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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN THE SLOVAK REPUBLIC

3rd 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 Slovak 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's first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

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

adopted by the Committee of Experts on 21 June 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 Ratification of the Charter by the Slovak Republic

1. The Slovak Republic signed the European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) on 20 February 2001 and ratified it on 5 September 2001. The Charter entered into force with regard to the Slovak Republic on 1 January 2002.
2. The instrument of ratification is set out in Appendix I to this report.
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.¹ The Slovak authorities presented their third periodical report to the Secretary General of the Council of Europe on 2 March 2012.

1.2 The work of the Committee of Experts

4. This third evaluation report is based on the information obtained by the Committee of Experts from the third report of the Slovak Republic and additional information provided by the authorities during the on-the-spot visit (30 May – 1 June 2012). In addition, the Committee of Experts obtained information through interviews held with representatives of bodies and associations of most national minorities. The Committee of Experts has received statements pursuant to Article 16.2 of the Charter. The statements will be dealt with later in the report. The present report reflects the policies, legislation and practice prevailing around the time of the on-the-spot visit (May 2012). Any later contributions and developments will be taken into account in the next report of the Committee of Experts concerning the Slovak Republic.
5. In the present third evaluation report the Committee of Experts will focus on the provisions and issues under both Part II and Part III which were singled out in the previous evaluation report as raising particular problems. It will evaluate in particular how the Slovak 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 third monitoring round.
6. The present report contains detailed recommendations that the Slovak authorities are encouraged to take into account in order to develop their policy on regional or minority languages. The Committee of Experts has, on the basis of its detailed recommendations, also established a list of proposals for general recommendations to be addressed to the Slovak Republic by the Committee of Ministers, as provided in Article 16.4 of the Charter.
7. The present report was adopted by the Committee of Experts on 21 June 2012.

1.3 General issues arising from the evaluation of the report

1.3.1 Number of speakers of regional or minority languages

8. In the second monitoring cycle, the Committee of Experts encouraged the Slovak authorities to take steps to collect, in co-operation with the speakers, reliable data concerning the number of users of the regional or minority languages and their geographic distribution.
9. No information in this respect has been provided to the Committee of Experts in the third monitoring cycle.

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

10. According to the periodical report, a census was organized in the Slovak Republic in 2011, which gathered *inter alia* data on nationality, mother tongue and, for the first time, the most frequently used language, in public and in private. The final results of the census were not available during the present monitoring cycle. Nevertheless, the information the Committee of Experts has at its disposal² shows great variations among the four categories mentioned above (nationality, mother tongue, the most frequently used language in public and in private). During the on-the-spot visit, several representatives of the minority language speakers were of the view that there have been misunderstandings as regards the above-mentioned categories and, in addition, many people are still reluctant to declare a nationality or language different from Slovak.

11. The Committee of Experts reiterates that the lack of reliable data is problematical, given that the census results serve as a basis for the allocation of funding, broadcasting time and the use of minority languages in relations with administrative authorities. Furthermore, it limits the capacity of the Slovak authorities to plan and take consistent and constant action for the protection and the promotion of the minority languages.³

12. The Committee of Experts urges the Slovak authorities to take steps to collect, in co-operation with the speakers, reliable data concerning the number of users of the regional or minority languages and their geographic distribution. This could be done, for example, by carrying out sociological surveys regarding all linguistic groups or by using local/municipal indicators such as the existence of minority-related associations, events, education or the number of subscriptions to print media in that language.⁴

1.3.2 The 20% threshold

13. The Slovak Republic declared at the time of ratification that “pursuant to Article 1, paragraph b, of the Charter, (...) the term ‘territory in which the regional or minority language is used’, also regarding the application of Article 10, shall refer to the municipalities in which the citizens of the Slovak Republic belonging to national minorities form at least 20 % of the population, according to the Regulation of the Government of the Slovak Republic N. 221/1999, dated 25 August 1999.” The Slovak authorities clarified subsequently that the 20% threshold applied exclusively to the use of regional or minority languages in dealings with the administration (i.e. to Article 10 of the Charter) and not in other areas covered by the Charter.

14. The 20% threshold appears too high as the number of people justifying protection measures under the Charter would commonly be well below this percentage. The 20% threshold particularly affects Bulgarian and Polish, whose speakers do not attain the threshold in any municipality, as well as Croatian and German whose speakers narrowly attain the threshold in only one municipality.⁵ The Committee of Experts is of the view that the 20% threshold amounts to a territorial reservation which is incompatible with the Charter. Therefore Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

15. In the second monitoring cycle, the Committee of Experts noted that the Slovak authorities should determine what *absolute* “number of residents who are users of regional or minority languages” (Article 10) they consider sufficient to apply the undertakings under Article 10 to Bulgarian and Polish in at least one municipality respectively. They should also consider similar flexible and specific measures “according to the situation of each language” regarding other languages with a view to ensuring a consistent and constant implementation of Article 10. The Committee of Experts pointed to the model of the Public Defender of Rights (Ombudsman), where according to the law all languages covered by the Charter could be used in communication even in areas where less than 20% of the population belong to a given national minority. The Committee of Ministers recommended that the Slovak authorities “**review the requirement that minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational**”. Furthermore, the Committee of Experts urged the Slovak authorities to determine, in co-operation with the speakers, in what areas the regional or minority language speakers are traditionally present in sufficient numbers for the purpose of the undertakings entered into by the Slovak Republic under Article 10, in all those cases not reaching the 20% threshold, and to apply Article 10 in those areas.

² See Statistical Office of the Slovak Republic, <http://portal.statistics.sk/showdoc.do?docid=44184>

³ See 2nd Report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 9, 1st Report of the Committee of Experts on Slovakia, ECRML (2007) 1, paragraph 45

⁴ See 2nd Report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 10

⁵ See 2nd Report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 13

16. According to the third periodical report, the Slovak authorities have amended the Act on the Use of the Languages of the National Minorities (hereafter, National Minorities Languages Act) with a view to broadening the use of regional or minority languages. Some of the new provisions were in force as of 1 July 2011, while others will only be in force as of 1 July 2012.

17. Pursuant to these amendments, persons belonging to the national minorities may use minority languages in official oral communication even in municipalities where the threshold is not met, "if the public administration officer and the persons involved in the proceedings so agree." The agreement depends, according to the periodical report, on whether all the persons involved understand the minority language.

18. The Committee of Experts underlines that Article 7.1.d of the Charter requires the state to facilitate the use of regional or minority languages in public life, while Article 10 of the Charter sets out an obligation to *ensure, to allow and/or encourage* the use of minority languages in relations with administrative authorities. This does not imply passive permission to use regional or minority, but requires a proactive and structured approach on the part of the authorities to promote the use of these languages.⁶ Accordingly, it is not sufficient simply to allow local authorities to use minority languages under certain conditions, leaving it to their discretion whether they want to grant in practice the right to communicate with them in minority languages. Article 10 requires the authorities to take proactive measures in order to ensure systematically the rights of minority language speakers. As stated in the Preamble of the Charter, accepting a particular provision "entails a commitment to provide the resources and make the administrative arrangements required to render it effective".⁷ Furthermore, the presence of a language in administrative life is fundamental to its status and development, for maintaining all its terminological potential and expressing every aspect of community life.⁸

19. In addition, the 20% threshold has been lowered to 15%, which has to be confirmed in two subsequent censuses, the first being the 2011 one. The Committee of Experts notes that this new threshold will be applicable in 2021 at the earliest. In practice, the 15% threshold would be reached in one additional municipality for German and one for Croatian. It would not be reached in any municipality for Bulgarian or for Polish. In addition, for some minorities, as underlined by the representatives of the German-speakers, the census numbers would probably be even lower by 2021. For these reasons, the German-speakers requested a lowering of the threshold to 10%, immediately applicable.

20. The Committee of Experts reiterates that a lowering of the threshold does not in itself solve the problem of the application of Article 10 to Bulgarian and Polish, given that the speakers of both languages do not reach that percentage either. In addition, a consistent and stable implementation of Article 10 needs to be ensured as regards all languages.⁹ The Committee of Experts further notes, that, for example, during the census forms were made available in Hungarian, Romani, Ruthenian and Ukrainian in all municipalities where, according to the 2001 census, persons belonging to national minorities live, irrespective of the 20% threshold.

21. The Committee of Experts reiterates¹⁰ that the Slovak authorities should determine what *absolute number* of residents who are users of regional or minority languages" (Article 10) they consider sufficient to apply the undertakings under Article 10 to Bulgarian and Polish in at least one municipality respectively. They should also consider similar flexible and specific measures "according to the situation of each language" regarding other languages with a view to ensuring a consistent and stable implementation of Article 10.

The Committee of Experts strongly urges the Slovak authorities to determine, in co-operation with the speakers, in what areas the regional or minority language speakers are traditionally present in sufficient numbers for the purpose of the undertakings entered into by the Slovak Republic under Article 10, in all those cases where the 20% threshold is not met, and to apply the undertakings ratified under Article 10 also in those areas.

1.3.3 Russian and Serbian in the Slovak Republic

22. According to information available to the Committee of Experts, it appears that the Russian and Serbian minorities also have a traditional presence in the Slovak Republic. The question therefore arises as to whether Russian and Serbian may be considered as regional or minority languages in the Slovak Republic within the meaning of Article 1.a of the Charter.

⁶ See 1st Report of the Committee of Experts on Denmark, ECRML (2004) 2, paragraph 36

⁷ Paragraph 104 of the Preamble of the Charter

⁸ See Paragraph 101 of the Preamble of the Charter

⁹ See 2nd Report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 15

¹⁰ See 2nd Report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 15

23. The Committee of Experts encourages the Slovak authorities to examine the situation, in co-operation with the speakers, and would welcome further information in the next periodical report.

Chapter 2 Conclusions of the Committee of Experts on how the Slovak authorities have reacted to the recommendations of the Committee of Ministers

Recommendation no. 1:

“review the requirement that minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational;”

24. The Slovak Republic had adopted two amendments to the State Language Act in 2009 and 2011 and one amendment to the National Minorities Languages Act in 2011. The legal framework allows for the oral use of minority languages in relations with authorities in any municipality, on condition the authority employee and the other persons present agree. In addition, a 15% threshold is foreseen, if confirmed by two subsequent censuses, in 2011 and 2021. In substance, the problems linked with the 20% threshold have not been solved.

Recommendation no. 2:

“provide for the teaching of all minority languages at all appropriate levels and inform parents about its availability;”

25. Except for some progress for Ruthenian, there have been no significant changes concerning the teaching of minority languages. In most cases the situation has worsened, either by a decrease in the number of minority language schools or pre-schools or in the number of subjects taught in a minority language. Bulgarian, Croatian and Polish are still not taught in the Slovak public system. Except for Hungarian, there is a lack of continuity from pre-school through primary to secondary and technical and vocational education. There is still no proactive approach from the authorities in relation to the parents and pupils.

Recommendation no. 3:

“improve teacher-training and set up a body in charge of monitoring the measures taken and progress achieved;”

26. There have been no improvements as regards teacher training. The Methodological Pedagogical Centre provides further training for all teachers, not specific training for regional or minority language teachers.

27. There exists no supervisory body with the specific task of monitoring effectively the teaching of regional or minority languages.

Recommendation no. 4:

“improve the provision of public sector television and radio in all minority languages and facilitate the broadcasting of private radio and television in minority languages by lifting the restrictive requirements of the respective legislation;”

28. There have been no significant improvements as regards the provision of public sector television and radio in the minority languages. The broadcasting time allotted to Romani, Hungarian, Ruthenian and Ukrainian on television has decreased, while for the other languages it has remained the same. On radio, the provision of programmes for Romani and Polish has increased, and it has remained the same or decreased in the case of Ruthenian and Ukrainian. For German, Bulgarian, Croatian and Polish the presence of television remains irregular.

29. As of 2011, it is no longer compulsory for private radio broadcasters to provide a Slovak language version of radio programmes broadcast in a minority language, but a similar obligation in the case of television has been maintained. Except for Hungarian, the Committee of Experts has not been informed of any private radio stations or television channels broadcasting programmes in minority languages.

Recommendation no. 5:

“facilitate the creation of newspapers in minority languages;”

30. The Slovak authorities provide funding to an important number of publications in minority languages. However, in accordance with the Charter, a newspaper has to be published at least weekly. This is the case only for Hungarian. In addition, there are practical shortcomings in the financing system, as the subsidies are received with significant delays.

Recommendation no. 6:

“continue measures to abolish the practice of unjustified enrolment of Roma children in schools for children with special needs and start to introduce Romani-language education for Roma children on a large scale.”

31. The Slovak authorities have taken measures to improve the integration of Roma children and to avoid their being unjustifiably enrolled in schools for children with special needs. However, this remains a general practice. In addition, when admitted to mainstream schools, Roma children are enrolled in separate classes.

32. Romani-language education has not been introduced on a large scale. The number of schools teaching Romani has largely remained the same compared to the previous monitoring cycle. There has been no follow-up to the successful pilot projects dedicated to developing the Romani language teaching that were taking place during the previous monitoring cycles.

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

3.1 The evaluation in respect of Part II of the Charter

33. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in previous reports and for which it did not receive any new information requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage. Under Part II, this concerns Article 7.1.a, e, h and 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:

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

34. In the first monitoring cycle, the Committee of Experts noted that, as an effect of Act No. 221/1996 on the Territorial and Administrative Division of the Slovak Republic, it was possible that as a result of administrative divisions a group of speakers in a given territory was no longer present in sufficient numbers for the purpose of the relevant undertakings entered into under the Charter. As the Committee of Experts did not receive any information in this respect in the second monitoring cycle, it requested the Slovak authorities to report about this issue in the next periodical report.

35. The Committee of Experts has received no information on this issue in the third monitoring cycle, either from the authorities or the minority language speakers. The Committee of Experts invites the Slovak authorities to comment in the next periodical report on how they ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority languages.

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

36. In the second evaluation report, the Committee of Experts welcomed the initiatives of the Slovak authorities to prepare a draft law on the financing of minority cultures and establish an Office for Minorities and encouraged the authorities to pursue them further.

37. Significant legislative changes have taken place during the monitoring period. In 2011 the State Language Act and the National Minorities Languages Act were amended and the Act on Displaying the Names of Municipalities in Minority Languages, which did not allow for the use of several historical place names in minority languages, has been abolished.

38. There is a general tendency in the Slovak legislation to restrict the right to use minority languages to certain situations where specific statutory conditions are met. Even in these situations, the legislation often leaves it to the discretion of the authorities to what degree they want to implement the linguistic rights of minority language speakers. Most undertakings under the Charter, however, require more than simply allowing public and private bodies to make use of minority languages. They do not imply merely passive permission to use regional or minority languages, but require positive action from the authorities to promote the use of these languages.¹¹ The Charter clearly implies an obligation to take proactive measures in order to ensure systematically the rights of minority language speakers.

39. The Committee of Experts also notes that there are shortcomings in the functioning of the system for funding the activities of the national minorities, especially considerable delays in having the projects approved and financed. This affects the capacity of the minority associations to adequately plan and implement their activities. The representatives of the minority language speakers have underlined the need for a law on the financing of minority cultures, a previous initiative of the Slovak authorities. The Committee of Experts encourages the authorities to pursue this initiative, in co-operation with the speakers.

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

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

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

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

41. In the second monitoring cycle, the Committee of Ministers recommended that the Slovak authorities **“continue measures to abolish the practice of unjustified enrolment of Roma children in schools for children with special needs.”** Furthermore, the Committee of Experts urged the Slovak authorities to abolish without delay the practice of unjustified enrolment of Roma children in special schools.

42. According to the third periodical report, in line with the 2008 Schools Act, children are admitted to schools for pupils with special needs exclusively on the basis of a health disadvantage, after diagnostic checks have been carried out by an educational prevention and consultancy institution assessing the special educational needs. The admission decision is taken by the school headmaster, on the basis of the written application of the legal representative, accompanied by a written statement of an educational prevention and consultancy institution recommending this type of education. The headmaster has an obligation to inform the legal representative of all the educational possibilities for the child. The authorities draw the special attention of headmasters to the integration principle and strictly regulate the diagnostic procedures. Only children with a clear and definitive diagnostic may be admitted to these schools. In addition, special tests have been used since 2004, in order to eliminate the serious risk of children from socially disadvantaged environments being qualified as mentally retarded.

43. Additional information provided by the authorities refers to projects aimed at better integrating Roma children in mainstream education, such as the new project *Promotion for Creating a Positive Social Climate and Motivation in Multicultural Classes of Elementary Schools*, aimed at creating a positive school climate and at eliminating the exclusion or separation of Roma children. In addition, the State School Inspection will intensify its monitoring on segregation in the upcoming school years.

44. Nevertheless, according to the information received during the on-the-spot visit, segregation is still a widespread practice in the educational system.¹² In addition to the special schools, Roma children are placed in separate classes even in mainstream schools. There are views that support this practice and argue that separate classes would be necessary because of the special situation of Roma children and the need for them to overcome the particular social situation. Such a case has been taken to court and, in a recent decision, the Prešov district court stated that establishing separate classes for Roma children is a breach of the Antidiscrimination Act.

45. The Committee of Experts welcomes the decision of the Prešov district court. It is of the view that more efforts are needed on behalf of the authorities to eliminate clearly discriminatory practices with respect to Roma children.

The Committee of Experts strongly urges the Slovak authorities to intensify efforts to abolish the practice of unjustified enrolment of Roma children in special schools or in separate classes.

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

46. In the second evaluation report the Committee of Experts urged the Slovak authorities to develop facilities aimed at enabling non-speakers of a regional or minority language to learn it if they so desire.

47. According to the third periodical report, pursuant to the Schools Act, Slovak mainstream schools have the possibility, if interested, to teach a regional or minority language to Slovak pupils, as a subject within available lessons.

48. The Committee of Experts has not received any information on the use of this possibility in practice, nor on corresponding facilities for adult non-speakers. The Committee of Experts strongly urges the Slovak authorities to develop facilities enabling non-speakers of a regional or minority language to learn it if they so desire.

Paragraph 2

¹² See also ECRI conclusions on the implementation of the recommendations in respect of Slovakia, subject to interim follow-up, CRI (2012)29

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.

49. In the second evaluation report, the Committee of Experts noted that there were still a number of instances where the State Language Act expressly imposed the use of Slovak, thus discouraging the use of minority languages in the relevant areas. It was of the view that a modification of the law was necessary to bring it into conformity with the obligations under the Charter.

50. In the monitoring period, the State Language Act has been amended twice. The first amendment in 2009 even further limited the possibilities to use minority languages. With the second amendment of 2011 the use of minority languages was facilitated to a certain degree, and the sanction mechanism under the State Language Act was limited in its scope of application. The Committee of Experts will deal with these issues in further detail under Part III.

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.

51. In the second evaluation report, the Committee of Experts urged the Slovak authorities to strengthen the efforts in the field of education and media devoted to raising the awareness of the Slovak-speaking majority population about all the regional or minority languages used in the Slovak Republic.

52. According to the third periodical report, the Slovak Government undertook in 2010 to improve human rights education in schools and in the public sector, foster awareness-raising activities related to human rights and introduce a modern concept of citizenship and human rights into the school curricula. To this end a Committee for research, education and instruction in the area of human rights and developmental education was established, as a body of the Government Council for Human Rights, National Minorities and Gender Equality. Additional information from the authorities refers to several projects of the Ministry of Education especially aimed at combating exclusion or separation of Roma children and training pedagogical staff with a view to a better inclusion of these children. During the on-the-spot visit, the authorities informed the Committee of Experts that all pupils in the Slovak schools are taught about the presence of minorities, in the past and in the present, as part of subjects such as history, geography, civic studies, art, Slovak language and literature. Multicultural education as a cross-cutting subject is compulsory in the state curricula. Moreover, the fight against discrimination, racism and intolerance is also taken into consideration when the authorities grant subsidies to various projects.

53. Nevertheless, the Committee of Experts has been informed that history teaching promotes a negative image of the German and Hungarian minorities, and does not focus on their contribution to the Slovak society. The Hungarian and German minorities and languages are therefore still negatively perceived under the influence of the past.

54. In addition, mainstream Slovak media do not provide adequate coverage of minorities and tend to promote a negative image, when minority issues are dealt with.

55. The Committee of Experts has been informed of an NGO initiative to launch an internet website informing about minorities in Slovakia and combating widespread prejudices and stereotypes.

56. The Committee of Experts recalls that the extent to which a minority language is protected or promoted is linked to how it is perceived by majority language speakers. As a result, awareness-raising with the majorities is of the utmost importance and requires constant efforts in both the educational and the media field. The fundamental goal is to stimulate the majority population to value the fact that regional or minority language speakers form part of the linguistic and cultural heritage of the State *with* their different languages and cultures.¹³

¹³ See 1st Report of the Committee of Experts on Slovakia ECRML (2007) 1, paragraphs 77 and 80-81

The Committee of Experts strongly urges the Slovak authorities to intensify efforts in the field of education and media devoted to raising the awareness of the Slovak-speaking majority population of the positive contributions of the regional or minority languages to the Slovak society.

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.

57. In the second evaluation report, the Committee of Experts encouraged the Slovak authorities to ensure regular meetings of the Council of the Government of the Slovak Republic for National Minorities and Ethnic Groups.

58. According to the third periodical report, a Government Council for Human Rights, National Minorities and Gender Equality was established in 2011 as a new permanent advisory body, chaired by the Deputy Prime Minister of the Slovak Republic for Human Rights and National Minorities. The former Council of the Government of the Slovak Republic for National Minorities and Ethnic Groups became the Committee for National Minorities and Ethnic Groups, a permanent advisory and consultative body within the newly established council. The Committee was composed of representatives of all recognized minorities in the Slovak Republic.

59. This body was active until March 2012. At present, a new structure of the government is under discussion. The Committee of Experts expects that the new structure will pay due consideration to the needs and wishes of the regional or minority language speakers, as required by this undertaking.

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.

60. In the second evaluation report, the Committee of Experts requested the Slovak authorities to provide information on the extent to which the measures to financially support the Jewish national minority in the cultural field and in the media have promoted Yiddish.

61. The third periodical report states that Hebrew and Yiddish are mainly used in liturgical rites and private life. During the on-the-spot visit the Slovak authorities further informed the Committee of Experts that at present Yiddish cannot be considered a mother tongue and was only used in the past. The Ministry of Culture has a fund for immaterial cultural heritage and Yiddish is included therein.

62. According to the representatives of the speakers the Committee of Experts met during the on-the-spot visit, there are only a few persons who understand the language and even fewer with an active command of Yiddish. However, there is an interest from at least a part of the Jewish community in learning the language, as a way of maintaining contact with the cultural heritage. There is a group learning Yiddish as a private initiative and it appears that more would be interested, should a structured offer exist.

63. Bearing in mind the particular situation of the language, the Committee of Experts encourages the authorities to take proactive steps to promote Yiddish, in particular by offering the possibility to learn it to those who so desire.

3.2 The evaluation in respect of Part III of the Charter

64. The languages covered also by Part III of the Charter are Hungarian, Ruthenian, Ukrainian, Romani German, Czech, Bulgarian, Croatian and Polish.

3.2.1 Hungarian

65. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its previous reports and for which it did not receive any new information requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage. For Hungarian, these provisions are the following:

Article 8.1.a.i; 8.1.c.i, 8.1.e.i;
 Article 9.2.a;
 Article 10.5;
 Article 11.2;
 Article 12.1.a; 12.1.b; 12.1.c; 12.1.d; 12.1.e;12.1.f; 12.3;
 Article 13.1.c;
 Article 14.a.

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:

Primary school education

b i to make available primary education in the relevant regional or minority languages;

66. In the second monitoring cycle, the Committee of Experts considered the undertaking fulfilled. It requested the Slovak authorities to provide information, in the next periodical report, on the risk that small schools in smaller villages may be closed for financial reasons.

67. According to the third periodical report, this risk affects all small schools, irrespective of the language of instruction. Schools are closed for financial reasons and this situation especially affects municipalities with a small number of inhabitants. As an example, the report states that as of September 2010 in the area of the Regional School Office in Košice there were 24 small Hungarian-language schools and 6 small bilingual (Hungarian-Slovak) schools. The school in Oborin was closed in 2008 and the one in Žarnov in 2011, both due to the insufficient number of pupils. On the whole, in the 2010/2011 school year, there were 242 Hungarian-language schools (30905 pupils) and 29 bilingual schools in the Slovak Republic. In addition, there were 11 Hungarian-language and 15 bilingual special schools (offering pre-school and primary education).

68. During the on-the-spot visit the representatives of the Hungarian-speakers informed the Committee of Experts that the number of Hungarian-language schools is decreasing and the minority is interested in maintaining at least the current school network.

69. The Committee of Experts considers the undertaking still fulfilled at present. Nevertheless, it encourages the Slovak authorities to take special measures supporting access to primary education in Hungarian for all the pupils interested.

Technical and vocational education

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

70. In the second monitoring cycle the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities to ensure that technical and vocational education remained available in Hungarian, in conformity with the present undertaking.

71. According to the third periodical report, there are 9 Hungarian-language vocational schools and 32 bilingual (Hungarian-Slovak) vocational schools. The authorities admit that there is a low number of vocational schools providing education in Hungarian. The representatives of the Hungarian-speakers have raised as well the issue of the small number of vocational schools.

72. The Committee of Experts considers the undertaking partly fulfilled. It urges the authorities to ensure that technical and vocational education remains available in Hungarian, in conformity with the present undertaking.

Adult and continuing education

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

73. In the second monitoring cycle, the Committee of Experts requested the Slovak authorities to clarify this point in their next periodical report.

74. The third periodical report does not provide any specific information about the offer of adult and continuing education courses in Hungarian.

75. In view of the repeated lack of information, the Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in Hungarian.

Teaching of the history and the culture

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

76. In the second monitoring cycle, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Slovak authorities to make arrangements to ensure the teaching of the history and the culture which is reflected by Hungarian.

77. In the third periodical report the authorities state that the Hungarian-language schools follow a special state educational programme and regional specificities are reflected in their educational programmes. These schools use original history books drafted by authors belonging to the Hungarian minority. In general, attention is paid to a modern approach to history, underlining common elements and involving pupils in discussions and events promoting an interest in general and regional history.

78. During the on-the-spot visit, the authorities informed the Committee of Experts that all pupils in the Slovak schools are taught about the presence of minorities, in the past and in the present, as part of subjects such as, history, geography, civic studies, art, Slovak language and literature. Multicultural education as a cross-cutting subject is compulsory in the state curricula.

79. However, the representatives of the Hungarian-speakers have informed the Committee of Experts that a negative image of the role of Hungarians in Slovak history is promoted in Slovak schools.

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

The Committee of Experts urges the Slovak authorities to improve the teaching of the history and the culture which is reflected by Hungarian in mainstream education.

Basic and further training of teachers

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

81. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**improve teacher-training [...].**” Furthermore, the Committee of Experts urged the Slovak authorities to adopt a structured approach to further training of teachers.

82. The third periodical report refers to the Methodological Pedagogical Centre. However, it does not provide any specific information on the further training of teachers teaching in Hungarian.

83. The Committee of Experts considers the undertaking fulfilled as regards basic training and partly fulfilled as far as further training is concerned. It strongly urges the Slovak authorities to adopt a structured approach to the further training of teachers.

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

84. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “[...] **set up a body in charge of monitoring the measures taken and progress achieved.**” Furthermore, the Committee of Experts urged the Slovak authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.

85. According to the third periodical report, no special supervisory body has been established. State school inspection evaluates education in minority languages as well and includes this topic in its annual report. The authorities have informed the Committee of Experts that such reports are internal.

86. The Committee of Experts reiterates that this undertaking goes beyond the inspection and reporting of mainstream education. It requires a body dedicated to looking at the teaching of regional or minority languages. In practice, it is possible for an existing body to carry out the monitoring envisaged under this undertaking and to produce periodical reports. The monitoring requires evaluating and analysing the measures taken and the progress achieved with regard to regional or minority language education. The report should, among other things, contain information on the extent and availability of Hungarian education together with developments in language proficiency, teacher supply and the provision of teaching materials. Finally these periodic reports should be made public.¹⁴

87. The Committee of Experts considers this undertaking not fulfilled. The Committee of Experts urges the Slovak authorities to set up or commission a supervisory body with the task of monitoring the measures taken and progress achieved in developing teaching in Hungarian, and of drawing up public periodical reports on the development of Hungarian-language education.

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

88. In the second monitoring cycle, the Committee of Experts considered these undertakings partly fulfilled. It urged the Slovak authorities to guarantee the right of the accused to use Hungarian in the criminal proceedings irrespective of whether he or she also has a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts urged the Slovak authorities to provide in the legislation that requests and evidence may be produced in Hungarian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

89. According to the information in the third periodical report, there have been no legal changes in the monitoring period in line with the above-mentioned recommendations. Furthermore, the report contains no information concerning the practical implementation of these undertakings.

90. The authorities informed the Committee of Experts during the on-the-spot visit that courts may, for example, place multilingual notifications on the information and official notice board of the court. While this is not expressly foreseen by the legislation, such actions are not prohibited. The Committee of Experts has been informed during the on-the-spot visit that the new regulations concerning the responsibility of the interpreters and translators have recently led to a decrease in their numbers, as far as regional or minority languages are concerned. The Committee of Experts points out that this might lead to practical problems in the implementation

¹⁴See 3rd Report of the Committee of Experts on Germany, ECRML (2008) 4, paragraphs 141 - 143

of these undertakings and encourages the authorities to take measures to ensure a sufficient number of trained interpreters are available.

91. The Committee of Experts considers these undertakings still only partly fulfilled. It strongly urges the Slovak authorities to guarantee the right of the accused to use Hungarian in the criminal proceedings irrespective of whether he or she also has a command of Slovak and to ensure that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts strongly urges the Slovak authorities to provide in the legislation that requests and evidence may be produced in Hungarian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

92. Furthermore, the Committee of Experts encourages the authorities to take proactive measures facilitating the implementation of these undertakings in practice and asks them to provide detailed information in this respect in the next periodical report.

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;

93. In the second monitoring cycle, the Committee of Experts considered these undertakings partly fulfilled. It urged the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use the Hungarian language without thereby incurring additional expense, and evidence and documents may be produced in Hungarian if necessary by the use of interpreters and translations, even if the Hungarian-speaker has a command of the Slovak language.

94. According to the information provided by the authorities, pursuant to a 2008 amendment, Article 18 of the Civil Procedure Code provides that parties “have the right to use their mother tongue or the language they understand.” This applies to civil and administrative proceedings. The Committee of Experts received no information concerning the practical implementation of these undertakings.

95. The Committee of Experts refers to paragraph 90 above and encourages the authorities to take measures to ensure a sufficient number of trained interpreters are available.

96. The Committee of Experts considers these undertakings partly fulfilled. It encourages the authorities to take proactive measures facilitating the implementation of these undertakings in practice and asks them to provide detailed information in this respect in the next periodical report.

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

97. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

98. According to the third periodical report, the interpretation and/or translation costs are borne by the state.

99. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

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

100. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities to ensure that amendments to the most important national statutory texts are also available in Hungarian.

101. The third periodical report does not contain any specific information concerning amendments to the most important statutory texts made available in Hungarian.

102. The Committee of Experts considers this undertaking partly fulfilled. It urges the Slovak authorities to ensure that amendments to the most important national statutory texts are also available in Hungarian.

Article 10 – Administrative authorities and public services

Preliminary issues

103. The Committee of Experts recalls that Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

104. In the second monitoring cycle, the Committee of Ministers of the Council of Europe recommended that the Slovak authorities **“review the requirement that minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational.”**

Paragraph 1

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

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

105. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities to take the necessary measures so that the Hungarian-speakers may submit oral or written applications and receive a reply in Hungarian, wherever there was a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.

106. According to the third periodical report, there have been several amendments to the National Minorities Languages Act. However, the conditions for the use of a minority language in relations with administrative authorities still depend on whether the 20% threshold is met or not. The amended legislation provides that persons belonging to national minorities may use minority languages in official oral communication even in municipalities where the threshold is not met, “if the public administration officer and the persons involved in the proceedings so agree.” The agreement depends, according to the periodical report, on whether the other persons present understand the minority language. The Committee of Experts notes that such a provision does not legally ensure that users of Hungarian may submit oral or written applications and receive a reply in this language.

107. The new provisions foresee lowering the 20% threshold to 15%, applicable after being confirmed in two subsequent censuses. In practice, the new 15% threshold might apply in 2021 at the earliest. Therefore, for the present monitoring cycle the 20% threshold still applies.

