



Strasbourg, 27 April 2016

ECRML (2016) 2

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN THE SLOVAK REPUBLIC

4th monitoring cycle

- A. Report of the Committee of Experts on the Charter**
(adopted on 4 November 2015)
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the Slovak Republic**
(adopted on 27 April 2016)

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

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned. The periodical report shall be made public by the State in accordance with Article 15, paragraph 2.

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

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

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A. Report of the Committee of Experts on the application of the Charter in the Slovak Republic

adopted by the Committee of Experts on 4 November 2015
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Executive Summary

1. The Slovak Republic signed and ratified the European Charter for Regional or Minority Languages in 2001. The Charter entered into force in the Slovak Republic on 1 January 2002 and it protects Bulgarian, Croatian, Czech, German, Hungarian, Polish, Romani, Ruthenian, Ukrainian and Yiddish.
2. All languages, except Yiddish, are covered by different menus under Part III. The situation of these languages varies greatly and this makes the implementation of certain undertakings difficult for several languages. Flexible and specific measures need to be taken in order to make the provisions of the Charter operational, as required by the commitments entered into by the Slovak Republic.
3. The Slovak authorities have recently adopted a Human Rights Strategy, and an Action Plan concerning the rights of persons belonging to national minorities is being prepared. Institutional structures dealing with national minorities and minority languages are in place. A report on the use of minority languages in line with the national legislation is published annually. In 2013, an Advisory Council on education for national minorities and the implementation of the Charter was set up by the Minister of Education, Science, Research and Sport. Subsidies are available, in particular for cultural activities of national minorities. A network of minority culture museums is funded by the authorities.
4. The Slovak Republic has a highly detailed and complex legislation governing the use of the official language and the minority languages. Despite amendments made, some of the legal provisions, especially the State Language Act, and their implementation contradict the Charter's principle to encourage and facilitate the use of minority languages in public life, and in some cases prevents their use.
5. The requirement that persons belonging to a national minority should reach a 20% share of the municipal population in order to render the undertakings in the field of administration applicable, still limits the use of minority languages in this field. The list of concerned municipalities established by the Government comprises also places where the 20% was met in the past, but is no longer met, and a 15% threshold is to be applied in some cases after the census in 2021. However, in practice, the thresholds continue to exclude minority languages from use in the administrative field in municipalities where their speakers are present in sufficient numbers to justify the application of Article 10.
6. Specific and immediate measures are necessary in the field of education. The steps taken to reduce costs in the educational sector (the so-called "school rationalisation") are particularly affecting small schools and thereby disproportionately minority language education.
7. The existing offer in the school system, except for Hungarian, complies only to a very limited extent with the commitments under the Charter. The number of schools has been decreasing, even in the case of Hungarian. Combined measures promoting teaching in and of minority languages among parents and pupils, ensuring financial support and providing teacher training are needed to further develop minority language education. Romani is still not taught on a wide scale and, despite efforts made by the authorities, the practice of enrolling Roma children in special schools and classes still persists.
8. As regards the judicial system, the legal framework still does not guarantee that a person having a command of Slovak can use a minority language in criminal proceedings. Minority languages in general have a limited presence in the administrative field, except, to some extent, Hungarian.
9. Minority language broadcasting in radio and television is insufficient and the publication of weekly newspapers is non-existent, with a partial exception of Hungarian. The Bulgarian, Croatian, German and Polish languages have only a very limited presence on television.
10. Awareness-raising and promotion of tolerance towards the minority languages and the cultures they represent are needed.

Chapter 1 Background information

1.1 Ratification of the Charter by the Slovak Republic

11. 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.

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

13. Article 15, paragraph 1, of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers¹. The Slovak authorities presented their fourth periodical report to the Secretary General of the Council of Europe on 30 March 2015.

1.2 The work of the Committee of Experts

14. A Charter Implementation Roundtable to discuss the recommendations contained in the third evaluation report was organised in Bratislava, in co-operation with the Slovak authorities, on 29-30 April 2014. The roundtable was attended by representatives of the Committee of Experts, of the Slovak authorities and of national minorities.

15. This fourth evaluation report is based on the information obtained by the Committee of Experts from the fourth periodical report of the Slovak Republic and through interviews held with representatives of regional or minority language speakers and with the authorities during the on-the-spot visit, which took place from 21-23 September 2015. The Committee of Experts has also received information pursuant to Article 16.2 of the Charter.

16. In the present fourth evaluation report, the Committee of Experts will focus on the provisions and issues under both Part II and Part III of the Charter 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 identified by the Committee of Experts and, where relevant, to the recommendations made by the Committee of Ministers. The report will firstly recall the key elements of each issue. The Committee of Experts will also look at new issues found during the fourth monitoring round.

17. The present report contains detailed recommendations which the Slovak authorities are urged 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.

18. The present report reflects the policies, legislation and practice prevailing around the time of the on-the-spot visit (September 2015). Any later contributions and developments will be taken into account in the next report of the Committee of Experts concerning the Slovak Republic.

19. The present report was adopted by the Committee of Experts on 6 November 2015.

1.3 General issues arising from the evaluation of the report

1.3.1 *Number of speakers of regional or minority languages*

20. In the third evaluation report, the Committee of Experts urged the Slovak authorities to take steps to collect, in co-operation with the speakers, reliable data concerning the number of speakers of regional or minority languages and their geographic distribution, 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.

21. The fourth periodical report provides new official data on the number of persons belonging to national minorities, according to the 2011 census. As reported in the census results, 456,467 persons indicated Hungarian ethnicity, 105,738 Roma, 30,367 Czech, 33,482 Ruthenian, 7,430 Ukrainian, 4,690

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

German, 3,084 Polish, 1,051 Bulgarian, 1,022 Croatian and 631 persons declared belonging to the Jewish minority. 382,493 persons (7% of the whole population) did not declare any ethnicity.

22. As far as additional data are concerned, the periodical report provides such information only for the Roma minority. According to experts and studies, between 350,000 and 500,000 persons belong to this minority.

23. Compared to the results of the 2001 census, the number of persons declaring Bulgarian, Czech, German, Hungarian or Ukrainian ethnicity has decreased. As noted in paragraph 21, 7% of the whole population did not declare any ethnicity. The Committee of Experts was also informed of some cases during the census, for example, in Nové Zámky/Ďersekújvár, where reportedly residents, in particular elderly people, were warned by individuals not to declare Hungarian ethnicity or they would lose the Slovak citizenship and be forced to leave the country, and anti-Hungarian and anti-Jewish graffiti were sprayed on several houses. It further notes that, in accordance with the estimates of the German umbrella NGO, the number of persons belonging to the German minority is twice as high. The Committee of Experts refers to its previous evaluation report, where it took note of the information from representatives of national minorities that there had been misunderstandings as regards categories mentioned in the census and, in addition, many people were still reluctant to declare any nationality or language different from Slovak².

24. The Committee of Experts reiterates the importance of reliable data for planning and taking consistent and constant action for the protection and promotion of minority languages. It notes that, as shown in paragraph 22, surveys and estimates already seem to exist in respect of the Roma minority.

25. The Committee of Experts urges the Slovak authorities to complement the results of the 2011 census by collecting, in co-operation with the speakers, data concerning the number of users of minority languages and their geographic distribution and to take such data into consideration when planning their action in the field of minority languages.

1.3.2 *The 20% threshold*

26. In the third monitoring cycle, 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”**³. The Committee of Experts strongly 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 where the 20% threshold is not met, and to apply the undertakings ratified under Article 10 also in those areas⁴. The Committee of Experts reiterated 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, and consider similar flexible and specific measures “according to the situation of each language” (Article 10) regarding other languages with a view to ensuring a consistent and stable implementation of Article 10.

27. According to the fourth periodical report, most of the provisions of *Act No. 184/1999 Coll. on the Use of Languages of National Minorities* (hereafter, Minority Languages Act), as amended, which are relevant under Article 10 of the Charter, apply exclusively in the municipalities included in the *Government Regulation 534/2011 Coll. amending the Government Regulation 221/1999 Coll. on the List of Municipalities where Citizens belonging to a National Minority Represent at least 20% of the Citizens* (hereafter, the List). There are two exceptions in the Minority Languages Act. The first one refers to the possibility of persons belonging to national minorities to use minority languages in official oral communication in municipalities where the threshold is not met “if the public administration officer and the persons involved in the proceeding so agree”. The second one allows the use of place names in minority languages, in addition to those in Slovak, in “specialized publications, press and other mass communication media, and official activities of public administration bodies”.

28. The fourth periodical report further indicates that, in fact, the above-mentioned List of municipalities includes places where national minorities no longer reach the 20% threshold, but did so according to the 1991 census. Municipalities where, for example, the share of persons belonging to a national minority is currently only 9%, are included in the list. Therefore, according to the authorities, the application of Article 10 of the Charter would not be limited by the 20% threshold.

² See 3rd Report of the Committee of Experts on the Slovak Republic, ECRML (2013)1, paragraphs 10-11.

³ The recommendations of the Committee of Ministers in the previous monitoring cycle are quoted in bold.

⁴ The box recommendations of the Committee of Experts in the previous monitoring cycle are quoted underlined.

29. The fourth periodical report also recalls the amendment decreasing the threshold to 15%, which would be applied only after this 15% share was confirmed in two subsequent censuses starting with the one of 2011.

30. The Committee of Experts already noted in its previous evaluation report that both the setting of a new 15% threshold and the amendment concerning the possibility of using the minority languages orally, depending on the agreement of a civil servant, when the threshold was not met, did not sufficiently respond to the requirements of the Charter⁵.

