to the Committee of Experts how the agreements concluded by the Czech Republic with Poland or any other state foster contacts between Polish speakers. The Committee of Experts was not in a position to conclude and encouraged the authorities to provide the relevant information in the next periodical report.

225. In the second periodical report the authorities refer to the Czech-Polish Intergovernmental Commission for Transfrontier Co-operation, where the Ministry of Culture is represented and whose activities involve local and regional authorities. This information is relevant for Article 14 b. The authorities state as well that most agreements concluded with kin-states contain provisions on scholarships for summer language courses or scholarships for students and teachers and on support for language teaching.

226. The Committee of Experts considers the undertaking partly fulfilled. It asks 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.

- 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.**

227. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled. However, it had not received any information on 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 or what role the Polish language plays.

228. In the second periodical report, the authorities refer again to the Czech-Polish Intergovernmental Commission for Transfrontier Co-operation.

229. The Committee of Experts considers the undertaking fulfilled. However, it asks the Czech authorities to provide specific information and examples on 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 or what role the Polish language plays.

### 3.2.2. Slovak

230. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the previous report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. 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 f

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***

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

231. In the first monitoring cycle, the Committee of Experts considered the undertaking not fulfilled, as there were no Slovak-medium or bilingual pre-schools in the Czech Republic. However, one Slovak language organisation was attempting to set up a Slovak-medium pre-school in Prague with the support of the authorities. The Committee of Experts encouraged the Czech authorities to assess the demand for Slovak-medium pre-school education and to encourage the introduction of Slovak-medium or bilingual education, in co-operation with the speakers. It also encouraged the authorities to continue their support for setting up the above-mentioned pre-school in Prague.

232. In the second periodical report the authorities refer in a general manner to projects regarding teaching in Slovak that receive funding under the relevant grant programmes.

233. During the on-the-spot visit the Committee of Experts was informed that at present there is no Slovak-medium education at pre-school level. There has been no indication as to the interest of the parents in this type of education. However, some representatives of the Slovak-speakers were of the view that a certain amount of teaching in Slovak at pre-school level would be beneficial.

234. The Committee of Experts has not been made aware of any measures to assess the demand for Slovak-medium pre-school education and to encourage the introduction of Slovak-medium or bilingual education, in co-operation with the speakers.

235. The Committee of Experts considers the undertaking not fulfilled. In view of the undertaking chosen by the Czech Republic, the Committee of Experts encourages the Czech authorities to identify, in co-operation with the speakers, areas and ways in which Slovak-medium pre-school education could be introduced.

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

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

236. In the first monitoring cycle, it appeared that there was no demand for Slovak-medium education, but nevertheless, the Slovak-speakers were concerned about the declining Slovak language skills of the children. The Committee of Experts was of the view that, in light of the chosen undertaking, the Czech authorities could focus on providing Slovak language lessons to pupils as part of the normal school curriculum. The Committee of Experts considered the undertaking not fulfilled at present. The Committee of Ministers recommended that the Czech authorities “**take measures to make available teaching in or of Slovak [...] in co-operation with the speakers**”.

237. According to the second periodical report, there were initiatives to provide teaching in or of Slovak dating from 1995-2000, but there was no interest from the Slovak speakers. The authorities further refer in a general manner to projects regarding teaching in Slovak that receive funding under the relevant grant programmes

238. According to the information received during the on-the-spot visit, it appears there is no interest from pupils and parents in Slovak-medium education, mainly due to the closeness of the Czech and Slovak languages. Some representatives of the Slovak-speakers were however of the view that an amount of teaching of Slovak at primary level would be beneficial. A Slovak organisation conducted a survey and it seems that there would be pupils interested in a Czech-Slovak school.

239. The Committee of Experts considers the undertaking not fulfilled. In view of the undertaking chosen by the Czech Republic, the Committee of Experts encourages the Czech authorities to identify, in co-operation with the speakers, areas and ways in which at least teaching of Slovak 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;**

240. In the first monitoring cycle, the Committee of Experts was informed by the authorities that the history and culture reflected by the Slovak language were included in the teaching of the history of national minorities, which was part of the Framework Education Programme for Basic Education and that the history of the settlement of national minorities in the Czech Republic was dealt with in school history books. The Committee of Experts was unable to conclude on this undertaking, and asked the Czech authorities to provide more detailed information on how the current framework mentioned above ensures in practice that the history and culture reflected by the Slovak language are taught.