108. As regards the municipalities where the 20% threshold is met, the authorities have an obligation to create conditions for the use of minority languages. They further have to provide information about the possibility to use minority languages in a visible place in their offices. A 50 to 2500 Euro fine may be applied for breaching this obligation or if the authority does not enable the use of minority languages. Persons belonging to national minorities have the right to submit written applications, documents and evidence in a minority language, and the authorities shall reply in Slovak and in the minority language. While issuing public instruments in minority languages is generally prohibited, in an administrative proceeding the authorities shall issue the decision in Slovak and in an equal copy in the minority language, on demand or if the procedure was

initiated in the minority language. Furthermore, birth, marriage and death certificates, permits, authorizations, confirmations, statements and declarations shall be issued in Slovak and in the minority language on demand or if the initial request was made in a minority language. If the authorities refuse to issue such documents bilingually, a 50 to 2500 Euro fine may be applied. In addition, the authorities shall provide citizens with bilingual forms, on request.

109. According to the third periodical report, local state authorities usually employ staff having a command of the minority language.

110. During the on-the-spot visit, the representatives of the Hungarian-speakers informed the Committee of Experts that there are still difficulties in practice in using Hungarian in communication with state administrative authorities.

111. In addition, this provision is not applied in those administrative districts where the Hungarian-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertaking. The provision is not applied to regional state authorities either.

112. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts urges the Slovak authorities to ensure that such of their officers as are in contact with the public use Hungarian in their relations with persons applying to them in Hungarian, wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.

Paragraph 2

113. Pursuant to Slovak legislation, the use of regional or minority languages in relations with local branches of the State administration and local authorities is possible in municipalities where, according to the last census, at least 20% of the population belong to a given national minority. By contrast, the Committee of Experts notes that the use of regional or minority languages in relations with *regional* authorities is not permitted.¹⁵

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

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

114. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled in the case of local authorities and not fulfilled in the case of regional authorities. It urged the Slovak authorities to take the necessary measures to allow and/or encourage the wider use of Hungarian within all aspects of the framework of the regional or local authority, and to provide the legal basis for introducing the use of Hungarian at regional level where the speakers were present in sufficient numbers.

115. The third periodical report does not provide any specific information in this respect. Therefore, it remains unclear whether the use of Hungarian *within* local and regional authorities, not only in relations with applicants, is formally permitted and implemented in practice.

116. The Committee of Experts maintains that this undertaking is partly fulfilled in the case of local authorities and not fulfilled in the case of regional authorities.

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

117. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled at local level and not fulfilled at regional level. It urged the Slovak authorities to: take the necessary measures so that the Hungarian-speakers may submit oral or written applications in Hungarian including in those municipalities where the Hungarian-speakers represented less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking; to provide the legal basis required for Hungarian speakers to submit oral or written applications in Hungarian also in relation to regional authorities where the speakers were present in sufficient numbers.

118. According to the third periodical report, the legal provisions dealing with the use of minority languages in relations with administrative authorities apply to local state administration, local authorities and

¹⁵ See 2nd Report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 217

some public services. Therefore, the Committee of Experts refers to paragraphs 106-108 above. In addition, no measures have been taken to provide the legal basis for submitting oral or written applications in Hungarian also in relation to regional authorities where the speakers are present in sufficient numbers.

119. According to the representatives of the Hungarian-speakers, there are still difficulties in submitting documents in the minority language even in municipalities where the 20% threshold is met.

120. The Committee of Experts considers this undertaking partly fulfilled at local level and not fulfilled at regional level.

The Committee of Experts strongly urges the Slovak authorities to:
- take the necessary measures so that the Hungarian-speakers may submit oral or written applications in Hungarian in those municipalities where there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation;
- provide the legal basis required for Hungarian speakers to submit oral or written applications in Hungarian also in relation to regional authorities where the speakers are present in sufficient numbers.

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

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

121. In the second monitoring cycle, the Committee of Experts considered undertaking (c) not fulfilled and undertaking (d) partly fulfilled. It urged the Slovak authorities to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.

122. According to the third periodical report, the State Language Act, as amended in 2011, prescribes that laws, government orders, generally binding regulations, including those of local authorities, decisions and other public instruments shall be in Slovak; this shall not affect the use of minority languages, in line with special regulations. The National Minorities Languages Act as amended in 2011 provides that in municipalities where the 20% threshold is met the "official agenda, mainly minutes, resolutions, statistics, records, balances, information meant for the public [...] may be kept in a minority language along with the state language". The administrative authorities shall provide, on request, information on generally binding regulations also in the minority language and may issue generally binding regulations within their competence in the minority language along with Slovak; the text in Slovak shall prevail.

123. No such possibility exists with regard to regional authorities. Furthermore, the present provisions are not applied by regional and local authorities on whose territory Hungarian-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertakings.

124. The information received during the on-the-spot visit indicates that some local authorities publish their decrees also in Hungarian.

125. The Committee of Experts considers undertaking (c) not fulfilled and undertaking (d) partly fulfilled.

The Committee of Experts strongly urges the Slovak authorities to take the necessary measures to allow and encourage the publication by local and regional authorities of their official documents also in Hungarian, where there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.

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;

126. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It urged the Slovak authorities to take the necessary measures to ensure that the right to use Hungarian in debates of municipal assemblies is guaranteed also with regard to municipalities where the Hungarian-speakers represent less than 20% of the population but still a sufficient number for the purpose of the present undertaking; to remove the condition that all members present must consent to Hungarian being used for conducting a session of a local authority; to use Hungarian and Slovak in accordance with the choice of the speakers and to make appropriate provision for translation and/or interpretation during the session.

127. According to the third periodical report, the State Language Act foresees that state authorities, local authorities, other public administration authorities, corporate entities established by them or by law shall use

the state language in their sessions. Sessions of local authorities in municipalities where the 20% threshold is met may also be held in the minority language, if all persons present so agree. A member of the municipal assembly has the right to use the minority language during the sessions of this authority and interpretation shall be provided by the municipality. Other participants in a municipal council may also use the minority language at the meeting if all the present members of the municipal council and the mayor of the municipality so agree, in accordance with the National Minorities Languages Act as amended in 2011.

128. According to the representatives of the Hungarian-speakers, debates in local assemblies are usually in Slovak. One of the reasons is the high cost for translating documents. The Committee of Experts further notes that the undertaking applies as well to all municipalities where the Hungarian-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertaking.

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

The Committee of Experts strongly urges the Slovak authorities to take the necessary measures to ensure that the right to use Hungarian in debates of municipal assemblies is guaranteed where there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.

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.

130. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It requested the Slovak authorities to comment on several issues concerning the application of the undertaking. It urged the Slovak authorities to take the necessary measures to allow and/or encourage the use or adoption, if necessary in conjunction with the name in the official language, of traditional and correct forms of place-names in Hungarian also in those municipalities where the Hungarian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. The Slovak authorities were also urged to provide for this possibility with regard to smaller territorial units within the municipalities.

131. According to the third periodical report, the Act on the Denominations of Municipalities in the Language of National Minorities has been abolished. In accordance with the National Minorities Languages Act, as amended, a list of names in the minority languages should be included in the Government Regulation on the municipalities where minority languages may be used in official communication. The previous ban on several historical place names used between 1867-1918 and 1938-1945 has thus been abolished. Furthermore, as of 2011, it is possible to decide by local referendum on name changes also in municipalities which had a previously prohibited historical name.

132. The National Minorities Languages Act, as amended, further provides that in municipalities where the threshold is met, the name in the minority language shall be used on traffic signs at the entrance and exit of the municipality, on buildings of public administration authorities, or in decisions issued in the minority language, if the name is provided in the above-mentioned government regulation. It may be displayed at railway stations, bus stations, airports and ports. The name in the minority language shall be displayed below the name of the municipality in Slovak using the same or smaller print size. If a minority language is used in specialized publications, press and other media, and in official activities of administrative authorities, names “of geographic objects in the minority language which are customary and established may be used in addition to the standardized geographic names.”

133. The third periodical report also states that it is possible to display place names in minority languages even in municipalities where the 20% threshold is not met, as shown by the use of traditional names in places where the minority no longer meets the threshold. During the on-the-spot visit, the authorities informed the Committee of Experts that if the minorities no longer meet the threshold in some municipalities after the 2011 census, the bilingual signs will not be removed.

134. However, the local authorities whom the Committee of Experts met during the on-the-spot visit clearly stated that they are not allowed to display bilingual place name signs if the 20% threshold is not met. It thus appears that in municipalities where the minority has never met the 20% threshold it is not possible to use bilingual place name signs.

135. Furthermore, the report explains that the expression used in the legislation by the National Minorities Languages Act in relation to place names in a minority language - “*other local geographical objects*” – includes all local names and may also refer to smaller territorial units within a municipality, if traditional and correct names in a minority language exist for such units.

136. According to the representatives of the Hungarian-speakers, the Slovak Railways have refused to set up bilingual place name signs, arguing that it is not a legal obligation.

137. The Committee of Experts underlines that the adoption and use of traditional 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.¹⁶ Traditional names could also be displayed on welcome signs or touristic information boards (see also paragraph 736 below).

138. The Committee of Experts further notes that the name in the minority language appears on separate and very small place-name signs. The Committee of Experts reiterates that the purpose of this undertaking is to give the minority language public visibility. This objective is not reached if the place-name signs are too small to be read.¹⁷

139. The Committee of Experts refers to its previous evaluation report¹⁸ and asks the Slovak authorities to clarify whether in a textbook for the 4th grade, topographical names in Hungarian had to be replaced by Slovak names.

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

The Committee of Experts strongly urges the Slovak authorities to take the necessary measures to encourage the use of traditional and correct forms of place-names in Hungarian within the meaning of the present undertaking and irrespective of the 20% threshold.

Paragraph 3

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

b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or

141. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to provide the relevant information in the next periodical report.

142. According to the third periodical report, public services are mainly provided by corporate entities established by administrative authorities, or directly established by law. In accordance with the National Minorities Languages Act as amended in 2011, in municipalities where the 20% threshold is met persons belonging to national minorities are entitled to submit oral and written applications, as well as documents and evidence in their minority language to a corporate entity established by a local administrative authority. They shall receive a reply in Slovak and in the minority language. Such entities are mainly medical and social care establishments or municipal companies. The provision does not apply to corporate entities established by law (e.g. public universities, post offices, the Social Insurance, Slovak Railways).

143. In municipalities that do not meet the 20% threshold, the general rule applies and the minority language may be used orally, if the employee and the persons present agree.

144. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Slovak authorities to enable Hungarian-speakers to submit a request in Hungarian to public services, including in those municipalities where they do not attain the 20% threshold but represent nevertheless a sufficient number for the purpose of the present undertaking.

Paragraph 4

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

a translation or interpretation as may be required;

¹⁶ See for example 2nd Report of the Committee of Experts on Croatia, ECRML (2005) 3, paragraph 152

¹⁷ See 2nd Report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 234

¹⁸ See 2nd Report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 235

145. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to provide translation and interpretation, including in those municipalities where the speakers of regional or minority languages do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

146. According to the third periodical report, the obligation “to create conditions for the use of a minority language” in a municipality where the 20% threshold is met includes providing for translation and interpretation.

147. As far as the municipalities where the 20% threshold is not met, but where the minority language may nevertheless be orally used, the report states that translation and interpretation services are available on the whole territory of the Slovak Republic and their services shall be paid by the subjects involved.

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

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

149. In the second monitoring cycle, the Committee of Experts was unable to conclude and requested the Slovak authorities to comment on this undertaking in their next periodical report.

150. The third periodical report does not contain any specific information concerning this undertaking.

151. In view of the repeated lack of information, the Committee of Experts considers the undertaking not fulfilled.

Article 11 – Media

Paragraph 1

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

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

152. In the second monitoring cycle, the Committee of Experts considered this undertaking fulfilled regarding radio and partly fulfilled regarding television. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**improve the provision of public sector television and radio in all minority languages [...]**.” Furthermore, the Committee of Experts urged the Slovak authorities to enable live television programmes in Hungarian. It further encouraged the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Hungarian language on public television.

153. According to the third periodical report, pursuant to Act 532/2010 Coll. on Radio and Television of Slovakia and on amendments and supplements to some acts, the public broadcaster has an obligation to provide broadcasts in the languages of the national minorities and ethnic groups living in the Slovak Republic. One programme service of the public radio shall broadcast programmes with well-balanced content and regional distribution in minority languages. The extent of the broadcast shall correspond to the national and ethnic structure of the Slovak Republic.

154. In practice, Slovak Radio broadcast 3437 hours in Hungarian in 2008, 4252 hours in 2009 and 4380 hours in 2010 (12 hours daily in the second monitoring cycle). Slovak Television broadcast 140 hours in Hungarian in 2008 and 128 in 2010 (163 hours in the second monitoring cycle).

155. The Committee of Experts notes that the level of radio broadcasting has remained unchanged, while the level of television broadcasts has decreased.

156. The Committee of Experts reiterates the great importance of the electronic media, especially television, for the promotion of regional or minority languages in modern societies.¹⁹

¹⁹ See 2nd Report of the Committee of Experts on Switzerland, ECRML (2004) 6, paragraph 118

157. The Committee of Experts considers this undertaking fulfilled regarding radio and partly fulfilled regarding television.

The Committee of Experts urges the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Hungarian language on public television.

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

158. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**facilitate the broadcasting of private radio [...] in minority languages by lifting the restrictive requirements of the respective legislation.**” Furthermore, the Committee of Experts encouraged the Slovak authorities to remove the existing restrictive requirements for private [...] radio broadcasters offering programmes in minority languages.

159. According to the third periodical report, the State Language Act, as amended in 2011, eliminated the obligation of private radio broadcasters to provide a Slovak language version of the radio programme broadcast in a minority language. This applies to “radio programmes in regional broadcast or local broadcast designed for members of national minorities including events in live transmission.” The Committee of Experts welcomes this development.

160. However, the Committee of Experts has not been informed of any private radio stations broadcasting programmes in Hungarian on a regular basis or on measures, such as financial incentives or licensing criteria, taken to encourage and/or facilitate the broadcasting of radio programmes in Hungarian.

161. The Committee of Experts encourages the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in Hungarian on private radio stations on a regular basis, such as financial incentives or licensing criteria in the next periodical report.

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

162. In the second monitoring cycle, the Committee of Experts considered the undertaking partly fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “[...] **facilitate the broadcasting of private [...] television in minority languages by lifting the restrictive requirements of the respective legislation.**” Furthermore, the Committee of Experts encouraged the Slovak authorities to remove the existing restrictive requirements for private television [...] broadcasters offering programmes in minority languages.

163. According to the third periodical report, the obligation of private television channels to subtitle in Slovak all programmes broadcast in a minority language has been maintained. The authorities explain this as a means of promoting intercultural dialogue and knowledge of minorities’ lives and cultures. The Audiovisual Fund, established in 2009, may be used by producers of audiovisual works in minority languages to cover the costs of subtitling.

164. The authorities have informed the Committee of Experts during the on-the-spot visit that 22 private television channels broadcast programmes in Hungarian.

165. The Committee of Experts observes that the undertaking requires the authorities to encourage and/or facilitate the broadcasting of television programmes in Hungarian on a regular basis. The Committee of Experts requests the Slovak authorities to provide information on the regularity of these programmes. It further asks the Slovak authorities to report on the degree to which the Audiovisual Fund had been used to cover the costs for subtitling.

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

166. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages, also ensuring that minority language programmes on digital television were available for children at suitable times.

167. According to the third periodical report, the Audiovisual Fund was established in 2009, in order to support audiovisual industry in Slovakia by providing funds for production and distribution of audiovisual works, as well as cultural events and publications in the audiovisual and cinematography field. Its funding activity started in 2010.

168. The Fund announces annually a binding structure for its support activity. Programme 1 covers the production of cinematographic and audiovisual works focused *inter alia* on minorities, including works for children under the age of 12. In 2011 one of the priorities under Programme 1 was the support of audiovisual works dealing with national minorities and disadvantaged groups.

169. The Committee of Experts welcomes these developments. Nevertheless, it points out that the undertaking requires states to provide specific assistance to the production and distribution of works in regional or minority languages. It is not clear to the Committee of Experts whether the support of audiovisual works dealing with national minorities and disadvantaged groups will always be a priority under Programme 1, thereby ensuring regular funding, nor whether the supported audiovisual works are produced *in* regional or minority languages. It would welcome specific information in this respect. The Audiovisual Fund is however relevant for the undertaking under 11.1.f.ii.

170. As regards the availability of children's programmes in minority languages, the periodical report states that according to the State Language Act as amended in 2011, audiovisual works for children under 12 broadcast in a foreign language have to be dubbed into Slovak, except those broadcast as part of minority language programmes. The Committee of Experts would welcome more information in the next periodical report on children's programmes produced and distributed in Hungarian.

171. The Committee of Experts asks the authorities to provide concrete examples of audiovisual works in Hungarian relevant for this undertaking 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;

172. In the second monitoring cycle, the Committee of Experts considered this undertaking fulfilled. Nevertheless, it urged the Slovak authorities to create a legal basis for continued support of newspapers in regional or minority languages and to provide information, in the next periodical report, on how public advertising was allocated.

173. The third periodical report states that publishing periodicals in minority languages is not limited in any way in the Slovak Republic. No further information has been provided on the issues raised in the previous report.

174. The representatives of the Hungarian-speakers have drawn the Committee of Experts' attention during the on-the-spot visit to the increasingly difficult financial situation of the written media and to the necessity of a legal basis for the continued support of newspapers in regional or minority languages.

175. The Committee of Experts considers the undertaking still fulfilled. Nevertheless, it strongly urges the Slovak authorities to create a legal basis for the continued support of newspapers in regional or minority languages. It asks the Slovak authorities to provide information, in the next periodical report, on how public advertising is allocated.

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

176. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities to provide information, in the next periodical report, on how the additional costs of other media using Hungarian are covered.

177. The third periodical report refers only to the support of written media through the funds for the cultural activities of the national minorities.

178. The Committee of Experts considers this undertaking still partly fulfilled. It encourages the Slovak authorities to provide information, in the next periodical report, on how the additional costs of other media using Hungarian are covered.

Paragraph 3

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

179. In the second monitoring cycle, the Committee of Experts was again not in a position to conclude on this undertaking and requested the Slovak authorities to comment on it in their next periodical report.

180. According to the third periodical report, the Council for Broadcasting and Retransmission is the supervisory body for broadcasting. Its members are selected by the National Council of the Slovak Republic, from the proposals made by various bodies, including NGOs. The Board of the Radio and Television is the supervisory body in view of Act 532/2010 Coll. on the Radio and Television of Slovakia. Its members are also selected by the National Council of the Slovak Republic, from the proposals made by various bodies, including NGOs representing the interests of national minorities. Therefore, persons belonging to national minorities may also become members of these Councils.

181. The Committee of Experts has been informed that at present one of the members of the Board of the Radio and Television belongs to a national minority. However, the Committee of Experts notes that the legal framework does not *ensure* the representation of the regional or minority language speakers in these bodies. The Committee of Experts recalls that this undertaking does not require each Part III language to have its own representative in the bodies in question, but that adequate systems or processes exist to ensure that the interests of speakers of each Part III language are in fact represented or taken into account.

182. The Committee of Experts considers the undertaking fulfilled at present. Nevertheless, it encourages the Slovak authorities to ensure that the interests of the users of regional or minority languages are represented or taken into account within the bodies responsible for guaranteeing the freedom and pluralism of the media.

Article 12 – Cultural activities and facilities

Paragraph 1

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

- 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;*

183. In the second monitoring cycle, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking. It requested the Slovak authorities to clarify whether financial support was provided to the *Fórum inštitút pre výskum menšín* (Forum Institute for Research of National Minorities) or whether there were other institutions relevant for this undertaking.

184. According to the third periodical report, various NGOs collecting, archiving and publishing works in minority languages receive state support through the grant schemes for activities of national minorities. The *Fórum inštitút pre výskum menšín* (Forum Institute for Research of National Minorities) is the most important NGO dealing with research on minorities in Slovakia, documentation of their culture, written documents and other records. The Forum Institute for Research of National Minorities receives annual financial support from the state budget.

185. The report further provides information on the Museum of the Culture of the Hungarians in Slovakia in Bratislava, part of the Slovak National Museum. According to the information the Committee of Experts received from the authorities during the on-the-spot visit, the museums of national minorities' cultures collect, publish and keep copies of works in minority languages, published by them or occasionally received from minority NGOs.

186. One copy of each periodical publication is kept by the National Archives, and one copy of each audiovisual work is kept by the Slovak Film Institute.

187. 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.

188. In the second monitoring cycle, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Slovak authorities to allow, encourage and/or provide appropriate cultural activities and facilities for Hungarian in territories other than those in which Hungarian is traditionally used.

189. According to the third periodical report, the authorities support the cultural activities of the Hungarian minority also outside areas where the minority lives, as separate performances or within general cultural events. These are, for example, cultural events involving minority ensembles or theatre festivals, where minority theatres are invited. Many events, taking place in various towns, involve several minorities. In addition, Hungarian traditions are present in the performances of Slovak ensembles, such as SL'UK (Slovak Folk Art Ensemble).

190. The Committee of Experts considers this undertaking fulfilled. However, it would welcome specific examples of such cultural activities and facilities concerning Hungarian.

Article 13 – Economic and social life

Paragraph 1

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

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

191. In the second monitoring cycle, the Committee of Experts considered this undertaking fulfilled. Nevertheless, the Committee of Experts looked forward to receiving further information in the next periodical report on the amendment to the State Language Act which was under consideration and which would ensure the right to use a minority language in contracts of employment and technical documents.

192. According to the third periodical report, the State Language Act provides that written legal actions in labour relations or a similar labour relation shall be in Slovak and a copy with an equal content may be drafted in a different language, in addition to the state language. Slovak is also compulsory in labelling products, in providing information and instructions for their use and for other consumer information. Accounting documents, financial statements, technical documentation, as well as statutes of associations, political parties or movements and companies necessary for registration purposes shall be drawn up in Slovak and versions in other languages with identical content may also be drawn up. These provisions have been already included in the 2009 version of the law, which, however, also prescribed fines for breaching them, for example, by drafting an employment contract only in a minority language. The 2011 amendment limited the fines to cases where legal persons “do not state information related to life, health or safety threat or a threat to property of citizens of the Slovak Republic in the state language.”

193. In addition, the information for the public, particularly in shops, sport facilities, restaurants, on streets, roads, at airports, bus stations and railway stations, as well as in public transport vehicles, shall be presented in Slovak. If these include a text in other languages, it shall be presented after the text in Slovak, have an identical content and be in equal or smaller print than the text in Slovak. The order of the texts is not determined in municipalities where the 20% threshold is met, nor in advertisements.

194. According to the National Minorities Languages Act, as amended in 2011, information concerning threats to life, health safety or property shall be in a minority language in addition to Slovak, in municipalities where 20% threshold is met. Not displaying such a sign or notice in the minority language constitutes an offence. The Committee of Experts welcomes this information. However, it notes that the present undertaking applies to the whole country.

195. The Committee of Experts observes that the current legislation still severely limits the use of minority languages in documents relating to economic and social life. Thus it considers the undertaking not fulfilled.

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

196. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled, as it was again not informed of any such prohibition.

197. According to the third periodical report, such prohibitions as required by the undertaking are not expressly laid down in Slovak legislation.

198. The Committee of Experts considers the undertaking not 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:

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

199. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It urged the Slovak authorities to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in Hungarian even if they had a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the Hungarian-speakers were present in sufficient numbers for the purpose of the present undertaking. The Committee of Experts also looked forward to receiving further information in the next periodical report on the amendment to the State Language Act which was under consideration and which would ensure the right to use a minority language in social care facilities.

200. According to the third periodical report, the State Language Act, as amended in 2011 provides that the staff shall communicate with their patients or clients usually in Slovak, but communication with a patient or a client whose mother tongue is not Slovak may take place in a language in which the patient or client can communicate. Patients or clients belonging to national minorities may use their mother tongue in communication with the staff in municipalities where the 20% threshold is met. The staff do not have an obligation to speak minority languages.

201. The National Minorities Languages Act, as amended in 2011, provides that persons belonging to national minorities may use the minority language in communication with the staff of healthcare and social care institutions, child social and legal protection institutions and social probation institutions in municipalities where the 20% threshold is met. The institution shall allow the use of the minority language "insofar as the conditions prevailing at the institution so permit."

202. However, the authorities admit that these provisions do not create an obligation for social care institutions to ensure the possibility to use a minority language and explain that the reasons are mainly of a financial nature. They support the employment of persons speaking the relevant minority language or language training for staff as possible solutions, which are not excluded by legislation. The Committee of Experts has been further informed by the authorities during the on-the-spot visit that in practice social care facilities or institutions for the social and legal protection of the child have employees that speak minority languages or can hire interpreters. Authorities try to place persons in institutions where their mother tongue is spoken. They noted however that it is increasingly difficult to find specialized staff able to communicate in a minority language, as the education system does not ensure their training.

203. The Committee of Experts points out that the undertaking requires the authorities to ensure that social care facilities offer the possibility of receiving and treating regional or minority language speakers in their own language.

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

Article 14 – Transfrontier exchanges

The Parties undertake:

- 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.*

205. In the second monitoring cycle, the Committee of Experts considered this undertaking fulfilled. Nevertheless, it requested the authorities to provide information, in their next periodical report, on the financial involvement of the Slovak authorities.

206. The third periodical report does not provide any specific information on this issue.

207. The Committee of Experts considers the undertaking still fulfilled. It requests again the authorities to provide information, in their next periodical report, on the financial involvement of the Slovak authorities in cross-border cooperation.

3.2.2 Ruthenian

208. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its previous reports and for which it did not receive any new information requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage. For Ruthenian, these provisions are the following:

Articles 8.1.e.ii;
Article 10.5;
Article 12.1.a;12.1.e;12.1.f; 12.2;
Article 13.1.c.

Article 8 – Education

Preliminary issues

209. The Committee of Experts recalls that the undertakings entered into by the Slovak Republic under Article 8 require the authorities *to make available* regional or minority language education at the different levels of education. This implies that the offer needs to precede the demand, i.e. that the education has to be organised before the authorities are approached by parents or pupils. Such offer also needs to ensure continuity between the different levels of education in the particular geographical areas concerned. Moreover, the authorities have to actively inform parents and/or pupils about the availability of regional or minority language education and to encourage them to apply for it.²⁰

210. In the second monitoring cycle, the Committee of Ministers of the Council of Europe recommended the Slovak authorities to **“provide for the teaching of all minority languages at all appropriate levels and inform parents about its availability.”**

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

211. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It urged the Slovak authorities to take measures to ensure a substantial part of pre-school [...] education in Ruthenian and to take care that there is a continuous offer at all levels of education.

212. According to the third periodical report, pre-school education in Ruthenian is available in the region where the language is spoken and in the minority kindergarten in Prešov. The authorities state however that there is no interest from the parents in education in Ruthenian and that it is used as a secondary language. Education in Ruthenian is also available at a kindergarten in Bajerovce as of 2011.

213. The representatives of the Ruthenian-speakers informed the Committee of Experts that there is also a Ruthenian kindergarten in Čabiny. However, there has been no systematic approach on the part of the authorities to inform the parents.

214. The Committee of Experts considered this undertaking partly fulfilled.

Primary education

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

215. In the 1st monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It urged the Slovak authorities to take measures to ensure a substantial part of [...] primary [...] in Ruthenian and to take care that there is a continuous offer at all levels of education.

216. According to the third periodical report, as of 2010/2011, one primary school provides instruction in Ruthenian. Ruthenian as a mother tongue is taught at three schools.

²⁰See 2nd report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 430

217. According to the representatives of the Ruthenian-speakers, two primary schools teach some subjects in Ruthenian and six teach Ruthenian language and culture. This low number of schools is mainly due to the lack of a proactive approach from the authorities.

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

Secondary education, technical and vocational education

c ii to make available a substantial part of 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;

219. In the second monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It urged the Slovak authorities to take measures to ensure a substantial part of [...] secondary and technical and vocational education in Ruthenian and to take care that there is a continuous offer at all levels of education.

220. According to the third periodical report, no secondary or technical and vocational schools teach Ruthenian. The representatives of the Ruthenian-speakers have informed the Committee of Experts that there is one secondary school – a grammar school in Medzilaborce - which teaches Ruthenian after regular school hours.

221. The representatives of the Ruthenian-speakers have also drawn the attention of the Committee of Experts to the fact that it is possible to teach the minority language instead of the second foreign language, which means that in practice children will learn one foreign language less.

222. The Committee of Experts considers these undertakings not fulfilled.

The Committee of Experts strongly urges the Slovak authorities to take measures to ensure that a substantial part of pre-school, primary, secondary and technical and vocational education is available in Ruthenian and that there is a continuous offer at all levels of education.

Adult and continuing education

f ii to offer such languages as subjects of adult and continuing education;

223. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It was of the view that a more decentralized offer of Ruthenian as a subject of adult and continuing education was necessary to fulfil this undertaking, beyond the Department of Ruthenian Language and Culture at Prešov University and the independent Institute of Ruthenian Language and Culture.

224. The third periodical report does not provide any additional information in this respect.

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

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

226. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled.

227. During the on-the-spot visit, the authorities informed the Committee of Experts that all pupils in the Slovak schools are taught about the presence of minorities, in the past and in the present, as part of subjects such as, history, geography, civic studies, art, Slovak language and literature. Multicultural education as a cross-cutting subject is compulsory in the state curricula.

228. According to the representatives of the Ruthenian-speakers, there are still no textbooks for Ruthenian history, only one auxiliary book published in 1994. Teaching the Ruthenian history and culture depends on the initiative of the schools. As to the teaching of Ruthenian history to non-speakers, the Slovak curricula and textbooks do not include at all information on local history.

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

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

230. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Experts lacks the necessary information to assess whether the serious lack of qualified teachers that has been detected in the previous monitoring cycle persists.

231. The third periodical report refers in a general manner to the Methodological Pedagogical Centre. However, it does not provide any specific information on the further training of teachers teaching in Ruthenian.

232. According to the representatives of the Ruthenian-speakers, there is a project to provide further training to teachers at the University of Prešov. In practice, there is still a general lack of qualified teachers. In particular, there is no vocational education for pre-school teachers.

233. The representatives of the Ruthenian-speakers have further informed the Committee of Experts that there was an initiative to train teachers at the Secondary Pedagogical School in Prešov. Although there was interest in the project from the minority, the authorities argued that there were not enough pupils or trained teachers.

234. The Committee of Experts considers this undertaking still partly fulfilled. It encourages the authorities to provide the basic and further training of teachers for Ruthenian-language education.

- 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.*

235. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “[...] **set up a body in charge of monitoring the measures taken and progress achieved.**” Furthermore, the Committee of Experts urged the Slovak authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.

236. According to the third periodical report, no special supervisory body has been established. State school inspection evaluates education in minority languages as well and includes this topic in its annual report. The authorities have informed the Committee of Experts that such reports are internal.

237. The Committee of Experts reiterates that this undertaking goes beyond the inspection and reporting of mainstream education. It requires a body dedicated to looking at the teaching of regional or minority languages. In practice, it is possible for an existing body to carry out the monitoring envisaged under this undertaking and to produce periodical reports. The monitoring requires evaluating and analysing the measures taken and the progress achieved with regard to regional or minority language education. The report should, among other things, contain information on the extent and availability of Ruthenian education together with developments in language proficiency, teacher supply and the provision of teaching materials. Finally these periodic reports should be made public.²¹

238. The Committee of Experts considers this undertaking not fulfilled. The Committee of Experts urges the Slovak authorities to set up or commission a supervisory body with the task of monitoring the measures taken and progress achieved in establishing or developing teaching in and of minority languages, and of drawing up public periodic reports of its findings.

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*

²¹See 3rd Evaluation Report of the Committee of Experts on Germany, ECRML (2008) 4, paragraphs 141 - 143

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

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

239. In the second monitoring cycle, the Committee of Experts considered these undertakings partly fulfilled. It urged the Slovak authorities to guarantee the right of the accused to use the Ruthenian language in the criminal proceedings irrespective of whether he or she also has a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts urged the Slovak authorities to provide in the legislation that requests and evidence may be produced in Ruthenian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

240. According to the information in the third periodical report, there have been no legal changes in the monitoring period in line with the above-mentioned recommendations. Furthermore, the report contains no information concerning the practical implementation of these undertakings.

241. The authorities informed the Committee of Experts during the on-the-spot visit that courts may, for example, place multilingual notifications on the information and official notice board of the court. While this is not expressly foreseen by the legislation, such actions are not prohibited. Furthermore, the Committee of Experts has been informed that the new regulations concerning the responsibility of the interpreters and translators have recently led to a decrease in their numbers, as far as regional or minority languages are concerned. The Committee of Experts points out that this might lead to practical problems in the implementation of these undertakings and encourages the authorities to take measures to ensure that a sufficient number of trained interpreters are available.