31. The Committee of Experts notes the presence on the List of municipalities which no longer meet the 20% threshold. According to the fourth periodical report, the right to use minority languages in these municipalities will cease to exist if in three consecutive censuses, starting with 2011, the number of persons belonging to a national minority does not reach 15% at least once. It also seems that municipalities where persons belonging to a national minority currently reach the 20% threshold are not included in the List. This is the case, for example, for the municipality of Krahule/Blaufuß, where the German minority represents 31,5% of the population. According to the census, there are also 124 municipalities where the Ruthenian minority reaches the 20% threshold, compared to 68 on the List, and 79 where the Roma minority reaches this threshold, compared to 55 on the list. The List includes 512 municipalities for Hungarian, 68 for Ruthenian, 55 for Romani, 18 for Ukrainian, one for German. It does not include any municipality for Bulgarian, Croatian or Polish.

32. The Committee of Experts notes that, compared to the data of previous censuses, two minorities (Ukrainian and Croatian) no longer reach 20% in any municipality. The German and Ukrainian minorities represent over 15% of the local population in only two places, while the Croatian minority in only one. The Bulgarian and Polish minorities do not reach the 15% threshold at all. The application of Article 10 of the Charter in these cases is very limited or non-existent. The Committee of Experts notes that the size of municipalities in the Slovak Republic varies from a few dozen inhabitants to the size of Bratislava. On the long run, the use of thresholds only risks to exclude most minority languages from protection under Article 10 of the Charter.

33. The Committee of Experts reiterates 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, Croatian and Polish in at least one municipality, respectively. They should also consider similar 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 again 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, irrespective of thresholds, and to apply the undertakings ratified under Article 10 in those areas.

1.3.3 *Russian and Serbian in the Slovak Republic*

34. In the third evaluation report, the Committee of Experts encouraged the Slovak authorities to examine, in co-operation with the speakers, whether Russian and Serbian had a traditional presence in the Slovak Republic and could therefore be considered regional or minority languages within the meaning of Article 1.a of the Charter, and to provide further information in this respect.

35. According to the fourth periodical report, the representatives of the Russian and Serbian minorities have raised the issue of the application of the Charter to the Russian and Serbian languages in the Committee for National Minorities and Ethnic Groups. The issue has been discussed with the authorities and the Slovak Republic is examining whether to update its instrument of ratification to include Russian and Serbian.

⁵ See 3rd Report of the Committee of Experts on the Slovak Republic, ECRML (2013)1, paragraphs 18-19.

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;”

36. The most recent legal changes date back to 2011 and no amendments have been adopted in the current monitoring period. At present, the use of minority languages in the administrative field depends on a list of municipalities set out in the *Government Regulation 534/2011 Coll. Amending Government Regulation 221/1999 Coll. on the List of Municipalities in which Citizens belonging to a National Minority Represent at least 20% of the Citizens*. In practice, this List comprises municipalities where persons belonging to national minorities reached 20% according to the 1991 census, but also those that no longer do so. It does not, however, include municipalities where the 20% threshold was met in subsequent censuses. Moreover, the municipalities which are currently on the List without reaching the 20% threshold will be excluded if in three consecutive censuses starting with 2011 the number of persons belonging to a national minority does not reach 15% at least once.

Recommendation no. 2

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

37. There have been no significant developments concerning the teaching in or of minority languages. Moreover, steps taken to reduce costs in the educational sector have been leading to the closure of small schools, a process that particularly affects minority language education. The number of schools teaching in Hungarian has slightly decreased. The number of kindergartens and primary schools providing teaching in or of German, Romani, Ruthenian or Ukrainian is low, and the presence of these languages in secondary and technical and vocational education is very limited or non-existent. There is a lack of continuity from pre-school through primary to secondary and technical and vocational education, except for Hungarian. Bulgarian, Croatian and Polish are still not taught in the Slovak public system. The involvement of the authorities in promoting minority language education to pupils and parents is very limited.

Recommendation no. 3

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

38. The situation concerning teacher training remains by and large unchanged. Basic and further training continues to be organised mainly for language teachers, except for Hungarian. New further training programmes of this type have been developed, for example, for Ruthenian. However, training of teachers to teach subjects in minority languages remains insufficient.

39. An Advisory Council on education for national minorities and the implementation of the Charter has been set up by the Minister of Education, Science, Research and Sport in 2013. It is, however, unclear whether it fulfils the required monitoring of measures taken and progress achieved in minority language education.

Recommendation no. 4

“within available means promote and support the improvement of the provision of public sector television and radio in all minority languages”

40. There has been an increase in the broadcasting time for Ruthenian and Ukrainian on television, and for German and Polish on radio, compared to the previous monitoring cycle. The broadcasting time on television has slightly decreased for Hungarian and Romani, and remains limited for all languages. The presence of Bulgarian, Croatian, German and Polish on television, between one and five hours per year each, is very limited. There are still no radio broadcasts in Bulgarian or Croatian.

Recommendation no. 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;”

41. The Ministry of Education, Science, Research and Sport issued instructions for the 2013-2014 school year, recommending schools to address discrimination, to eliminate any practices of exclusion or separation of Roma pupils and to integrate them into mainstream schools and classes. A National Project of

Inclusive Education (PRINED) ran from April 2014 to November 2015, aiming to develop an inclusive education model and to offer a preparatory programme for enrolment of Roma children in mainstream schools. New legal provisions were adopted in 2015 and will enter into force in 2016, aiming to prevent the enrolment of children from socially disadvantaged backgrounds in special schools or classes.

42. Romani-language education is still not available on a large scale. Romani continues to be taught only in several private schools. Some training of Roma teaching assistants and teachers has been initiated.

Recommendation no. 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;”

43. Activities promoting inter-ethnic and intercultural dialogue, as well as mutual understanding, receive funding in the framework of the Government subsidy programme *Culture of national minorities*. In 2014, the authorities also began preparing a handbook on national minorities (*Let's Get to Know Each Other – National Minorities*). Further measures remain to be taken to increase the understanding of the contribution of the language, history and culture of regional or minority languages in the media and within education.

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

3.1 Evaluation in respect of Part II of the Charter

44. The Committee of Experts will focus on the provisions of Part II which were singled out in the previous evaluation reports as raising particular problems. It will therefore not comment in the present report on provisions where the Committee of Experts was satisfied with their implementation and for which it did not receive any new information requiring their reassessment. 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;*

45. In the third evaluation report, the Committee of Experts invited the Slovak authorities to comment on how they ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of regional or minority languages.

46. According to the fourth periodical report, no new relevant measures or legislation were adopted in the monitoring period. The relevant law is Act No. 221/1996 on the Territorial and Administrative Organisation of the Slovak Republic, as amended. The introduction of eight regions in 1996 was subject to criticism by the representatives of the Hungarian-speakers, because the Hungarian minority was divided in three regions and does not represent a majority in any of them. Their proposals to modify the situation were not accepted.

47. The Committee of Experts requests the Slovak authorities to comment on how Act No. 221/1996 on the Territorial and Administrative Organisation of the Slovak Republic, as amended, ensures that existing or new administrative divisions do not constitute any obstacle to the promotion of minority languages.

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

48. In the third evaluation report, the Committee of Experts encouraged the authorities to pursue the initiative of a law on the financing of minority cultures, in co-operation with the speakers.

49. The fourth periodical report provides information about the subsidy programme *Culture of National Minorities*, to which € 3.8 million were allocated in 2014. The programme has three priorities: promoting the identity and culture of national minorities; education and training on the rights of persons belonging to national minorities; promoting interethnic and intercultural dialogue, as well as understanding between the majority and national minorities. The programme is run by the Plenipotentiary of the Government of the Slovak Republic for National Minorities (hereafter, Plenipotentiary for National Minorities). No information is provided on any possible law on the financing of minority cultures.

50. During the on-the-spot visit, however, the Committee of Experts was informed that there were considerable delays in receiving the funds granted for various projects and that for some activities, the funds received were very low. The project duration is also limited to one year. This affects the capacity of the minority associations to adequately plan and implement their activities. It is also very difficult to further develop various projects, since, for example, attracting young to-be-journalists to minority-language media is not possible in the current circumstances. The Committee of Experts is aware that the authorities are trying to reduce the delays in granting the funds. It underlines the importance of stable, predictable funding for the activities of national minorities.

51. The fourth periodical report also indicates that, as of October 2012, the duty to provide assistance to the implementation of the Minority Languages Act has been transferred to the Government Office of the Slovak Republic, where it is carried out by the Offices of the Head of Services and of the Plenipotentiary for National Minorities. The Government Office prepares an annual report on the use of minority languages in line with the Minority Languages Act. In December 2012 the Government Office set up a commission for the application of the Minority Languages Act, which comprises representatives of departments in charge of local state

authorities, of the Association of Towns and Municipalities, of the Ministry of Culture and of the Government Office or of the Office of the Plenipotentiary for National Minorities. The commission prepares *inter alia* recommendations in case of infringements of the Minority Languages Act. The Committee of Experts notes that these instruments deal with the application of national legislation on minority languages use, which is partly relevant for the Charter. It, however, encourages the authorities to use the data obtained as a result of the reports and of the bodies bringing together several authorities to promote the implementation of the Charter, for example, by providing information and training to local authorities.