241. According to the second periodical report, schools follow the school educational programmes, based on the relevant Framework Educational Programmes setting the specific goals, form, length and mandatory educational content. The Framework Educational Programmes include themes reflecting the regional or minority languages and it is expected that the history and culture of minorities living in the Czech Republic will be further extended, during their cyclical revisions. The periodical report states as well that schools receive financial support to implement school educational programmes dealing with themes reflecting the regional or minority languages, for example through the grant programme of the Ministry of Education, Youth and Sport supporting education in minority languages and multicultural education.

242. During the on-the-spot visit, the Committee of Experts was informed by representatives of the Slovak speakers that in practice very little is taught about the Slovak history and culture in mainstream education because of the lack of initiative on the part of the teachers. Although it is possible to teach about the minorities living in the Czech Republic, there is, in most cases, no interest from the schools.

243. The Committee of Experts is unable to conclude on this undertaking and asks the Czech authorities to provide detailed information on measures taken to ensure that the history and culture reflected by the Slovak language is included in the teaching process.

### **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.**

244. In the first monitoring cycle, the Committee of Experts had not received any information regarding the factual monitoring of education in or of Slovak and had not been made aware of any periodic reports and their

publication corresponding to the requirements of this undertaking for Slovak. The Committee of Experts encouraged the authorities to provide more specific information in the next periodical report.

245. In the second periodical report, the authorities refer again to the role and the report of the Government Council for National Minorities, as well as of the Czech School Inspectorate.

246. However, as the undertakings under Article 8 1.a.iv and 8 1.b.iv. are not fulfilled, the Committee of Experts will not deal with this undertaking at the present time.

### **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.***

247. The Committee of Experts refers to paragraphs 21-24 above and invites the Czech authorities to specify the territories where the Slovak language speakers are present in sufficient numbers to justify the adoption of the various protective and promotional measures, in order for the Committee of Experts to evaluate the undertakings chosen under Article 8.

## **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***

248. In the first monitoring cycle, the Committee of Experts was not made aware of any practical problems with regard to the implementation of the undertaking, due to the mutual intelligibility of Slovak and Czech, and there was evidence that Slovak was used in court. Nevertheless, because the right to use Slovak was not guaranteed by law when the individual also spoke Czech, the Committee of Experts considered the undertaking only partly fulfilled. The Committee of Experts 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.

249. According to the information received from the authorities, no difficulties have been reported in practice and, therefore, no amendments to the current legal framework are necessary. The Committee of Experts asks the authorities to provide further information on the way this undertaking is implemented in practice in the next periodical report.

250. The Committee of Experts understands that the legal obstacle does not create practical difficulties in using Slovak at present. However, the Committee of Experts points out that, according to the Charter, the right of the accused to use his or her regional or minority language has to be guaranteed even when the person has a command of the official language.

251. The Committee of Experts considers nevertheless that the undertaking is partly fulfilled. The Committee of Experts encourages 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.

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;***

252. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled, because the right to use Slovak was not guaranteed when the individual also spoke Czech. The Committee of Experts encouraged the authorities to remove the condition that a person must declare that he or she did not have a command of Czech before documents connected to criminal proceedings were produced in Slovak.

253. According to the information received from the authorities, no difficulties have been reported in practice and, therefore, no amendments to the current legal framework are necessary.

254. The Committee of Experts points out that, according to the Charter, documents connected with the legal proceedings have to be produced in Slovak, on request, even if the person concerned has a command of Czech.

255. The Committee of Experts encourages the authorities to remove the condition that a person must declare that he or she does not have a command of Czech before documents connected to criminal proceedings are produced in Slovak.

## **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;**

256. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled with regard to radio broadcasting. It encouraged the authorities to provide further information about the presence of Slovak on television in the Czech Republic in the next periodical report.

257. No information concerning television programmes is provided in the second periodical report. During the on-the-spot visit the Committee of Experts was informed that the only programme in Slovak on the Czech Television is a movie series produced in Slovakia, which has started to be broadcast recently in the original language. The representatives of the speakers have again stated that they would welcome a television programme in Slovak.