242. The Committee of Experts considers these undertakings still only partly fulfilled. It strongly urges the Slovak authorities to guarantee the right of the accused to use Ruthenian in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to ensure that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, it strongly urges the Slovak authorities to provide in the legislation that requests and evidence may be produced in Ruthenian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

243. Furthermore, the Committee of Experts encourages the authorities to take proactive measures facilitating the implementation of these undertakings in practice and asks them to provide detailed information in this respect in the next periodical report.

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;

244. In the second monitoring cycle, the Committee of Experts considered these undertakings partly fulfilled. It urged the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use the Ruthenian language without thereby incurring additional expense, and evidence and documents may be produced in Ruthenian if necessary by the use of interpreters and translations, even if the Ruthenian-speaker has a command of the Slovak language.

245. According to the information provided by the authorities, pursuant to a 2008 amendment, Article 18 of the Civil Procedure Code provides that parties "have the right to use their mother tongue or the language they understand." This applies to civil and administrative proceedings. The Committee of Experts received no information concerning the practical implementation of these undertakings.

246. As to the measures to encourage the use of minority languages in courts, the Committee of Experts refers to paragraph 241 above. It encourages the authorities to take measures to ensure that a sufficient number of trained interpreters are available.

247. The Committee of Experts considers these undertakings partly fulfilled. It encourages the authorities to take proactive measures facilitating the implementation of these undertakings in practice and asks them to provide detailed information in this respect in the next periodical report.

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

248. In the second monitoring cycle, in the light of the conclusions reached under Article 9.1.b.ii/b.iii/c.ii/c.iii above the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

249. The third periodical report states that the costs for interpretation and/or translation are borne by the state.

250. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

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

251. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

252. According to the third periodical report, no legal texts concerning persons belonging to national minorities have been translated into Ruthenian.

253. The Committee of Experts considers the undertaking not fulfilled.

Article 10 – Administrative authorities and public services

Preliminary issues

254. The Committee of Experts recalls that Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

255. In the second monitoring cycle, the Committee of Ministers of the Council of Europe recommended that the Slovak authorities **“review the requirement that minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational.”**

Paragraph 1

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

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

256. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to take the necessary measures so that the Ruthenian-speakers may submit oral or written applications and receive a reply in Ruthenian, wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.

257. According to the third periodical report, there have been several amendments to the National Minorities Languages Act. However, the conditions for the use of a minority language in relations with administrative authorities still depend on whether the 20% threshold is met or not. The amended legislation

provides that persons belonging to national minorities may use minority languages in official oral communication even in municipalities where the threshold is not met, “if the public administration officer and the persons involved in the proceedings so agree.” The agreement depends, according to the periodical report, on whether the other persons present understand the minority language. The Committee of Experts notes that such a provision does not legally ensure that users of Ruthenian may submit oral or written applications and receive a reply in this language.

258. The new provisions foresee lowering the 20% threshold to 15%, applicable after being confirmed in two subsequent censuses. In practice, the new 15% threshold might apply in 2021 at the earliest. Therefore, for the present monitoring cycle the 20% threshold still applies.

259. As regards the municipalities where the 20% threshold is met, the authorities have an obligation to create conditions for the use of minority languages. They further have to provide information about the possibility to use minority languages in a visible place in their offices. A 50 to 2500 Euro fine may be applied for breaching this obligation or if the authority does not enable the use of minority languages. Persons belonging to national minorities have the right to submit written applications, documents and evidence in a minority language, and the authorities shall reply in Slovak and in the minority language. While issuing public instruments in minority languages is generally prohibited, in an administrative proceeding the authorities shall issue the decision in Slovak and in an equal copy in the minority language, on demand or if the procedure was initiated in the minority language. Furthermore, birth, marriage and death certificates, permits, authorizations, confirmations, statements and declarations shall be issued in Slovak and in the minority language on demand or if the initial request was made in a minority language. If the authorities refuse to issue such documents bilingually, a 50 to 2500 Euro fine may be applied. In addition, the authorities shall provide citizens with bilingual forms, on request.

260. As the Committee of Experts lacks any information on the practical application of this undertaking, it must conclude that the undertaking is not fulfilled.

The Committee of Experts urges the Slovak authorities to take the necessary measures to ensure that the Ruthenian-speakers may submit oral or written applications and receive a reply in Ruthenian wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in the legislation.

Paragraph 2

261. Pursuant to Slovak legislation, the use of regional or minority languages in relations with local branches of the State administration and local authorities is possible in municipalities where, according to the last census, at least 20% of the population belong to a given national minority. By contrast, the Committee of Experts notes that the use of regional or minority languages in relations with *regional* authorities is not permitted.²²

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

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

262. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It urged the Slovak authorities to take the necessary measures so that the Ruthenian-speakers may submit oral or written applications in Ruthenian, including in those municipalities where the Ruthenian-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking; to provide the legal basis required for Ruthenian-speakers to submit oral or written applications in Ruthenian also in relation to regional authorities where the speakers are present in sufficient numbers.

263. According to the third periodical report, the legal provisions dealing with the use of minority languages in relations with administrative authorities apply to local state administration, local authorities and some public services. Therefore, the Committee of Experts refers to paragraphs 257-259 above. In addition, no measures have been taken to provide the legal basis for submitting oral or written applications in Ruthenian also in relation to regional authorities where the speakers are present in sufficient numbers.

264. The Committee of Experts considers this undertaking not fulfilled.

²² See 2nd report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 477

The Committee of Experts strongly urges the Slovak authorities to:

- take the necessary legal and organisational measures so that the Ruthenian-speakers may submit oral or written applications in Ruthenian in all municipalities with a sufficient number of speakers, including those municipalities where the Ruthenian-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking;***
- provide the legal basis required for Ruthenian-speakers to submit oral or written applications in Ruthenian also in relation to regional authorities where the speakers are present in sufficient numbers.***

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

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

265. In the second monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It urged the Slovak authorities to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.

266. According to the third periodical report, the State Language Act, as amended in 2011, prescribes that laws, government orders, generally binding regulations, including those of local authorities, decisions and other public instruments shall be in Slovak; this shall not affect the use of minority languages, in line with special regulations. The National Minorities Languages Act as amended in 2011 provides that in municipalities where the 20% threshold is met the "official agenda, mainly minutes, resolutions, statistics, records, balances, information meant for the public [...] may be kept in a minority language along with the state language." The administrative authorities shall provide, on request, information on generally binding regulations also in the minority language and may issue generally binding regulations within their competence in the minority language along with Slovak; the text in Slovak shall prevail.

267. The Committee of Experts has not received information on the practical implementation of the undertakings to Ruthenian. The Committee of Experts further notes that these undertakings apply as well to all municipalities and regional authorities where the Ruthenian-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertaking.

268. The Committee of Experts considers the undertakings not fulfilled. It strongly urges the Slovak authorities to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents also in Ruthenian, irrespective of the 20% threshold.

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;

269. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

270. According to the third periodical report, the State Language Act foresees that state authorities, local authorities, other public administration authorities, corporate entities established by them or by law shall use the state language in their sessions. Sessions of local authorities in municipalities where the 20% threshold is met may also be held in the minority language, if all persons present so agree. A member of the municipal assembly has the right to use the minority language during the sessions of this authority and interpretation shall be provided by the municipality. Other participants in a municipal council may also use the minority language at the meeting if all the present members of the municipal council and the mayor of the municipality so agree, in accordance with the National Minorities Languages Act as amended in 2011.

271. The Committee of Experts further notes that these undertakings apply as well to all municipalities where the Ruthenian-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertaking.

272. According to the representatives of the Ruthenian-speakers, in several cases council meetings have also been held in Ruthenian.

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

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.

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

275. According to the third periodical report, the Act on the Denominations of Municipalities in the Language of National Minorities has been abolished. In accordance with the National Minorities Languages Act, as amended, a list of names in the minority languages should be included in the Government Regulation on the municipalities where minority languages may be used in official communication.

276. The National Minorities Languages Act, as amended, further provides that in municipalities where the threshold is met, the name in the minority language shall be used on traffic signs at the entrance and exit of the municipality, on buildings of public administration authorities, or in decisions issued in the minority language, if the name is provided in the above-mentioned government regulation. It may be displayed at railway stations, bus stations, airports and ports. The name in the minority language shall be displayed below the name of the municipality in Slovak using the same or smaller print size. If a minority language is used in specialized publications, press and other media, and in official activities of administrative authorities, names “of geographic objects in the minority language which are customary and established may be used in addition to the standardized geographic names.”

277. The third periodical report also states that it is possible to display place names in minority languages even in municipalities where the 20% threshold is not met, as shown by the use of traditional names in places where the minority no longer meets the threshold. During the on-the-spot visit, the authorities informed the Committee of Experts that if the minorities no longer meet the threshold in some municipalities after the 2011 census, the bilingual signs will not be removed.

278. However, the local authorities whom the Committee of Experts met during the on-the-spot visit clearly stated that they are not allowed to display bilingual place name signs if the 20% threshold is not met. It thus appears that in municipalities where the minority has never met the 20% threshold it is not possible to use bilingual place name signs.

279. Furthermore, the report explains that the expression used in the legislation by the National Minorities Languages Act in relation to place names in a minority language - “*other local geographical objects*” – includes all local names and may also refer to smaller territorial units within a municipality, if traditional and correct names in a minority language exist for such units.

280. The Committee of Experts considers this undertaking partly fulfilled. The Committee of Experts strongly urges the Slovak authorities to take the necessary measures to encourage the use of traditional and correct forms of place-names in Ruthenian within the meaning of the present undertaking and irrespective of the 20% threshold.

Paragraph 3

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

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

281. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

282. According to the third periodical report, public services are mainly provided by corporate entities established by administrative authorities, or directly established by law. In accordance with the National Minorities Languages Act as amended in 2011, in municipalities where the 20% threshold is met persons belonging to national minorities are entitled to submit oral and written applications, as well as documents and evidence in their minority language to a corporate entity established by a local administrative authority. They shall receive a reply in Slovak and in the minority language. Such entities are mainly medical and social care establishments or municipal companies. The provision does not apply to corporate entities established by law (e.g. public universities, post offices, the Social Insurance, Slovak Railways).

283. In municipalities that do not meet the 20% threshold, the general rule applies and the minority language may be used orally, if the employee and the persons present agree.

284. The Committee of Experts received no information concerning the practical implementation of this undertaking. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to allow Ruthenian-speakers to submit a request in Ruthenian to public services, including in those municipalities where they do not attain the 20% threshold but represent nevertheless a sufficient number for the purpose of the present undertaking.

Paragraph 4

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

a translation or interpretation as may be required;

285. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

286. According to the third periodical report, the obligation “to create conditions for the use of a minority language” in a municipality where the 20% threshold is met includes providing for translation and interpretation.

287. With regard to the municipalities where the 20% threshold is not met, but where the minority language may nevertheless be orally used, the report states that translation and interpretation services are available on the whole territory of the Slovak Republic and their services shall be paid by the subjects involved.

288. The Committee of Experts considers the undertaking formally fulfilled.

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

289. In the second monitoring cycle, the Committee of Experts, the Committee of Experts considered this undertaking formally fulfilled.

290. The third periodical report does not contain any specific information on this undertaking.

291. The Committee of Experts considers the undertaking still formally fulfilled.

Article 11 – Media

Paragraph 1

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

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

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

292. In the second monitoring cycle, the Committee of Experts considered this undertaking fulfilled for radio and not fulfilled for television. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**improve the provision of public sector television and radio in all minority languages.**” Furthermore, the Committee of Experts urged the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Ruthenian language on public radio and television.

293. According to the third periodical report, pursuant to Act 532/2010 Coll. on Radio and Television of Slovakia and on amendments and supplements to some acts, the public broadcaster has an obligation to provide broadcasts in the languages of the national minorities and ethnic groups living in the Slovak Republic. One programme service of the public radio shall broadcast programmes with well-balanced content and regional distribution in minority languages. The extent of the broadcast shall correspond to the national and ethnic structure of the Slovak Republic.

294. In practice, Slovak Radio broadcast 480 hours in Ruthenian in 2008, 281 hours in 2009 and 274 in 2010 (376 hours in Ruthenian in the previous monitoring cycle). Slovak Television broadcast 6 hours in

Ruthenian in 2010 (6.5 in the previous monitoring cycle). The Committee of Experts notes that the radio broadcast has decreased, while the television broadcast remained approximately identical.

295. According to the representatives of the Ruthenian-speakers, the language is not present enough on television. In addition, the radio programme is not broadcast at suitable hours. Moreover, the quality of the programmes is not satisfactory.

296. The Committee of Experts reiterates the great importance of the electronic media, especially television, for the promotion of regional or minority languages in modern societies. In particular, a regular and predictable presence of a regional or minority language on radio and television can enhance considerably its social prestige.²³

297. The Committee of Experts considers this undertaking fulfilled for radio and not fulfilled for television.

The Committee of Experts strongly urges the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Ruthenian language on public television.

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

298. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “[...] **facilitate the broadcasting of private radio [...] in minority languages by lifting the restrictive requirements of the respective legislation.**” Furthermore, the Committee of Experts encouraged the Slovak authorities to remove the existing restrictive requirements for private television and radio broadcasters offering programmes in minority languages.

299. According to the third periodical report, the State Language Act, as amended in 2011, eliminated the obligation of private radio broadcasters to provide a Slovak language version of the radio programme broadcast in a minority language. This applies to “radio programmes in regional broadcast or local broadcast designed for members of national minorities including events in live transmission.” The Committee of Experts welcomes this development.

300. The periodical report further states that no data are available on the number of licence holders broadcasting in Ruthenian.

301. The Committee of Experts has not been informed of any measures, such as financial incentives or licensing criteria, taken to encourage and/or facilitate the broadcasting of radio programmes in Ruthenian.

302. The Committee of Experts encourages the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in Ruthenian on private radio stations on a regular basis, such as financial incentives or licensing criteria in the next periodical report.

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

303. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “[...] **facilitate the broadcasting of private radio and television in minority languages by lifting the restrictive requirements of the respective legislation.**” Furthermore, the Committee of Experts encouraged the Slovak authorities to remove the existing restrictive requirements for private television and radio broadcasters offering programmes in minority languages.

304. According to the third periodical report, the obligation of private television channels to subtitle in Slovak all programmes broadcast in a minority language has been maintained. The authorities explain this as a means of promoting intercultural dialogue and knowledge of minorities’ lives and cultures. The Audiovisual Fund, established in 2009, may be used by producers of audiovisual works in minority languages to cover the costs of subtitling.

305. The periodical report further states that no data are available on the number of licence holders broadcasting in Ruthenian.

²³ See 2nd Report of the Committee of Experts on Switzerland, ECRML (2004) 6, paragraph 118

306. The Committee of Experts has not been informed of any measures, such as financial incentives or licensing criteria, taken to encourage and/or facilitate the broadcasting of TV programmes in Ruthenian.

307. The Committee of Experts considers the undertaking not fulfilled. It encourages the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in Ruthenian on private television channels on a regular basis, such as financial incentives or licensing criteria in the next periodical report.

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

308. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages, also ensuring that minority language programmes on digital television are available for children at suitable times.

309. According to the third periodical report, the Audiovisual Fund was established in 2009, in order to support audiovisual industry in Slovakia by providing funds for production and distribution of audiovisual works, as well as cultural events and publications in the audiovisual and cinematography field. Its funding activity started in 2010.

310. The Fund announces annually a binding structure for its support activity. Programme 1 covers the production of cinematographic and audiovisual works focused *inter alia* on minorities, including works for children under the age of 12. In 2011 one of the priorities under Programme 1 was the support of audiovisual works dealing with national minorities and disadvantaged groups.

311. The Committee of Experts welcomes these developments. Nevertheless, it points out that the undertaking requires states to provide specific assistance to the production and distribution of works in regional or minority languages. It is not clear to the Committee of Experts whether the support of audiovisual works dealing with national minorities and disadvantaged groups will always be a priority under Programme 1, thereby ensuring regular funding, nor whether the supported audiovisual works are produced *in* regional or minority languages. It would welcome specific information in this respect. The Audiovisual Fund is however relevant for the undertaking under 11.1.f.ii.

312. As regards the availability of children's programmes in minority languages, the periodical report states that according to the State Language Act as amended in 2011, audiovisual works for children under 12 broadcast in a foreign language have to be dubbed into Slovak, except those broadcast as part of minority language programmes. The Committee of Experts would welcome more information in the next periodical report on children's programmes produced and distributed in Ruthenian.

313. The Committee of Experts asks the authorities to provide concrete examples of audiovisual works in Ruthenian relevant for this undertaking 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;

314. In the second monitoring cycle, the Committee of Experts considered this undertaking fulfilled, as there was one weekly newspaper in Ruthenian.

315. During the on-the-spot visit, the Committee of Experts was informed by the representatives of the Ruthenian-speakers that the newspaper is in practice published biweekly. They have also drawn the attention of the Committee of Experts to the decrease in the financial support for written media and the significant delays in receiving the funds.

316. The Committee of Experts considers the undertaking not fulfilled.

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

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

317. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled since there had been no indication that general measures for financial assistance to audiovisual productions had been applied regarding productions in Ruthenian.

318. According to the third periodical report, the Audiovisual Fund covers, under Programme 1, the production of cinematographic and audiovisual works focused *inter alia* on minorities, including works for children under the age of 12. In 2011 one of the priorities under Programme 1 was the support of audiovisual works dealing with national minorities and disadvantaged groups. The Committee of Experts underlines that this undertaking targets audiovisual works produced *in* Ruthenian.

319. The Committee of Experts has not received any concrete example of audiovisual works in Ruthenian relevant under the present undertaking.

320. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to apply existing measures for financial assistance to audiovisual works in Ruthenian and to provide concrete examples in the next periodical report.

Paragraph 2

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

321. In the second monitoring cycle, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit information about this issue in the next periodical report.

322. The third periodical report states that radio and/or television programmes from neighbouring countries may be received in the Slovak Republic.

323. The Committee of Experts considers the undertaking fulfilled.

Paragraph 3

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

324. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and requested the Slovak authorities to comment on it in their next periodical report.

325. According to the third periodical report, the Council for Broadcasting and Retransmission is the supervisory body for broadcasting. Its members are selected by the National Council of the Slovak Republic, from the proposals made by various bodies, including NGOs. The Board of the Radio and Television is the supervisory body in view of Act 532/2010 Coll. on the Radio and Television of Slovakia. Its members are also selected by the National Council of the Slovak Republic, from the proposals made by various bodies, including NGOs representing the interests of national minorities. Therefore, persons belonging to national minorities may also become members of these Councils.

326. The Committee of Experts has been informed that at present one of the members of the Board of the Radio and Television belongs to a national minority. However, the Committee of Experts notes that the legal framework does not *ensure* the representation of the regional or minority language speakers in these bodies. The Committee of Experts recalls that this undertaking does not require each Part III language to have its own representative in the bodies in question, but that adequate systems or processes exist to ensure that the interests of speakers of each Part III language are in fact represented or taken into account.

327. The Committee of Experts considers the undertaking fulfilled at present. Nevertheless, it encourages the Slovak authorities to ensure that the interests of the users of regional or minority languages are represented or taken into account within the bodies responsible for guaranteeing the freedom and pluralism of the media.

Article 12 – Cultural activities and facilities

Paragraph 1

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

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

328. In the second monitoring cycle, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit the relevant information in the next periodical report.

329. The third periodical report does not contain any specific information in this respect.

330. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to foster access in other languages to works produced in Ruthenian.

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

331. In the second monitoring cycle, the Committee of Experts considered this undertaking fulfilled, but requested the Slovak authorities to include information about dubbing, post-synchronisation and subtitling activities in the next periodical report.

332. The third periodical report does not contain any specific information in this respect.

333. The Committee of Experts considers this undertaking still fulfilled, but requests again the Slovak authorities to include information about dubbing, post-synchronisation and subtitling activities in the next periodical report.

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

334. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit the relevant information in the next periodical report.

335. According to the third periodical report, there are 13 grant commissions, which act as advisory bodies to the Deputy Prime Minister for Human Rights and National Minorities when supporting cultural activities of the national minorities. The Ruthenian minority has its own grant commission composed of persons belonging to the Ruthenian national minority.

336. 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; streamline*

337. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

338. According to the third periodical report, various NGOs collecting, archiving and publishing works in minority languages receive state support through the grant schemes for activities of national minorities. The *Fórum inštitút pre výskum menšín* (Forum Institute for Research of National Minorities) is the most important NGO dealing with research on minorities in Slovakia, documentation of their culture, written documents and other records. The Forum Institute for Research of National Minorities receives annual financial support from the state budget.

339. The report further refers to the Museum of the Ruthenian Culture in Prešov. According to the information the Committee of Experts received from the authorities during the on-the-spot visit, the museums of national minorities' cultures collect, publish and keep copies of works in minority languages, published by them or occasionally received from minority NGOs.

340. One copy of each periodical publication is kept by the National Archives, and one copy of each audiovisual work is kept by the Slovak Film Institute.

341. 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.

342. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requests the Slovak authorities to provide further information in their next periodical report.

343. The third periodical report refers to the *Alexander Duchnovic* Ruthenian – Ukrainian minority theatre. The authorities further state that the culture of the national minorities is part of the cultural wealth of the Slovak Republic and this approach is reflected by presenting them abroad, for example in promotional materials for tourists, by sending them for performances abroad or by including their culture in the performances of the Slovak ensembles.

344. The Committee of Experts considers the undertaking fulfilled. However, it would welcome specific examples concerning Ruthenian.

Article 13 – Economic and social life

Paragraph 1

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

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

345. In the second monitoring cycle, the Committee of Experts considered this undertaking fulfilled. It looked forward to receiving further information in the next periodical report with respect to the amendment to the State Language Act which was under consideration and which would ensure the right to use a minority language in contracts of employment and technical documents.

346. According to the third periodical report, the State Language Act provides that written legal actions in labour relations or a similar labour relation shall be in Slovak and a copy with an equal content may be drafted in a different language, in addition to the state language. Slovak is also compulsory in labelling products, in providing information and instructions for their use and for other consumer information. Accounting documents, financial statements, technical documentation, as well as statutes of associations, political parties or movements and companies necessary for registration purposes shall be drawn up in Slovak and versions in other languages with identical content may also be drawn up. These provisions have been already included in the 2009 version of the law, which, however, also prescribed fines for breaching them, for example, by drafting an employment contract only in a minority language. The 2011 amendment limited the fines to cases where legal persons “do not state information related to life, health or safety threat or a threat to property of citizens of the Slovak Republic in the state language.”

347. In addition, the information for the public, particularly in shops, sport facilities, restaurants, on streets, roads, at airports, bus stations and railway stations, as well as in public transport vehicles, shall be presented in Slovak. If these include a text in other languages, it shall be presented after the text in Slovak, have an identical content and be in equal or smaller print than the text in Slovak. The order of the texts is not determined in municipalities where the 20% threshold is met, nor in advertisements.

348. According to the National Minorities Languages Act, as amended in 2011, information concerning threats to life, health safety or property shall be in a minority language in addition to Slovak, in municipalities where 20% threshold is met. Not displaying such a sign or notice in the minority language constitutes an offence. The Committee of Experts welcomes this information. However, it notes that the present undertaking applies to the whole country.

349. The Committee of Experts observes that the current legislation still severely limits the use of minority languages in documents relating to economic and social life. Thus it considers the undertaking not fulfilled.

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

350. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled, as it was again not informed of any such prohibition.

351. According to the third periodical report, such prohibitions as required by the undertaking are not expressly laid down in the Slovak legislation.

352. The Committee of Experts considers the undertaking not 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:

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

353. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It urged the Slovak authorities to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in Ruthenian even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the Ruthenian-speakers are present in sufficient numbers for the purpose of the present undertaking. It looked forward to receiving further information in the next periodical report with respect to the amendment to the State Language Act which was under consideration and which would ensure the right to use a minority language in social care facilities.

354. According to the third periodical report, the State Language Act, as amended in 2011 provides that the staff shall communicate with their patients or clients usually in Slovak, but communication with a patient or a client whose mother tongue is not Slovak may take place in a language in which the patient or client can communicate. Patients or clients belonging to national minorities may use their mother tongue in communication with the staff in municipalities where the 20% threshold is met. The staff do not have an obligation to speak minority languages.

355. The National Minorities Languages Act, as amended in 2011, provides that persons belonging to national minorities may use the minority language in communication with the staff of healthcare and social care institutions, child social and legal protection institutions and social probation institutions in municipalities where the 20% threshold is met. The institution shall allow the use of the minority language "insofar as the conditions prevailing at the institution so permit."

356. However, the authorities admit that these provisions do not create an obligation for social care institutions to ensure the possibility to use a minority language and explain that the reasons are mainly of a financial nature. They support the employment of persons speaking the relevant minority language or language training for staff as possible solutions, which are not excluded by legislation. The Committee of Experts has been further informed by the authorities during the on-the-spot visit that in practice social care facilities or institutions for the social and legal protection of the child have employees that speak minority languages or can hire interpreters. Authorities try to place persons in institutions where their mother tongue is spoken. They noted however that it is increasingly difficult to find specialized staff able to communicate in a minority language, as the education system does not ensure their training.

357. The Committee of Experts points out that the undertaking requires the authorities to *ensure* that social care facilities offer the possibility of receiving and treating regional or minority language speakers in their own language.

358. The Committee of Experts considers the undertaking not fulfilled.

Article 14 – Transfrontier exchanges

The Parties undertake:

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

359. In the second monitoring cycle, the Committee of Experts requested the Slovak authorities to clarify in what way contacts between Ruthenian-speakers in the Slovak Republic and Ruthenian-speakers in Ukraine and other states where Ruthenian is spoken have been concretely fostered in the framework of the existing bilateral and multilateral agreements.

360. The Committee of Experts has received no relevant information in the third periodical report.

361. The Committee of Experts requests again the Slovak authorities to clarify in what way contacts between Ruthenian-speakers in the Slovak Republic and Ruthenian-speakers in Ukraine and other states where Ruthenian is spoken have been concretely fostered in the framework of the existing bilateral and multilateral agreements.

3.2.3 Ukrainian

362. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its previous reports and for which it did not receive any new information requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage. For Ukrainian, these provisions are the following:

Article 8.1.e.ii;
 Article 10.5;
 Article 11.2;
 Article 12.1.a; 12.1.d; 12.1.e;12.1.f; Article 13.1.c;
 Article 14 a.

Article 8 – Education

Preliminary issues

363. The Committee of Experts recalls that the undertakings entered into by the Slovak Republic under Article 8 require the authorities *to make available* regional or minority language education at the different levels of education. This implies that the offer needs to precede the demand, i.e. that the education has to be organised before the authorities are approached by parents or pupils. Such offer also needs to ensure continuity from pre-school to technical and vocational education in the geographical areas concerned. In the second monitoring cycle, the representatives of the Ukrainian-speakers stated that, for Ukrainian-language education, these areas were the districts (*okresy*) of Bardejov, Medzilaborce and Snina. Moreover, the authorities have to actively inform parents and/or pupils about the availability of regional or minority language education and to encourage them to apply for it.²⁴

364. In the second monitoring cycle, the Committee of Ministers of the Council of Europe recommended the Slovak authorities to **“provide for the teaching of all minority languages at all appropriate levels and inform parents about its availability.”**

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

365. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled.

366. According to the third periodical report, 5 kindergartens provide pre-school education in Ukrainian (188 pupils) and 3 kindergartens provide bilingual (Slovak-Ukrainian) pre-school education. There are 5 kindergartens less providing pre-school education in Ukrainian compared to the second monitoring cycle. Furthermore, according to the representatives of the speakers, even in some of these pre-schools education is provided in Slovak.

367. The Committee of Experts considers the undertaking still partly fulfilled.

Primary education

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

368. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled.

369. According to the third periodical report, 6 primary schools teach in Ukrainian (395 pupils) and one primary school is bilingual. There is one school less teaching in Ukrainian compared to the previous monitoring cycle. The representatives of the Ukrainian-speakers have informed the Committee of Experts that the parents were interested in maintaining this school and requested for it not to be closed. Furthermore, the number of subjects taught in Ukrainian has decreased and the language is mainly used for subjects such as

²⁴ See 2nd report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 570

music or history. The Committee of Experts asks the Slovak authorities to provide information in the next periodical report on which subjects are taught in Ukrainian in primary education.

370. The Committee of Experts considered this undertaking partly fulfilled.

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

371. In the previous monitoring cycle the Committee of Experts considered the undertaking fulfilled.

372. During the on-the-spot visit, the Committee of Experts was informed that one school is providing education in Ukrainian in Prešov. However, the representatives of the Ukrainian-speakers informed the Committee of Experts that the number of subjects taught in Ukrainian has decreased. The Committee of Experts asks the Slovak authorities to provide information in the next periodical report on which subjects are taught in Ukrainian in secondary education.

373. The Committee of Experts considers the undertaking still fulfilled.

Technical and vocational education

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

374. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to ensure continuity of Ukrainian-language education at all levels of education.

375. According to the additional information from the authorities, there is one medical school providing education in Ukrainian.

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

The Committee of Experts urges the Slovak authorities to increase the offer of pre-school, primary, secondary, technical and vocational education in Ukrainian and to ensure continuity of Ukrainian-language education at all levels of education.

Adult and continuing education

f ii to offer such languages as subjects of adult and continuing education;

377. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It was of the view that a more decentralized offer of Ukrainian as a subject of adult and continuing education was necessary to fulfil this undertaking, beyond the Department of Ukrainian Studies and the Institute of Russian, Ukrainian and Slavic Studies at Prešov University.

378. The third periodical report does not provide any additional information in this respect.

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

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

380. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled.

381. The third periodical report provides information on the teaching of Ukrainian history and culture at schools teaching the language.²⁵ During the on-the-spot visit, the authorities informed the Committee of Experts that all pupils in the Slovak schools are taught about the presence of minorities, in the past and in the present, as part of subjects such as, history, geography, civic studies, art Slovak language and literature. Multicultural education as a cross-cutting subject is compulsory in the state curricula.

²⁵ See also 2nd report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 587

382. However, it is not clear to the Committee of Experts to what extent the current provisions in the national curricula ensure in practice specific teaching about the Ukrainian history and culture. The Committee would welcome such information in the next periodical report.

383. The Committee of Experts considers the undertaking still partly fulfilled.

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

384. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**improve teacher-training [...].**”

385. The third periodical report refers in a general manner to the Methodological Pedagogical Centre. However, it does not provide any specific information on the further training for teachers teaching in Ukrainian.

386. According to representatives of the Ukrainian-speakers, there is a lack of teachers for pre-school and primary level. Moreover, there is no specific teacher training for pre-school teachers.

387. The Committee of Experts considers this undertaking partly fulfilled. It encourages the authorities to provide the basic and further training of the teachers for Ukrainian language education.

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.

388. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “ [...] **set up a body in charge of monitoring the measures taken and progress achieved.**” Furthermore, the Committee of Experts urged the Slovak authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.

389. According to the third periodical report, no special supervisory body has been established. State school inspection evaluates education in minority languages as well and includes this topic in its annual report. The authorities have informed the Committee of Experts that such reports are internal.

390. The Committee of Experts reiterates that this undertaking goes beyond the inspection and reporting of mainstream education. It requires a body dedicated to looking at the teaching of regional or minority languages. In practice, it is possible for an existing body to carry out the monitoring envisaged under this undertaking and to produce periodical reports. The monitoring requires evaluating and analysing the measures taken and the progress achieved with regard to regional or minority language education. The report should, among other things, contain information on the extent and availability of Ukrainian education together with developments in language proficiency, teacher supply and the provision of teaching materials. Finally these periodic reports should be made public.²⁶

391. The Committee of Experts considers this undertaking not fulfilled. The Committee of Experts urges the Slovak authorities to set up or commission a supervisory body with the task of monitoring the measures taken and progress achieved in establishing or developing teaching in and of minority languages, and of drawing up public periodic reports of its findings.

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:

²⁶See 3rd Evaluation Report of the Committee of Experts on Germany, ECRML (2008) 4, paragraphs 141 - 143

a in criminal proceedings:

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

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

392. In the second monitoring cycle, the Committee of Experts reiterated the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons. It considered these undertakings not fulfilled. It urged the Slovak authorities to guarantee the right of the accused to use Ukrainian in the criminal proceedings irrespective of whether he or she also had a command of Slovak and to provide that the accused be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts urged the Slovak authorities to provide in the legislation that requests and evidence may be produced in Ukrainian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

393. According to the information in the third periodical report, there have been no legal changes in the monitoring period in line with the above-mentioned recommendations. Furthermore, the report contains no information concerning the practical implementation of these undertakings.