52. During the on-the-spot visit, the Committee of Experts was informed about the recent adoption of the Human Rights Strategy of the Slovak Republic. An Action Plan concerning the rights of persons belonging to national minorities is under preparation. The Committee of Experts encourages the authorities to use this opportunity to further the implementation of the commitments under the Charter and to develop this Action Plan in co-operation with the speakers.

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

53. The Committee of Experts recalls that the Charter not only implies passive permission to use regional or minority languages in public and private life, but also requires the authorities to facilitate and/or encourage the use of these languages in the public sphere. This requires a pro-active approach on the part of the authorities to promote the use of these languages⁶.

54. The Slovak Republic has a highly detailed and complex legislation governing the use of the official language and of minority languages. The right to use minority languages is linked to certain situations and conditions. In some cases, even when these conditions are met, the legislation only allows, but does not ensure the use of minority languages⁷. Cases have been reported to the Committee of Experts where local authorities have been requested to take down multilingual touristic signs or post office employees were forbidden to use Hungarian. Such situations clearly go against the Charter's principles to facilitate and encourage the use of minority languages in all domains of public life.

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

55. In the third monitoring cycle, the Committee of Ministers recommended that the Slovak authorities **"continue measures to abolish unjustified enrolments of Roma children in separate schools or classes"**. The Committee of Experts strongly urged the Slovak authorities to intensify efforts to abolish the practice of unjustified enrolment of Roma children in special schools or in separate classes.

56. According to the fourth periodical report, in 2013 the Ombudsperson addressed the issue of the education of Roma children in special schools. The report of the Ombudsperson⁸ emphasized the disproportionately high number of Roma children in the special education system and the shortcomings of the diagnostic tests in preventing or overcoming this situation. It also noted that Roma children have little access to education in their mother tongue, which has an impact on their school results and may play a part in determining their special educational needs.

57. The periodical report states that the Ministry of Education, Science, Research and Sport (hereafter, Ministry of Education) issued instructions for the 2013-2014 school year, recommending schools to address discrimination, to eliminate practices of spatial, organisational, physical or symbolical exclusion or separation of Roma pupils and to enable their education in schools and classes together with the majority population. As far as tests are concerned, these are, according to the periodical report, repeatedly carried out before a recommendation to enrol a child in a special school, together with written information for the parents, is issued. The tests take place before enrolment in primary school, as well as at the end of the first year ("zero-year"). Special schools are recommended only for children with serious disability levels, while those with minor disabilities are enrolled in mainstream schools or special classes in mainstream schools. Education departments at district level monitor this process. Furthermore, the authorities are implementing a National Project of Inclusive Education (PRINED), running from April 2014 to November 2015 in 50 kindergartens and 100 elementary schools. This aims at developing an inclusive education model in mainstream schools with

⁶ See 1st Report of the Committee of Experts on Denmark, ECRML (2004) 2, paragraph 36, 2nd Report of the Committee of Experts on the Czech Republic, ECRML (2013) 2, paragraph 65, 3rd Report of the Committee of Experts on the Slovak Republic, ECRML (2013) 1, paragraph 18.

⁷ See 3rd Report of the Committee of Experts on the Slovak Republic, ECRML (2013) 1, paragraph 38.

⁸ <http://www.vop.gov.sk/files/Sprava%20VOP-Vzdelavanie%20Romov.pdf>, <http://spectator.sme.sk/c/20048023/ombudsmans-report-points-to-roma-segregation-in-schools.html>.

the help of an “inclusive team” (a special teacher, a psychologist, a teacher assistant) and to offer a preparatory programme for enrolment in mainstream schools, in co-operation with the parents. The Committee of Experts asks the authorities to provide information on the impact of PRINED in the next periodical report.

58. During the on-the-spot visit, the authorities informed the Committee of Experts of new legal provisions meant to prevent the enrolment of Roma children in special schools or classes, which would enter into force in the 2016/2017 school year. These provisions prescribe that children with special educational needs which result only from their growing up in socially disadvantaged backgrounds are not to be enrolled in special schools or classes. They further prescribe that children from socially disadvantaged backgrounds will be enrolled in classes together with other pupils. Specialized classes may be set up to support pupils who cannot keep up with the educational requirements at their level; enrolment is only possible for a maximum of one year, after recommendation from the teacher, an opinion of the educational adviser and consent from the legal representative of the child. Measures such as a stricter control over the facilities for educational advising and prevention, possibilities to reconsider diagnostic procedures and proposals to enrol a child in special education, as well as qualification of incorrect diagnostics as a serious deficiency by National School Inspection are also foreseen.

59. The Committee of Experts notes that efforts are being made by the authorities to prevent the unjustified enrolment of Roma children in special schools or classes. However, at present and in practice, there are still a disproportionately high number of Roma children in such classes.⁹ During the on-the-spot visit, the Committee of Experts was also informed that the diagnostic tests do not sufficiently take into consideration the specific cultural and linguistic background of these children. Moreover, many special schools are found in the neighbourhood of Roma settlements, which also leads to the enrolment of Roma children in such institutions.

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

60. During the on-the-spot visit the Committee of Experts was informed of the on-going reform of the school system (“school rationalisation”) which is carried out throughout the Slovak Republic and is meant to reduce costs in the educational sector. In January 2014, amendments concerning the minimum number of pupils and the financing of schools entered into force. The minimum number of pupils per class (6 to 8 in “zero” grade, 11 to 15 in the 1st-9th grades, 17 from the 10th grade onwards) may be reduced by two in primary schools using both Slovak and a minority language or if one municipality administers two schools, one teaching in Slovak and one teaching in a minority language. The school founder may also make exceptions, for primary level, in cases when there is no school or no other minority language school within 6 km of reach, when 80% of the pupils come from socially disadvantaged backgrounds, or in other special cases. At secondary level, these exceptions include certain studies where the number of graduates is insufficient for the labour market needs, or lower secondary education and secondary education is carried out also in the minority language. The Ministry of Education, when deciding on the additional funding for schools, may suggest “rationalisation measures”; if these are not implemented, the additional funds will not be granted the following year. The founder of a primary school may decide to cover the costs from its own resources and in this case, it is allowed to keep a lower number of pupils per class.

61. This process is, in practice, leading to the closure of small schools, and, although all schools are concerned, minority schools are particularly affected. Representatives of minority language speakers expressed serious concerns about this process during the on-the-spot visit.

62. The Committee of Experts underlines that in many cases where general measures are taken, minority languages are particularly at risk. Special measures need to be put in place to ensure that these languages are not disproportionately affected. States may choose, for example, to accept a very low minimum number of pupils for minority language classes or to grant significantly higher subsidies to small schools in order to ensure their continued functioning.¹⁰

The Committee of Experts urges the Slovak authorities to take measures to ensure the teaching in or of minority languages at all appropriate levels.

⁹ See also Fourth Opinion on the Slovak Republic of the Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/OP/IV(2014)004, paragraphs 60-66.

¹⁰ See, for example, 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraph 48, 1st Report of the Committee of Experts on Serbia ECRML (2009) 2, paragraph 57.

- 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;*

63. In the third evaluation report, the Committee of Experts strongly urged the Slovak authorities to develop facilities enabling non-speakers of a minority language to learn it if they so desired.

64. The fourth periodical report reiterates that minority languages may be taught by any Slovak-language school, and majority pupils have therefore the possibility of learning them. In practice, Hungarian language courses are organised, for example, by the Academy of Education in Žilina; Ruthenian language courses are provided by an NGO in several municipalities with support from the Slovak authorities; free Romani courses have been provided by the Institute of Social Sciences of the Slovak Academy of Sciences in Košice, in the framework of a cross-border cooperation project. The Committee of Experts asks the authorities to provide information also on the other languages covered by the Charter.

Paragraph 2

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

65. In the previous evaluation reports, the Committee of Experts noted that some amendments were necessary to the State Language Act, and that the law had been amended twice. The first amendment in 2009 even further limited the possibilities of using 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.

66. In the third monitoring cycle, the Committee of Ministers recommended that the Slovak authorities **“raise awareness and promote tolerance in the Slovak society at large vis-à-vis the regional or minority languages and the cultures they represent.”** The Committee of Experts strongly urged 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.

67. According to the fourth periodical report, one of the priority areas of the subsidy programme *Culture of National Minorities* is “the promotion of interethnic and intercultural dialogue, as well as understanding between majority and national minorities and ethnic groups”, to which a sub-heading on “inclusion of respect, understanding and tolerance in relation to minority languages in education, training and media” belongs. Activities promoting intercultural dialogue and understanding received € 230 000 of funding in 2014. The authorities also began preparing a handbook on national minorities (*Let’s Get to Know Each Other – National Minorities*) in 2014.

68. The information received by the Committee of Experts from representatives of minority language speakers indicates that the majority population is not sufficiently informed about the national minorities in the country and tends to perceive them negatively. This affects in particular the Hungarian, Roma and, to some extent, German minorities. The Committee of Experts was informed that, in practice, Slovak pupils are rarely, if at all, taught about the national minorities, their history or cultures. Textbooks describe Hungarians as tourists or recent immigrants, while history textbooks portray them in a negative manner. Incidents where persons were harassed for speaking Hungarian in public were also reported to the Committee of Experts. It also received information that, according to a survey carried out by an NGO, 36% of the population is of the view that the Hungarian minority should not use their language in public. Moreover, Hungarian place name signs are often destroyed. The Roma minority is generally portrayed in a negative manner in the media. The German minority is still negatively perceived under the influence of the past, while history teaching promotes a negative image and does not focus on the minority’s contribution to the Slovak society.