258. As to radio broadcasting, Czech Radio national and regional stations continue to broadcast Slovak programmes and the speakers are satisfied with the offer of Czech Radio. However, the Committee of Experts was informed by representatives of the speakers that the duration of the Slovak programme on Radio ČR 1 Radiožurnál had decreased to 45 minutes.

259. In light of the information received, the Committee of Experts considers the undertaking fulfilled with respect to radio broadcasting. It considers the undertaking not fulfilled with respect to television broadcasting.

260. The Committee of Experts encourages the authorities to take measures to ensure that programmes in Slovak are broadcast by the public television.

**b) ...**

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

261. In the first evaluation report it was unclear to the Committee of Experts to what extent Slovak programmes were broadcast on private radio and it encouraged the authorities to provide further information in the next periodical report.

262. No further information concerning the presence of Slovak on private radio has been made available to the Committee of Experts. According to the second periodical report, the Ministry of Culture oversees a grant programme supporting media in the languages of national minorities and projects related to the production of radio and television programmes in these languages may be funded. However, this information is relevant under Article 11 paragraph 1 d.

263. The Committee of Experts has not been made aware of any measures taken by the Czech authorities, such as financing or licensing measures to encourage and/or facilitate the broadcasting of radio programmes in Slovak on private radio.

264. The Committee of Experts considers the undertaking not fulfilled. It encourages the Czech authorities to take measures to encourage and/or facilitate the broadcasting of programmes in Slovak on private radio on a regular basis.

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

265. In the first monitoring cycle, the Committee of Experts was informed that funds for audio and audiovisual works were available from the general budget of the Ministry of Culture dedicated to the promotion of cultural activities of national minorities. However, the Committee of Experts had not been made aware of any audio or audiovisual productions in Slovak and did not conclude on the undertaking. It asked the Czech authorities to provide the relevant information in the next periodical report.

266. According to the second periodical report, the Ministry of Culture oversees a grant programme supporting media in the languages of national minorities, and projects related to the production of radio and television programmes in these languages may be funded. In 2009 CZK 60 000 (€ 2 400) were granted for the production of a radio programme in Slovak, part of the *Džavotanie* project broadcast by the Czech Radio Leonardo station. The programme was financed in 2010 as well. The fund for the support of the Czech cinematography may be used for the production, distribution and promotion of cinematographic works by the national minorities as well. It is not clear however if any special funds are earmarked for productions in the regional or minority languages under the fund for the support of the Czech cinematography.

267. The Committee of Experts considers the undertaking partly fulfilled.

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

268. In the first evaluation report, the Committee of Experts noted that the periodicals subsidised by the Czech authorities did not fall under the definition of a newspaper. It considered the undertaking not fulfilled and encouraged the Czech authorities to facilitate the creation and maintenance of a newspaper in Slovak.

269. According to the second periodical report, in 2010 the monthly magazines *Slovenské dotyky* and *Listy*, the bimonthly *Slovenské Korene* and the radio programme part of the *Džavotanie* project received CZK 4.2 million (€ 172 000). This amount is lower than in 2008 and 2009. The speakers have also drawn the attention of the Committee of Experts to the decreasing funds for the support of printed media.

270. There is still no periodical in Slovak falling under the definition of a newspaper.

271. The Committee of Experts 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 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;**

272. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled.

273. According to the second periodical report, the Ministry of Culture provides support for the cultural activities of the national minorities. Furthermore, the Ministry of Education, Youth and Sport subsidises libraries in order to provide access to literature in the languages of the national minorities and subsidies may also be provided for the publication of works in the languages of the national minorities.

274. The Committee of Experts considers the undertaking fulfilled.

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

275. In the first monitoring cycle, the Committee of Experts had not been made aware of the existence of a documentation centre for Slovak, although the Ministry of Culture subsidised projects to establish such bodies. The Committee of Experts was unable to conclude on the undertaking and asked the authorities to provide the relevant information in the next periodical report.

276. In the second periodical report, the authorities state that there are no separate archives of works created in minority languages and refer to the subsidies from the Ministry of Culture for projects to establish documentary centres for minorities.