394. As to the measures to encourage the use of minority languages in courts, the authorities informed the Committee of Experts during the on-the-spot visit that courts may, for example, place multilingual notifications on the information and official notice board of the court. While this is not expressly foreseen by the legislation, such actions are not prohibited. Furthermore, the Committee of Experts has been informed that the new regulations concerning the responsibility of the interpreters and translators have recently led to a decrease in their numbers, as far as regional or minority languages are concerned. The Committee of Experts points out that this might lead to practical problems in the implementation of these undertakings and encourages the authorities to take measures to ensure that a sufficient number of trained interpreters are available.

395. According to the representatives of the Ukrainian speakers, the language is very rarely used in court.

396. The Committee of Experts considers these undertakings not fulfilled. It strongly urges the Slovak authorities to guarantee the right of the accused to use Ukrainian in the criminal proceedings irrespective of whether he or she also has a command of Slovak and to ensure that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts strongly urges the Slovak authorities to provide in the legislation that requests and evidence may be produced in Ukrainian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

397. Furthermore, the Committee of Experts encourages the authorities to take proactive measures facilitating the implementation of these undertakings in practice and asks them to provide detailed information in this respect in the next periodical report.

b in civil proceedings:

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

if necessary by the use of interpreters and translations;

c in proceedings before courts concerning administrative matters:

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

if necessary by the use of interpreters and translations;

398. In the second monitoring cycle, the Committee of Experts reiterated the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons. It considered these undertakings not fulfilled. It urged the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may

use the Ukrainian language without thereby incurring additional expense, and evidence and documents may be produced in Ukrainian if necessary by the use of interpreters and translations, even if the Ukrainian-speaker has a command of the Slovak language.

399. According to the information provided by the authorities, pursuant to a 2008 amendment, Article 18 of the Civil Procedure Code provides that parties “have the right to use their mother tongue or the language they understand”. This applies to civil and administrative proceedings.

400. As to the measures to encourage the use of minority languages in courts, the Committee of Experts refers to the paragraph 394 above. It encourages the authorities to take measures to ensure that a sufficient number of trained interpreters is available.

401. According to the representatives of the Ukrainian speakers, the language is very rarely used in court.

402. The Committee of Experts considers these undertakings formally fulfilled. It encourages the authorities to take proactive measures facilitating the implementation of these undertakings in practice and asks them to provide detailed information in this respect in the next periodical report.

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

403. In the second monitoring cycle, the Committee of Experts, in the light of the conclusions reached under Article 9.1.b.ii/b.iii/c.ii/c.iii above, considered this undertaking not fulfilled.

404. The third periodical report states that the costs for interpretation and/or translation are borne by the state.

405. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

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

406. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

407. According to the third periodical report, no legal texts concerning persons belonging to national minorities have been translated into Ukrainian.

408. The Committee of Experts considers this undertaking not fulfilled.

Article 10 – Administrative authorities and public services

Preliminary issues

409. The Committee of Experts recalls that Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

410. In the second monitoring cycle, the Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**review the requirement that minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational.**”

Paragraph 1

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

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

411. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to take the necessary measures so that the Ukrainian-speakers may submit oral or written applications and receive a reply in Ukrainian, wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.

412. According to the third periodical report, there have been several amendments to the National Minorities Languages Act. However, the conditions for the use of a minority language in relations with administrative authorities still depend on whether the 20% threshold is met or not. The amended legislation provides that persons belonging to national minorities may use minority languages in official oral communication even in municipalities where the threshold is not met, "if the public administration officer and the persons involved in the proceedings so agree." The agreement depends, according to the periodical report, on whether the other persons present understand the minority language. The Committee of Experts notes that such a provision does not legally ensure that users of Ukrainian may submit oral or written applications and receive a reply in this language.

413. The new provisions foresee lowering the 20% threshold to 15%, applicable after being confirmed in two subsequent censuses. In practice, the new 15% threshold might apply in 2021 at the earliest. Therefore, for the present monitoring cycle the 20% threshold still applies.

414. As regards the municipalities where the 20% threshold is met, the authorities have an obligation to create conditions for the use of minority languages. They further have to provide information about the possibility to use minority languages in a visible place in their offices. A 50 to 2500 Euro fine may be applied for breaching this obligation or if the authority does not enable the use of minority languages. Persons belonging to national minorities have the right to submit written applications, documents and evidence in a minority language and the authorities shall reply in Slovak and in the minority language. While issuing public instruments in minority languages is generally prohibited, in an administrative proceeding the authorities shall issue the decision in Slovak and in an equal copy in the minority language, on demand or if the procedure was initiated in the minority language. Furthermore, birth, marriage and death certificates, permits, authorizations, confirmations, statements and declarations shall be issued in Slovak and in the minority language on demand or if the initial request was made in a minority language. If the authorities refuse to issue such documents bilingually, a 50 to 2500 Euro fine may be applied. In addition, the authorities shall provide citizens with bilingual forms, on request.

415. According to the representatives of the Ukrainian-speakers, it is not a practice to use Ukrainian in administrative relations.

416. The Committee of Experts considers the undertaking not fulfilled.

The Committee of Experts urges the Slovak authorities to take the necessary measures so that the Ukrainian-speakers may submit oral or written applications and receive a reply in Ukrainian, wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.

Paragraph 2

417. Pursuant to Slovak legislation, the use of regional or minority languages in relations with local branches of the State administration and local authorities is possible in municipalities where, according to the last census, at least 20% of the population belong to a given national minority. By contrast, the Committee of Experts notes that the use of regional or minority languages in relations with *regional* authorities is not permitted.²⁷

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

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

418. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled at local level and not fulfilled at regional level. It urged the Slovak authorities to take the necessary measures so that the Ukrainian-speakers may submit oral or written applications in Ukrainian including in those municipalities where the Ukrainian-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking; to provide the legal basis required for Ukrainian-

²⁷ See 2nd report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 614

speakers to submit oral or written applications in Ukrainian also in relation to regional authorities where the speakers are present in sufficient numbers.

419. According to the third periodical report, the legal provisions dealing with the use of minority languages in relations with administrative authorities apply to local state administration, local authorities and some public services. Therefore, the Committee of Experts refers to paragraphs 412-414 above.

420. According to the representatives of the speakers, Ukrainian is mainly used orally, in villages. Otherwise, it is not a practice to use Ukrainian in administrative relations.

421. No measures have been taken to provide the legal basis for submitting oral or written applications in Ukrainian also in relation to regional authorities where the speakers are present in sufficient numbers.

422. The Committee of Experts considers the undertaking partly fulfilled at local level and not fulfilled at regional level.

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

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

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

423. In the second monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It urged the Slovak authorities to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.

424. According to the third periodical report, the State Language Act, as amended in 2011, prescribes that laws, government orders, generally binding regulations, including those of local authorities, decisions and other public instruments shall be in Slovak; this shall not affect the use of minority languages, in line with special regulations. The National Minorities Languages Act as amended in 2011 provides that in municipalities where the 20% threshold is met the "official agenda, mainly minutes, resolutions, statistics, records, balances, information meant for the public [...] may be kept in a minority language along with the state language". The administrative authorities shall provide, on request, information on generally binding regulations also in the minority language and may issue generally binding regulations within their competence in the minority language along with Slovak; the text in Slovak shall prevail.

425. The Committee of Experts has not received any information on the practical implementation of the undertakings to Ukrainian. The Committee of Experts further notes that these undertakings apply as well to all municipalities and regional authorities where the Ukrainian-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertaking.

426. The Committee of Experts considers the undertakings not fulfilled. The Committee of Experts strongly urges the Slovak authorities to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents also in Ukrainian, irrespective of the 20% threshold.

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;***

427. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

428. According to the third periodical report, the State Language Act foresees that state authorities, local authorities, other public administration authorities, corporate entities established by them or by law shall use the state language in their sessions. Sessions of local authorities in municipalities where the 20% threshold is met may also be held in the minority language, if all persons present so agree. A member of the municipal assembly has the right to use the minority language during the sessions of this authority and interpretation shall be provided by the municipality. Other participants in a municipal council may also use the minority

language at the meeting if all the present members of the municipal council and the mayor of the municipality so agree, in accordance with the National Minorities Languages Act as amended in 2011.

429. According to the representatives of the Ukrainian-speakers, the meetings of the local authorities take place in Slovak.

430. The Committee of Experts considers the undertaking not fulfilled. It urges the Slovak authorities to encourage the use of Ukrainian by local authorities in debates in their assemblies, irrespective of the 20% threshold.

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.*

431. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It urged the Slovak authorities to take the necessary measures to allow and/or encourage the use or adoption, if necessary in conjunction with the name in the official language, of traditional and correct forms of place-names in Ukrainian also in those municipalities where the Ukrainian-speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking. The Slovak authorities [were] also encouraged to provide for this possibility with regard to smaller territorial units within the municipalities.

432. According to the third periodical report, the Act on the Denominations of Municipalities in the Language of National Minorities has been abolished. In accordance with the National Minorities Languages Act, as amended, a list of names in the minority languages should be included in the Government Regulation on the municipalities where minority languages may be used in official communication.

433. The National Minorities Languages Act, as amended, further provides that in municipalities where the threshold is met, the name in the minority language shall be used on traffic signs at the entrance and exit of the municipality, on buildings of public administration authorities, or in decisions issued in the minority language, if the name is provided in the above-mentioned government regulation. It may be displayed at railway stations, bus stations, airports and ports. The name in the minority language shall be displayed below the name of the municipality in Slovak using the same or smaller print size. If a minority language is used in specialized publications, press and other media, and in official activities of administrative authorities, names “of geographic objects in the minority language which are customary and established may be used in addition to the standardized geographic names.”

434. The third periodical report also states that it is possible to display place names in minority languages even in municipalities where the 20% threshold is not met, as shown by the use of traditional names in places where the minority no longer meets the threshold. During the on-the-spot visit, the authorities informed the Committee of Experts that if the minorities no longer meet the threshold in some municipalities after the 2011 census, the bilingual signs will not be removed.

435. However, the local authorities whom the Committee of Experts met during the on-the-spot visit clearly stated that they are not allowed to display bilingual place name signs if the 20% threshold is not met. It thus appears that in municipalities where the minority has never met the 20% threshold it is not possible to use bilingual place name signs.

436. Furthermore, the report explains that the expression used in the legislation by the National Minorities Languages Act in relation to place names in a minority language - “*other local geographical objects*” – includes all local names and may also refer to smaller territorial units within a municipality, if traditional and correct names in a minority language exist for such units.

437. According to the information received from the Ukrainian-speakers, there have been cases where bilingual place name signs were destroyed. The authorities did not replace them, mainly because of financial reasons.

438. The Committee of Experts underlines that the adoption and use of traditional 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.²⁸ Traditional names could also be displayed on welcome signs or touristic information boards (see also paragraph 736 below).

439. The Committee of Experts still considers the undertaking partly fulfilled. The Committee of Experts strongly urges the Slovak authorities to take the necessary measures to encourage the use of traditional and

²⁸ See for example 2nd Report of the Committee of Experts on Croatia, ECRML (2005) 3, paragraph 152

correct forms of place names in Ukrainian within the meaning of the present undertaking and irrespective of the 20% threshold.

Paragraph 3

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

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

440. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

441. According to the third periodical report, public services are mainly provided by corporate entities established by administrative authorities, or directly established by law. In accordance with the National Minorities Languages Act as amended in 2011, in municipalities where the 20% threshold is met persons belonging to national minorities are entitled to submit oral and written applications, as well as documents and evidence in their minority language to a corporate entity established by a local administrative authority. They shall receive a reply in Slovak and in the minority language. Such entities are mainly medical and social care establishments or municipal companies. The provision does not apply to corporate entities established by law (e.g. public universities, post offices, the Social Insurance, Slovak Railways).

442. In municipalities that do not meet the 20% threshold, the general rule applies and the minority language may be used orally, if the employee and the persons present agree.

443. The Committee of Experts considers this undertaking not fulfilled. It encourages the Slovak authorities to allow Ukrainian-speakers to submit a request in Ukrainian to public services, including in those municipalities where the users do not attain the 20% threshold but represent nevertheless a sufficient number for the purpose of the present undertaking.

Paragraph 4

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

a translation or interpretation as may be required;

444. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

445. According to the third periodical report, the obligation “to create conditions for the use of a minority language” in a municipality where the 20% threshold is met includes providing for translation and interpretation.

446. With regard to the municipalities where the 20% threshold is not met, but where the minority language may nevertheless be orally used, the report states that translation and interpretation services are available on the whole territory of the Slovak Republic and their services shall be paid by the subjects involved.

447. The Committee of Experts considers the undertaking formally fulfilled.

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

448. In the second monitoring cycle, the Committee of Experts considered this undertaking formally fulfilled.

449. The third periodical report does not contain any specific information concerning this undertaking.

450. In view of the repeated lack of information, the Committee of Experts considers the undertaking not fulfilled.

Article 11 – Media

Paragraph 1

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

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

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

451. In the second monitoring cycle, the Committee of Experts considered this undertaking fulfilled for radio and not fulfilled for television. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**improve the provision of public sector television and radio in all minority languages [...].**” Furthermore, the Committee of Experts urged the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Ukrainian language on public radio and television.

452. According to the third periodical report, pursuant to Act 532/2010 Coll. on Radio and Television of Slovakia and on amendments and supplements to some acts, the public broadcaster has an obligation to provide broadcasts in the languages of the national minorities and ethnic groups living in the Slovak Republic. One programme service of the public radio shall broadcast programmes with well-balanced content and regional distribution in minority languages. The extent of the broadcast shall correspond to the national and ethnic structure of the Slovak Republic.

453. In practice, Slovak Radio broadcast 476 hours in Ukrainian in 2008 and 281 to 294 hours in 2009 and 2010 (394 in the previous monitoring cycle). Slovak Television broadcast 7 hours in Ukrainian in 2007, 5 hours in 2009 and 2010 (6.5 hours in the second monitoring cycle). The Committee of Experts notes a decrease both on radio and television.

454. The representatives of the Ukrainian-speakers have informed the Committee of Experts that the broadcasting time for the radio programme coincides with the primetime on TV, thus reducing the number of listeners. Furthermore, there are not enough staff producing the programmes in Ukrainian (there are two employees for radio and one for television).

455. The Committee of Experts reiterates the great importance of the electronic media, especially television, for the promotion of regional or minority languages in modern societies. In particular, a regular and predictable presence of a regional or minority language on radio and television can enhance considerably its social prestige.²⁹

456. The Committee of Experts considers this undertaking still fulfilled for radio and not fulfilled for television.

The Committee of Experts strongly urges the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Ukrainian language on public television.

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

457. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**facilitate the broadcasting of private radio [...]** in minority languages by **lifting the restrictive requirements of the respective legislation.**” Furthermore, the Committee of Experts encouraged the Slovak authorities to remove the existing restrictive requirements for private [...] radio broadcasters offering programmes in minority languages

458. According to the third periodical report, the State Language Act, as amended in 2011, eliminated the obligation of private radio broadcasters to provide a Slovak language version of the radio programme broadcast in a minority language. This applies to “radio programmes in regional broadcast or local broadcast designed for members of national minorities including events in live transmission”. The Committee of Experts welcomes this development.

459. The periodical report further states that no data are available on the number of licence holders broadcasting in Ukrainian.

²⁹ See 2nd Report of the Committee of Experts on Switzerland, ECRML (2004) 6, paragraph 118

460. The Committee of Experts has not been informed of any measures, such as financial incentives or licensing criteria, taken to encourage and/or facilitate the broadcasting of radio programmes in Ukrainian.

461. The Committee of Experts encourages the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in Ukrainian on private radio stations on a regular basis, such as financial incentives or licensing criteria in the next periodical report.

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

462. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**facilitate the broadcasting of private [...] television in minority languages by lifting the restrictive requirements of the respective legislation.**” Furthermore, the Committee of Experts encouraged the Slovak authorities to remove the existing restrictive requirements for private television and radio broadcasters offering programmes in minority languages.

463. According to the third periodical report, the obligation of private television channels to subtitle in Slovak all programmes broadcast in a minority language has been maintained. The authorities explain this as a means of promoting intercultural dialogue and knowledge of minorities’ lives and cultures. The Audiovisual Fund, established in 2009, may be used by producers of audiovisual works in minority languages to cover the costs of subtitling.

464. The periodical report further states that no data are available on the number of licence holders broadcasting in Ukrainian.

465. The Committee of Experts has not been informed of any measures, such as financial incentives or licensing criteria, taken to encourage and/or facilitate the broadcasting of television programmes in Ukrainian.

466. The Committee of Experts considers the undertaking not fulfilled. It encourages the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in Ukrainian on private television channels on a regular basis, such as financial incentives or licensing criteria in the next periodical report.

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

467. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages, also ensuring that minority language programmes on digital television are available for children at suitable times.

468. According to the third periodical report, the Audiovisual Fund was established in 2009, in order to support audiovisual industry in Slovakia by providing funds for production and distribution of audiovisual works, as well as cultural events and publications in the audiovisual and cinematography field. Its funding activity started in 2010.

469. The Fund announces annually a binding structure for its support activity. Programme 1 covers the production of cinematographic and audiovisual works focused *inter alia* on minorities, including works for children under the age of 12. In 2011 one of the priorities under Programme 1 was the support of audiovisual works dealing with national minorities and disadvantaged groups.

470. The Committee of Experts welcomes these developments. Nevertheless, it points out that the undertaking requires states to provide specific assistance to the production and distribution of works in regional or minority languages. It is not clear to the Committee of Experts whether the support of audiovisual works dealing with national minorities and disadvantaged groups will always be a priority under Programme 1, thereby ensuring regular funding, nor whether the supported audiovisual works are produced *in* regional or minority languages. It would welcome specific information in this respect. The Audiovisual Fund is however relevant for the undertaking under 11.1.f.ii.

471. As regards the availability of children’s programmes in minority languages, the periodical report states that according to the State Language Act as amended in 2011, audiovisual works for children under 12 broadcast in a foreign language have to be dubbed into Slovak, except those broadcast as part of minority language programmes. The Committee of Experts would welcome more information in the next periodical report on children's programmes produced and distributed in Ukrainian.

472. The Committee of Experts asks the authorities to provide concrete examples of audiovisual works in Ukrainian relevant for this undertaking 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;

473. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**facilitate the creation of newspapers in minority languages**”. Furthermore, the Committee of Experts urged the Slovak authorities to take appropriate measures to enable at least one newspaper to be published in Ukrainian with sufficient frequency.

474. According to the third periodical report, three Ukrainian periodicals receive support: *Nové Žytтя, Dukla* and *Veselka*. However, none of them are published weekly. The Committee of Experts recalls that a “newspaper” within the meaning of the present provision has to be published at least once per week.³⁰

475. The representatives of the Ukrainian-speakers have informed the Committee of Experts that the funds are received very late and in 2011 were reduced to 50% of what the grant commission had recommended.

476. The Committee of Experts considers this undertaking not fulfilled.

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

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

477. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled since there had been no indication that general measures for financial assistance to audiovisual productions had been applied regarding productions in Ukrainian.

478. According to the third periodical report, the Audiovisual Fund covers, under Programme 1, the production of cinematographic and audiovisual works focused *inter alia* on minorities, including works for children under the age of 12. In 2011 one of the priorities under Programme 1 was the support of audiovisual works dealing with national minorities and disadvantaged groups. The Committee of Experts underlines that this undertaking targets audiovisual works produced *in* Ukrainian.

479. The Committee of Experts has not received any concrete examples of audiovisual works in Ukrainian relevant under the present undertaking.

480. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to apply existing measures for financial assistance to audiovisual works in Ukrainian and to provide concrete examples in the next periodical report.

Paragraph 3

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

481. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and requested the Slovak authorities to comment on it in their next periodical report.

482. According to the third periodical report, the Council for Broadcasting and Retransmission is the supervisory body for broadcasting. Its members are selected by the National Council of the Slovak Republic, from the proposals made by various bodies, including NGOs. The Board of the Radio and Television is the supervisory body in view of Act 532/2010 Coll. on the Radio and Television of Slovakia. Its members are also selected by the National Council of the Slovak Republic, from the proposals made by various bodies, including NGOs representing the interests of national minorities. Therefore, persons belonging to national minorities may also become members of these Councils.

³⁰ See 1st Report of the Committee of Experts on Serbia, ECRML (2009) 2, paragraph 267

483. The Committee of Experts has been informed that at present one of the members of the Board of the Radio and Television belongs to a national minority. However, the Committee of Experts notes that the legal framework does not *ensure* the representation of the regional or minority language speakers in these bodies. The Committee of Experts recalls that this undertaking does not require each Part III language to have its own representative in the bodies in question, but that adequate systems or processes exist to ensure that the interests of speakers of each Part III language are in fact represented or taken into account.

484. The Committee of Experts considers the undertaking fulfilled at present. Nevertheless, it encourages the Slovak authorities to ensure that the interests of the users of regional or minority languages are represented or taken into account within the bodies responsible for guaranteeing the freedom and pluralism of the media.

Article 12 – Cultural activities and facilities

Paragraph 1

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

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

485. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of these undertakings and requested the Slovak authorities to comment on them in their next periodical report.

486. According to the information received in the third monitoring cycle, the funds for the support of the national minorities' activities are also used to finance translations. The Ministry of Culture also has a separate system for the translation of literature, which may be used for minority languages as well. For the audiovisual works, the funds provided by the Audiovisual Fund may be used.

487. The Committee of Experts received no concrete examples of the application of these undertakings to Ukrainian.

488. The Committee of Experts considers the undertakings not fulfilled. It encourages the authorities to foster access in other languages to works produced in Ukrainian and vice versa.

- 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;*

489. In the second monitoring cycle, the Committee of Experts considered the undertaking not fulfilled.

490. According to the third periodical report, various NGOs collecting, archiving and publishing works in minority languages receive state support through the grant schemes for activities of national minorities. The *Fórum inštitút pre výskum menšín* (Forum Institute for Research of National Minorities) is the most important NGO dealing with research on minorities in Slovakia, documentation of their culture, written documents and other records. The Forum Institute for Research of National Minorities receives annual financial support from the state budget.

491. There is also a Museum of the Ukrainian Culture in Svidník. According to the information the Committee of Experts received from the authorities during the on-the-spot visit, the museums of national minorities' cultures collect, publish and keep copies of works in minority languages, published by them or occasionally received from minority NGOs.

492. One copy of each periodical publication is kept by the National Archives, and one copy of each audiovisual work is kept by the Slovak Film Institute.

493. 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.

494. In the second monitoring cycle, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Slovak authorities to allow, encourage and/or provide appropriate cultural activities and facilities for Ukrainian in territories other than those in which Ukrainian is traditionally used.

495. According to the third periodical report, the authorities support the cultural activities of the Ukrainian minority also outside areas where the minority lives, as separate performances or within general cultural events. These are, for example, cultural events involving minority ensembles or theatre festivals, where minority theatres are invited. Many events, taking place in various towns, involve several minorities. The *Alexander Duchnovic* Ruthenian-Ukrainian minority theatre in particular performs all over Slovakia.

496. The Committee of Experts considers this 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.

497. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

498. The third periodical report refers to the *Alexander Duchnovic* Ruthenian – Ukrainian minority theatre. The authorities further state that the culture of the national minorities is part of the cultural wealth of the Slovak Republic and this is reflected in their presentation in the country and abroad, for example in promotional materials for tourists, by sending them for performances abroad or by including their culture in the performances of the Slovak ensembles.

499. The authorities have also supported activities of the Ukrainian associations from Slovakia taking place in Ukraine. The Committee of Experts recalls, however, that the concept of the ‘cultural policy abroad’ not only refers to the state in which the minority language is used, but also obliges the authorities to show the multilingual nature more generally in countries in which their cultural institutions are active.³¹

500. The Committee of Experts considers the undertaking fulfilled.

Article 13 – Economic and social life

Paragraph 1

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

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

501. In the second monitoring cycle, the Committee of Experts considered this undertaking fulfilled. It looked forward to receiving further information in the next periodical report on the amendment to the State Language Act which was under consideration and which would ensure the right to use a minority language in contracts of employment and technical documents

502. According to the third periodical report, the State Language Act provides that written legal actions in labour relations or a similar labour relation shall be in Slovak and a copy with an equal content may be drafted in a different language, in addition to the state language. Slovak is also compulsory in labelling products, in providing information and instructions for their use and for other consumer information. Accounting documents, financial statements, technical documentation, as well as statutes of associations, political parties or movements and companies necessary for registration purposes shall be drawn up in Slovak and versions in other languages with identical content may also be drawn up. These provisions have been already included in the 2009 version of the law, which, however, also prescribed fines for breaching them, for example, by drafting an employment contract only in a minority language. The 2011 amendment limited the fines to cases where legal persons “do not state information related to life, health or safety threat or a threat to property of citizens of the Slovak Republic in the state language.”

³¹ See also 3rd Report of the Committee of Experts on Hungary, ECRML (2007) 5, paragraph 202

503. In addition, the information for the public, particularly in shops, sport facilities, restaurants, on streets, roads, at airports, bus stations and railway stations, as well as in public transport vehicles, shall be presented in Slovak. If these include a text in other languages, it shall be presented after the text in Slovak, have an identical content and be in equal or smaller print than the text in Slovak. The order of the texts is not determined in municipalities where the 20% threshold is met, nor in advertisements.

504. According to the National Minorities Languages Act, as amended in 2011, information concerning threats to life, health safety or property shall be in a minority language in addition to Slovak, in municipalities where 20% threshold is met. Not displaying such a sign or notice in the minority language constitutes an offence. The Committee of Experts welcomes this information. However, it notes that the present undertaking applies to the whole country.

505. The Committee of Experts observes that the current legislation still severely limits the use of minority languages in documents relating to economic and social life. Thus it considers the undertaking not fulfilled.

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

506. In the second monitoring cycle, the Committee of Experts was again not informed of any such prohibition and considered this undertaking not fulfilled.

507. According to the third periodical report, such prohibitions as required by the undertaking are not expressly laid down in the Slovak legislation.

508. The Committee of Experts considers the undertaking not 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:

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

509. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It urged the Slovak authorities to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in Ukrainian even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the Ukrainian-speakers are present in sufficient numbers for the purpose of the present undertaking. It looked forward to receiving further information in the next periodical report on the amendment to the State Language Act which would ensure the right to use a minority language in social care facilities.

510. According to the third periodical report, the State Language Act, as amended in 2011 provides that the staff shall communicate with their patients or clients usually in Slovak, but communication with a patient or a client whose mother tongue is not Slovak may take place in a language in which the patient or client can communicate. Patients or clients belonging to national minorities may use their mother tongue in communication with the staff in municipalities where the 20% threshold is met. The staff do not have an obligation to speak minority languages.

511. The National Minorities Languages Act, as amended in 2011, provides that persons belonging to national minorities may use the minority language in communication with the staff of healthcare and social care institutions, child social and legal protection institutions and social probation institutions in municipalities where the 20% threshold is met. The institution shall allow the use of the minority language "insofar as the conditions prevailing at the institution so permit."

512. However, the authorities admit that these provisions do not create an obligation for social care institutions to ensure the possibility to use a minority language and explain that the reasons are mainly of a financial nature. They support the employment of persons speaking the relevant minority language or language training for staff as possible solutions, which are not excluded by legislation. The Committee of Experts has been further informed by the authorities during the on-the-spot visit that in practice social care facilities or institutions for the social and legal protection of the child have employees that speak minority languages or can hire interpreters. Authorities try to place persons in institutions where their mother tongue is spoken. They noted however that it is increasingly difficult to find specialized staff able to communicate in a minority language, as the education system does not ensure their training.

513. The Committee of Experts points out that the undertaking requires the authorities to *ensure* that social care facilities offer the possibility of receiving and treating regional or minority language speakers in their own language.

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

Article 14 – Transfrontier exchanges

The Parties undertake:

- 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.***

515. In the second monitoring cycle, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking and requests the Slovak authorities to specify in their next periodical report how the existing forms of co-operation with Ukraine have benefited the Ukrainian language in the Slovak Republic.

516. No relevant information has been provided in the third periodical report.

517. The Committee of Experts requests again the Slovak authorities to specify in their next periodical report how the existing forms of co-operation with Ukraine have benefited the Ukrainian language in the Slovak Republic.

3.2.4 Romani

518. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its previous reports and for which it did not receive any new information requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage. For Romani, these provisions are the following:

Article 10.4.c, 10.5;
 Article 11.2;
 Article 12.1.a, 12.1.d, 12.1.e, 12.1.f;
 Article 13.1.c.

Article 8 – Education

Preliminary issues

519. The Committee of Experts recalls that the undertakings entered into by the Slovak Republic under Article 8 require the authorities *to make available* regional or minority language education at the different levels of education. This implies that the offer needs to precede the demand, i.e. that the education has to be organised before the authorities are approached by parents or pupils. Such an offer also needs to ensure continuity from pre-school to secondary, as well as technical and vocational education in the geographical areas concerned. Moreover, the authorities have to actively inform parents and/or pupils about the availability of regional or minority language education and to encourage them to apply for it.³²

520. In the second monitoring cycle, the Committee of Ministers of the Council of Europe recommended the Slovak authorities to “**provide for the teaching of all minority languages at all appropriate levels and inform parents about its availability**” and “[...] **start to introduce Romani-language education for Roma children on a large scale.**”

521. According to the information received during the third monitoring cycle, there has been almost no progress as regards large scale introduction of Romani-language education. The Committee of Experts has been informed by the Roma representatives and experts it met during the on-the-spot visit that there is a negative perception of Romani among the teachers, which clearly influences teaching in/of the language and the options of the parents. Romani is perceived by the majority of teachers as a sign of social backwardness and an obstacle to integration; abandoning the language is seen as a pre-condition to successful integration. Teachers insist on the need to master Slovak, while at the same time describing Romani as useless. In addition, the authorities’ measures usually only refer to “socially disadvantaged persons”, not taking into account the socio-cultural situation of the Roma, highly connected with traditions as part of the ethnic identity.

522. The Committee of Experts recalls that according to the Charter “the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them”. Moreover, successful integration of Roma in Slovak society deserves maximum support. Nevertheless, social integration should not be confused with cultural and linguistic assimilation. The Committee of Experts underlines that full recognition of the linguistic and cultural specificities of Roma is more conducive to their successful integration in the society than denying them. Teaching Romani and Roma culture strengthens the self-esteem of the Roma population and thus facilitates a more active participation as equal citizens. The Committee of Experts emphasizes that integration of Roma into the Slovak society implies inclusion of teaching of and in Romani in the Slovak school system. To this end, however, it is essential that the school authorities in particular recognise the added-value of the education of Roma pupils which includes maintaining and/or developing their command of Romani.³³ In the case of Slovakia, pre-conditions for such a system already exist, as there are still a lot of Romani-speaking children and curricula and textbooks have been developed during the last ten years.

The Committee of Experts strongly urges the Slovak authorities to adopt a structured approach and, in co-operation with the speakers, introduce Romani-language education for Roma children on a large scale.

³² See 2nd Report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 55

³³ See 1st Report of the Committee of Experts on Slovakia, ECRML (2007) 1, paragraphs 59 and 63, 1st Report of the Committee of Experts on the Czech Republic, ECRML (2009) 7, paragraph 97

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;**

523. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It urged the Slovak authorities to inform the Romani-speaking population of the provisions of the Charter in relation to pre-school education, to provide facilities for pre-school education in Romani and to ensure continuity.

524. According to the third periodical report, there is at present no pre-school education in Romani. The authorities explain this by referring to the lack of interest from the parents, who prefer their children to learn Slovak in order to successfully integrate later on in primary education.

525. The information received from Roma representatives and experts during the on-the-spot visit shows that many Roma parents, under the influence of the teachers, are under the impression that Romani offers no perspectives. Moreover, even if Roma parents opted for Romani pre-school education, there would not be enough trained teachers.

526. The Committee of Experts has not been informed of any particular initiatives of the authorities to raise awareness vis-à-vis the Romani-speaking population of their right to pre-school education in Romani.

527. The Committee of Experts considers the undertaking not fulfilled.

The Committee of Experts strongly urges the Slovak authorities to provide facilities for pre-school education in Romani and to raise awareness of the Romani-speaking population of their right to pre-school education in Romani, its availability and advantages.