69. The Committee of Experts reiterates that the extent to which a minority language is protected or promoted is linked to how it is perceived by majority language speakers. Awareness-raising with the majority

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.¹¹

The Committee of Experts again strongly urges the Slovak authorities to intensify efforts to promote awareness and tolerance in the Slovak society at large vis-à-vis minority languages and the cultures they represent.

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.

70. In the third evaluation report, the Committee of Experts noted that a new institutional structure was under consideration. It called for the new structure to pay due consideration to the needs and wishes of regional or minority language speakers, as required by the undertaking.

71. According to the fourth periodical report, the Committee on National Minorities and Ethnic Groups is a permanent body of the Government Council for Human Rights, National Minorities and Gender Equality, set up in 2011. The Committee on National Minorities and Ethnic Groups comprises representatives of all national minorities in the Slovak Republic. It prepares annual reports on the promotion of national minorities' culture, on education and on the use of minority languages, submitted to the Council for approval. The Committee is chaired by the Plenipotentiary of the Government for National Minorities, a post set up in 2012. Furthermore, in 2013, the Minister of Education established an Advisory Council on education for national minorities and the implementation of the Charter. Its first meeting took place in April 2013 and was attended by representatives of the German, Hungarian, Roma, Ruthenian and Ukrainian national minorities.

72. During the on-the-spot visit, several representatives of the national minorities underlined that increased consultation was needed on matters related to minority languages. In particular, it appeared that the reform of the school system (the "school rationalisation") did not sufficiently take into consideration the concerns of the minority language speakers.

73. The Committee of Experts encourages the Slovak authorities to take into consideration the needs and wishes of the minority language speakers, when determining their policy with respect to minority languages.

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.

74. In the third evaluation report, bearing in mind the particular situation of the language, the Committee of Experts encouraged the Slovak authorities to take proactive steps to promote Yiddish, in particular by offering the possibility of learning it to those who so desire.

75. According to the information received from the Slovak authorities, 460 persons declared Yiddish as their mother tongue during the 2011 census. Yiddish is not taught at any institution in the Slovak Republic and is only used, to some extent, in cultural life.

76. The Committee of Experts recalls that the Charter requires a pro-active approach on the part of the authorities in promoting minority languages. It, therefore, encourages the Slovak authorities to take proactive steps to promote Yiddish, in co-operation with the speakers.

¹¹ 3rd Report of the Committee of Experts on the Slovak Republic, ECRML (2013) 1, paragraph 56.

3.2 Evaluation in respect of Part III of the Charter

77. 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

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

Article 8.1.a.i; e.i;
 Article 9.1.d; 9.2.a;
 Article 10.5;
 Article 11.2;
 Article 12.1.a; b; c; d; e; f; g; 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 and secondary school education

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

79. In the third evaluation report, the Committee of Experts considered the undertakings fulfilled. Nevertheless, it encouraged the Slovak authorities to take special measures to support access to primary education in Hungarian for all pupils concerned.

80. According to the fourth periodical report, in the 2013/2014 school year there were 237 primary schools teaching in Hungarian (242 schools in the previous monitoring cycle) and 26 teaching in Slovak and Hungarian (29 in the previous monitoring cycle). A new framework curriculum for primary schools teaching in a minority language has been in place since 1 September 2015. The number of Hungarian-language classes has been set to 5 hours/week, which is regarded by the speakers as insufficient for the mother tongue. The number of lessons left to the school for optional subjects has also decreased, from 30 to 13, although the overall number of lessons remains the same.

81. During the on-the-spot visit, the Committee of Experts was informed of the on-going “school rationalisation”, which is being carried out throughout the Slovak Republic and is meant to reduce costs in the educational sector. This process is, in practice, leading to the closure of small schools, and the minority schools seem particularly affected. According to the information received from the Hungarian-speakers, of the 441 schools concerned, 81 are Hungarian-language schools. Based on the number of schools in the Slovak Republic in 2013, approximately 18% of the Slovak schools and 30% of the Hungarian-language schools will have to close. Pupils will have to choose between travelling to a neighbouring Hungarian-language school, which is discouraging for many parents, or enrolling in the local Slovak-language school. According to the information received from the Hungarian-speakers, as of September 2016, local authorities would not be allowed to maintain the small schools, even if they used their own funds to support them.

82. The Committee of Experts recalls that in many cases where general measures are taken, minority languages are particularly at risk. Special measures need to be put in place to ensure that these languages are not disproportionately affected.

83. The Committee of Experts considers the undertakings still fulfilled.

The Committee of Experts urges the Slovak authorities to take special measures to support access to education in Hungarian for all pupils concerned, in co-operation with the speakers.

Technical and vocational education

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

84. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It urged the Slovak authorities to ensure that technical and vocational education remain available in Hungarian, in conformity with the present undertaking.

85. According to the fourth periodical report, there are nine secondary vocational schools teaching in Hungarian (same as in the previous monitoring cycle) and 31 teaching in Slovak and Hungarian (32 in the previous monitoring cycle). A revised framework curriculum was introduced on 1 September 2013, aiming to provide identical conditions for all secondary vocational schools in the country. As of 1 January 2013, the regions decide on the number of first grade classes in secondary schools to be financed from the state budget, in accordance with their education and training strategy. It is not clear to the Committee of Experts what effect this had on Hungarian-language technical and vocational education.

86. The Committee of Experts considers the undertaking partly fulfilled. It asks the Slovak authorities to provide more detailed information on the impact of the above-mentioned changes on the technical and vocational education in Hungarian. The Committee of Experts strongly urges the Slovak authorities to ensure that technical and vocational education remain available in Hungarian.

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;

87. In the third evaluation report the Committee of Experts considered the undertaking not fulfilled. It encouraged the Slovak authorities to arrange for the provision of adult and continuing education courses which were taught mainly or wholly in Hungarian.

88. The fourth periodical report provides information on one course for developing the Hungarian-Slovak bilingual competence of administrative staff, organised by the University of Nitra. The Hungarian-speakers have informed the Committee of Experts that the authorities do not provide any adult education in Hungarian. The Committee of Experts underlines that the undertaking refers to courses taught mainly or wholly in Hungarian, not to language courses.

89. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Slovak authorities to strengthen the offer of adult and continuing education courses 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;

90. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It urged the Slovak authorities to improve the teaching of the history and culture which are reflected by Hungarian in mainstream education.

91. According to the fourth periodical report, the teaching of the history and culture of national minorities is part of cross-sectorial topics (Multicultural Education, Regional Education, Traditional Folk Culture, etc.) or of educational areas such as People and Values, Art and Culture, People and Society. The educational provision for history includes content and requirements related to the history and culture of national minorities. This is a starting point and teaching can be extended and adapted, according to the needs of the pupils and the possibilities of the schools. It is possible to extend the teaching about the history of each national minority, to increase the number of lessons in the school educational programme or to include relevant topics in history teaching. In addition, the preparation of a handbook/teaching material *Let's Get to Know Each Other – National Minorities* started in 2014.

92. As far as schools teaching in Hungarian are concerned, according to the periodical report, a state educational programme for history at lower secondary level and at grammar schools is under preparation by the National Institute of Education. The report further indicates that two specific state educational programmes have been prepared in relation to the teaching of history and the drafting of history textbooks for Hungarian

language schools. The textbooks have been prepared by experts belonging to the Hungarian minority and from Hungary. However, according to the information received from the Hungarian-speakers, these two programmes were rejected by the Ministry of Education in March 2015 and therefore cannot be used in schools.

93. Representatives of the Hungarian-speakers have furthermore informed the Committee of Experts that teaching about Hungarian history and culture is in practice not possible even in Hungarian-language schools. These schools are only allowed to use translated versions of Slovak textbooks and history textbooks, which promote a negative image of Hungarians. The same textbooks are used in mainstream schools. The Committee of Experts is concerned about this information and requests the Slovak authorities to comment on it in the next periodical report.

94. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It requests the Slovak authorities to clarify how the history and culture reflected by the Hungarian language are taught in practice.

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;

95. In the third monitoring cycle, the Committee of Experts considered the undertaking fulfilled as regards basic training and partly fulfilled as regards further training. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**improve teacher-training [...]**”. Furthermore, the Committee of Experts strongly urged the Slovak authorities to adopt a structured approach to the further training of teachers.

96. According to the fourth periodical report, the Methodology and Pedagogy Centre, the institution responsible for the further training of teachers, addresses also those teaching in a minority language. For example, the Komárno/ Komárom branch of the Centre provides further training to teachers from Hungarian-language schools. In 2013, it organised, in co-operation with the Union of Hungarian Teachers in the Slovak Republic, a summer university, conferences and seminars for teachers from Hungarian-language schools. In 2013, the Košice branch offered training programmes on pedagogical topics in Hungarian. This opportunity exists also in Trnava, upon request. Training of teachers for Hungarian-language schools is mainly provided at the J. Selye University in Komárno/Komárom and Constantine the Philosopher University in Nitra, which offer bachelor and master programmes.

97. The Committee of Experts considers the undertaking fulfilled.

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.

98. In the third 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 in minority language education**”. Furthermore, the Committee of Experts urged 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.

99. According to the fourth periodical report, in 2013, the Minister of Education established an Advisory Council on education for national minorities and the implementation of the Charter. The first meeting took place in April 2013. The representatives of the German, Hungarian, Roma, Ruthenian and Ukrainian national minorities, as well as the Plenipotentiary for National Minorities participated. Issues concerning textbooks, teaching materials and framework teaching plans were discussed. In addition, the periodical report refers to the role of the State School Inspection in assessing the development of minority language education.