277. During the on-the-spot visit, the Committee of Experts has been informed of the existence of a Documentary and Museum Centre of the Slovak minority in Prague, which receives subsidies from the funds referred to above. Therefore 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.***

278. In the second periodical report, the Czech authorities present information concerning Slovak under Article 12 paragraph 2, such as a Czech-Slovak meeting of young amateur actors in Šumperk. Moreover, during the on-the-spot visit, the Committee of Experts was informed that Slovak associations organise cultural activities also in areas where Slovak speakers moved after 1992. The Committee of Experts considers the undertaking fulfilled.

### **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.***

279. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Czech authorities to provide examples in their next periodical report on how the Slovak language spoken in the Czech Republic is reflected in the cultural policy abroad.

280. In the second periodical report the authorities state that the Ministry of Culture supports, under a grant programme, the participation of amateur artistic groups at cultural events abroad, thus enabling performances in regional or minority languages at festivals and competitions abroad and contributing as well to the links between regional or minority language speakers in the Czech Republic and their kin-state.

281. The Committee of Experts recalls that the present undertaking concerns above all the way in which the country presents its own diverse linguistic and cultural heritage abroad. This could consist of cultural exchanges, references to the regional or minority languages spoken in the Czech Republic in the context of exhibitions or events, or information material concerning regional or minority languages in the Czech Republic aiming at an international public event.<sup>24</sup>

282. During the on-the-spot visit the Committee of Experts was informed that the Czech cultural policy abroad is carried out by the Czech Cultural Centres, coordinated by the Ministry of Foreign Affairs.

<sup>24</sup> See 1<sup>st</sup> Report of the Committee of Experts on the Czech Republic, ECRML (2009) 7, paragraph 314, 2nd Report of the Committee of Experts on Austria, ECRML (2008) 10, paragraph 176

283. The Committee of Experts did not receive any examples of how the Slovak language spoken in the Czech Republic is reflected in the cultural policy abroad. It therefore maintains its previous conclusion that the undertaking is not fulfilled.

284. The Committee of Experts encourages 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.

## **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;**

285. In the first evaluation report, the Committee of Experts, bearing in mind the provisions of the Czech Labour Code and the absence of any complaints concerning this provision, considered the undertaking fulfilled.

286. In the second periodical report, the authorities inform the Committee of Experts that in September 2009 the Antidiscrimination Act (Act No. 198/2009 Coll., on equal treatment and on legal instruments of protection against discrimination and on amendments to certain Acts) entered into force, enforcing the right to equal treatment and non-discrimination in areas such as the right to employment and to access to employment or entrepreneurship, access to health care, access to education and access to goods and services. The Antidiscrimination Act has led to amendments to a number of other laws by adding a provision prohibiting direct and indirect discrimination on the basis of racial or ethnic origin or nationality. The Committee of Experts has not been made aware of any practices designed to discourage the use of Slovak.

287. 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.**

288. In the first evaluation report, the Committee of Experts was informed that the European Consumer Centre established by the Ministry of Industry and Trade provided information *inter alia* in Slovak, but was not able to find any such information on its website. The Committee of Experts did not conclude on the undertaking and asked the authorities to provide the relevant details in the next periodical report.

289. In the second periodical report, the authorities provide the same information.

290. The Committee of Experts is not in a position to conclude on this undertaking and requests the Czech authorities to provide detailed information in the next periodical report on materials on the rights of consumers provided in Slovak.

## **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;**

291. In the first evaluation report it was not clear to the Committee of Experts how the agreements concluded between the Czech Republic and Slovakia foster contacts between the Slovak-speakers in both countries. The Committee of Experts was not in a position to conclude on the undertaking and encouraged the authorities to provide the relevant information in the next periodical report.

292. In the second periodical report, the authorities refer to co-operation in the cultural field, on the basis of the Cultural Agreement and Protocols on Co-operation between the Ministries of Culture of the two countries and to performances by Slovak artists in the Czech Republic.

293. In connection to the undertakings in the field of education, the authorities state that most agreements concluded with kin-states contain provisions concerning scholarships for summer language courses or for students and teachers and support for language teaching.

294. The Committee of Experts considers the undertaking fulfilled, but nevertheless asks 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.

## Chapter 4 Findings of the Committee of Experts in the second 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 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. The Czech authorities have prepared amendments to the national legislation in order to deal with these shortcomings. This demonstrates the serious commitment of the Czech Republic to continuously develop and strengthen the position of the regional or minority languages.