Primary, secondary, technical and vocational education

- b
 - iii **to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;**
- c
 - iii **to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;**
- d
 - iii **to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;**

528. In the second monitoring cycle, the Committee of Experts considered these undertakings partly fulfilled. It urged the Slovak authorities to generally introduce the teaching of Romani as an integral part of the curriculum at primary and secondary school level and at technical and vocational level.

529. According to the information received in the third monitoring cycle, Romani is taught at two private primary schools as an optional subject and at five secondary schools, mainly private. On the whole, Romani is taught to 967 pupils. In addition, the third periodical report refers to a project for a new study programme for Romology at secondary schools, implemented by the State Pedagogical Institute and funded by the European Social Fund.³⁴

530. The third periodical report states that schools may include the subject *Romani language and literature* in their educational programme, in accordance with the interest of the parents. Teaching materials for *Romani language and literature* and for *Roma facts of life* have been approved in 2011. As of September 2011, *Romani language and literature* may be chosen as a final examination subject.

531. The Committee of Experts notes that after the completion of two projects that significantly contributed to the development of a curriculum and of textbooks for Romani-language education,³⁵ no structured and

³⁴ See also 2nd Report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 64

³⁵ See also 2nd Report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 61

proactive measures have been taken by the Slovak authorities to generally introduce the teaching of Romani as an integral part of the curriculum at primary, secondary level and in technical and vocational education, nor to raise awareness among teachers and parents of this opportunity.

532. The Committee of Experts considers these undertakings still only partly fulfilled.

The Committee of Experts strongly urges the Slovak authorities to systematically introduce the teaching of Romani as an integral part of the curriculum at primary and secondary school level, as well as in technical and vocational education, and to ensure continuity between the different levels of education.

University and other higher education

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

533. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It urged the Slovak authorities to develop the necessary facilities for the study of Romani as a university and higher education subject.

534. According to the third periodical report, the Institute of Romological Studies at the University of Nitra conducts the study programme *Roma language, history and culture*.

535. The Committee of Experts considers the undertaking fulfilled.

Adult and continuing education

f ii to offer such languages as subjects of adult and continuing education;

536. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to offer Romani as a subject of adult and continuing education.

537. According to the third periodical report, the Roma Education, Information, Documentation, Advisory and Consultation Centre (ROCEPO) within the Methodological Pedagogical Centre has offered a Romani course to teachers of special schools.

538. During the on-the-spot visit, the Committee of Experts has been informed that there are very few opportunities for adults to learn Romani. Some Romani-speakers could teach Romani, as they have a certificate issued by the State Pedagogical Institute, but they are not allowed to issue any certification to their students.

539. The Committee of Experts asks the authorities to clarify in the next periodical report whether there is a systematic offer of Romani as a subject of adult and continuing education or only some irregular initiatives.

540. The Committee of Experts considers the undertaking partly fulfilled. It urges the Slovak authorities to systematically offer Romani as a subject of adult and continuing education.

Teaching of the history and the culture

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

541. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities to improve the teaching of Roma history and culture for Roma children and to include elements of the history and culture which is reflected by Romani in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.

542. According to the third periodical report, primary and secondary schools may include the subject *Roma facts of life* in their educational programme, within available lessons. Standards for this subject as supporting documents were made available in 2011 by the State Pedagogical Institute.

543. During the on-the-spot visit, the authorities informed the Committee of Experts that all pupils in the Slovak schools are taught about the presence of minorities, in the past and in the present, as part of subjects such as, history, geography, civic studies, art, Slovak language and literature. Multicultural education as a cross-cutting subject is compulsory in the state curricula.

544. According to the information received from the Roma representatives and experts during the on-the-spot visit, in practice the Roma history and culture is rarely present in schools. The materials for teaching Roma history are not part of the regional textbooks, but only additional tools which are not sufficiently used in practice.

545. However, it is not clear to the Committee of Experts to what extent the current provisions in the national curricula ensure in practice specific teaching about the Roma history and culture. The Committee of Experts would welcome such information in the next periodical report. Moreover, it appears that few schools chose to teach Roma history and culture.

546. The Committee of Experts considers the undertaking still only partly fulfilled.

The Committee of Experts urges the Slovak authorities to take steps to improve the teaching of Roma history and culture in mainstream education.

Basic and further training of teachers

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

547. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers of the Council of Europe recommended the Slovak authorities to **“improve [...] teacher-training.”** Furthermore, the Committee of Experts urged the Slovak authorities to intensify and accelerate their efforts in the field of basic and further teacher training for Romani.

548. According to the third periodical report, ROCEPO, within the Methodological Pedagogical Centre provides further training for teachers working in schools with a high number of Roma pupils. Some teachers of special schools have attended a Romani course in this centre.³⁶ The Committee of Experts has not been informed whether ROCEPO provides specific further training for the teachers of Romani. During the on-the-spot visit, the authorities informed the Committee of Experts that a new project dedicated to teacher training is under preparation.

549. The Committee of Experts has been informed that there are in fact very few Romani teachers. As to the Roma assistants – now “pedagogical assistants” - the authorities provide funding for 400 persons. According to the Roma representatives and experts the Committee of Experts met during the on-the-spot visit, it is no longer compulsory for these assistants to belong to the Roma community and to be Romani-speakers. Furthermore, their number has decreased, since they are now required to have a university degree.

550. The Committee of Experts underlines that in line with the undertakings chosen by the Slovak Republic, it has to provide teacher training in order to ensure teaching in/of Romani, as a subject in its own right. Therefore, a system needs to be in place that ensures that there are enough teachers able to provide teaching of Romani from pre-school to secondary education. The existing offer of teacher training, and the amount of teachers trained with a qualification in Romani definitely does not conform to the requirements resulting from the undertakings ratified under Article 8.

551. The Committee of Experts considers the undertaking not fulfilled for basic training and partly fulfilled for further training.

The Committee of Experts strongly urges the Slovak authorities to intensify and accelerate their efforts in the field of basic and further teacher training for Romani.

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.

552. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended the Slovak authorities to **“[...] set up a body in charge of monitoring the measures taken and progress achieved.”** Furthermore, the Committee of Experts urged the Slovak authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.

³⁶ See also 2nd Report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 76

553. According to the third periodical report, no special supervisory body has been established. State school inspection evaluates education in minority languages as well and includes this topic in its annual report. The authorities have informed the Committee of Experts that such reports are internal.

554. The Committee of Experts reiterates that this undertaking goes beyond the inspection and reporting of mainstream education. It requires a body dedicated to looking at the teaching of regional or minority languages. In practice, it is possible for an existing body to carry out the monitoring envisaged under this undertaking and to produce periodical reports. The monitoring requires evaluating and analysing the measures taken and the progress achieved with regard to regional or minority language education. The report should, among other things, contain information on the extent and availability of Romani education together with developments in language proficiency, teacher supply and the provision of teaching materials. Finally these periodic reports should be made public.³⁷

555. The Committee of Experts considers this undertaking not fulfilled. The Committee of Experts urges the Slovak authorities to set up or commission a supervisory body with the task of monitoring the measures taken and progress achieved in establishing or developing teaching of Romani, and of drawing up public periodical reports on the development of Romani teaching.

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

556. In the second monitoring cycle, the Committee of Experts reiterated the need to clarify the legal framework and to encourage a certain degree of implementation in practice. The Committee of Experts considered these undertakings partly fulfilled. It urged the Slovak authorities to guarantee the right of the accused to use Romani in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, it urged the Slovak authorities to provide in the legislation that requests and evidence may be produced in Romani, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

557. According to the information in the third periodical report, there have been no legal changes in the monitoring period in line with the above-mentioned recommendations. Furthermore, the report contains no information concerning the practical implementation of these undertakings.

558. As to the measures to encourage the use of minority languages in courts, the authorities informed the Committee of Experts during the on-the-spot visit that courts may, for example, place multilingual notifications on the information and official notice board of the court. While this is not expressly foreseen by the legislation, such actions are not prohibited. Furthermore, the Committee of Experts has been informed that the new regulations concerning the responsibility of the interpreters and translators have recently led to a decrease in their numbers, as far as regional or minority languages are concerned. The Committee of Experts points out that this might lead to practical problems in the implementation of these undertakings and encourages the authorities to take measures to ensure that a sufficient number of trained interpreters are available.

559. The Committee of Experts considers these undertakings still only partly fulfilled. It strongly urges the Slovak authorities to guarantee the right of the accused to use Romani in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to ensure that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, it strongly urges the Slovak authorities to provide in the legislation that requests and evidence may be produced in Romani, and that the use of

³⁷See 3rd Report of the Committee of Experts on Germany, ECRML (2008) 4, paragraphs 141- 143

interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

560. Furthermore, the Committee of Experts encourages the authorities to take proactive measures facilitating the implementation of these undertakings in practice and asks them to provide detailed information in this respect in the next periodical report.

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;

561. In the second monitoring cycle, the Committee of Experts reiterated the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons. The Committee of Experts considered these undertakings partly fulfilled. It urged the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use Romani without thereby incurring additional expense, and evidence and documents may be produced in Romani if necessary by the use of interpreters and translations, even if the Romani-speaker has a command of Slovak.

562. According to the information provided by the authorities, pursuant to a 2008 amendment, Article 18 of the Civil Procedure Code provides that parties “have the right to use their mother tongue or the language they understand”. This applies to civil and administrative proceedings. The Committee of Experts received no information concerning the practical implementation of these undertakings.

563. As to the measures to encourage the use of minority languages in courts, the Committee of Experts refers to paragraph 558 above. It encourages the authorities to take measures to ensure that a sufficient number of trained interpreters are available.

564. The Committee of Experts considers these undertakings partly fulfilled. It encourages the authorities to take proactive measures facilitating the implementation of these undertakings in practice and asks them to provide detailed information in this respect in the next periodical report.

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

565. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and that any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

566. According to the third periodical report, the interpretation and/or translation costs are borne by the state.

567. The Committee of Experts considers this undertaking fulfilled.

Article 10 – Administrative authorities and public services

Preliminary issues

568. The Committee of Experts recalls that Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

569. In the second monitoring cycle, the Committee of Ministers of the Council of Europe recommended that the Slovak authorities **“review the requirement that minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational.”**

Paragraph 1

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

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

570. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It urged the Slovak authorities to take the necessary measures so that the Romani-speakers may submit oral or written applications and receive a reply in Romani wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.

571. According to the third periodical report, there have been several amendments to the National Minorities Languages Act. However, the conditions for the use of a minority language in relations with administrative authorities still depend on whether the 20% threshold is met or not. The amended legislation provides that persons belonging to national minorities may use minority languages in official oral communication even in municipalities where the threshold is not met, “if the public administration officer and the persons involved in the proceedings so agree.” The agreement depends, according to the periodical report, on whether the other persons present understand the minority language. The Committee of Experts notes that such a provision does not legally ensure that users of Romani may submit oral or written applications and receive a reply in this language.

572. The new provisions foresee lowering the 20% threshold to 15%, applicable after being confirmed in two subsequent censuses. In practice, the new 15% threshold might apply in 2021 at the earliest. Therefore, for the present monitoring cycle the 20% threshold still applies.

573. As regards the municipalities where the 20% threshold is met, the authorities have an obligation to create conditions for the use of minority languages. They further have to provide information about the possibility to use minority languages in a visible place in their offices. A 50 to 2500 Euro fine may be applied for breaching this obligation or if the authority does not enable the use of minority languages. Persons belonging to national minorities have the right to submit written applications, documents and evidence in a minority language, and the authorities shall reply in Slovak and in the minority language. While issuing public instruments in minority languages is generally prohibited, in an administrative proceeding the authorities shall issue the decision in Slovak and in an equal copy in the minority language, on demand or if the procedure was initiated in the minority language. Furthermore, birth, marriage and death certificates, permits, authorizations, confirmations, statements and declarations shall be issued in Slovak and in the minority language on demand or if the initial request was made in a minority language. If the authorities refuse to issue such documents bilingually, a 50 to 2500 Euro fine may be applied. In addition, the authorities shall provide citizens with bilingual forms, on request.

574. As the Committee of Experts lacks any information on the practical application of this undertaking, it must conclude that the undertaking is not fulfilled.

The Committee of Experts strongly urges the Slovak authorities to take the necessary measures to ensure that the Romani-speakers may submit oral or written applications and receive a reply in Romani wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in the legislation.

Paragraph 2

575. Pursuant to Slovak legislation, the use of regional or minority languages in relations with local branches of the State administration and local authorities is possible in municipalities where, according to the last census, at least 20% of the population belong to a given national minority. By contrast, the Committee of Experts notes that the use of regional or minority languages in relations with *regional* authorities is not permitted.³⁸

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

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

576. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It urged the Slovak authorities to take the necessary legal and organisational measures so that the Romani-speakers may submit oral or written applications in Romani in all municipalities with a sufficient number of speakers, including those municipalities where the Romani-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking.

577. According to the third periodical report, the legal provisions dealing with the use of minority languages in relations with administrative authorities apply to local state administration, local authorities and some public services. Therefore, the Committee of Experts refers to paragraphs 571-573 above. In addition, no measures have been taken to provide the legal basis for submitting oral or written applications in Romani also in relation to regional authorities where the speakers are present in sufficient numbers.

578. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts strongly urges the Slovak authorities to take the necessary legal and organisational measures so that the Romani-speakers may submit oral or written applications in Romani in all municipalities with a sufficient number of speakers, including those municipalities where the Romani-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking.

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

579. In the second monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It urged the Slovak authorities to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.

580. According to the third periodical report, the State Language Act, as amended in 2011, prescribes that laws, government orders, generally binding regulations, including those of local authorities, decisions and other public instruments shall be in Slovak; this shall not affect the use of minority languages, in line with special regulations. The National Minorities Languages Act as amended in 2011 provides that in municipalities where the 20% threshold is met the "official agenda, mainly minutes, resolutions, statistics, records, balances, information meant for the public [...] may be kept in a minority language along with the state language". The administrative authorities shall provide, on request, information on generally binding regulations also in the minority language and may issue generally binding regulations within their competence in the minority language along with Slovak; the text in Slovak shall prevail.

581. The Committee of Experts has not received any information on the practical implementation of the undertakings to Romani. The Committee of Experts further notes that these undertakings apply as well to all municipalities and regional authorities where the Romani-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertaking.

582. The Committee of Experts considers the undertakings not fulfilled. It strongly urges the Slovak authorities to take the necessary measures to allow and encourage the publication by local and regional authorities of their official documents also in Romani, irrespective of the 20% threshold.

³⁸ See also 2nd report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 97

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;*

583. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to encourage the use of Romani by local authorities in debates in their assemblies, without excluding, however, the use of the official language of the State.

584. According to the third periodical report, the State Language Act foresees that state authorities, local authorities, other public administration authorities, corporate entities established by them or by law shall use the state language in their sessions. Sessions of local authorities in municipalities where the 20% threshold is met may also be held in the minority language, if all persons present so agree. A member of the municipal assembly has the right to use the minority language during the sessions of this authority and interpretation shall be provided by the municipality. Other participants in a municipal council may also use the minority language at the meeting if all the present members of the municipal council and the mayor of the municipality so agree, in accordance with the National Minorities Languages Act as amended in 2011.

585. The Committee of Experts has not received any information on the practical implementation of the undertaking to Romani. The Committee of Experts further notes that these undertakings apply as well to all municipalities where the Romani-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertaking.

586. The Committee of Experts considers the undertaking not fulfilled. It urges the Slovak authorities to encourage the use of Romani by local authorities in debates in their assemblies, irrespective of the 20% threshold.

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.*

587. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It was not clear to what extent place-names in Romani (including names of smaller territorial units and streets) were used in municipalities where the 20% threshold was met. No measures had been taken to allow and/or encourage the use or adoption of place-names in Romani also in those municipalities where the Romani-speakers do not attain the 20% threshold but represented nevertheless a sufficient number of speakers for the purpose of the present undertaking. In addition, it was not clear whether names of smaller territorial units within municipalities, and of streets, were in official use.

588. According to the third periodical report, the Act on the Denominations of Municipalities in the Language of National Minorities has been abolished. In accordance with the National Minorities Languages Act, as amended, a list of names in the minority languages should be included in the Government Regulation on the municipalities where minority languages may be used in official communication.

589. The National Minorities Languages Act, as amended, further provides that in municipalities where the threshold is met, the name in the minority language shall be used on traffic signs at the entrance and exit of the municipality, on buildings of public administration authorities, or in decisions issued in the minority language, if the name is provided in the above-mentioned government regulation. It may be displayed at railway stations, bus stations, airports and ports. The name in the minority language shall be displayed below the name of the municipality in Slovak using the same or smaller print. If a minority language is used in specialized publications, press and other media, and in official activities of administrative authorities, names “of geographic objects in the minority language which are customary and established may be used in addition to the standardized geographic names.”

590. The third periodical report also states that it is possible to display place names in minority languages even in municipalities where the 20% threshold is not met, as shown by the use of traditional names in places where the minority no longer meets the threshold. During the on-the-spot visit, the authorities informed the Committee of Experts that if the minorities no longer meet the threshold in some municipalities after the 2011 census, the bilingual signs will not be removed.

591. However, the local authorities whom the Committee of Experts met during the on-the-spot visit clearly stated that they are not allowed to display bilingual place name signs if the 20% threshold is not met. It thus appears that in municipalities where the minority has never met the 20% threshold it is not possible to use bilingual place name signs.

592. Furthermore, the report explains that the expression used in the legislation by the National Minorities Languages Act in relation to place names in a minority language - “*other local geographical objects*” - includes

all local names and may also refer to smaller territorial units within a municipality, if traditional and correct names in a minority language exist for such units.

593. It is not clear to what extent place-names in Romani (including names of smaller territorial units and streets) are used in municipalities where the 20% threshold is met or what measures have been taken to encourage the use or adoption of place-names in Romani also in those municipalities where the Romani-speakers do not attain the 20% threshold but represented nevertheless a sufficient number of speakers for the purpose of the present undertaking.

594. The Committee of Experts underlines that the adoption and use of traditional 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.³⁹ Traditional names could also be displayed on welcome signs or touristic information boards (see also paragraph 736 below).

595. The Committee of Experts considers the undertaking not fulfilled.

Paragraph 3

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

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

596. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to allow users of regional or minority languages to submit a request in these languages to public services, including in those municipalities where the users do not attain the 20% threshold but represent nevertheless a sufficient number of users for the purpose of the present undertaking.

597. According to the third periodical report, public services are mainly provided by corporate entities established by administrative authorities, or directly established by law. In accordance with the National Minorities Languages Act as amended in 2011, in municipalities where the 20% threshold is met persons belonging to national minorities are entitled to submit oral and written applications, as well as documents and evidence in their minority language to a corporate entity established by a local administrative authority. They shall receive a reply in Slovak and in the minority language. Such entities are mainly medical and social care establishments or municipal companies. The provision does not apply to corporate entities established by law (e.g. public universities, post offices, the Social Insurance, Slovak Railways).

598. In municipalities that do not meet the 20% threshold, the general rule applies and the minority language may be used orally, if the employee and the persons present agree.

599. The Committee of Experts received no information on the practical implementation of this undertaking. Therefore, it considers this undertaking not fulfilled. It urges the Slovak authorities to allow Romani-speakers to submit a request in Romani to public services, including in those municipalities where they do not attain the 20% threshold but represent nevertheless a sufficient number for the purpose of the present undertaking.

Paragraph 4

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

a translation or interpretation as may be required;

600. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to provide translation and interpretation, including in those municipalities where the speakers of regional or minority languages do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

³⁹ See for example 2nd Report of the Committee of Experts on Croatia, ECRML (2005) 3, paragraph 152

601. According to the third periodical report, the obligation “to create conditions for the use of a minority language” in a municipality where the 20% threshold is met includes providing for translation and interpretation.

602. As far as the municipalities where the 20% threshold is not met, but where the minority language may nevertheless be orally used, the report states that translation and interpretation services are available on the whole territory of the Slovak Republic and their services shall be paid by the subjects involved.

603. The Committee of Experts considers the undertaking formally fulfilled.

Article 11 – Media

Paragraph 1

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

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

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

604. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**improve the provision of public sector television and radio in all minority languages [...].**” Furthermore, the Committee of Experts urged the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Romani language on public radio and television.

605. According to the third periodical report, pursuant to Act 532/2010 Coll. on Radio and Television of Slovakia and on amendments and supplements to some acts, the public broadcaster has an obligation to provide broadcasts in the languages of the national minorities and ethnic groups living in the Slovak Republic. One programme service of the public radio shall broadcast programmes with well-balanced content and regional distribution in minority languages. The extent of the broadcast shall correspond to the national and ethnic structure of the Slovak Republic.

606. In practice, Slovak Radio broadcast 106 hours in Romani in 2008, 128 hours in 2009 and 126 hours in 2010 (66 hours in the previous monitoring cycle). Slovak Television broadcast 46 hours in Romani in 2008, 58 hours in 2009 and 47 hours in 2010 (48.6 hours in Romani in the previous monitoring cycle).

607. The Committee of Experts welcomes the increase of Romani broadcast on the public radio. However, it notes that the Romani broadcast on television has decreased.

608. The Committee of Experts reiterates the great importance of the electronic media, especially television, for the promotion of regional or minority languages in modern societies. In particular, a regular and predictable presence of a regional or minority language on radio and television can enhance considerably its social prestige.⁴⁰

609. The Committee of Experts considers this undertaking still only partly fulfilled.

The Committee of Experts strongly urges the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Romani language on public radio and television.

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

⁴⁰ See also 2nd Report of the Committee of Experts on Switzerland, ECRML (2004) 6, paragraph 118

610. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**facilitate the broadcasting of private radio [...] in minority languages by lifting the restrictive requirements of the respective legislation.**” Furthermore the Committee of Experts encouraged the Slovak authorities to remove the existing restrictive requirements for private [...] radio broadcasters offering programmes in minority languages.

611. According to the third periodical report, the State Language Act, as amended in 2011, eliminated the obligation of private radio broadcasters to provide a Slovak language version of the radio programme broadcast in a minority language. This applies to “radio programmes in regional broadcast or local broadcast designed for members of national minorities including events in live transmission.” The Committee of Experts welcomes this development.

612. However, the Committee of Experts has not been informed of any private radio stations broadcasting programmes in Romani on a regular basis or of measures encouraging the broadcasting of radio programmes in Romani, such as financial incentives or licensing criteria.

613. The Committee of Experts encourages the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in Romani on private radio stations on a regular basis, such as financial incentives or licensing criteria in the next periodical report.

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

614. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**facilitate the broadcasting of private [...] television in minority languages by lifting the restrictive requirements of the respective legislation.**” Furthermore the Committee of Experts encouraged the Slovak authorities to remove the existing restrictive requirements for private television [...] broadcasters offering programmes in minority languages.

615. According to the third periodical report, the obligation of private television channels to subtitle in Slovak all programmes broadcast in a minority language has been maintained. The authorities explain this as a means of promoting intercultural dialogue and knowledge on minorities’ lives and cultures. The Audiovisual Fund, established in 2009, may be used by producers of audiovisual works in minority languages to cover the costs of subtitling.

616. However, the Committee of Experts has not been informed of any private TV channels broadcasting programmes in Romani on a regular basis or of measures encouraging the broadcasting of television programmes in Romani, such as financial incentives or licensing criteria.

617. Therefore, the Committee of Experts considers the undertaking not fulfilled. It encourages the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in Romani on private television channels on a regular basis, such as financial incentives or licensing criteria in the next periodical report.

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

618. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages, also ensuring that minority language programmes on digital television are available for children at suitable times.

619. According to the third periodical report, the Audiovisual Fund was established in 2009, in order to support audiovisual industry in Slovakia by providing funds for production and distribution of audiovisual works, as well as cultural events and publications in the audiovisual and cinematography field. Its funding activity started in 2010.

620. The Fund announces annually a binding structure for its support activity. Programme 1 covers the production of cinematographic and audiovisual works focused *inter alia* on minorities, including works for children under the age of 12. In 2011 one of the priorities under Programme 1 was the support of audiovisual works dealing with national minorities and disadvantaged groups.

621. The Committee of Experts welcomes these developments. Nevertheless, it points out that the undertaking requires states to provide specific assistance to the production and distribution of works in regional or minority languages. It is not clear to the Committee of Experts whether the support of audiovisual works dealing with national minorities and disadvantaged groups will always be a priority under Programme 1, thereby ensuring regular funding, nor whether the supported audiovisual works are produced *in* regional or minority languages. It would welcome specific information in this respect. The Audiovisual Fund is however relevant for the undertaking under 11.1.f.ii.

622. As regards the availability of children's programmes in minority languages, the periodical report states that according to the State Language Act as amended in 2011, audiovisual works for children under 12 broadcast in a foreign language have to be dubbed into Slovak, except those broadcast as part of minority language programmes. The Committee of Experts would welcome more information in the next periodical report on children's programmes produced and distributed in Romani.

623. The Committee of Experts asks the authorities to provide concrete examples of audiovisual works in Romani relevant for this undertaking 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;

624. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities "**facilitate the creation of newspapers in minority languages.**" Furthermore, the Committee of Experts urged the Slovak authorities to take appropriate measures to enable at least one newspaper to be published in Romani with sufficient frequency.

625. According to the third periodical report, three periodicals in Romani receive support from the authorities (*Mišusosori/Myš(u)lienka*, *Lulud'i* and *Romano nevo l'il*). The Committee of Experts was informed during the on-the-spot visit that these periodicals are not regularly published. The Committee of Experts recalls that a "newspaper" within the meaning of the present provision has to be published at least once per week.⁴¹

626. The Committee of Experts considers this undertaking not fulfilled. The Committee of Experts strongly urges the Slovak authorities to take appropriate measures to enable at least one newspaper to be published in Romani with sufficient frequency.

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

627. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and requested the Slovak authorities again to comment on it in their next periodical report.

628. According to the third periodical report, the Audiovisual Fund covers, under Programme 1, the production of cinematographic and audiovisual works focused *inter alia* on minorities, including works for children under the age of 12. In 2011 one of the priorities under Programme 1 was the support of audiovisual works dealing with national minorities and disadvantaged groups. The Committee of Experts underlines that this undertaking targets audiovisual works produced *in* Romani.

629. In 2011, the film *Cigán/Gypsy* was subsidised, in which Romani is used to a large extent.

630. The Committee of Experts considers the undertaking fulfilled.

Paragraph 3

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

631. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and requested the Slovak authorities to comment on it in their next periodical report.

⁴¹ See 1st Report of the Committee of Experts on Serbia, ECRML (2009) 2, paragraph 267

632. According to the third periodical report, the Council for Broadcasting and Retransmission is the supervisory body for broadcasting. Its members are selected by the National Council of the Slovak Republic, from the proposals made by various bodies, including NGOs. The Board of the Radio and Television is the supervisory body in view of Act 532/2010 Coll. on the Radio and Television of Slovakia. Its members are also selected by the National Council of the Slovak Republic, from the proposals made by various bodies, including NGOs representing the interests of national minorities. Therefore, persons belonging to national minorities may also become members of these Councils.

633. The Committee of Experts has been informed that at present one of the members of the Board of the Radio and Television belongs to a national minority. However, the Committee of Experts notes that the legal framework does not *ensure* the representation of the regional or minority language speakers in these bodies. The Committee of Experts recalls that this undertaking does not require each Part III language to have its own representative in the bodies in question, but that adequate systems or processes exist to ensure that the interests of speakers of each Part III language are in fact represented or taken into account.

634. The Committee of Experts considers the undertaking fulfilled at present. Nevertheless, it encourages the Slovak authorities to ensure that the interests of the users of regional or minority languages are represented or taken into account within the bodies responsible for guaranteeing the freedom and pluralism of the media.

Article 12 – Cultural activities and facilities

Paragraph 1

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

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

635. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on these undertakings and requested the Slovak authorities to comment on them in their next periodical report.

636. According to the information received in the third monitoring cycle, the funds for the support of the national minorities' activities are also used to finance translations. The Ministry of Culture has also a separate system for the translation of literature, which may be used for minority languages as well. For the audiovisual works, the funds provided by the Audiovisual Fund may be used.

637. According to additional information from the authorities, Cinema *Lumière*, supported by the Ministry of Culture, presented in 2012 a film in which Romani is the main language used. A translation of poems (*Le Khamoreskere Čavora/Sunny Children*) from Slovak to Romani is under consideration in 2012.

638. The Committee of Experts considers the undertakings partly fulfilled. It encourages the authorities to foster access in other languages to works produced in Romani and vice versa.

- 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;*

639. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities 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 Romani.

640. According to the third periodical report, various NGOs collecting, archiving and publishing works in minority languages receive state support through the grant schemes for activities of national minorities. The *Fórum inštitút pre výskum menšín* (Forum Institute for Research of National Minorities) is the most important NGO dealing with research on minorities in Slovakia, documentation of their culture, written documents and other records. The Forum Institute for Research of National Minorities receives annual financial support from the state budget.

641. In addition, the Museum of the Culture of the Roma in Slovakia in Martin, part of the Slovak National Museum serves as a documentation and research museum centre. According to the information the Committee of Experts received from the authorities during the on-the-spot visit, the museums of national minorities' cultures

collect, publish and keep copies of works in minority languages, published by them or occasionally received from minority NGOs.

642. One copy of each periodical publication is kept by the National Archives, and one copy of each audiovisual work is kept by the Slovak Film Institute.

643. 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.

644. In the second monitoring cycle, no examples were provided on the support in respect of Romani as required by the undertaking. The Committee of Experts was not in a position to conclude on this undertaking and requested the Slovak authorities to comment on it in their next periodical report.

645. According to the third periodical report, the authorities support the cultural activities of the Roma minority also outside areas where the minority lives, as separate performances or within general cultural events. These are, for example, cultural events involving minority ensembles or theatre festivals, where minority theatres are invited. Many events, taking place in various towns, involve several minorities. The Romathan Theatre in particular performs all over Slovakia. In addition, Roma traditions are present in the performances of Slovak ensembles, such as SĽUK (Slovak Folk Art Ensemble).

646. The Committee of Experts considers this 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.

647. In the second monitoring cycle, the Committee of Experts considered this undertaking fulfilled. However, it invited the authorities to provide further information in the next periodical report about other initiatives presenting Romani as part of the Slovak cultural heritage.

648. The third periodical report refers to the Romathan Theatre, the Roma folklore groups performing abroad and to the inclusion by Slovak folk ensembles of Roma culture in their performances. The authorities further state that the culture of the national minorities is part of the cultural wealth of the Slovak Republic and this approach is reflected by presenting it abroad, for example in promotional materials for tourists, or by sending ensembles for performances abroad.

649. The Committee of Experts considers the undertaking fulfilled. However, it would welcome additional specific examples concerning Romani.

Article 13 – Economic and social life

Paragraph 1

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

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

650. In the second monitoring cycle, the Committee of Experts was informed that, with a view to implementing the Charter, an amendment to the State Language Act was under consideration which would ensure the right to use a minority language in contracts of employment and technical documents. The Committee of Experts looked forward to receiving further information in the next periodical report and to the adoption of the amendment to the State Language Act.

651. According to the third periodical report, the State Language Act provides that written legal actions in labour relations or a similar labour relation shall be in Slovak and a copy with an equal content may be drafted in a different language, in addition to the state language. Slovak is also compulsory in labelling products, in providing information and instructions for their use and for other consumer information. Accounting documents, financial statements, technical documentation, as well as statutes of associations, political

parties or movements and companies necessary for registration purposes shall be drawn up in Slovak and versions in other languages with identical content may also be drawn up. These provisions have been already included in the 2009 version of the law, which, however, also prescribed fines for breaching them, for example, by drafting an employment contract only in a minority language. The 2011 amendment limited the fines to cases where legal persons “do not state information related to life, health or safety threat or a threat to property of citizens of the Slovak Republic in the state language.”

652. In addition, the information for the public, particularly in shops, sport facilities, restaurants, on streets, roads, at airports, bus stations and railway stations, as well as in public transport vehicles, shall be presented in Slovak. If these include a text in other languages, it shall be presented after the text in Slovak, have an identical content and be in equal or smaller print than the text in Slovak. The order of the texts is not determined in municipalities where the 20% threshold is met, nor in advertisements.

653. According to the National Minorities Languages Act, as amended in 2011, information concerning threats to life, health safety or property shall be in a minority language in addition to Slovak, in municipalities where 20% threshold is met. Not displaying such a sign or notice in the minority language constitutes an offence. The Committee of Experts welcomes this information. However, it notes that the present undertaking applies to the whole country.

654. The Committee of Experts observes that the current legislation still severely limits the use of minority languages in documents relating to economic and social life. Thus it considers the undertaking not fulfilled.

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

655. In the second monitoring cycle, the Committee of Experts was again not informed of any such prohibition and considered this undertaking not fulfilled.