100. The Committee of Experts underlines that this undertaking requires a body that monitors, evaluates and analyses the measures taken and the progress achieved with regard to minority language education. Monitoring has to be reflected in published periodical reports. The reports should, among others, contain information on the extent and availability of teaching in Hungarian, together with information on language proficiency, teacher supply and the provision of teaching materials.

101. While the setting up of an Advisory Council is a welcome step for the promotion of minority language education, it is not clear to what extent this structure fulfils the requirements of the undertaking.

102. The Committee of Experts asks the Slovak authorities to clarify the tasks and role of the Advisory Council in monitoring minority language education, as required by the undertaking.

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;*

103. In the third evaluation report, the Committee of Experts considered these undertakings partly fulfilled. It strongly urged the Slovak authorities to guarantee the right of the accused to use Hungarian in criminal proceedings irrespective of whether he or she has a command of Slovak and to ensure that the accused will be specifically informed of this right as of the beginning of the criminal prosecution. In addition, the Committee of Experts strongly 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. Furthermore, the Committee of Experts encouraged the Slovak authorities to take proactive measures facilitating the implementation of these undertakings in practice and asked them to provide detailed information in this respect in the next periodical report. The Committee of Experts also encouraged the Slovak authorities to take measures to ensure that a sufficient number of trained interpreters are available.

104. According to the fourth periodical report, the relevant legal provision is still Section 2(20) of the Code of Criminal Procedure, which foresees the right to an interpreter and translator when the accused, his legal representative, an injured party, a participant or witness declare that they “do not speak the language of the proceedings”. On 1 February 2014, an amendment to Section 28 (2) of the same law, adopted as a result of Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, entered into force. The amended version provides that interpretation will also be provided in cases where any of the persons mentioned above have declared that they understood the language of the proceedings, but the court reaches the conclusion that their language skills are not sufficient to allow them to properly exercise their rights. The fourth periodical report further indicates that applications and evidence may be submitted in a foreign language, while the court must provide for the translation of documentary evidence submitted in languages other than Slovak. The Committee of Experts asks the Slovak authorities to clarify whether the provisions concerning “foreign languages” apply also to minority languages.

105. As far as guaranteeing the right to use a minority language even if the person concerned has a command of Slovak, the periodical report states that no amendments to the legislation are currently being envisaged, as they would lead to a disproportionate financial burden and, in rare cases, to prolonged treatment or obstruction of proceedings.

106. With respect to interpreters and translators, the periodical report indicates that their names are registered in a list kept by the Ministry of Justice. If the list does not contain any interpreters or translators for a specific language, the court is still under an obligation to ensure interpretation and usually turns to universities for support. In line with Section 28 (2) of the Criminal Law, it is also possible to provide interpretation “by means of technical equipment intended for video and audio transmission”.

107. According to the Slovak authorities, the current legal framework does not pose any restrictions in practice to the use of minority languages in criminal proceedings. The Committee of Experts has not

received any information about proactive measures taken to facilitate the implementation of these undertakings.

108. The Committee of Experts underlines that, in accordance with the Charter, the right to use Hungarian has to be guaranteed irrespective of the person's command of Slovak.

109. Bearing in mind a certain degree of practical use of Hungarian before courts in criminal proceedings, the Committee of Experts considers these undertakings partly fulfilled. The Committee of Experts asks the Slovak authorities to provide information on the measures facilitating the implementation of these undertakings in practice. The Committee of Experts strongly urges the Slovak authorities to guarantee in the legislation the right of the accused to use Hungarian in criminal proceedings irrespective of whether he or she has a command of Slovak and 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.

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;

110. In the third evaluation report, the Committee of Experts considered these undertakings partly fulfilled. It encouraged the Slovak authorities to take proactive measures facilitating the implementation of these undertakings in practice and asked them to provide detailed information in this respect in the next periodical report. The Committee of Experts also encouraged the Slovak authorities to take measures to ensure that a sufficient number of trained interpreters are available.

111. The fourth periodical report reiterates that interpretation for Hungarian has been provided upon request to parties whose mother tongue was Hungarian and could express themselves better in this language, although they spoke Slovak. In practice, interpreters are also invited if the court discovers at the first hearing that the party does not have a sufficient command of Slovak. In some cases, interpretation has been provided by the judge or an assistant. The Committee of Experts has not received any information about proactive measures taken to facilitate the implementation of these undertakings.

112. The Committee of Experts considers the undertakings partly fulfilled. It asks the Slovak authorities to provide information on the measures facilitating the implementation of these undertakings in practice.

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.

113. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It urged the Slovak authorities to ensure that amendments to the most important national statutory texts are also available in Hungarian.

114. The fourth periodical report states that the most important legal regulations, in particular those related to the rights of persons belonging to national minorities, are already available in Hungarian. According to the information received from the Hungarian-speakers, NGOs provided unofficial translations of eight legal texts. The report does not provide any information on whether amendments to the most important national statutory texts also exist in Hungarian.

115. The Committee of Experts considers the undertaking fulfilled. It requests the Slovak authorities to provide information on how the amendments to the most important national legal texts are made available in Hungarian.

Article 10 – Administrative authorities and public services

Preliminary issues

116. Article 10 of the Charter applies in those territories where minority language speakers represent a sufficient number for the purpose of the undertakings entered into by the Slovak Republic, irrespective of any thresholds or other conditions provided for by national legislation.

117. In the Slovak Republic, the use of minority languages in relations with local branches of the State administration and local or regional authorities is possible in municipalities set out in the List established by the Government (see Chapter 1.3.2). As far as regional authorities – regional council and president of the region – are concerned, however, none has their seat in such a municipality. As for the other municipalities, it is possible to use minority languages orally in relations with the administration, if the civil servant and the persons involved so agree.

118. In the third 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;*

119. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It urged 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.

120. The fourth periodical report states that the rights foreseen by the Minority Languages Act can be exercised also in municipalities where the number of persons belonging to national minorities does not reach 20%, since the List of municipalities includes places where the national minorities reached the 20% threshold according to the 1991 census, but no longer do so. It further recalls the legal provisions allowing for the oral use of minority languages in relations with the administration in any municipality, irrespective of percentages, if the civil servant and the persons involved so agree. According to the fourth periodical report, Hungarian is used, in addition to Slovak, by a number of district offices, state archives, district directorates of the Fire and Rescue Service, regional offices for Public Healthcare, offices of Labour, Social Affairs and Family, regional Veterinary and Food Administration, as well as tax authorities. Emergency services are also able to deal with calls in minority languages. Further information from the authorities concerning the General Internal Affairs Offices at district level indicate that these have designated employees who speak Hungarian and provide interpretation; they also provide on the notice board the names of the employees with whom communication in Hungarian is possible.

121. Representatives of the Hungarian-speakers have, however, reported shortcomings in the use of Hungarian in practice, mainly because of the insufficient language skills of the civil servants. This is particularly the case in those places where the Hungarian minority represents less than 50% of the population. However, it is especially difficult to use Hungarian in relations with the tax authorities also in Komárno/Komárom and with the police in places such as Komárno/Komárom, Nové Zámky/Érsekújvár, Galanta/Galánta, Rimavská Sobota/Rimaszombat. According to the speakers, the possibility to use Hungarian with the emergency services is in practice almost non-existent. The Hungarian minority is also concerned by the possibility prescribed in the Minority Languages Act for public authorities to establish a schedule for dealing with matters in minority languages.

122. The Committee of Experts recalls that the present undertaking requires authorities to *ensure* that their employees which are in contact with the public use the minority language. This entails legal and practical measures, such as a structured human resources policy, trainings or incentives in order to make sure that minority languages can be used in relations with the authorities. The Committee of Experts notes that the

Minority Language Act prescribes that administrative authorities and civil servants are not obliged to speak a minority language, while, for example, Fire and Rescue Service employees, if they speak a minority language, *may* use it in relations with persons belonging to a national minority. As far as the possibility to set up a schedule for using minority languages is concerned, depending on the way it is implemented, it might in fact constitute a limitation to the use of minority languages.

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

The Committee of Experts strongly urges the Slovak authorities to ensure that their officers who 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, irrespective of any thresholds.

Paragraph 2

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

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

124. In the third evaluation report, the Committee of Experts maintained its previous conclusion that the undertaking was partly fulfilled in the case of local authorities, and not fulfilled in the case of regional authorities.

125. According to the fourth periodical report and the Minority Languages Act, local authorities included in the List may keep “official records and documents, particularly proceedings, resolutions, statistics, registers, balances, information intended for the public” in a minority language, in addition to Slovak. Records of the registry office are excluded. “Generally binding regulations” may be issued in a minority language in addition to Slovak. Certificates, permits, authorizations, acknowledgements, statements, declarations may be issued bilingually upon request. The Committee of Experts notes that, in accordance with the Minority Languages Act a “minority language may be used in addition to the state language in service communication within the municipal police if those present so agree”. This requirement appears too strict under this provision.

126. A survey¹² conducted by the Slovak authorities for 2013 and 2014 (hereafter, the Authorities’ Survey) has shown that in practice only 21 municipalities (5%) keep records or issue generally binding regulations also in Hungarian.