C. The Czech Republic has a fairly well established system of institutionalised representation of regional or minority language speakers through the committees for national minorities on the central, regional and local level. However, the existing system of national minority representation at local level 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.

D. The Czech Republic affords an annual budget to the activities relating to the 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.

E. Apart from the Polish language, the regional or minority languages spoken in the Czech Republic are thinly dispersed over the country and if these languages are to survive as living languages in the Czech Republic, decisive and concrete measures need to be taken immediately. There is still no structured language policy in place for German or Romani.

F. As regards the Romani language, the Czech authorities have taken certain positive steps in relation to Romani, including cultural activities, research and publications. The comprehensive sociolinguistic survey on language use and language attitudes carried out by Charles University remains a good example. Nevertheless, the situation of Romani in the Czech Republic remains 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 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. The education of Romani-speaking children is focused on social integration, but this is at the expense of Romani-medium education or Romani language classes. The emphasis remains on assimilation of Roma children without taking due account of their cultural, ethnic and linguistic background and valuing it by teaching it. There are still reports that children are prohibited from speaking Romani at certain schools. Roma children suffer from low self-esteem and alienation which are counterproductive to the aim of social integration. Furthermore, there is a disproportionate number of Roma children in practical schools, which were set up after the closure of the special schools, and the selection procedure of children to these schools is not adapted to the specific social, cultural and linguistic circumstances of the Roma children.

H. The German speakers are dispersed throughout the Czech Republic. The German language is still associated by many people in the Czech Republic with the German occupation in World War II and this still makes it difficult for speakers to use the language in public life. The German speakers are generally elderly and intergenerational transmission is dwindling, so immediate and resolute action is needed if it is to remain a living language in the Czech Republic. While German is widely taught as a foreign language, mother tongue education is patchy at all levels.

I. The situation of Polish remains in general good, including in the field of education, especially at pre-school and primary levels at which the number of pupils has increased. However, there has been a reduction of Polish-medium schools at all levels. 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 on this, nor are Polish-speakers generally made aware of this possibility.

J. The installation of Polish-Czech bilingual signs continues, 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 still causes tensions and recurrently such signs are damaged.

K. The situation with regard to Polish in radio is in general satisfactory, but the offer of Polish programmes on television is inadequate.

L. 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. Nevertheless, measures should be pursued to offer Slovak at least as a subject at school where there is a demand and to promote the use of Slovak in the media.

M. Finally, the Committee of Experts considers that there is still a need to raise awareness of 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 regional or minority language communities in the media, to inform the population at large of the languages and cultures they reflect, 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 II.

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

At its 1160<sup>th</sup> meeting on 30 January 2013, the Committee of Ministers adopted its Recommendation addressed to the Czech Republic, which is set out in Part B of this document.

**Appendix I: 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 II: Comments by the Czech authorities

### Comments of the Czech Republic on the Second Report of the Committee of Experts of the European Charter for Regional or Minority Languages (MIN-LANG (2012) 3) on the implementation of the undertakings arising from the Charter by the Czech Republic

The Czech Republic welcomes the Second Report of the Committee of Experts as another contribution to the ongoing dialogue that significantly contributes to the implementation of its undertakings arising from the European Charter for Regional or Minority Languages. The Committee's evaluations and recommendations will be taken into account in developing or revising measures designed to ensure the implementation of such undertakings. In order to clarify some of the issues mentioned in the report, the Czech Republic presents the following comments.

#### Subsidizing cultural activities

The Committee considers the undertaking under Article 12, paragraph 1 (a) fulfilled; however, it requests further clarification as regards the fact that the grants are limited to two projects irrespective of how many members the organization may have (see paragraphs 202-205 of the Report and paragraph 59 of the Report in the section covering Article 7, paragraph 1 (c) and (d)).

The grants are limited because of the difficult budget situation. The current state budget does not have sufficient resources to fully satisfy all organizations applying for grants for their projects. Under such circumstances, it seems that the best course would be to submit fewer projects – this may also help to improve the quality of projects, which is the key criterion for their approval. However, the number of members of the minority organization submitting the project may be taken into account when determining the amount of the subsidy, since there are no limitations on the amount per project.

#### Broadcasting in minority languages

The Committee encourages the Czech authorities to take measures to encourage and/or facilitate the broadcasting of programmes in certain minority languages on private radio on a regular basis (see paragraphs 194 and 264). It also encourages the Czech authorities to take measures to develop broadcasting in certain minority languages and to provide a regular television programme in such languages on the public service television (see paragraphs 72 and 190).