656. According to the third periodical report, such prohibitions as required by the undertaking are not expressly laid down in the Slovak legislation.

657. The Committee of Experts considers the undertaking not 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:

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

658. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It urged the Slovak authorities to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in Romani even if they have a command of Slovak, as well as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the Romani-speakers are present in sufficient numbers for the purpose of the present undertaking. The Committee of Experts also looked forward to receiving further information in the next periodical report on the amendment to the State Language Act which was under consideration and which would ensure the right to use a minority language in social care facilities.

659. According to the third periodical report, the State Language Act, as amended in 2011 provides that the staff shall communicate with their patients or clients usually in Slovak, but communication with a patient or a client whose mother tongue is not Slovak may take place in a language in which the patient or client can communicate. Patients or clients belonging to national minorities may use their mother tongue in communication with the staff in municipalities where the 20% threshold is met. The staff do not have an obligation to speak minority languages.

660. The National Minorities Languages Act, as amended in 2011, provides that persons belonging to national minorities may use the minority language in communication with the staff of healthcare and social care institutions, child social and legal protection institutions and social probation institutions in municipalities where the 20% threshold is met. The institution shall allow the use of the minority language “insofar as the conditions prevailing at the institution so permit.”

661. However, the authorities admit that these provisions do not create an obligation for social care institutions to ensure the possibility to use a minority language and explain that the reasons are mainly of a financial nature. They support the employment of persons speaking the relevant minority language or language training for staff as possible solutions, which are not excluded by legislation. The Committee of Experts has been further informed by the authorities during the on-the-spot visit that in practice social care facilities or institutions for the social and legal protection of the child have employees that speak minority languages or can hire interpreters. Authorities try to place persons in institutions where their mother tongue is spoken. They noted however that it is increasingly difficult to find specialized staff able to communicate in a minority language, as the education system does not ensure their training. In addition, the Committee of Experts has been informed that terminology in Romani in the field of health is currently being developed.

662. The Committee of Experts points out that the undertaking requires the authorities to *ensure* that social care facilities offer the possibility of receiving and treating regional or minority language speakers in their own language.

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

Article 14 – Transfrontier exchanges

The Parties undertake:

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

664. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and requested the Slovak authorities to comment on it in their next periodical report.

665. According to the third periodical report, the Intergovernmental Slovak-Hungarian Joint Committee for Cross-border Cooperation discussed Roma integration issues, including in education, in its 2009 session. It proposed increased co-operation as regards social integration, mainly in housing, education and employment and the organization of cultural events, promoting mutual knowledge of Roma and non-Roma, of Hungarian and Slovak Roma culture. The report does not provide information on how agreements concluded with other states foster contacts between Romani-speakers living in these various countries.

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

3.2.5 German

667. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its previous reports and for which it did not receive any new information requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage. For German, these provisions are the following:

Article 8.1.e.ii;
 Article 10.5;
 Article 11.2;
 Article 12.1.a; 12.1.d; 12.1.e; 12.1.f;
 Article 13.1.c.

Article 8 – Education

Preliminary issues

668. The Committee of Experts recalls that the undertakings entered into by the Slovak Republic under Article 8 require the authorities *to make available* regional or minority language education at the different levels of education. This implies that the offer needs to precede the demand, i.e. that the education has to be organised before the authorities are approached by parents or pupils. Such offer also needs to ensure continuity from pre-school to technical and vocational education in the geographical areas concerned. In the second monitoring cycle, the representatives of the German-speakers stated that, for German-language education, these areas were the districts (*okresy*) of Bratislava, Prievidza, Turčianske Teplice, Žiar nad Hronom, Stará Ľubovňa, Kežmarok, Poprad, Spišská Nová Ves, Gelnica, Košice and Košice-okolie. Moreover, the authorities have to actively inform parents and/or pupils about the availability of regional or minority language education and to encourage them to apply for it.⁴²

669. In the second monitoring cycle, the Committee of Ministers of the Council of Europe recommended to the Slovak authorities to **“provide for the teaching of all minority languages at all appropriate levels and inform parents about its availability.”**

670. In the third monitoring cycle, the Committee of Experts has been informed by the representatives of the German speakers that the position of German even as a foreign language has weakened, as English is taught as the compulsory first foreign language since 2011. While supporting the teaching of English as a foreign language, the Committee of Experts underlines that this must not be done to the detriment of the teaching of the regional or minority languages in general.

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;***

671. In the second monitoring cycle, the Committee of Experts considered the undertaking not fulfilled. It urged the Slovak authorities to make available at least a substantial part of pre-school education in German to those pupils whose families so request and whose number is considered sufficient.

672. According to the third periodical report, there are no German-language pre-schools in the Slovak Republic.

673. The Committee of Experts therefore considers the undertaking not fulfilled.

⁴² See 2nd Report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 305

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

Primary education

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

674. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities to provide, within primary education, for the teaching of German as an integral part of the curriculum and to ensure that there was an offer of teaching of German in all areas where there were a sufficient number of German-speakers. It further urged the Slovak authorities to provide for the teaching of German as an integral part of the curriculum at primary, secondary, technical and vocational education and to ensure continuity between the different levels of education.

675. According to the third periodical report, there is one primary school providing teaching in German and one bilingual Slovak-German school. The Committee of Experts has been informed by the representatives of the speakers that there are seven schools with an extended teaching of German (teaching German language daily, as well as some other subjects in German). However, there is not an offer of teaching German in all areas where there is a sufficient number of German-speakers.

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

Secondary education, technical and vocational education

- c iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*
- d iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*

677. In the second monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It encouraged the Slovak authorities to provide, within secondary education, for the teaching of German as an integral part of the curriculum and to ensure that there is an offer of teaching of German in all areas where there is a sufficient number of German-speakers.

678. According to the third periodical report, there are no secondary or technical and vocational schools teaching in German. During the on-the-spot visit, the authorities informed the Committee of Experts that German is taught as a foreign language. The Committee of Experts observes that teaching as a foreign language does not meet the needs of mother-tongue speakers. It therefore emphasizes the need to promote teaching of German as a regional or minority language in education, not only teaching of German as a foreign language.

679. The Committee of Experts considers these undertakings not fulfilled. It urges the Slovak authorities to provide, within secondary education, for the teaching of German as an integral part of the curriculum and to ensure that there is an offer of teaching of German in all areas where there is a sufficient number of German-speakers.

The Committee of Experts strongly urges the Slovak authorities to provide for the teaching of German as an integral part of the curriculum at primary, secondary, technical and vocational education in all areas where there is a sufficient number of German-speakers and to ensure continuity between the different levels of education.

Adult and continuing education

- f ii to offer such languages as subjects of adult and continuing education;*

680. In the second monitoring cycle, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to comment on it in their next periodical report.

681. The third periodical report does not provide any information about facilities offering German as a subject of adult and continuing education, except German as a subject of university or higher education.

682. In view of the repeated lack of information, the Committee of Experts considers the undertaking not fulfilled. It encourages the Slovak authorities to offer German as a subject of adult and continuing education.

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

683. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to make arrangements to ensure the teaching of the history and the culture which is reflected by German.

684. According to the third periodical report, schools teaching German use the general textbooks for elementary schools and teachers prepare separate texts to present the regional history to pupils.

685. During the on-the-spot visit, the authorities informed the Committee of Experts that all pupils in the Slovak schools are taught about the presence of minorities, in the past and in the present, as part of subjects such as, history, geography, civic studies, art, Slovak language and literature. Multicultural education as a cross-cutting subject is compulsory in the state curricula.

686. However, the representatives of the German-speakers have informed the Committee of Experts that a negative image of the role of Germans in Slovak history is promoted in Slovak schools.

687. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts urges the Slovak authorities to make arrangements to ensure the teaching of the history and the culture which is reflected by the German language.

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

688. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**improve teacher-training.**” Furthermore, the Committee of Experts urged the Slovak authorities to plan and provide basic and further training of teachers as required to implement the undertakings chosen by the Slovak Republic under Article 8.

689. The third periodical report refers to the Methodological Pedagogical Centre. However, it does not provide any specific information on the further training of German language teachers.

690. In addition, the authorities report on the national project *Education of primary school teachers in foreign languages*, aimed at preparing qualified teachers for teaching of other languages by 2013. One of the expected outcomes of the project is the accreditation of the educational programme “Pre-school and elementary pedagogy with a foreign language”. The Committee of Experts welcomes this information. However, it points out that the undertaking requires training of teachers for mother tongue education, including for pre-school education in German.

691. The Committee of Experts considers the undertaking not fulfilled. The Committee of Experts strongly urges the Slovak authorities to plan and provide basic and further training of teachers as required to implement the undertakings chosen by the Slovak Republic under Article 8.

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

692. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**set up a body in charge of monitoring the measures taken and progress achieved.**” Furthermore, the Committee of Experts urged the Slovak authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.

693. According to the third periodical report, no special supervisory body has been established. State school inspection evaluates education in minority languages as well and includes this topic in its annual report. The authorities have informed the Committee of Experts that such reports are internal.

694. The Committee of Experts reiterates that this undertaking goes beyond the inspection and reporting of mainstream education. It requires a body dedicated to looking at the teaching of regional or minority languages. In practice, it is possible for an existing body to carry out the monitoring envisaged under this undertaking and to produce periodical reports. The monitoring requires evaluating and analysing the measures taken and the progress achieved with regard to regional or minority language education. The report should, among other things, contain information on the extent and availability of German education together with developments in language proficiency, teacher supply and the provision of teaching materials. Finally these periodic reports should be made public.⁴³

695. The Committee of Experts considers this undertaking not fulfilled. It urges the Slovak authorities to set up or commission a supervisory body with the task of monitoring the measures taken and progress achieved in establishing or developing teaching in and of minority languages, and of drawing up public periodic reports of its findings.

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

696. In the second monitoring cycle, the Committee of Experts reiterated the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons. It considered these undertakings not fulfilled. It urged the Slovak authorities to guarantee the right of the accused to use the German language in the criminal proceedings irrespective of whether he or she also has a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts urges the Slovak authorities to provide in the legislation that requests and evidence may be produced in German, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the speaker has a command of Slovak.

697. According to the information in the third periodical report, there have been no legal changes in the monitoring period in line with the above-mentioned recommendations. Furthermore, the report contains no information concerning the practical implementation of these undertakings.

698. As to the measures to encourage the use of minority languages in courts, the authorities informed the Committee of Experts during the on-the-spot visit that courts may, for example, place multilingual notifications on the information and official notice board of the court. While this is not expressly foreseen by the legislation, such actions are not prohibited. Furthermore, the Committee of Experts has been informed that the new regulations concerning the responsibility of the interpreters and translators have recently led to a decrease in their numbers, as far as regional or minority languages are concerned. The Committee of Experts points out that this might lead to practical problems in the implementation of these undertakings and encourages the authorities to take measures to ensure that a sufficient number of trained interpreters are available.

699. The Committee of Experts considers these undertakings not fulfilled. It strongly urges the Slovak authorities to guarantee the right of the accused to use German in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to ensure that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, it strongly urges the Slovak authorities to provide in the legislation that requests and evidence may be produced in German, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

⁴³See 3rd Report of the Committee of Experts on Germany, ECRML (2008) 4, paragraphs 141 - 143

700. Furthermore, the Committee of Experts encourages the authorities to take proactive measures facilitating the implementation of these undertakings in practice and asks them to provide detailed information in this respect in the next periodical report.

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;

701. In the second monitoring cycle, the Committee of Experts reiterated the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons. It considered these undertakings not fulfilled. It urged the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use German without thereby incurring additional expense, and evidence and documents may be produced in German if necessary by the use of interpreters and translations, even if the German-speaker has a command of Slovak.

702. According to the information provided by the authorities, pursuant to a 2008 amendment, Article 18 of the Civil Procedure Code provides that parties “have the right to use their mother tongue or the language they understand”. This applies to civil and administrative proceedings. The Committee of Experts received no information concerning the practical implementation of these undertakings.

703. As to the measures to encourage the use of minority languages in courts, the Committee of Experts refers to the paragraph 698 above. It encourages the authorities to take measures to ensure that a sufficient number of trained interpreters is available.

704. The Committee of Experts considers these undertakings formally fulfilled. It encourages the authorities to take proactive measures facilitating the implementation of these undertakings in practice and asks them to provide detailed information in this respect in the next periodical report.

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

705. In the second monitoring cycle, in the light of the conclusions reached under Article 9.1.b.ii/b.iii/c.ii/c.iii above, the Committee of Experts still considered this undertaking not fulfilled. It encouraged the Slovak authorities to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

706. According to the third periodical report, the interpretation and/or translation costs are borne by the state.

707. The Committee of Experts considers this undertaking fulfilled.

Article 10 – Administrative authorities and public services

Preliminary issues

708. The German-speakers attain the 20% threshold in one municipality (Krahule/Blaufuß). However, the Committee of Experts recalls that Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

709. In the second monitoring cycle, the Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**review the requirement that minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational.**”

Paragraph 1

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

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

710. In the second monitoring cycle, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Slovak authorities to take the necessary measures so that the German-speakers may submit oral or written applications and receive a reply in German, wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.

711. According to the third periodical report, there have been several amendments to the National Minorities Languages Act. However, the conditions for the use of a minority language in relations with administrative authorities still depend on whether the 20% threshold is met or not. The amended legislation provides that persons belonging to national minorities may use minority languages in official oral communication even in municipalities where the threshold is not met, “if the public administration officer and the persons involved in the proceedings so agree.” The agreement depends, according to the periodical report, on whether the other persons present understand the minority language. The Committee of Experts notes that such a provision does not legally ensure that users of German may submit oral or written applications and receive a reply in this language.

712. The new provisions foresee lowering the 20% threshold to 15%, applicable after being confirmed in two subsequent censuses. In practice, the new 15% threshold might apply in 2021 at the earliest. Therefore, for the present monitoring cycle the 20% threshold still applies.

713. As regards the municipalities where the 20% threshold is met, the authorities have an obligation to create conditions for the use of minority languages. They further have to provide information about the possibility to use minority languages in a visible place in their offices. A 50 to 2500 Euro fine may be applied for breaching this obligation or if the authority does not enable the use of minority languages. Persons belonging to national minorities have the right to submit written applications, documents and evidence in a minority language, and the authorities shall reply in Slovak and in the minority language. While issuing public instruments in minority languages is generally prohibited, in an administrative proceeding the authorities shall issue the decision in Slovak and in an equal copy in the minority language, on demand or if the procedure was initiated in the minority language. Furthermore, birth, marriage and death certificates, permits, authorizations, confirmations, statements and declarations shall be issued in Slovak and in the minority language on demand or if the initial request was made in a minority language. If the authorities refuse to issue such documents bilingually, a 50 to 2500 Euro fine may be applied. In addition, the authorities shall provide citizens with bilingual forms, on request.

714. According to the representatives of the German-speakers, in practice, Slovak is as a rule used for official communication.

715. The Committee of Experts considers the undertaking not fulfilled.

The Committee of Experts urges the Slovak authorities to take the necessary measures so that the German-speakers may submit oral or written applications and receive a reply in German, wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.

Paragraph 2

716. Pursuant to Slovak legislation, the use of regional or minority languages in relations with local branches of the State administration and local authorities is possible in municipalities where, according to the last census, at least 20% of the population belong to a given national minority. By contrast, the Committee of

Experts notes that the use of regional or minority languages in relations with *regional* authorities is not permitted.⁴⁴

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

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

717. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It urged the Slovak authorities to take the necessary measures so that the German-speakers may submit oral or written applications in German, including in those municipalities where the German-speakers represent less than 20% of the municipal population, but still a significant number for the purpose of the present undertaking; to provide the legal basis required for German-speakers to submit oral or written applications in German also in relation to regional authorities where the speakers are present in sufficient numbers.

718. According to the third periodical report, the legal provisions dealing with the use of minority languages in relations with administrative authorities apply to local state administration, local authorities and some public services. Therefore, the Committee of Experts refers to paragraphs 711 - 713 above.

719. According to the representatives of the German-speakers, in practice, Slovak is as a rule used for official communication. During the on-the-spot visit, the Committee of Experts also met representatives of local authorities in areas with a significant number of German-speakers. There is an interest among the German-speakers and a certain degree of informal use of German, especially in small villages. However, there is no structured policy of the Slovak authorities to encourage such use.

720. No measures have been taken to provide the legal basis for submitting oral or written applications in German also in relation to regional authorities where the speakers are present in sufficient numbers.

721. The Committee of Experts considers the undertaking not fulfilled.

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

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

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

722. In the second monitoring cycle, the Committee of Experts considered these undertakings not fulfilled. It urged the Slovak authorities to take the necessary measures to allow and/or encourage the publication by local and regional authorities of their official documents (and not just of an outline) also in the relevant regional or minority language.

723. According to the third periodical report, the State Language Act, as amended in 2011, prescribes that laws, government orders, generally binding regulations, including those of local authorities, decisions and other public instruments shall be in Slovak; this shall not affect the use of minority languages, in line with special regulations. The National Minorities Languages Act as amended in 2011 provides that in municipalities where the 20% threshold is met the "official agenda, mainly minutes, resolutions, statistics, records, balances, information meant for the public [...] may be kept in a minority language along with the state language". The administrative authorities shall provide, on request, information on generally binding regulations also in the minority language and may issue generally binding regulations within their competence in the minority language along with Slovak; the text in Slovak shall prevail.

724. The Committee of Experts has not received information on the practical implementation of the undertakings to German. The Committee of Experts further notes that these undertakings apply as well to all municipalities and regional authorities where the German-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertaking.

⁴⁴ See also 2nd report of the Committee of Experts on Slovakia ECRML (2009) 8, paragraph 346

725. The Committee of Experts considers the undertakings not fulfilled. The Committee of Experts strongly urges the Slovak authorities to take the necessary measures to allow and encourage the publication by local and regional authorities of their official documents also in German, irrespective of the 20% threshold.

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;

726. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to encourage the use of German by local authorities in debates in their assemblies, without excluding, however, the use of the official language of the State.

727. According to the third periodical report, the State Language Act foresees that state authorities, local authorities, other public administration authorities, corporate entities established by them or by law shall use the state language in their sessions. Sessions of local authorities in municipalities where the 20% threshold is met may also be held in the minority language, if all persons present so agree. A member of the municipal assembly has the right to use the minority language during the sessions of this authority and interpretation shall be provided by the municipality. Other participants in a municipal council may also use the minority language at the meeting if all the present members of the municipal council and the mayor of the municipality so agree, in accordance with the National Minorities Languages Act as amended in 2011.

728. According to the information received during the on-the-spot visit, meetings usually take place in Slovak. The Committee of Experts further notes that these undertakings apply as well to all municipalities where the German-speakers represent less than 20% of the population, but still a significant number for the purpose of the present undertaking.

729. The Committee of Experts considers the undertakings not fulfilled. It urges the Slovak authorities to encourage the use of German by local authorities in debates in their assemblies, irrespective of the 20% threshold.

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.

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

731. According to the third periodical report, the Act on the Denominations of Municipalities in the Language of National Minorities has been abolished. In accordance with the National Minorities Languages Act, as amended, a list of names in the minority languages should be included in the Government Regulation on the municipalities where minority languages may be used in official communication.

732. The National Minorities Languages Act, as amended, further provides that in municipalities where the threshold is met, the name in the minority language shall be used on traffic signs at the entrance and exit of the municipality, on buildings of public administration authorities, or in decisions issued in the minority language, if the name is provided in the above-mentioned government regulation. It may be displayed at railway stations, bus stations, airports and ports. The name in the minority language shall be displayed below the name of the municipality in Slovak using the same or smaller print size. If a minority language is used in specialized publications, press and other media, and in official activities of administrative authorities, names "of geographic objects in the minority language which are customary and established may be used in addition to the standardized geographic names."

733. The third periodical report also states that it is possible to display place names in minority languages even in municipalities where the 20% threshold is not met, as shown by the use of traditional names in places where the minority no longer meets the threshold. During the on-the-spot visit, the authorities informed the Committee of Experts that if the minorities no longer meet the threshold in some municipalities after the 2011 census, the bilingual signs will not be removed.

734. However, the local authorities whom the Committee of Experts met during the on-the-spot visit clearly stated that they are not allowed to display bilingual place name signs if the 20% threshold is not met. It thus appears that in municipalities where the minority has never met the 20% threshold it is not possible to use bilingual place name signs.

735. Furthermore, the report explains that the expression used in the legislation by the National Minorities Languages Act in relation to place names in a minority language - "*other local geographical objects*" – includes all local names and may also refer to smaller territorial units within a municipality, if traditional and correct names in a minority language exist for such units.

736. The representatives of the German-speakers have informed the Committee of Experts of an initiative to set up bilingual welcome signs in 33 municipalities, where the 20% threshold is not met, but where there is however, a significant number of German-speakers. However only 6 municipalities have so far installed such place name signs.

737. The Committee of Experts welcomes this information. It underlines that the adoption and use of traditional 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.⁴⁵

738. The Committee of Experts still considers the undertaking partly fulfilled. The Committee of Experts strongly urges the Slovak authorities to take the necessary measures to encourage the use of traditional and correct forms of place-names in German within the meaning of the present undertaking and irrespective of the 20% threshold.

Paragraph 3

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

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

739. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to allow users of regional or minority languages to submit a request in these languages to public services, including in those municipalities where the users do not attain the 20% threshold but represent nevertheless a sufficient number of users for the purpose of the present undertaking.

740. According to the third periodical report, public services are mainly provided by corporate entities established by administrative authorities, or directly established by law. In accordance with the National Minorities Languages Act as amended in 2011, in municipalities where the 20% threshold is met persons belonging to national minorities are entitled to submit oral and written applications, as well as documents and evidence in their minority language to a corporate entity established by a local administrative authority. They shall receive a reply in Slovak and in the minority language. Such entities are mainly medical and social care establishments or municipal companies. The provision does not apply to corporate entities established by law (e.g. public universities, post offices, the Social Insurance, Slovak Railways).

741. In municipalities that do not meet the 20% threshold, the general rule applies and the minority language may be used orally, if the employee and the persons present agree.

742. The Committee of Experts has not received any information on the practical implementation of this undertaking and considers this undertaking not fulfilled. It urges the Slovak authorities to allow German-speakers to submit a request in German to public services, including in those municipalities where they do not attain the 20% threshold but represent nevertheless a sufficient number for the purpose of the present undertaking.

Paragraph 4

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

- a translation or interpretation as may be required;*

⁴⁵ See for example 2nd Report of the Committee of Experts on Croatia, ECRML (2005) 3, paragraph 152

743. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to provide translation and interpretation, including in those municipalities where the speakers of regional or minority languages do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the present undertaking.

744. According to the third periodical report, the obligation “to create conditions for the use of a minority language” in a municipality where the 20% threshold is met includes providing for translation and interpretation.

745. With regard to the municipalities where the 20% threshold is not met, but where the minority language may nevertheless be orally used, the report states that translation and interpretation services are available on the whole territory of the Slovak Republic and their services shall be paid by the subjects involved.

746. The Committee of Experts considers the undertaking formally fulfilled.

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

747. In the second monitoring cycle, the Committee of Experts considered this undertaking formally fulfilled.

748. The third periodical report does not contain any specific information concerning this undertaking.

749. The Committee of Experts considers the undertaking still only formally fulfilled.

Article 11 – Media

Paragraph 1

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

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

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

750. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled since the number of hours allotted to German-language programmes was so low that its presence on radio and television was merely symbolical. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**improve the provision of public sector television and radio in all minority languages [...].**” Furthermore, the Committee of Experts urged the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the German language on public radio and television.

751. According to the third periodical report, pursuant to Act 532/2010 Coll. on Radio and Television of Slovakia and on amendments and supplements to some acts, the public broadcaster has an obligation to provide broadcasts in the languages of the national minorities and ethnic groups living in the Slovak Republic. One programme service of the public radio shall broadcast programmes with well-balanced content and regional distribution in minority languages. The extent of the broadcast shall correspond to the national and ethnic structure of the Slovak Republic.

752. In practice, Slovak Radio has broadcast since 2008 16-17 hours annually in German (17 hours in the second monitoring cycle). Slovak Television broadcast 4 hours in 2008, 7 hours in 2009 and 2010. (6.5 hours in the second monitoring cycle). The Committee of Experts notes no significant developments in this respect.

753. According to the representatives of the German-speakers, there is very little presence of German on television and the radio and television broadcasts are irregular.

754. The Committee of Experts notes that the presence of German in public service broadcasting remains symbolical, which reduces the effectiveness and attractiveness of this broadcasting. The Committee of Experts reiterates the great importance of the electronic media, especially television, for the promotion of regional or minority languages in modern societies.⁴⁶

⁴⁶ See 2nd Report of the Committee of Experts in respect of Switzerland, ECRML (2004) 6, paragraph 118

755. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts strongly urges the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the German language on public radio and television.

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

756. In the second monitoring cycle, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**facilitate the broadcasting of private radio [...] in minority languages by lifting the restrictive requirements of the respective legislation.**” Furthermore, the Committee of Experts encouraged the Slovak authorities to remove the existing restrictive requirements for private television and radio broadcasters offering programmes in minority languages.

757. According to the third periodical report, the State Language Act, as amended in 2011, eliminated the obligation of private radio broadcasters to provide a Slovak language version of the radio programme broadcast in a minority language. This applies to “radio programmes in regional broadcast or local broadcast designed for members of national minorities including events in live transmission”. The Committee of Experts welcomes this development.

758. However, the Committee of Experts has not been informed of any private radio stations broadcasting programmes in German on a regular basis or of measures, such as financial incentives or licensing criteria, taken to encourage and/or facilitate the broadcasting of radio programmes in German.

759. The Committee of Experts encourages the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in German on private radio stations on a regular basis, such as financial incentives or licensing criteria in the next periodical report.

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

760. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to remove the existing restrictive requirements for private television and radio broadcasters offering programmes in minority languages. Furthermore, the Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**facilitate the broadcasting of private radio and television in minority languages by lifting the restrictive requirements of the respective legislation**”.

761. According to the third periodical report, the obligation of private television channels to subtitle in Slovak all programmes broadcast in a minority language has been maintained. The authorities explain this as a means of promoting intercultural dialogue and knowledge on minorities’ lives and cultures. The Audiovisual Fund, established in 2009, may be used by producers of audiovisual works in minority languages to cover the costs of subtitling.

762. However, the Committee of Experts has not been informed of any private TV channels broadcasting programmes in German on a regular basis or of measures, such as financial incentives or licensing criteria, taken to encourage and/or facilitate the broadcasting of television programmes in German.

763. The Committee of Experts considers the undertaking not fulfilled. It encourages the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in German on private television channels on a regular basis, such as financial incentives or licensing criteria in the next periodical report.

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

764. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in German, also ensuring that minority language programmes on digital television are available for children at suitable times.

765. According to the third periodical report, the Audiovisual Fund was established in 2009, in order to support audiovisual industry in Slovakia by providing funds for production and distribution of audiovisual

works, as well as cultural events and publications in the audiovisual and cinematography field. Its funding activity started in 2010.

766. The Fund announces annually a binding structure for its support activity. Programme 1 covers the production of cinematographic and audiovisual works focused *inter alia* on minorities, including works for children under the age of 12. In 2011 one of the priorities under Programme 1 was the support of audiovisual works dealing with national minorities and disadvantaged groups.

767. The Committee of Experts welcomes these developments. Nevertheless, it points out that the undertaking requires states to provide specific assistance to the production and distribution of works in regional or minority languages. It is not clear to the Committee of Experts whether the support of audiovisual works dealing with national minorities and disadvantaged groups will always be a priority under Programme 1, thereby ensuring regular funding, nor whether the supported audiovisual works are produced *in* regional or minority languages. It would welcome specific information in this respect. The Audiovisual Fund is however relevant for the undertaking under 11.1.f.ii.

768. As regards the availability of children's programmes in minority languages, the periodical report states that according to the State Language Act as amended in 2011, audiovisual works for children under 12 broadcast in a foreign language have to be dubbed into Slovak, except those broadcast as part of minority language programmes. The Committee of Experts would welcome more information in the next periodical report on children's programmes produced and distributed in German.

769. The Committee of Experts asks the authorities to provide concrete examples of audiovisual works in German relevant for this undertaking 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;

770. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities "**facilitate the creation of newspapers in minority languages**". Furthermore, the Committee of Experts urged the Slovak authorities to take appropriate measures to enable at least one newspaper to be published in German with sufficient frequency.

771. According to the third periodical report, two German publications receive support: the monthly *Karpatenblatt* and the annual *Karpatenjahrbuch*. The Committee of Experts recalls that a "newspaper" within the meaning of the present provision has to be published at least once per week.⁴⁷

772. The Committee of Experts considers this undertaking not fulfilled. The Committee of Experts strongly urges the Slovak authorities to take appropriate measures to enable at least one newspaper to be published in German with sufficient frequency.

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

773. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled since there had been no indication that general measures for financial assistance to audiovisual productions had been applied regarding productions in German.

774. According to the third periodical report, the Audiovisual Fund covers, under Programme 1, the production of cinematographic and audiovisual works focused *inter alia* on minorities, including works for children under the age of 12. In 2011 one of the priorities under Programme 1 has been the support of audiovisual works dealing with national minorities and disadvantaged groups. The Committee of Experts underlines that this undertaking targets audiovisual works produced *in* German.

775. The Committee of Experts has not received any concrete example of audiovisual works in German relevant under the present undertaking.

776. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to apply existing measures for financial assistance to audiovisual works in German and to provide concrete examples in the next periodical report.

Paragraph 3

⁴⁷See 1st Report of the Committee of Experts on Serbia , ECRML (2009) 1, paragraph 267

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

777. In the second monitoring cycle, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to comment on it in their next periodical report.

778. According to the third periodical report, the Council for Broadcasting and Retransmission is the supervisory body for broadcasting. Its members are selected by the National Council of the Slovak Republic, from the proposals made by various bodies, including NGOs. The Board of the Radio and Television is the supervisory body in view of Act 532/2010 Coll. on the Radio and Television of Slovakia. Its members are also well selected by the National Council of the Slovak Republic, from the proposals made by various bodies, including NGOs representing the interests of national minorities. Therefore, persons belonging to national minorities may also become members of these Councils.

779. The Committee of Experts has been informed that at present one of the members of the Board of the Radio and Television belongs to a national minority. However, the Committee of Experts notes that the legal framework does not *ensure* the representation of the regional or minority language speakers in these bodies. The Committee of Experts recalls that this undertaking does not require each Part III language to have its own representative in the bodies in question, but that adequate systems or processes exist to ensure that the interests of speakers of each Part III language are in fact represented or taken into account.

780. The Committee of Experts considers the undertaking fulfilled at present. Nevertheless, it encourages the Slovak authorities to ensure that the interests of the users of regional or minority languages are represented or taken into account within the bodies responsible for guaranteeing the freedom and pluralism of the media.

Article 12 – Cultural activities and facilities

Paragraph 1

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

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

781. In the second monitoring cycle, the Committee of Experts was again not in a position to conclude on the fulfilment of these undertakings and requested the Slovak authorities to comment on them in their next periodical report.

782. According to the information received in the third monitoring cycle, the funds for the support of the national minorities' activities are also used to finance translations. The Ministry of Culture has also a separate system for the translation of literature, which may be used for minority languages as well. For the audiovisual works, the funds provided by the Audiovisual Fund may be used.

783. According to additional information from the authorities, works of the German author Maike Wetzel have been translated into Hungarian. In addition, several films in German have been presented at Cinema *Lumière*, which is supported by the Ministry of Culture.

784. The Committee of Experts considers the undertaking (b) fulfilled and undertaking (c) not fulfilled. It encourages the authorities to foster access in German to works produced in other languages.

- 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;*

785. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities 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 German.

786. According to the third periodical report, various NGOs collecting, archiving and publishing works in minority languages receive state support through the grant schemes for activities of national minorities. The *Fórum inštitút pre výskum menšín* (Forum Institute for Research of National Minorities) is the most important NGO dealing with research on minorities in Slovakia, documentation of their culture, written documents and other records. The Forum Institute for Research of National Minorities receives annual financial support from the state budget.

787. In addition, the Museum of the Carpathian Germans Culture in Slovakia, a documentation, methodological and research museum centre collects, preserves and presents elements related to the history and culture of the Germans in Slovakia. According to the information the Committee of Experts received from the authorities during the on-the-spot visit, the museums of national minorities' cultures collect, publish and keep copies of works in minority languages, published by them or occasionally received from minority NGOs.

788. One copy of each periodical publication is kept by the National Archives, and one copy of each audiovisual work is kept by the Slovak Film Institute.

789. 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.