127. The Committee of Experts was informed by the Hungarian-speakers that birth, marriage and death certificates are filled in only in Slovak, although the template is bilingual. The Hungarian-speakers also informed the Committee of Experts that in 2014 the Ministry of Culture found that the municipality of Koliňany/Kolon was breaching the State Language Act by listing the names of participants to the local council meeting starting with the last name, which was considered as being against the rules of Slovak grammar. The mayor was also forbidden to use the bilingual Slovak-Hungarian name in official communication, including on letterheads. In 2014 also the municipality of Komárno/Komárom was requested by the Nitra District Office, under a possible fine of € 30 000, to take down the touristic signs in Hungarian and English, as they were breaching Law 8/2009 on Roads Coll.1 and only the sign in Slovak was legal. In 2013, Košice Region carried out an EU-funded cross-border cooperation project to renovate touristic signs and set up signs only in Slovak. Bilingual signs were reportedly illegal. The Committee of Experts requests the Slovak authorities to comment on this information.

128. The Committee of Experts underlines that the present undertaking is a far-reaching commitment and requires the use of the minority language as a working language of the local or regional authority. It covers also the use of place names in minority languages in documents.

129. In light of the existing practice, although limited, the Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled for local authorities and not fulfilled for regional authorities. The Committee of Experts encourages the Slovak authorities to take measures to strengthen the use of Hungarian in the framework of local and regional authorities.

¹² The survey has been carried out in the framework of the Report on the Situation of the Use of Languages of National Minorities on the Territory of the Slovak Republic for the period 2013 and 2014. It addressed exclusively municipalities included in the List. In case of Hungarian, out of the 512 municipalities, 450 replied to the questionnaire sent by the national authorities. The percentages are calculated on the basis of those municipalities that have replied to the respective question.

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

130. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled at local level and not fulfilled at regional level. It strongly urged 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, and to provide the legal basis required for Hungarian speakers to submit oral or written applications in Hungarian also in relation to regional authorities where the speakers are present in sufficient numbers.

131. The fourth periodical report refers to the presence on the List of municipalities where the Hungarian minority does no longer reach the 20% threshold, but, for example, 11%-13%. The periodical report further states that applications in minority languages may also be submitted to the regional authorities, if these are in a municipality included in the List. However, this does not seem to be the case in practice for any regional authority.

132. According to the Authorities' Survey, 247 municipalities (56%) accept oral and written applications in Hungarian, while 139 (31%) accept oral applications. 208 (47%) inform the public about the possibility to use Hungarian in official contacts.

133. As far as bilingual forms are concerned, according to the Hungarian-speakers, only a very limited number of bilingual forms are available. The Authorities' Survey indicates that in 225 municipalities (51%) such forms are available.

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

The Committee of Experts again strongly urges the Slovak authorities to take the necessary measures so that Hungarian-speakers may submit oral or written applications in Hungarian to local and regional authorities wherever there is a sufficient number of speakers for the purpose of the present undertaking, irrespective of any thresholds.

- 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;*

135. In the third evaluation report, the Committee of Experts considered undertaking (c) not fulfilled and undertaking (d) partly fulfilled. It strongly urged 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.

136. According to the fourth periodical report and the Minority Languages Act, municipalities on the List "may issue generally binding regulations" in a minority language, in addition to Slovak. Such municipalities are under an obligation to publish in the minority language, in addition to Slovak, "important communications", including information on the members and powers of the local authority, overviews of legal regulations, directions, instructions, interpretation statements on which basis the municipality is acting or concerning the rights and obligations of persons in relation to the municipality, information on procedural matters, on administrative fees and on the management of public funds and of municipal assets. This information is to be published on the official board, on websites and in periodicals. Municipalities are also obliged to provide, upon request, information on the general binding regulations in a minority language, in addition to Slovak. Decisions shall be issued in a minority language, in addition to Slovak, upon request or if the procedure began in a minority language. According to the Authorities' Survey, however, only seven local authorities (2%) issue decisions in Hungarian. Certificates, permits, authorizations, acknowledgements, statements or declarations may be issued bilingually upon request. In practice, in 126 municipalities, birth, marriage and death certificates are issued in a bilingual form. However, according to the information received from the Hungarian-speakers, these are filled in only in Slovak.

137. The Committee of Experts considers the undertaking in Article 10.1.c not fulfilled and the undertaking in Article 10.1.d partly fulfilled. It again 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, irrespective of any thresholds.

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;

138. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It strongly urged 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.

139. The fourth periodical report indicates that, in municipalities included in the List, members of the local council may use the minority language during the meeting without any limitations. Other participants at the meeting may also use the minority language if all the present members of the municipal council and the mayor of the municipality so agree. In practice, according to the Authorities' Survey, Hungarian is used in local council meetings in 376 municipalities.

140. The Committee of Experts considers the undertaking partly fulfilled. It again 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, irrespective of any thresholds.

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.

141. In the third evaluation report, the Committee of Experts considers the undertaking partly fulfilled. It strongly urged 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. The Committee of Experts further asked the Slovak authorities to clarify whether in a textbook for the 4th grade, topographical names in Hungarian had to be replaced by Slovak names.

142. The fourth periodical report refers to the presence on the List of municipalities where the Hungarian minority does no longer reach the 20% threshold, and where Hungarian place-names are used. According to the Minority Languages Act, "the designation of a municipality" in a minority language shall be displayed on traffic signs at the entrance and exit of a municipality, on buildings of the public administration or in decisions issued in the minority language. They may also be displayed on railway stations, bus stops, airports and ports. A municipality may designate streets and other local geographic objects within its territory also in a minority language.

143. According to the Authorities' Survey, place name signs in Hungarian are used on road signs in 418 municipalities. Street names in Hungarian, however, are displayed in only 113 municipalities.

144. The Committee of Experts was informed by the Hungarian-speakers that signs in Hungarian are often vandalized. In addition, they are not displayed on directional signs, on roads that are not under the responsibility of the municipality, at railway stations or bus stops. Slovak Railways has repeatedly rejected requests to display bilingual signs, invoking procedural and technical obstacles. The Ministry of Transport also rejected these requests in 2013. Draft legal amendments which meant to remove the above-mentioned obstacles were twice rejected by the National Assembly, in 2013 and 2014, respectively. Signs on bus stops exist only where these are owned by the municipality. In 2012, the Slovak Bus Company refused to display bilingual names on the renovated Rimavská Sobota/Rimaszombat bus stop and on bus stops in 60 other municipalities. In 2013, the Government rejected changing the name of the village Tešedíkovo to Pered, as approved by a local referendum. The Committee of Experts also refers to the examples in paragraph 128.

145. The Committee of Experts reiterates its observations that the names in the minority language appear on separate and very small place-name signs. This does not meet the purpose of this undertaking, which is to give the minority language public visibility. The Committee of Experts further notes that the use of place names in Hungarian appears limited. It underlines that the term "place-names" within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names in that municipality that can be officially used, for example in texts produced by the local authority (e.g. documents, forms, public relations material, websites) or in signage (e.g. street name signs, signposts and public transport signs, inscriptions for tourists).¹³

¹³ See, for example, 2nd Report of the Committee of Experts on the Slovak Republic, ECRML(2009)8, paragraph 232, 1st Report of the Committee of Experts on Romania, ECRML (2012) 3, paragraph 156.

146. The periodical report does not clarify whether in textbooks in Hungarian place-names are in Slovak. The Committee of Experts was informed by the representatives of the Hungarian-speakers that on maps of the Slovak Republic, including in textbooks, geographic names are only in Slovak. The Committee of Experts asks the Slovak authorities to clarify whether in textbooks topographical names appear in Slovak only.

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

The Committee of Experts again 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, wherever there is a sufficient number of speakers, irrespective of any thresholds.

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*

148. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Slovak authorities to enable Hungarian-speakers to submit requests 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.

149. According to the fourth periodical report and the Minority Languages Act, minority language speakers are entitled to submit requests to the “legal entity set up by the local authority” and receive replies in their mother tongue. It is not possible to use a minority language when addressing corporate entities established by law (e.g. public universities, post offices, the Social Insurance, Slovak Railways).¹⁴

150. The Committee of Experts reiterates that this undertaking concerns public services such as railways, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, sporting facilities or entertainment venues. It asks the Slovak authorities to provide information on the use of Hungarian in practice in communication with such public services.

151. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It urges the Slovak authorities to enable Hungarian-speakers to submit requests in Hungarian to public services wherever there is a sufficient number of speakers, irrespective of any thresholds.

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;*

152. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

153. Since there have been no changes in the monitoring period and only municipalities in the List have the duty to “create conditions” for the use of minority languages, the Committee of Experts maintains its previous conclusion that the undertaking is 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.*

154. In the third evaluation report, in view of the repeated lack of information, the Committee of Experts considered the undertaking not fulfilled.

155. According to the information received from the Slovak authorities, civil servants speaking a minority language may request to be appointed in territories where the minority language is used. However, whether such requests are complied with depends on the staff situation and available positions in the respective office.

¹⁴ See the 3rd Report of the Committee of Experts on the Slovak Republic, ECRML (2013) 1, paragraph 142.

156. The Committee of Experts asks the Slovak authorities to provide examples of cases where civil servants speaking Hungarian have been appointed, upon request, in the territory where this language is used.

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;

157. In the third 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 “**within available means promote and support the improvement of 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 Hungarian language on public television.

158. According to the information received from the Slovak authorities, Slovak Television broadcast 113 hours/year in Hungarian in 2011, 134 hours/year in 2012, 108 hours/year in 2013 and 124 hours/year in 2014 (compared to 168 hours/year in 2007, 140 hours/year in 2008, and 128/year hours in 2010). Children’s programmes are broadcast only by Slovak Radio, which acquires them from its counterpart in Hungary.