It is to be noted that private broadcasters are not required by law to offer programmes in any particular language. Private broadcasters are free to broadcast programmes in any languages, including minority languages. This means that the law does not impose any restrictions on the development of private radio broadcasting in minority languages.

Each broadcaster's contribution to the development of the culture of national, ethnic and other minorities in the Czech Republic is one of the statutory licensing criteria to be taken into account by the broadcasting regulator – the Radio and Television Broadcasting Council – when considering applications for analog radio broadcasting licences. This criterion does not apply to other types of broadcasting (terrestrial digital broadcasting, cable and satellite broadcasting, internet broadcasting). In their case, number of licences for these broadcasters is not limited by a lack of available frequencies, and therefore the broadcaster is only required to meet the general licensing conditions.

The Culture Ministry's programme to support the dissemination and receiving of information in national minority languages includes measures to support radio and television broadcasting entirely or predominantly in national minority languages. The necessary government resources are already available and are being used to support broadcasting in Polish and Roma.

Public service broadcasters (the Czech Television and the Czech Radio) have the general statutory duty to *“create and disseminate programmes and to provide a balanced offer of programmes for all groups of population, with due regard to the freedom of their religion or belief, culture, ethnic or national origin, national identity, social origin, age or sex, in a way ensuring that the programmes reflect the diversity or views and political, philosophical and artistic movements, with the aim to strengthen mutual understanding and tolerance and to support the cohesion of a pluralistic society and the development of the cultural identity of the inhabitants of the Czech Republic, including persons belonging to national or ethnic minorities”*.

It should be kept in mind that due to the broad range of existing interests, it is not reasonably possible to have quotas and time slots for all diverse interests and groups. In addition, unlike the radio, the public service television has no regional channels offering programmes tailored to regional audiences. To compensate for this, the existing legislation provides the public service television with the flexibility that it needs to comply with this statutory duty while keeping within the available budget.

As regards the Committee's statements encouraging the Czech authorities to comply with the undertakings under Article 11 of the Charter, reference should be made to paragraph 1 of this article. This paragraph makes it clear that the nature and scope of the undertakings entered into under Article 11 are determined i.a. by the powers and role of the public authorities, and by the duty to respect the independence and autonomy of the media.

With regard to the existing legislation, the issue clearly falls outside the remit of the Government. Compliance with the Czech Television's statutory duty to provide a balanced offer of programmes is supervised by the Czech Television Council, a regulatory body elected by the Chamber of Deputies of the Parliament. Therefore, the Government will inform the Czech Television and the Czech Television Council about the Committee's recommendations, so that they can be taken into account in their work. .

The matter will also be considered by the Government Council for National Minorities. In May 2012, the Council was informed that the Czech Television had set up a production team to create programmes for national, ethnic and other minorities. The production team drafted a document outlining its vision of as regards the type and content of the programmes. In June 2012, the National Minority Broadcasting Working Group (part of the Government Council for National Minorities), entered into consultations with the Czech Television regarding cooperation on this issue.

With regard to the above facts, the Czech Republic considers the undertakings under Article 11 fulfilled. However, it will bear in mind the Committee's recommendations and is ready to continue the dialogue with the Committee on the possibilities for further development which are, however, limited mainly by the budgetary constraints resulting from the present economic situation.

### **Anti-discrimination Act**

In paragraph 219 the Committee says that the 2009 Antidiscrimination Act enforces the right to equal treatment and non-discrimination in areas such as the right to employment and to access to employment or entrepreneurship, access to health care, and access to education. It is to be noted that the prohibition of discrimination, safeguarded by constitutional legislation, was enforceable in court already before the introduction of the Antidiscrimination Act. The Act only facilitates its enforceability by unifying and, where necessary, developing in more detail the rules already contained in other laws and regulations (e.g. the Employment Act and the Labour Code).

## **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(2013)1 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 30 January 2013  
at the 1160th 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 on 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 second periodical report, supplementary information given 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. 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;
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;
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 measures to make available teaching in or of German and Romani, in co-operation with the speakers;
5. continue the efforts to ensure that speaking Romani at school is not prohibited or discouraged.