790. In the second monitoring cycle, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Slovak authorities to allow, encourage and/or provide appropriate cultural activities and facilities for German in territories other than those in which German is traditionally used.

791. According to the third periodical report, the authorities support the cultural activities of the German minority also outside areas where the minority lives, as separate performances or within general cultural events. These are, for example, cultural events involving minority ensembles or theatre festivals, where minority theatres are invited. Many events, taking place in various towns, involve several minorities. In addition, German traditions are present in the performances of Slovak ensembles, such as SLUK (Slovak Folk Art Ensemble).

792. The Committee of Experts considers this undertaking fulfilled. However, it would welcome specific examples of such cultural activities and facilities concerning German.

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.

793. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to make appropriate provision, in pursuing their cultural policy abroad, for German and the culture it reflects.

794. In the third periodical report, the authorities state that the culture of the national minorities is part of the cultural wealth of the Slovak Republic and this approach is reflected by presenting them abroad, for example in promotional materials for tourists, or by sending them for performances abroad or by including their culture in the performances of the Slovak ensembles.

795. The Committee of Experts considers the undertaking fulfilled. However, it would welcome specific examples concerning German.

Article 13 – Economic and social life

Paragraph 1

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

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

796. In the second monitoring cycle, the Committee of Experts was informed that, with a view to implementing the Charter, an amendment to the State Language Act was under consideration which would ensure the right to use a minority language in contracts of employment and technical documents. The Committee of Experts looked forward to the adoption of the amendment to the State Language Act and to receiving further information in the next periodical report.

797. According to the third periodical report, the State Language Act provides that written legal actions in labour relations or a similar labour relation shall be in Slovak and a copy with an equal content may be drafted in a different language, in addition to the state language. Slovak is also compulsory in labelling products, in providing information and instructions for their use and for other consumer information. Accounting documents, financial statements, technical documentation, as well as statutes of associations, political parties or movements and companies necessary for registration purposes shall be drawn up in Slovak and versions in other languages with identical content may also be drawn up. These provisions have been already included in the 2009 version of the law, which, however, also prescribed fines for breaching them, for example, by drafting an employment contract only in a minority language. The 2011 amendment limited the fines to cases where legal persons “do not state information related to life, health or safety threat or a threat to property of citizens of the Slovak Republic in the state language.”

798. In addition, the information for the public, particularly in shops, sport facilities, restaurants, on streets, roads, at airports, bus stations and railway stations, as well as in public transport vehicles, shall be presented in Slovak. If these include a text in other languages, it shall be presented after the text in Slovak, have an identical content and be in equal or smaller print than the text in Slovak. The order of the texts is not determined in municipalities where the 20% threshold is met, nor in advertisements.

799. According to the National Minorities Languages Act, as amended in 2011, information concerning threats to life, health safety or property shall be in a minority language in addition to Slovak, in municipalities where 20% threshold is met. Not displaying such a sign or notice in the minority language constitutes an offence. The Committee of Experts welcomes this information. However, it notes that the present undertaking applies to the whole country.

800. The Committee of Experts observes that the current legislation still severely limits the use of minority languages in documents relating to economic and social life. Thus it considers the undertaking not fulfilled.

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

801. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled, as it was again not informed of any such prohibition.

802. According to the third periodical report, such prohibitions as required by the undertaking are not expressly laid down in the Slovak legislation.

803. The Committee of Experts considers the undertaking not 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:

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

804. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It urged the Slovak authorities to formally provide that social care facilities such as hospitals, retirement homes and hostels may receive and treat those concerned in German even if they have a command of Slovak, as well

as to adopt a structured policy aimed at ensuring this possibility in practice in all those areas where the German-speakers are present in sufficient numbers for the purpose of the present undertaking. It also looked forward to receiving further information in the next periodical report about the amendment to the State Language Act which was under consideration and which would ensure the right to use a minority language in social care facilities.

805. According to the third periodical report, the State Language Act, as amended in 2011 provides that the staff shall communicate with their patients or clients usually in Slovak, but communication with a patient or a client whose mother tongue is not Slovak may take place in a language in which the patient or client can communicate. Patients or clients belonging to national minorities may use their mother tongue in communication with the staff in municipalities where the 20% threshold is met. The staff do not have an obligation to speak minority languages.

806. The National Minorities Languages Act, as amended in 2011, provides that persons belonging to national minorities may use the minority language in communication with the staff of healthcare and social care institutions, child social and legal protection institutions and social probation institutions in municipalities where the 20% threshold is met. The institution shall allow the use of the minority language "insofar as the conditions prevailing at the institution so permit."

807. However, the authorities admit that these provisions do not create an obligation for social care institutions to ensure the possibility to use a minority language and explain that the reasons are mainly of a financial nature. They support the employment of persons speaking the relevant minority language or language training for staff as possible solutions, which are not excluded by legislation. The Committee of Experts has been further informed by the authorities during the on-the-spot visit that in practice social care facilities or institutions for the social and legal protection of the child have employees that speak minority languages or can hire interpreters. Authorities try to place persons in institutions where their mother tongue is spoken. They noted however that it is increasingly difficult to find specialized staff able to communicate in a minority language, as the education system does not ensure their training.

808. The Committee of Experts points out that the undertaking requires the authorities to *ensure* that social care facilities offer the possibility of receiving and treating regional or minority language speakers in their own language.

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

Article 14 – Transfrontier exchanges

The Parties undertake:

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

810. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking. It requested the Slovak authorities to clarify in the next periodical report to what extent agreements with Austria and other German-speaking countries foster contacts between the users of German in the Slovak Republic and in the States concerned in the fields of culture, education, information, vocational training and permanent education.

811. The third periodical report does not provide any specific information in this respect.

812. The Committee of Experts is again not in a position to conclude on this undertaking. It requests again the Slovak authorities to clarify in the next periodical report to what extent agreements with Austria and other German-speaking countries foster contacts between the users of German in the Slovak Republic and in the States concerned in the fields of culture, education, information, vocational training and permanent education. The Committee of Experts points out that repeated lack of information may lead to a statement of non-fulfilment concerning this undertaking.

- 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.***

813. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking. It requested the Slovak authorities to clarify in the next periodical report how the Framework

Agreement between the Slovak Republic and Austria on Cross-border Cooperation between Territorial Units or Bodies benefits the German language in the Slovak Republic.

814. The third periodical report does not provide any specific information in this respect.

815. The Committee of Experts is again not in a position to conclude on this undertaking. It requests again the Slovak authorities to clarify in the next periodical report how the Framework Agreement between the Slovak Republic and Austria on Cross-border Cooperation between Territorial Units or Bodies benefits the German language in the Slovak Republic. The Committee of Experts points out that repeated lack of information may lead to a statement of non-fulfillment concerning this undertaking.

3.2.6 Czech

816. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its previous reports and for which it did not receive any new information requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage. For Czech, these provisions are the following:

Article 9.a.ii, a.iii, 9 b.ii, b.iii, 9 c. ii, c. iii, d;
 Article 10.1.a.iii; 10.2.b; 10.2.c; 10.2.d; 10.2.f; 10.2.g; 10.3.c; 10.4.a; 10.4.c; 10.5;
 Article 11.1.a.iii; 11.2;
 Article 12.1.a; 12.1.d; 12.1.e; 12.1.f;12.3;
 Article 13.1.c ; 13.2;
 Article 14 a and 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:

- a*
 - i* to make available pre-school education in the relevant regional or minority languages; or
 - ii* to make available a substantial part of pre-school education in the relevant regional or minority languages; or
 - iii* to apply one of the measures provided for under *i* and *ii* above at least to those pupils whose families so request and whose number is considered sufficient;
- b*
 - iii* to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;
- c*
 - iii* to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;
- d*
 - iii* to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
- e*
 - ii* to provide facilities for the study of these languages as university and higher education subjects;
- f*
 - ii* to offer such languages as subjects of adult and continuing education;
- g* to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;
- h* to provide the basic and further training of the teachers required to implement those of paragraphs *a* to *g* accepted by the Party;
- 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.

817. The Committee of Experts considers that there is no need to conclude on the fulfilment of these undertakings as there is no demand on the part of the speakers for teaching of Czech or in Czech at any level of education. The Committee of Experts will revisit the issue should a demand arise.

Article 11 – Media

Paragraph 1

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

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

- e i *to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;*
- f ii *to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

818. The Committee of Experts considers that there is no need to conclude on the fulfilment of these undertakings as there is no demand on the part of the speakers for Czech-language media. The Committee of Experts will revisit the issue should a demand arise.

Paragraph 3

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

819. The Committee of Experts considers that there is no need to conclude on the fulfilment of this undertaking. The Committee of Experts will revisit the issue should a demand arise.

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:

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

820. In the light of the mutual intelligibility of Slovak and Czech, the Committee of Experts considers that there is no need to conclude on the fulfilment of this undertaking.

- 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; streamlines*

821. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

822. According to the third periodical report, various NGOs collecting, archiving and publishing works in minority languages receive state support through the grant schemes for activities of national minorities. The *Fórum inštitút pre výskum menšín* (Forum Institute for Research of National Minorities) is the most important NGO dealing with research on minorities in Slovakia, documentation of their culture, written documents and other records. The Forum Institute for Research of National Minorities receives annual financial support from the state budget.

823. In addition, there is a Museum of Czech Culture in Slovakia in Martin. According to the information the Committee of Experts received from the authorities during the on-the-spot visit, the museums of national minorities' cultures collect, publish and keep copies of works in minority languages, published by them or occasionally received from minority NGOs.

824. One copy of each periodical publication is kept by the National Archives, and one copy of each audiovisual work is kept by the Slovak Film Institute.

825. 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.

826. In the second monitoring cycle, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Slovak authorities to allow, encourage and/or provide appropriate cultural activities and facilities for Czech in territories other than those in which Czech is traditionally used.

827. According to the third periodical report, the authorities support the cultural activities of the Czech minority also outside areas where the minority lives, as separate performances or within general cultural events. These are, for example, cultural events involving minority ensembles or theatre festivals, where minority theatres are invited. Many events, taking place in various towns, involve several minorities.

828. The Committee of Experts considers this undertaking fulfilled.

Article 13 – Economic and social life

Paragraph 1

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

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

829. In the second monitoring cycle, the Committee of Experts was informed that, with a view to implementing the Charter, an amendment to the State Language Act was under consideration which would ensure the right to use a minority language in contracts of employment and technical documents. The Committee of Experts looked forward to the adoption of the amendment to the State Language Act and to receiving further information in the next periodical report.

830. According to the third periodical report, the State Language Act provides that written legal actions in labour relations or a similar labour relation shall be in Slovak and a copy with an equal content may be drafted in a different language, in addition to the state language. Slovak is also compulsory in labelling products, in providing information and instructions for their use and for other consumer information. Accounting documents, financial statements, technical documentation, as well as statutes of associations, political parties or movements and companies necessary for registration purposes shall be drawn up in Slovak and versions in other languages with identical content may also be drawn up. These provisions have been already included in the 2009 version of the law, which, however, also prescribed fines for breaching them, for example, by drafting an employment contract only in a minority language. The 2011 amendment limited the fines to cases where legal persons “do not state information related to life, health or safety threat or a threat to property of citizens of the Slovak Republic in the state language.”

831. In addition, the information for the public, particularly in shops, sport facilities, restaurants, on streets, roads, at airports, bus stations and railway stations, as well as in public transport vehicles, shall be presented in Slovak. If these include a text in other languages, it shall be presented after the text in Slovak, have an identical content and be in equal or smaller print than the text in Slovak. The order of the texts is not determined in municipalities where the 20% threshold is met, nor in advertisements.

832. According to the National Minorities Languages Act, as amended in 2011, information concerning threats to life, health safety or property shall be in a minority language in addition to Slovak, in municipalities where 20% threshold is met. Not displaying such a sign or notice in the minority language constitutes an offence. The Committee of Experts welcomes this information. However, it notes that the present undertaking applies to the whole country.

833. The Committee of Experts observes that the current legislation still severely limits the use of minority languages in documents relating to economic and social life. However, the Committee of Experts is aware that this does not have any implications for the use of Czech.

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

834. In the second monitoring cycle, the Committee of Experts was again not informed of any such prohibition and considered this undertaking not fulfilled.

835. According to the third periodical report, such prohibitions as required by the undertaking are not expressly laid down in the Slovak legislation.

836. The Committee of Experts considers the undertaking not fulfilled. However, the Committee of Experts is aware that this does not have any implications for the use of Czech.

3.2.7 Bulgarian, Croatian and Polish

837. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its previous reports and for which it did not receive any new information requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage.

838. For **Bulgarian**, these provisions are the following:

Article 8.1.e. ii;
 Article 10.5;
 Article 11.2;
 Article 12.1.a; 12.1.d; 12.1.e; 12.1.f;
 Article 13.1.c.

839. For **Croatian**, these provisions are the following:

Articles 8.1.e. ii;
 Article 10.5;
 Article 11.2;
 Article 12.1.a; 12.1.d; 12.1.e 12.1.f;
 Article 13.1.c.

840. For **Polish**, these provisions are the following:

Article 8.1.e. ii;
 Article 10.5;
 Article 11.2;
 Article 12.1.a 12.1.d; 12.1.e 12.1.f;
 Article 13.1.c
 Article 14.b.

Article 8 – Education

Preliminary issues

841. The Committee of Experts recalls that the undertakings entered into by the Slovak Republic under Article 8 require the authorities *to make available* regional or minority language education at the different levels of education. This implies that the offer needs to precede the demand, i.e. that the education has to be organised before the authorities are approached by parents or pupils. Such offer also needs to ensure continuity between the different levels of education in the particular geographical areas concerned. Moreover, the authorities have to actively inform parents and/or pupils about the availability of regional or minority language education and to encourage them to apply for it.⁴⁸

842. In the second monitoring cycle, the Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**provide for the teaching of all minority languages at all appropriate levels and inform parents about its availability**”

Paragraph 1

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

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

843. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled for **Bulgarian** and not fulfilled for **Croatian** and **Polish**.

844. According to the third periodical report, there is one **Bulgarian**-language kindergarten in Bratislava. The representatives of the Bulgarian-speakers have informed the Committee of Experts that this is a private kindergarten, using Bulgarian, Slovak and English. It was attended in the 2011/2012 school year by 40 children. The kindergarten received funds from the city of Bratislava, similar to any other private kindergarten and the

⁴⁸ See 2nd report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 745

parents pay fees. According to the speakers, this prevents some parents from sending their children to this institution. The Committee of Experts encourages the Slovak authorities to become more involved in the provision of pre-school education in Bulgarian in order to ensure that the demand is met.

845. There are still no **Croatian**-language or **Polish**-language kindergartens. The Croatian and Polish minority associations organize private courses.

846. The Committee of Experts considers the undertaking partly fulfilled for **Bulgarian** and not fulfilled for **Croatian** and **Polish**. It encourages the Slovak authorities to support the provision of pre-school education in **Bulgarian** in order to ensure that the access is possible for all those interested and make available at least a substantial part of pre-school education in **Croatian** and **Polish**.

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

847. In the second monitoring cycle, the Committee of Experts considered these undertakings partly fulfilled for **Bulgarian** and **Polish**. It considered that the Slovak authorities should become involved in the provision of primary and secondary education in Bulgarian and Polish in order to ensure that the demand was met. The Committee of Experts considered this undertaking not fulfilled for **Croatian**. It urged the Slovak authorities to provide in the relevant geographical areas, within primary and secondary education, for the teaching of Bulgarian, Croatian and Polish as an integral part of the curriculum. It also encouraged the Slovak authorities to clarify, in co-operation with the speakers, to what extent the Croatian varieties spoken around Bratislava could be included (e.g. oral use) in the teaching of standard Croatian.

848. According to the third periodical report, there is one private **Bulgarian**-language school in Bratislava, offering primary and secondary education. The representatives of the Bulgarian-speakers have informed the Committee of Experts that it is a bilingual school, attended at present by 80 children. The school is funded by the Slovak Ministry of Education and by the Bulgarian authorities. The graduation diploma is recognised in both states. Although it is a private school, it is free of charge.

849. There is no **Croatian** or **Polish** language teaching in the state network of schools. The representatives of the Croatian-speakers have informed the Committee of Experts that they organize private courses. Furthermore, a project financed by the EU and Croatia will be implemented as of 2013. Within its framework, a school will teach Croatian, including for 3-5 years after the completion of the project.

850. According to the representatives of the **Polish**-speakers, the Polish school financed by the Ministry of Education of Poland is attended by 50 children. The Polish minority association organizes language courses, financed by Poland as well, for children from 5-14, once or twice per week, with teachers from Poland.

851. As of 2011, Croatian and Polish may be chosen as subjects of the school-leaving examination. However, it is standard Croatian.

852. The Committee of Experts has no information with respect to the extent to which the Croatian varieties spoken around Bratislava could be included (e.g. oral use) in the teaching of standard Croatian. It urges the Slovak authorities to clarify this matter, in co-operation with the speakers.

853. The Committee of Experts considers these undertakings partly fulfilled for **Bulgarian** and not fulfilled for **Croatian** and **Polish**.

The Committee of Experts strongly urges the Slovak authorities to provide in the relevant geographical areas, within pre-school, primary and secondary education, for the teaching of Bulgarian, Croatian and Polish as an integral part of the curriculum.

- d* *iii* *to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*

854. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for **Bulgarian**, **Croatian** and **Polish**.

855. According to the information available to the Committee of Experts, there are no technical and vocational schools where Bulgarian, Croatian or Polish are taught as an integral part of the curriculum.

856. The Committee of Experts considers this undertaking not fulfilled for **Bulgarian, Croatian and Polish**.

f ii to offer such languages as subjects of adult and continuing education;

857. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for **Bulgarian, Croatian and Polish**.

858. The Committee of Experts has not been informed of any initiative of the Slovak authorities to offer Bulgarian, Croatian or Polish as subjects of adult and continuing education.

859. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to offer **Bulgarian, Croatian or Polish** as subjects of adult and continuing education.

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

860. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking for **Bulgarian**. With regard to **Croatian and Polish**, it considered this undertaking not fulfilled.

861. The third periodical report provides no information on **Bulgarian**. As to **Croatian and Polish**, it states that no measures have been taken to ensure the teaching of the history and culture reflected by these languages.

862. In view of the repeated lack of information, the Committee of Experts considers the undertaking not fulfilled with respect to **Bulgarian**. It considers the undertaking not fulfilled as regards **Croatian and Polish**.

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

863. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**improve teacher-training.**”

864. The third periodical report refers to the Methodological Pedagogical Centre. However, no specific information is provided on the activities concerning teachers of **Bulgarian, Croatian and Polish**.

865. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to provide the basic and further training of the teachers of **Bulgarian, Croatian and Polish**.

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.

866. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “[...] **set up a body in charge of monitoring the measures taken and progress achieved.**” Furthermore, the Committee of Experts urged the Slovak authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in and of the regional or minority languages spoken in the Slovak Republic, and of drawing up public periodic reports.

867. According to the third periodical report, no special supervisory body has been established. State school inspection evaluates education in minority languages as well and includes this topic in its annual report. The authorities have informed the Committee of Experts that such reports are internal.

868. The Committee of Experts reiterates that this undertaking goes beyond the inspection and reporting of mainstream education. It requires a body dedicated to looking at the teaching of regional or minority languages. In practice, it is possible for an existing body to carry out the monitoring envisaged under this undertaking and to produce periodical reports. The monitoring requires evaluating and analysing the measures taken and the progress achieved with regard to regional or minority language education. The report should, among other things, contain information on the extent and availability of Bulgarian, Croatian and Polish

education together with developments in language proficiency, teacher supply and the provision of teaching materials. Finally these periodic reports should be made public.⁴⁹

869. The Committee of Experts considers this undertaking not fulfilled. It urges the Slovak authorities to set up or commission a supervisory body with the task of monitoring the measures taken and progress achieved in establishing or developing teaching in and of minority languages, and of drawing up public periodic reports of its findings.

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

870. In the second monitoring cycle, the Committee of Experts reiterated the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons. It considered these undertakings not fulfilled for **Bulgarian, Croatian and Polish**. It urged the Slovak authorities to guarantee the right of the accused to use the Bulgarian, Polish or Croatian language in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to provide that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts urged the Slovak authorities to provide in the legislation that requests and evidence may be produced in Bulgarian, Polish and Croatian, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

871. According to the information in the third periodical report, there have been no legal changes in the monitoring period in line with the above-mentioned recommendations. Furthermore, the report contains no information concerning the practical implementation of these undertakings.

872. As to the measures to encourage the use of minority languages in courts, the authorities informed the Committee of Experts during the on-the-spot visit that courts may, for example, place multilingual notifications on the information and official notice board of the court. While this is not expressly foreseen by the legislation, such actions are not prohibited. Furthermore, the Committee of Experts has been informed that the new regulations concerning the responsibility of the interpreters and translators have recently led to a decrease in their numbers, as far as regional or minority languages are concerned. The Committee of Experts points out that this might lead to practical problems in the implementation of these undertakings and encourages the authorities to take measures to ensure that a sufficient number of trained interpreters are available.

873. The Committee of Experts considers these undertakings not fulfilled for **Bulgarian, Croatian and Polish**. It strongly urges the Slovak authorities to guarantee the right of the accused to use the **Bulgarian, Polish or Croatian** language in the criminal proceedings irrespective of whether he or she has also a command of Slovak and to ensure that the accused will be specifically informed of this right as of the beginning of criminal prosecution. In addition, the Committee of Experts strongly urges the Slovak authorities to provide in the legislation that requests and evidence may be produced in **Bulgarian, Polish and Croatian**, and that the use of interpreters and translations where necessary does not involve any extra expense for the person concerned, even if the latter has a command of Slovak.

⁴⁹See 3rd Report of the Committee of Experts on Germany, ECRML (2008) 4, paragraphs 141 - 143.

874. Furthermore, the Committee of Experts encourages the authorities to take proactive measures facilitating the implementation of these undertakings in practice and asks them to provide detailed information in this respect in the next periodical report.

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;

875. In the second monitoring cycle, the Committee of Experts reiterated the need to clarify the legal framework and to encourage a certain degree of implementation in practice, for example through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or summons. It considered these undertakings not fulfilled for **Bulgarian, Croatian and Polish**. It urged the Slovak authorities to specifically provide in the legislation that whenever a litigant has to appear in person before a civil or administrative court, he or she may use Bulgarian, Polish or Croatian without thereby incurring additional expense, and evidence and documents may be produced in Bulgarian, Polish or Croatian if necessary by the use of interpreters and translations, even if the speaker of Bulgarian, Polish or Croatian has a command of Slovak.

876. According to the information provided by the authorities, pursuant to a 2008 amendment, Article 18 of the Civil Procedure Code provides that parties “have the right to use their mother tongue or the language they understand”. This applies to civil and administrative proceedings. The Committee of Experts received no information concerning the practical implementation of these undertakings.

877. As to the measures to encourage the use of minority languages in courts, the Committee of Experts refers to the paragraph 872 above. It encourages the authorities to take measures to ensure that a sufficient number of trained interpreters are available.

878. The Committee of Experts considers these undertakings formally fulfilled. It encourages the authorities to take proactive measures facilitating the implementation of these undertakings in practice and asks them to provide detailed information in this respect in the next periodical report.

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

879. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for **Bulgarian, Croatian and Polish**.

880. The third periodical report states that the costs for interpretation and/or translation are borne by the state.

881. The Committee of Experts considers this undertaking fulfilled.

Article 10 – Administrative authorities and public services

Preliminary issues

882. While the Bulgarian and Polish national minorities do not attain the 20% threshold in any municipality, the Croats represent 20.4% of the population in the city part of Bratislava-Jarovce/Hrvatski Jandrof. However, the Committee of Experts recalls that Article 10 of the Charter applies also to those municipalities where the regional or minority language speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings entered into by the Slovak Republic under Article 10.

883. In the second monitoring cycle, the Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**review the requirement that minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational.**”

Paragraph 1

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

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

884. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for **Bulgarian, Croatian and Polish**. It encouraged the Slovak authorities to take the necessary measures so that the speakers of Bulgarian, Croatian and Polish may submit oral or written applications and receive a reply in these languages, wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.

885. The third periodical report states that **Bulgarian, Croatian and Polish** do not reach the 20% threshold in any municipality. However, when the 15% threshold is in force, Croatian could reach this threshold in some municipalities.

886. The representatives of the **Croatian**-speakers have informed the Committee of Experts that the new provision concerning the 15% threshold will only apply to municipalities as such, not to those that are suburbs of a larger municipality. In this case, it would not be applicable to the suburbs of Bratislava, where the Croatian speakers live in significant numbers. The Committee of Experts invites the authorities to provide clarifications in this respect.

887. The report further states that the amended legislation provides that persons belonging to national minorities may use minority languages in official oral communication even in municipalities where the threshold is not met, “if the public administration officer and the persons involved in the proceedings so agree.” The agreement depends, according to the periodical report, on whether the other persons present understand the minority language. The Committee of Experts notes that such a provision does not legally ensure that users of Bulgarian, Croatian and Polish may submit oral or written applications and receive a reply in this language.

888. The Committee of Experts considers the undertaking not fulfilled.

The Committee of Experts urges the Slovak authorities to take the necessary measures so that the speakers of Bulgarian, Croatian and Polish may submit oral or written applications and receive a reply in these languages, wherever there is a sufficient number of speakers for the purpose of the present undertaking, regardless of the 20% threshold still existing in Slovak legislation.

Paragraph 2

889. Pursuant to Slovak legislation, the use of regional or minority languages in relations with local branches of the State administration and local authorities is possible in municipalities where, according to the last census, at least 20% of the population belong to a given national minority. By contrast, the Committee of Experts notes that the use of regional or minority languages in relations with *regional* authorities is not permitted.⁵⁰

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

- b *the possibility for users of regional or minority languages to submit oral or written applications in these languages;*
- c *the publication by regional authorities of their official documents also in the relevant regional or minority languages;*
- d *the publication by local authorities of their official documents also in the relevant regional or minority languages;*

⁵⁰ See second report of the Committee of Experts on Slovakia, ECRML (2009) 8, paragraph 788

- f *the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- g *the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

Paragraph 3

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

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

Paragraph 4

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

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

890. In the second monitoring cycle, the Committee of Experts considered these undertakings not fulfilled for **Bulgarian, Croatian and Polish**. It urged the Slovak authorities to take the necessary measures regarding the implementation of the undertakings entered into by the Slovak Republic under Article 10 paragraphs 2 to 4 of the Charter, in the first place by assessing where in the Slovak Republic there are sufficient numbers of speakers of Bulgarian, Croatian and Polish for the purpose of these undertakings. Furthermore, the condition that a general consensus is required from all members present in order for Bulgarian, Croatian or Polish to be used for conducting a session of a local authority should be removed. The relevant regional or minority language or Slovak should be used in accordance with the choice of the speakers and appropriate provision be made for translation and/or interpretation during the session.

891. According to the information in the third monitoring cycle, the Slovak authorities have not assessed where in the Slovak Republic there are sufficient numbers of speakers of **Bulgarian, Croatian and Polish** for the purpose of these undertakings and where flexible measures should be applied in respect of these undertakings.

892. According to the third periodical report, the State Language Act foresees that state authorities, local authorities, other public administration authorities, corporate entities established by them or by law shall use the state language in their sessions. Sessions of local authorities in municipalities where the 20% threshold is met may also be held in the minority language, if all persons present so agree. A member of the municipal assembly has the right to use the minority language during the sessions of this authority and interpretation shall be provided by the municipality. Other participants in a municipal council may also use the minority language at the meeting if all the present members of the municipal council and the mayor of the municipality so agree, in accordance with the National Minorities Languages Act as amended in 2011.

893. The Committee of Experts considers these undertakings not fulfilled for **Bulgarian, Croatian and Polish**.

The Committee of Experts strongly urges the Slovak authorities to assess where in the Slovak Republic there are sufficient numbers of speakers of Bulgarian, Croatian and Polish for the purpose of these undertakings and to take flexible measures regarding the implementation of the undertakings entered into by the Slovak Republic under Article 10 paragraphs 2 to 4 of the Charter.

Article 11 – Media

Paragraph 1

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

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

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

894. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled for **Polish**, not fulfilled for **Bulgarian** and **Croatian** with regard to radio and partly fulfilled for **Bulgarian, Polish** and **Croatian** with regard to television. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**improve the provision of public sector television and radio in all minority languages**”. Furthermore, the Committee of Experts urged the Slovak authorities to make adequate provision so that broadcasters offer radio programmes in Bulgarian and to increase the frequency of the time-slots allocated to Bulgarian on public television; to make adequate provision so that public broadcasters offer radio programmes in Croatian; to increase the frequency of the time-slots allocated to Polish on public radio and television.

895. According to the third periodical report, pursuant to Act 532/2010 Coll. on Radio and Television of Slovakia and on amendments and supplements to some acts, the public broadcaster has an obligation to provide broadcasts in the languages of the national minorities and ethnic groups living in the Slovak Republic. One programme service of the public radio shall broadcast programmes with well-balanced content and regional distribution in minority languages. The extent of the broadcast shall correspond to the national and ethnic structure of the Slovak Republic.

896. As regards **Bulgarian** and **Croatian**, there has been no development since the previous monitoring cycle and there are no broadcasts in these languages on Slovak Radio. Slovak Television has broadcast 1-3 hours in these languages annually since 2008 (1.7 for Bulgarian and 1.3 in Croatian in the previous cycle). As regards **Polish**, Slovak Radio has broadcast 16-17 hours annually since 2008 (7 hours in the previous cycle). Slovak Television broadcast 5 hours in 2008 and 3 hours in 2009 and 2010 (3.9 hours in the previous monitoring cycle).

897. Both the representatives of the Croatian and Polish speakers have informed the Committee of Experts that the TV programmes are not regularly broadcast. The minority associations are informed by the public broadcaster that the programme in the respective language will be broadcast and are invited to contribute. However, as this is an irregular initiative and at short notice, it is very difficult to prepare and provide adequate contributions.

898. The Committee of Experts notes that the presence of these languages on radio and television remains symbolical. The Committee of Experts reiterates the great importance of the electronic media, especially television, for the promotion of regional or minority languages in modern societies. In particular, a regular and predictable presence of a regional or minority language on radio and television can enhance considerably its social prestige.⁵¹

899. The Committee of Experts considers this undertaking partly fulfilled for **Polish** and not fulfilled for **Bulgarian** and **Croatian** with regard to radio and partly fulfilled for **Bulgarian, Polish** and **Croatian** with regard to television.

The Committee of Experts strongly urges the Slovak authorities to:
- make adequate provision so that broadcasters offer radio programmes in Bulgarian and to increase the frequency of the time-slots allocated to Bulgarian on public television;
- make adequate provision so that public broadcasters offer radio programmes in Croatian and to increase the frequency of the time-slots allocated to Croatian on public television;
- increase the frequency of the time-slots allocated to Polish on public radio and television.

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

900. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for **Bulgarian, Croatian** and **Polish**. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**facilitate the broadcasting of private radio [...] in minority languages by lifting the restrictive requirements of the respective legislation.**” Furthermore, the Committee of Experts encouraged the Slovak authorities to remove the existing restrictive requirements for private [...] radio broadcasters offering programmes in minority languages.

901. According to the third periodical report, the State Language Act, as amended in 2011, eliminated the obligation of private radio broadcasters to provide a Slovak language version of the radio programme broadcast

⁵¹ See 2nd Report of the Committee of Experts on Switzerland, ECRML (2004) 6, paragraph 118

in a minority language. This applies to “radio programmes in regional broadcast or local broadcast designed for members of national minorities including events in live transmission”. The Committee of Experts welcomes this development.

902. However, the Committee of Experts has not been informed of any private radio stations broadcasting programmes in **Bulgarian, Croatian** and **Polish** on a regular basis or of measures, such as financial incentives or licensing criteria, taken to encourage and/or facilitate the broadcasting of radio programmes in these languages.

903. The Committee of Experts encourages the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in Bulgarian, Croatian and Polish on private radio stations on a regular basis, such as financial incentives or licensing criteria in the next periodical report.

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

904. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for **Bulgarian, Croatian** and **Polish**. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**facilitate the broadcasting of private [...] television in minority languages by lifting the restrictive requirements of the respective legislation.**” Furthermore, the Committee of Experts encouraged the Slovak authorities to remove the existing restrictive requirements for private television and radio broadcasters offering programmes in minority languages.

905. According to the third periodical report, the obligation of private television channels to subtitle in Slovak all programmes broadcast in a minority language has been maintained. The authorities explain this as a means of promoting intercultural dialogue and knowledge of minorities’ lives and cultures. The Audiovisual Fund, established in 2009, may be used by producers of audiovisual works in minority languages to cover the costs of subtitling.