159. The Committee of Experts has been informed by the representatives of the speakers that programmes in Hungarian are often cancelled during summer or during important events. Due to the time slots, which are perceived as unsuitable, most of the speakers cannot follow these programmes. Many of these programmes are, in fact, re-broadcasts.

160. The Committee of Experts notes that the broadcasting time in Hungarian on television has not increased compared to previous years.

161. The Committee of Experts considers the undertaking fulfilled regarding radio and partly fulfilled regarding 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 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;

162. In the third evaluation report, the Committee of Experts encouraged 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.

163. According to the fourth periodical report, commercial electronic media broadcasting as such is not supported, irrespective of the language of the broadcast. Financial assistance is provided only to the production of programmes and audio-visual works. The periodical report further refers to the subsidy programme *Culture of National Minorities*, run by the Office of the Plenipotentiary for National Minorities, but does not explain whether it has been used for encouraging the broadcasting of private radio programmes in Hungarian. The Committee of Experts has not been informed of any private radio stations broadcasting programmes in Hungarian.

164. The Committee of Experts considers the undertaking not fulfilled. It encourages the Slovak authorities to facilitate the broadcasting of programmes in Hungarian on private radio stations 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;

165. In the third evaluation report, the Committee of Experts requested the Slovak authorities to provide information on the regularity of the private television programmes in Hungarian. It further asked the Slovak authorities to report on the degree to which the Audiovisual Fund had been used to cover the costs of subtitling.

166. According to the fourth periodical report, in 2012 there were 17 private television channels broadcasting programmes in Hungarian, for a total of 20,121 hours. As to the Audiovisual Fund, the Slovak authorities state that subtitling costs are eligible items in project applications. However, no information is provided on whether funds have been granted for covering the subtitling costs of programmes in Hungarian on private television channels.

167. The Committee of Experts was informed by the Hungarian-speakers that 20 licenses were granted in 2015, but four were suspended. The private television channels broadcasting in Hungarian are regional televisions and limited liability companies. They receive some funds from local authorities, but these are very limited and do not have any impact on the total costs. Half of these regional television stations produce programmes in Hungarian on their own expenses. The obligation to subtitle in Slovak or to re-broadcast the programme makes their task more difficult, as it significantly increases the costs, prevents them from broadcasting live or interactive shows and from attracting advertising. In particular, translations increase the costs with 30-40% and they are borne by the television channels from their own budget. The Audiovisual Fund provides support only to cinema productions. Private television stations do not have access to funding under the subsidy programme of the Office of the Plenipotentiary, as this is only addressed to non-profit and civic associations. An application for the production of the programme in Hungarian was submitted by an NGO and rejected on procedural grounds. The Hungarian-speakers also informed the Committee of Experts that Štúrovo TV was fined by the National Broadcasting Council in 2012 for broadcasting advertisements in Hungarian only and in 2013 for broadcasting several sentences in Hungarian only while interviewing witnesses of an accident. The Committee of Experts was also informed by the Hungarian-speakers that according to new regulations, when broadcasting in an EU language only, subtitling or translation are not required. However, the authorities interpret this regulation as applying only to foreign broadcasters. Moreover, as of 2014, according to an amendment to the Act on Broadcasting and Re-transmission, when allocating licenses for regional and local broadcasting in an EU language, the National Broadcasting Council is required to take into account whether there is a sufficient offer of programmes in Slovak in the respective area.

168. The Committee of Experts reiterates that this undertaking requires the Slovak authorities to encourage and/or facilitate the broadcasting of television programmes in Hungarian on a regular basis.

169. The Committee of Experts considers the undertaking partly fulfilled. The Committee of Experts encourages the Slovak authorities to facilitate the broadcasting of programmes in Hungarian on private television stations on a regular basis, for example by covering the costs of subtitling in Slovak.

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

170. In the third evaluation report, the Committee of Experts asked the Slovak authorities to provide concrete examples of audiovisual works in Hungarian relevant for this undertaking and information on children's programmes in Hungarian. The Committee of Experts also asked for more specific information on how the Audiovisual Fund encourages the production of audiovisual works in Hungarian.

171. According to the fourth periodical report, the Audiovisual Fund is not a specific support mechanism for the production of audio-visual works in minority languages. In 2011, one of its priorities was the support of audiovisual works dealing with national minorities and disadvantaged groups; however, this priority has not been retained thereafter.

172. Specific support for the production of audio-visual works in minority languages may be obtained from the subsidy programme *Culture of National Minorities*, managed by the Office of the Plenipotentiary for National Minorities, which includes a chapter dedicated to "editorial activity, promotion of periodicals and non-periodicals, sound and multimedia carriers, electronic outputs". In 2013-2014, support was granted to the production of two documentary films in Hungarian, one music CD in Hungarian, a bilingual Slovak-Hungarian documentary and a trilingual Hungarian-Slovak-English music CD.

173. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Slovak authorities to further facilitate the production and distribution of audiovisual works in Hungarian.

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

174. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. Nevertheless, it strongly urged the Slovak authorities to create a legal basis for the continued support of newspapers in regional or minority languages. It asked the Slovak authorities to provide information on how public advertising was allocated.

175. According to the fourth periodical report, the subsidy programme managed by the Office of the Plenipotentiary for National Minorities grants financial assistance to publications in minority languages, on the basis of applications and annual projects. No information is provided on how public advertising is allocated.

176. Since newspapers in Hungarian receive support, the Committee of Experts maintains its conclusion that the undertaking is fulfilled at present.

- 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;*

177. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled, as support was granted to written media through the funds for the activities of national minorities. 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.

178. The fourth periodical report does not provide any information in this respect.

179. In light of the information presented under Article 11.1.c ii above, the Committee of Experts asks the Slovak authorities to clarify whether and how the additional costs of broadcasting media in Hungarian, such as those for subtitling, translation or re-transmission, could be covered by the authorities.

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.

180. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled, as one of the members of the Board of Radio and Television belonged to a national minority. Nevertheless, it encouraged 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.

181. There have been no legal changes in the monitoring period. According to the fourth periodical report, in the current legal framework, it is possible for a representative of a national minority to become a member of the Council for Broadcasting and Retransmission, a body responsible for guaranteeing the freedom and pluralism of the media.

182. The Committee of Experts underlines that the undertaking requires the authorities to *ensure* that the interests of the users of minority languages are represented or taken into account. The presence of a person representing national minorities seems to be, in the current framework, more a matter of chance than of a structured approach.

183. The Committee of Experts requests the Slovak authorities to clarify how the interests of the minority languages speakers are taken into consideration within the bodies responsible for guaranteeing the freedom and pluralism of the media, when representation is not ensured.

Article 12 – Cultural activities and facilities

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.

184. In the third evaluation report, the Committee of Experts considered this undertaking fulfilled. However, it asked for specific examples of such cultural activities and facilities concerning Hungarian.

185. The fourth periodical report provides examples of cultural events organised in Bratislava, Sklabiná (Memorial House of Kálmán Mikszáth), Dolná Strehová (Manor House of Imre Madách), Pribelce, Levoča. The Jókai Theatre regularly participates in the *Touches and Connections Festival* in Martin.

186. The Committee of Experts notes that some of these activities concern places where Hungarian is traditionally used. However, others seem to take place outside the areas where Hungarian is traditionally used.

187. 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;*

188. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

189. As noted by the Committee of Experts in its previous evaluation report, the State Language Act requires written legal actions in labour relations to be in Slovak; a copy with an equal content may be drafted in a different language, in addition to the state language. Slovak is 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; versions in other languages with identical content may also be drawn up.

190. As long as the legislation prescribes that Slovak is compulsory in certain documents related to economic and social life, while a minority language can only be used as a “copy with an equal content”, as an unofficial version, the Committee of Experts considers this as a limitation to the use of minority languages. In case of instructions for the use of products or installations, it is unclear whether the relevant information can be presented bilingually.

191. The Committee of Experts 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;*

192. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled, as such prohibitions as required by the undertaking were not expressly laid down in Slovak legislation.

193. The Committee of Experts has not been informed of any such prohibitions laid down in Slovak legislation.

194. Therefore, 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;*

195. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

196. The fourth periodical report reiterates that under the Minority Languages Act, in municipalities which are on the List, 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, while the institution shall allow the use of the minority language “insofar as the

conditions prevailing at the institution so permit.” According to the periodical report, minority languages can be used in practice, since the local staff usually speaks them.

197. The Committee of Experts reiterates that the undertaking requires parties to *ensure* that it is possible to use minority languages in social care facilities. The undertaking thus goes beyond only allowing the use of minority languages, if the conditions permit it. It requires a structured policy in the human resources field, which could include regulations governing the relevant qualifications and take account of a person’s knowledge of minority languages, or facilities and incentives for the existing personnel to improve their minority language skills.

198. The Committee of Experts is aware that the use of Hungarian is possible to some extent, since the Hungarian-speakers naturally are present among the staff of social care facilities in the areas where the minority lives in substantial numbers. The Committee of Experts was, however, informed by the Hungarian-speakers of a case in Nové Zámky/Érsekújvár, where a patient was berated in the emergency room for not speaking proper Slovak and sent for examination elsewhere. The Committee of Experts asks the Slovak authorities to comment on this information.

199. The Committee of Experts considers the undertaking partly fulfilled. It strongly urges the Slovak authorities to adopt a structured policy aimed at ensuring that care facilities, such as hospitals or retirement homes, may receive and treat those concerned in Hungarian in all areas where the Hungarian-speakers are present in sufficient numbers for the purpose of the present undertaking.