906. However, the Committee of Experts has not been informed of any private TV channels broadcasting programmes in Bulgarian, Croatian or Polish on a regular basis or of measures, such as financial incentives or licensing criteria, taken to encourage and/or facilitate the broadcasting of radio programmes in these languages.

907. Therefore, the Committee of Experts considers the undertaking not fulfilled. It encourages the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in Bulgarian, Croatian and Polish on private television channels on a regular basis, such as financial incentives or licensing criteria in the next periodical report.

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

908. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for **Bulgarian, Croatian** and **Polish**. It encouraged the Slovak authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages, also ensuring that minority language programmes on digital television are available for children at suitable times.

909. According to the third periodical report, the Audiovisual Fund was established in 2009, in order to support audiovisual industry in Slovakia by providing funds for production and distribution of audiovisual works, as well as cultural events and publications in the audiovisual and cinematography field. Its funding activity started in 2010.

910. The Fund announces annually a binding structure for its support activity. Programme 1 covers the production of cinematographic and audiovisual works focused *inter alia* on minorities, including works for children under the age of 12. In 2011 one of the priorities under Programme 1 was the support of audiovisual works dealing with national minorities and disadvantaged groups.

911. The Committee of Experts welcomes these developments. Nevertheless, it points out that the undertaking requires states to provide specific assistance to the production and distribution of works in regional or minority languages. It is not clear to the Committee of Experts whether the support of audiovisual works dealing with national minorities and disadvantaged groups will always be a priority under Programme 1, thereby ensuring regular funding, nor whether the supported audiovisual works are produced *in* regional or minority languages. It would welcome specific information in this respect. The Audiovisual Fund is however relevant for the undertaking under 11.1.f.ii.

912. As regards the availability of children's programmes in minority languages, the periodical report states that according to the State Language Act as amended in 2011, audiovisual works for children under 12 broadcast in a foreign language have to be dubbed into Slovak, except those broadcast as part of minority language programmes. The Committee of Experts would welcome more information in the next periodical report on children's programmes produced and distributed in Croatian, Bulgarian and Polish.

913. The Committee of Experts asks the authorities to provide concrete examples of audiovisual works in **Bulgarian, Croatian, and Polish** relevant for this undertaking 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;

914. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for **Bulgarian, Croatian and Polish**. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities "**facilitate the creation of newspapers in minority languages.**"

915. According to the information received in the third monitoring cycle, the periodicals in Bulgarian (*Narodnik*) and Croatian (*Hrvatska rosa*) are published four times per year and the one in Polish (*Monitor Polonijny*) monthly.

916. Furthermore, the representatives of the Bulgarian, Croatian and Polish speakers have drawn the attention of the Committee of Experts to the significant delays in receiving the funds for written media.

917. The Committee of Experts recalls that a "newspaper" within the meaning of the present provision has to be published at least once per week.⁵² Bearing in mind the numbers of the Croatian, Bulgarian and Polish speakers, it encourages the Slovak authorities to facilitate the regular publication of one periodical in each language, in accordance with the wishes of the speakers, which could develop into a newspaper over time.

918. The Committee of Experts considers the undertaking not fulfilled.

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

919. In the second monitoring cycle, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to submit further information in the next periodical report.

920. According to the third periodical report, the Audiovisual Fund covers, under Programme 1, the production of cinematographic and audiovisual works focused *inter alia* on minorities, including works for children under the age of 12. In 2011 one of the priorities under Programme 1 has been the support of audiovisual works dealing with national minorities and disadvantaged groups. The Committee of Experts underlines that this undertaking targets audiovisual works produced *in* Croatian, Bulgarian and Polish.

921. The Committee of Experts has not received any concrete examples of audiovisual works in these languages relevant for the present undertaking. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to apply existing measures for financial assistance to audiovisual works in Bulgarian, Croatian and Polish and to provide concrete examples in the next periodical report.

Paragraph 3

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

922. In the second monitoring cycle, the Committee of Experts was again not in a position to conclude on the fulfilment of this undertaking and requested the Slovak authorities to comment on it in their next periodical report.

923. According to the third periodical report, the Council for Broadcasting and Retransmission is the supervisory body for broadcasting. Its members are selected by the National Council of the Slovak Republic, from the proposals made by various bodies, including NGOs. The Board of the Radio and Television is the supervisory body in view of Act 532/2010 Coll. on the Radio and Television of Slovakia. Its members are also selected by the National Council of the Slovak Republic, from the proposals made by various bodies, including

⁵² See 1st Report of the Committee of Experts on Serbia, ECRML (2009) 2, paragraph 267

NGOs representing the interests of national minorities. Therefore, persons belonging to national minorities may also become members of these Councils.

924. The Committee of Experts has been informed that at present one of the members of the Board of the Radio and Television belongs to a national minority. However, the Committee of Experts notes that the legal framework does not *ensure* the representation of the regional or minority language speakers in these bodies. The Committee of Experts recalls that this undertaking does not require that each Part III language should have its own representative in the bodies in questions, but that adequate systems or processes exist to ensure that the interests of speakers of each Part III language are in fact represented or taken into account.

925. The Committee of Experts considers the undertaking fulfilled at present. Nevertheless, it encourages the Slovak authorities to ensure that the interests of the users of regional or minority languages are represented or taken into account within the bodies responsible for guaranteeing the freedom and pluralism of the media.

Article 12 – Cultural activities and facilities

Paragraph 1

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

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

926. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of these undertakings and requested the Slovak authorities to submit further information in the next periodical report.

927. According to the additional information from the authorities, two works in Polish have been translated into Hungarian. Cinema *Lumiére*, supported by the Ministry of Culture, has presented films in Polish and Bulgarian. The 2012 Febiofest Festival, supported by the Audiovisual Fund, has also presented films in Polish. The 2012 Local Televisions Festival presented films in Polish, Croatian and Bulgarian.

928. The Committee of Experts considers undertaking (b) fulfilled for **Polish** and partly fulfilled for **Bulgarian** and **Croatian**. It considers undertaking (c) not fulfilled for any of the languages.

- 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;*

929. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for **Bulgarian, Croatian and Polish**.

930. According to the third periodical report, various NGOs collecting, archiving and publishing works in minority languages receive state support through the grant schemes for activities of national minorities. The *Fórum inštitút pre výskum menšín* (Forum Institute for Research of National Minorities) is the most important NGO dealing with research on minorities in Slovakia, documentation of their culture, written documents and other records. The Forum Institute for Research of National Minorities receives annual financial support from the state budget.

931. In addition, there is a Museum of the Croatian Culture, which serves as a documentation, methodological and research centre. According to the information the Committee of Experts received from the authorities during the on-the-spot visit, the museums of national minorities' cultures collect, publish and keep copies of works in minority languages, published by them or occasionally received from minority NGOs.

932. One copy of each periodical publication is kept by the National Archives, and one copy of each audiovisual work is kept by the Slovak Film Institute.

933. The Committee of Experts considers the undertaking fulfilled for **Croatian**, partly fulfilled for **Bulgarian** and **Polish**.

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.

934. In the second monitoring cycle, the Committee of Experts considered this undertaking formally fulfilled for **Bulgarian, Croatian and Polish**.

935. According to the third periodical report, the authorities support the cultural activities of the Bulgarian, Croatian and Polish minority also outside areas where the minority lives, as separate performances or within general cultural events. These are, for example, cultural events involving minority ensembles or theatre festivals, where minority theatres are invited. Many events, taking place in various towns, involve several minorities. In addition, their traditions are present in the performances of Slovak ensembles, such as SĽUK (Slovak Folk Art Ensemble).

936. The Committee of Experts considers this undertaking fulfilled. However, it would welcome specific examples of such cultural activities and facilities concerning **Bulgarian, Croatian and Polish**.

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.

937. In the second monitoring cycle, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and requests the Slovak authorities to submit further information with regard to **Bulgarian, Croatian and Polish**.

938. According to the third periodical report, the culture of the national minorities is part of the cultural wealth of the Slovak Republic and this approach is reflected by presenting it abroad, for example in promotional materials for tourists, or by sending ensembles for performances abroad.

939. The authorities have also supported activities organized by Croatian associations from Slovakia in Croatia or by Polish associations from Slovakia in Poland. The Committee of Experts recalls, however, that the concept of the 'cultural policy abroad' not only refers to the state in which the minority language is used, but also obliges the authorities to show the multilingual nature more generally in countries in which their cultural institutions are active.⁵³

940. The Committee of Experts considers the undertaking fulfilled.

Article 13 – Economic and social life

Paragraph 1

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

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

941. In the second monitoring cycle, the Committee of Experts was informed that, with a view to implementing the Charter, an amendment to the State Language Act was under consideration which would ensure the right to use a minority language in contracts of employment and technical documents. The Committee of Experts looks forward to the adoption of the amendment to the State Language and to receiving further information in the next periodical report.

942. According to the third periodical report, the State Language Act provides that written legal actions in labour relations or a similar labour relation shall be in Slovak and a copy with an equal content may be drafted in a different language, in addition to the state language. Slovak is also compulsory in labelling products, in providing information and instructions for their use and for other consumer information. Accounting documents, financial statements, technical documentation, as well as statutes of associations, political parties or movements and companies necessary for registration purposes shall be drawn up in Slovak and versions in other languages with identical content may also be drawn up. These provisions have been already included in the 2009 version of the law, which, however, also prescribed fines for breaching them, for example, by drafting an employment contract only in a minority language. The 2011 amendment limited the

⁵³ See also 3rd Report of the Committee of Experts on Hungary, ECRML (2007) 5, paragraph 202

finer to cases where legal persons “do not state information related to life, health or safety threat or a threat to property of citizens of the Slovak Republic in the state language.”

943. In addition, the information for the public, particularly in shops, sport facilities, restaurants, on streets, roads, at airports, bus stations and railway stations, as well as in public transport vehicles, shall be presented in Slovak. If these include a text in other languages, it shall be presented after the text in Slovak, have an identical content and be in equal or smaller print than the text in Slovak. The order of the texts is not determined in municipalities where the 20% threshold is met, nor in advertisements.

944. According to the National Minorities Languages Act, as amended in 2011, information concerning threats to life, health safety or property shall be in a minority language in addition to Slovak, in municipalities where 20% threshold is met. Not displaying such a sign or notice in the minority language constitutes an offence. The Committee of Experts welcomes this information. However, it notes that the present undertaking applies to the whole country.

945. The Committee of Experts observes that the current legislation still severely limits the use of minority languages in documents relating to economic and social life. Thus it considers the undertaking not fulfilled.

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

946. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for **Bulgarian, Croatian and Polish**, as it was not informed of any such prohibition.

947. According to the third periodical report, such prohibitions as required by the undertaking are not expressly laid down in the Slovak legislation.

948. The Committee of Experts considers the undertaking not 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:

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

949. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled for **Bulgarian, Croatian and Polish**. It looked forward to receiving further information in the next periodical report on the amendment to the State Language Act which was under consideration and which would ensure the right to use a minority language in social care facilities.

950. According to the third periodical report, the State Language Act, as amended in 2011 provides that the staff shall communicate with their patients or clients usually in Slovak, but communication with a patient or a client whose mother tongue is not Slovak may take place in a language in which the patient or client can communicate. Patients or clients belonging to national minorities may use their mother tongue in communication with the staff in municipalities where the 20% threshold is met. The staff do not have an obligation to speak minority languages.

951. The National Minorities Languages Act, as amended in 2011, provides that persons belonging to national minorities may use the minority language in communication with the staff of healthcare and social care institutions, child social and legal protection institutions and social probation institutions in municipalities where the 20% threshold is met. The institution shall allow the use of the minority language “insofar as the conditions prevailing at the institution so permit.”

952. However, the authorities admit that these provisions do not create an obligation for social care institutions to ensure the possibility to use a minority language and explain that the reasons are mainly of a financial nature. They support the employment of persons speaking the relevant minority language or language training for staff as possible solutions, which are not excluded by legislation. The Committee of Experts has been further informed by the authorities during the on-the-spot visit that in practice social care facilities or institutions for the social and legal protection of the child have employees that speak minority languages or can hire interpreters. Authorities try to place persons in institutions where their mother tongue is spoken. They noted however that it is increasingly difficult to find specialized staff able to communicate in a minority language, as the education system does not ensure their training.

953. The Committee of Experts points out that the undertaking requires the authorities to *ensure* that social care facilities offer the possibility of receiving and treating regional or minority language speakers in their own language.

954. The Committee of Experts considers the undertaking not fulfilled.

Article 14 – Transfrontier exchanges

The Parties undertake:

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

955. In the second monitoring cycle, the Committee of Experts considered this undertaking fulfilled for **Polish** and not fulfilled for **Bulgarian** and **Croatian**. It encouraged the Slovak authorities to conclude agreements with States in which Bulgarian and Croatian are used to foster contacts between the users of these languages in the States concerned in the fields of culture, education, information, vocational training and permanent education.

956. The third periodical report states that there are programmes of cooperation concluded between the ministries of education of the Slovak Republic and those of Bulgaria and Croatia, respectively.

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

Chapter 4 Findings of the Committee of Experts in the third monitoring round

A. The Committee of Experts wishes to express its gratitude to the Slovak authorities for the excellent co-operation it has enjoyed during the preparation of this report. In addition, the co-operation with the bodies and associations representing the speakers of the regional or minority languages during the on-the-spot visit was very positive. The Slovak situation is characterised by a complex mosaic of minority languages and by a very ambitious instrument of ratification, with Part III protection covering nearly all regional or minority languages spoken in the Slovak Republic. Taking account of the very diversified situation of the minority languages and of the fact that some of them have a very weak and/or dispersed territorial presence, the application of Part III undertakings in some of the cases is particularly difficult.

B. The Committee of Experts identified a number of general problems which affected all the languages already during the previous monitoring rounds and most of these problems persist. The statutory requirement that the regional or minority language speakers should represent at least 20% of the municipal population in order to render the undertakings in the field of administration applicable remains a point of major concern, despite significant legal changes. In practice the 20% threshold continues to exclude the administrative use of minority languages in municipalities where the speakers do not attain 20% of the local population but are still present in sufficient numbers to justify the application of Article 10.

C. Another general problem arises from the fact that the State Language Act continues to provide for measures that are in contradiction with the Charter. The Act has been amended twice, in 2009 and in 2011, but it still contains several restrictive provisions which hamper a proper implementation of some of the Charter provisions. There is therefore still a need to change this law in the light of the obligations that the Slovak Republic undertook when ratifying the Charter.

D. Much remains to be done in the field of education concerning all the minority languages. Except for Hungarian, the existing offer in the school system does not guarantee a systematic provision of minority language education. In addition, it does not provide for the necessary continuity in the offer of minority language education throughout all levels of education. There are also severe shortcomings in the field of teacher-training.

E. More decisive action is needed to raise awareness and to ensure respect of minority languages and cultures within the majority population. This concerns in particular history teaching for the majority Slovak-speaking pupils and the role played by the mainstream mass media in overcoming ethnic prejudices. German, Hungarian and Romani speakers are particularly affected by these prejudices.

F. In the field of justice, the right of minority language speakers to use their language even if they understand Slovak is still not guaranteed in criminal proceedings. There is a need to improve the legislative framework and to encourage the practical use of minority languages before courts.

G. With regard to the use of minority languages in relations with administrative authorities, the Committee of Experts found severe shortcomings. These are in part a result of the problems related to the 20% threshold, but partly also due to the lack of proactive and systematic measures needed to implement Article 10 in practice.

H. In the field of the media, with the partial exception of the Hungarian language, the provision of programmes on public radio and television is insufficient and almost non-existent on private radio and television. Except for Hungarian, there are also no newspapers in minority languages. The situation is better in the cultural field. The network of minority culture museums funded by the Slovak authorities has been extended.

I. In relation to **Romani**, the menu of protection under Part III proves to be particularly challenging. Pilot projects in the field of Romani-language education have been introduced in a number of model schools and curricula and textbooks have been developed. This has created a good basis for further advances in Romani-language education. However, there has been practically no follow-up to the pilot projects and no attempts have been made to teach Romani on a wide scale in the Slovak school system, alongside teaching of and in Slovak as the official language. Schools are still systematically promoting education in the Slovak language only, ignoring the needs of Roma children to be educated bilingually in order to foster integration. Furthermore, the unacceptable practice of segregation, systematic enrolling of Roma children in schools for children with special needs and the separation in classes and schools still persists.

J The position of **Hungarian** in the education system is still strong, even if there is a decrease in the number of schools. A certain degree of practical use of Hungarian before courts and in relations with the administration also exists. The provision of Hungarian-language programmes in public service radio is extensive as well. Despite this strong position, the general problems linked to the State Language Act affect this language too.

K The **German** language continues to be in a very weak position in education and the media and the language is not used at all before courts and very little in relations with the administration. Of particular concern are the serious shortcomings in the field of education, particularly as regards pre-school, primary and secondary school, as well as teacher training.

L The **Ruthenian** language, despite the relatively high number of speakers, is still in a very weak position. This is most obvious in the field of education where the existing provision of Ruthenian-language education fails to meet the undertakings chosen at practically all levels.

M The **Ukrainian** language is gradually losing ground in the education system. The number of schools teaching in Ukrainian is decreasing, and there are also signs of regression as far as teaching of subjects in Ukrainian at primary and secondary level is concerned.

N Because of the special status of the **Czech** language and its mutual intelligibility with Slovak, no problems with the use of this language have been reported.

O Concerning the **Bulgarian, Croatian and Polish** languages, which are minority languages with a rather low number of speakers, a great number of undertakings under Part III are still not being complied with. Due to the weak situation of these languages, it will be difficult for the Slovak authorities to fulfil all the undertakings they have opted for in the instrument of ratification.

The Slovak government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to the Slovak Republic. At the same time it emphasised the need for the Slovak 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 1160th meeting on 30 January 2013, the Committee of Ministers adopted its Recommendation addressed to the Slovak Republic, which is set out in Part B of this document.

Appendix I: Instrument of ratification



Slovakia:

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic declares that it shall apply the Charter in accordance with the Constitution of the Slovak Republic and the relevant international conventions ensuring the equality of all citizens before the law without distinction as to origin, race or nationality in order to promote the European language heritage without prejudice to the use of the official language.

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): -

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic declares, pursuant to Article 1, paragraph b, of the Charter, that the term "territory in which the regional or minority language is used", also regarding the application of Article 10, shall refer to the municipalities in which the citizens of the Slovak Republic belonging to national minorities form at least 20 % of the population, according to the Regulation of the Government of the Slovak Republic N. 221/1999 Coll., dated 25 August 1999.

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 1, 10

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

The Slovak Republic declares that, in accordance with Article 3, paragraph 1, of the Charter, the "regional or minority languages" in the Slovak Republic are the following languages: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Roma, Ruthenian and Ukrainian. The application of the provisions of the Charter in accordance with Article 2, paragraph 2, shall be as follows:

Bulgarian, Croatian, Czech, German, Polish and Roma languages:

Article 8, paragraph 1 a iii; b iii; c iii; d iii; e ii; f ii; g; h; i;
 Article 9, paragraph 1 a ii/iii; b ii/iii; c ii/iii; d;
 Article 10, paragraph 1 a iii/iv; paragraph 2 b; c; d; f; g; paragraph 3 c; paragraph 4 a; c; paragraph 5;
 Article 11, paragraph 1 a iii; b ii; c ii; d; e i; f ii; paragraph 2; paragraph 3;
 Article 12, paragraph 1 a; b; c; d; e; f; g; paragraph 2; paragraph 3;
 Article 13, paragraph 1 a; b; c; paragraph 2 c;
 Article 14 a;
 Article 14 b, only for the Czech, German and Polish languages.

Ruthenian and Ukrainian languages:

Article 8, paragraph 1 a ii; b ii, c ii, d ii, e ii, f ii; g; h; i;
 Article 9, paragraph 1 a ii/iii; b ii/iii; c ii/iii; d; paragraph 3;
 Article 10, paragraph 1 a iii/iv; paragraph 2 b; c; d; f; g; paragraph 3 c; paragraph 4 a; c; paragraph 5;
 Article 11, paragraph 1 a iii; b ii; c ii; d; e i; f ii; paragraph 2; paragraph 3;
 Article 12, paragraph 1 a; b; c; d; e; f; g; paragraph 2; paragraph 3;
 Article 13, paragraph 1 a; b; c; paragraph 2 c;
 Article 14 a;
 Article 14 b, only for the Ukrainian language.

Hungarian language:

Article 8, paragraph 1 a i; b i; c i; d i; e i; f i; g; h; i;

Article 9, paragraph 1 a ii/iii; b ii/iii; c ii/iii; d; paragraph 2 a; paragraph 3;

Article 10, paragraph 1 a ii; paragraph 2 a; b; c; d; f; g; paragraph 3 b; c; paragraph 4 a; c; paragraph 5;

Article 11, paragraph 1 a iii; b ii; c ii; d; e i; f i; paragraph 2; paragraph 3;

Article 12, paragraph 1 a; b; c; d; e; f; g; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; b; c; paragraph 2 c;

Article 14 a; b.

Period covered: 1/1/2002 -

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

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

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

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 8

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

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

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 10

Declaration contained in the full powers handed to the Secretary General at the time of signature of the instrument, on 20 February 2001 - Or. Engl., and confirmed at the time of deposit of the instrument of ratification, on 5 September 2001 - Or. Engl.

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

Period covered: 1/1/2002 -

The preceding statement concerns Article(s): 12, 13

Appendix II: Comments by the Slovak authorities

Position on the 3rd evaluation report of the Committee of Experts of the European Charter for Regional or Minority Languages

As far as the evaluation by the Committee of Experts in the area of education is concerned, the relevant Slovak authorities expressed a certain disappointment about its approach to the information provided in the third periodic report and during the on-the-spot visit, as well as about the consequent drawing up of the evaluation report. The aim of the evaluation report should be to identify the objective state of the matter, in particular when it comes to sensitive issues the assessment and recommendation should be based on the reliable facts. The Slovak authorities responsible for the area of education observe that the evaluation report contains several incorrectly mentioned facts, and consequently on their basis not always relevant recommendations in this regard.

In this light, they do not share the evaluation of the Committee of Experts as far as its conclusions are concerned in terms of how the Slovak authorities responded to the recommendations of the Committee of Ministers (par. 25, 26 and 31). The Slovak authorities object to the conclusion of the Committee of Experts concerning perception of the Hungarian or German minority in the Slovak Republic, and its reflexion to the education process (par. 53, 79, 686).

As far as the Ruthenian language is concerned, the Slovak authorities do not agree with the conclusions of the Committee of Experts stated in paragraphs 213, 217, 221, 233.

In terms of Ukrainian, the Slovak authorities reject the conclusion of the Committee of Experts concerning the reduced number of subjects taught in Ukrainian, lack of kindergarten and primary school teachers, and their insufficient training (par. 369, 372, 386).

The Slovak authorities do not agree with the conclusion of the Committee of Experts concerning the negative view of the Romani language among teachers, and the lack of initiative aimed at increasing awareness about the rights of the Romani-speaking population to pre-school education in Romani (par. 525, 526). Moreover, they object to the findings of the Committee stated in par. 531 and 549.

In terms of the Bulgarian language, the Slovak authorities object to the finding of the Committee of Experts concerning the private kindergarten using the Bulgarian, Slovak and English language (par. 844). They argue the incorrectness of the finding stated in par. 851.

The Slovak authorities disagree with the conclusions of the Committee of Experts stated in par. 4.1.I (Romani language), 4.1.K (German language), 4.1.L (Ruthenian language) and 4.1.M (Ukrainian language).

Comments of the Slovak authorities to further findings of the Committee of Experts:

Referring to Paragraph 29:

Instead of "As of 2011" it should say "As of 2009, September". For 3 years, private radio broadcasters have had the possibility to broadcast in the languages of national minorities without any restrictions..

Referring to Paragraphs 159, 299, 458, 611, 757, 901:

Instead of "the State Language Act, as amended in 2011" it should say "the State Language Act, as amended in 2009, September". For 3 years, private radio broadcasters have had the possibility to broadcast in the languages of national minorities without any restrictions.

Referring to Paragraphs 195, 349, 505, 654, 800, 833, 945:

Instead of the "current legislation still severely limits the use of minority languages in documents relating to economic and social life", it should say "doesn't limit the use of minority language in documents relating to economic and social life". The current wording of the State Language Act enables production of a document in the area of economic or social life in minority language too, in addition to the obligatory use of the state language in cases defined by law. We thus cannot talk of a "strict limitation" of the use of the minority language. The fact that the obligation to produce a document in the state language is given, while enabling its production in the minority language as well, cannot lead to the conclusion that the use of the minority language is strictly limited. By setting the obligation to use the state language allowing the simultaneous use of a minority language leads to permitted limitation of e.g. the freedom of expression, right to privacy, right to conduct business etc., but not to a limitation of the use of a minority language as it is not limited at all. An allowed limitation in the use of a minority language may perhaps only be when in cases defined in Article 8 Section 6 of the State Language Act, the text in the minority language must not be larger than the text in the state language and, unless municipalities where the 20% threshold was exceeded and

advertisement is involved, the text in the minority language must follow the text in the state language. For a comparison, we would like to point out to the interpretation of the Hungarian Constitutional Court of January 19, 2009 in resolution File No. 473/B/2005 AB, which stated: "Considering the fact that the obligation resulting from Act No. 96/2001 can be fulfilled by displaying an analogy of a commercial advertisement in the Hungarian language, companies are not prevented from drafting the advertisement in another language. The fact that it also has to be stated in the Hungarian language does not affect freedom of expression. Considering the above stated, we can argue that there is no constitutionally provable link between the objected provisions and the provisions of Article 61 par. 1 of the Constitution." The Slovak Republic is of the opinion that by limiting various constitutional rights and freedoms by setting the obligation to use the state language accompanied with the possibility to use the language of a national minority leads only to the limitation of the relevant basic right or freedom, but not to the limitation of the use of the minority language, while it points also to the existence of a different interpretative consideration of the Constitutional Court of the neighbouring country (Hungary) which is also a State Party to the Charter, the application of which means that setting the obligation to use the state language in addition to the simultaneous possibility to use other (including minority) languages does not affect freedom of expression. **The Slovak Republic holds the opinion that the obligation according to Article 13 par. 1 letter a) of the Charter has been fulfilled with regards to all minority languages.**

The Slovak Republic enabled the use of minority languages where the first evaluation report of the Committee of Experts objected: in the case of work contracts, financial and technical documents, and statutes of associations, societies and companies. The second evaluation report considered Article 13 par. 1 letter a) to be fulfilled on the basis of the prepared proposal for the amendment of the State Language Act, which was to enable the right to use the minority language in work contracts and technical documents. The third evaluation report of the Committee of Experts considers the obligation to be not fulfilled, though in 2009 and 2011 Article 8 of the State Language Act introduced the right of members of national minority to various limiting provisions of this Article, not allowing the use of a minority language, introducing no new obligation to use the state language, but on the contrary, narrowing down for example the scope of financial documentation that must be kept also in the state language in addition to the minority language.

The existence of fines in the State Language Act since 2009 really does not apply to using the minority language, but to not using the state language in addition to the voluntary use of the minority language. Therefore according to the Slovak Republic, no causal relationship exists between the existence of fines in the State Language Act and the limitation of the use of the minority language.

Referring to Paragraphs 307, 466, 617, 763, 907:

It is not completely obvious why the Committee considers the obligation according to Article 11 par. 1 letter c) ii to be not fulfilled for minority languages other than Hungarian. It seems that the only reason is that no data is available about the quantity of TV license holders broadcasting in minority languages (except Hungarian language). Another reason for not fulfilling this obligation with regards to Hungarian, where not fulfilling this obligation is not stated, probably is not given since as many as 22 Hungarian TV stations broadcast TV programmes in Hungarian with Slovak subtitles. The Slovak Republic welcomes the change in the Committee's attitude, since the Committee does not state that subtitling has a discouraging effect on broadcasting in minority languages due to the position of the broadcaster in the minority language economically disadvantaging it when compared to broadcasters broadcasting in the state language without subtitles. **The Slovak Republic holds the opinion that the obligation according to Article 11 par. 1 letter c) ii of the Charter is fulfilled.**

Referring to Paragraph 4.1. Findings of the Committee of Experts in the third monitoring round:

The conclusion of the Committee of Experts that the State Language Act contains provisions that are not compatible with the Charter **is completely unjustified**. The finding of the Committee of Experts that the State Language Act still contains strictly limiting provisions preventing proper implementation of certain provisions of the Charter is unsubstantiated. The conclusion about the need to amend the State Language Act in the light of the obligations accepted by the Slovak Republic by ratifying the Charter is unjustified. This all due to the following reasons:

- a) The obligation to include subtitles in the Slovak language during television broadcasting is no longer evaluated as being a limiting element.

- b) Provisions that had been evaluated in the second evaluation report as satisfactory only on the basis of the proposal for the amendment of the State Language Act, were now evaluated as strictly limiting. Work contracts and further labour law acts, as well as accounting, financial statements, technical documentation for the purposes of proceedings according to a special regulation, the bylaws of associations, societies, political parties, political movements and business companies needed for the purpose of registration, labels, advertisements and notifications designated for public information sharing, that must be in the state language in order to respect public order and so **inadequate limitation of basic rights and freedoms does not occur, and definitely not limitation of the use of a minority language.**
- c) Introducing fines only applies to failure to fulfil the obligation to use the state language as stated in 2011, and is applied only in serious cases threatening the most important values of society, such as life, health, or property. The same fines have been introduced since 2011 also for violations of the provisions of the Act on the use of minority languages.

Moreover, it involves a literal adoption of the statement of the Committee of Experts from letter C "findings" from the second evaluation report of the Committee. The Committee of Experts in spite of the narrowed down obligation to state relevant documents in the state language, incomprehensibly changed the previous evaluation in which it stated that this obligation was fulfilled to stating that the obligation is not fulfilled! Specific evidence of the incomprehensible change in the attitude can be seen:

- a) in the evaluation of the obligation to include labelling of goods in the state language, where in spite of the limiting provision of Article 8 par. 1 of the State Language Act, as amended on August 31, 2009, not enabling the use of other than state language, evaluated in the second evaluation report so that the existence of Article 8 par. 1 of the State Language Act, as amended on August 31, 2009, was not even mentioned, but it was stated directly that: "With regard to consumer protection, written information is given in Slovak, which is without prejudice to the parallel use of other languages (Consumer Protection Act, Sections 11-12". – this was an extraordinarily positive attitude of the Committee of Experts, interpretation of which was led by the 'lex specialis derogat lex generali' principle.
- b) In the case of written legal acts in labour law relationships (e.g. work contracts) also as amended by the State Language Act in force until August 31, 2009, specifically in Article 8 par. 2, it was only possible to produce such acts in the state language. The Committee of Experts however in the second evaluation report commented on it stating "However, the Labour Code does not explicitly include provisions that would forbid or exclude the possibility of having such a contract also concluded in a minority language, when the parties to the labour relations so agree." - it equally involved an extraordinarily positive attitude of the Committee of Experts, interpretation of which was guided by the constitutional principle that what is not forbidden is allowed, while also applying the 'lex specialis derogat lex generali' principle.

The change in the attitude of the Committee in the third evaluation report is also due to the above-mentioned reasons incomprehensible. The only reason for stating a deterioration of the status when compared with the second evaluation report, according to the Slovak Republic, could only be perhaps the introduction of the fines that are however a legal consequence of violating the obligation to state texts in the state language, but not a legal consequence of the use of a minority language. The Committee of Experts however comes to no conclusion when it comes to the fines as such for example about their discouraging nature, it only mentions them in connection with the obligation resulting from Article 13 par. 1 letter a) of the Charter. **The State Language Act in no case prevents the use of minority languages in the scope of its provisions.** The only limitation of its use is the limitation of the size of the text and setting the order of the text in the minority language in the limited above-stated cases.

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the Slovak Republic

Recommendation CM/RecChL(2013)2 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by the Slovak 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 declarations submitted by the Slovak Republic on 9 April 2001;

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

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

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

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

1. review the requirement that minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational;
2. continue efforts to provide for the teaching of all minority languages at all appropriate levels and inform parents about its availability;
3. improve teacher-training and set up a body in charge of monitoring the measures taken and progress achieved in minority language education;
4. within available means promote and support the improvement of the provision of public sector television and radio in all minority languages;
5. continue measures to abolish unjustified enrolments of Roma children in separate schools or classes and start to introduce Romani-language education for Roma children on a large scale;
6. raise awareness and promote tolerance in the Slovak society at large vis-à-vis the regional or minority languages and the cultures they represent.