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.***

200. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. It requested again the Slovak authorities to provide information, in their next periodical report, on the financial involvement of the Slovak authorities in cross-border cooperation.

201. According to the fourth periodical report, cross-border cooperation activities are financed by the entities involved, from EU funds and from other donors. At intergovernmental level, the relevant ministries participate in co-financing cross-border cooperation activities.

202. The Committee of Experts considers the undertaking fulfilled.

3.2.2 Ruthenian

203. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous evaluation reports and for which it has not received any new elements which would have required a reassessment of its findings in its first report. 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 9.1.d;
 Article 10.5;
 Article 11.2
 Article 12.1.a; d; e; f; g; 12.2;
 Article 13.1.c.

Article 8 – Education

Preliminary issues

204. 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 planned and organised, in co-operation with the speakers. 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 and benefits of minority language education and to encourage them to apply for it.¹⁵

205. In the third monitoring cycle, the Committee of Ministers of the Council of Europe recommended to the Slovak authorities to **“continue efforts 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;**

206. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It strongly urged the Slovak authorities to take measures to ensure that a substantial part of pre-school education was available in Ruthenian and that there was a continuous offer at all levels of education.

207. According to the fourth periodical report, there is one Ruthenian-language kindergarten in Čabiny/Чабины (10 children) and one bilingual Slovak-Ruthenian kindergarten in Bajerovce (six children). The representatives of the Ruthenian speakers have informed the Committee of Experts also about one kindergarten in Snina. It is unclear, however, if the kindergarten in Bajerovce is still functioning since the school has closed (see below).

208. The Committee of Experts is of the view that the current offer is too low, bearing in mind the number of persons belonging to the Ruthenian minority.

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

Primary education

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

210. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It strongly urged the Slovak authorities to take measures to ensure that a substantial part of primary education was available in Ruthenian and that there was a continuous offer at all levels of education.

¹⁵ See 3rd Report of the Committee of Experts on the Slovak Republic, ECRML (2013) 1, paragraph 209, 2nd Report of the Committee of Experts on the Czech Republic, ECRML (2013) 2, paragraph 88.

211. According to the fourth periodical report, there is one Ruthenian language primary school in Čabiny/Чабины (17 pupils in all four grades) and one bilingual Slovak–Ruthenian school in Bajerovce (eight pupils in all four grades, with just one pupil in the first and second grades). The Committee of Experts was informed by representatives of the Ruthenian-speakers that one school in Snina also uses Ruthenian as a language of instruction for some subjects; however, the school in Bajerovce had to close, due to lack of funding. There are also four schools where Ruthenian is taught as a subject.

212. The Committee of Experts considers that the current offer is too low, bearing in mind the number of persons belonging to the Ruthenian minority.

213. According to the fourth periodical report and the information received from Ruthenian-speakers, an NGO founded in Prešov in 2013 offers Ruthenian-language evening courses for children and adults. It also carries out activities to promote Ruthenian and the enrolment of children in Ruthenian-language education. About 400-500 persons attend these courses, which indicates a certain interest and could serve as a basis to develop Ruthenian-language education in the regular school system.

214. 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;*

215. In the third evaluation report, the Committee of Experts considered these undertakings not fulfilled. It strongly urged the Slovak authorities to take measures to ensure that a substantial part of secondary and technical and vocational education was available in Ruthenian and that there was a continuous offer at all levels of education.

216. According to the fourth periodical report and the information received during the on-the-spot visit, no secondary, technical or vocational schools make available at least a substantial part of education in Ruthenian.

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

The Committee of Experts again strongly urges the Slovak authorities to take measures to ensure that a substantial part of pre-school, primary, secondary, 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;*

218. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

219. According to the fourth periodical report, in 2013, the Slovak authorities provided financial support to an NGO for a project proposing Ruthenian language courses to children and adults in several municipalities. There seems to be an increasing interest in these courses.

220. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Slovak authorities to strengthen the offer of Ruthenian in 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;*

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

222. According to the fourth periodical report, the teaching of the history and culture of national minorities is part of cross-sectorial topics (Multicultural Education, Regional Education, Traditional Folk Culture, etc.) or of educational areas such as People and Values, Art and Culture, People and Society. The educational provision for history includes content and requirements related to the history and culture of national minorities. This is a starting point and teaching can be extended and adapted, according to the needs of the pupils and the possibilities of the schools. It is possible to extend the teaching about the history of each national minority, to

increase the number of lessons in the school educational programme or to include relevant topics in history teaching. In addition, the preparation of a handbook/teaching material *Let's Get to Know Each Other – National Minorities* started in 2014. One secondary vocational school in Medzilaborce/ Меджілабірці offers a “History of the Ruthenes” course.

223. According to the information received during the on-the-spot visit, although it is possible for mainstream schools to include teaching about Ruthenian history and culture in their curriculum, this does not happen in practice.

224. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Slovak authorities to strengthen the teaching of the history and culture reflected by the Ruthenian 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;

225. In the third 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 encouraged the Slovak authorities to provide basic and further training of teachers for Ruthenian-language education.

226. According to the fourth periodical report, the Institute of Ruthenian Language and Culture of the University of Prešov prepared teachers of Ruthenian, within the bachelor and master study programme “Ruthenian Language and Literature”. In 2013/2014, there were 22 students on the whole enrolled in this study programme. As far as further training is concerned, the Methodology and Pedagogy Centre in Prešov arranges methodological meetings and educational programmes. Three such programmes, dedicated to teachers of Ruthenian, have been accredited, while five others are under preparation. The Centre employs one teacher in charge of continuing education for teachers of Ruthenian.

227. During the on-the-spot visit, representatives of the Ruthenian-speakers expressed concerns about the lack of qualified teachers, which hinders the development of Ruthenian-language education. They in particular stressed the lack of a training system for pre-school teachers.

228. The Committee of Experts also notes that the undertakings chosen by the Slovak Republic imply the teaching of subjects in Ruthenian, not only of Ruthenian language a subject. Therefore, a system of training teachers able to teach subjects in Ruthenian needs to be in place.

229. The Committee of Experts considers this undertaking partly fulfilled. It urges the Slovak authorities to provide basic and further training of teachers for Ruthenian-language education from pre-school to secondary 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.

230. In the third 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 in minority language education**”. Furthermore, the Committee of Experts urged 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.

231. According to the fourth periodical report, in 2013 the Minister of Education established an Advisory Council on education for national minorities and the implementation of the Charter. In addition, the periodical report refers to the role of the State School Inspection in assessing the development of minority language education.

232. The Committee of Experts underlines that this undertaking requires a body that monitors, evaluates and analyses the measures taken and the progress achieved with regard to minority language education. Monitoring has to be reflected in published periodical reports. The reports should, among others, contain information on the extent and availability of teaching in Ruthenian, together with information on language proficiency, teacher supply and the provision of teaching materials.

233. While the setting up of an Advisory Council is a welcome step for the promotion of minority language education, it is not clear to what extent this structure fulfils the requirements of the undertaking.

234. The Committee of Experts asks the Slovak authorities to clarify the tasks and role of the Advisory Council in monitoring minority language education, as required by the undertaking.

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

235. In the third evaluation report, the Committee of Experts considered these undertakings partly fulfilled. It strongly urged the Slovak authorities to guarantee the right of the accused to use Ruthenian in 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 the criminal prosecution. In addition, the Committee of Experts strongly 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. Furthermore, it encouraged the Slovak authorities to take proactive measures facilitating the implementation of these undertakings in practice and asked them to provide detailed information in this respect in the next periodical report. The Committee of Experts also encouraged the Slovak authorities to take measures to ensure that a sufficient number of trained interpreters are available.

236. There have not been any relevant legal changes in the monitoring period. According to the Slovak authorities, the current legal framework does not pose in practice any restrictions to the use of minority languages in criminal proceedings. The Committee of Experts has not received information about proactive measures taken to facilitate the implementation of these undertakings. The Committee of Experts asks the Slovak authorities to provide information on the measures facilitating the implementation of these undertakings in practice.

237. With respect to the interpreters and translators, the periodical report indicates that their names are registered in a list kept by the Ministry of Justice. If the list does not contain any interpreters or translators for a specific language, the court is still under an obligation to ensure interpretation and usually turns to universities for support.

238. The Committee of Experts underlines that, in accordance with the Charter, the right to use Ruthenian has to be guaranteed irrespective of the person's command of Slovak.

239. The Committee of Experts considers these undertakings partly fulfilled. It strongly urges the Slovak authorities to guarantee in the legislation the right of the accused to use Ruthenian in criminal proceedings irrespective of whether he or she has a command of Slovak and 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.

- 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;*

240. In the third evaluation report, the Committee of Experts considered these undertakings partly fulfilled. It encouraged the Slovak authorities to take proactive measures facilitating the implementation of these undertakings in practice and asked them to provide detailed information in this respect in the next periodical report. The Committee of Experts also encouraged the Slovak authorities to take measures to ensure that a sufficient number of trained interpreters are available.

241. The fourth periodical report does not provide any information about the use of Ruthenian in civil and administrative proceedings in practice, or about proactive measures taken to facilitate the implementation of these undertakings.

242. The Committee of Experts maintains its previous conclusion that the undertakings are partly fulfilled. It asks the Slovak authorities to provide information on the measures facilitating the implementation of these undertakings in practice.

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.

243. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled.

244. According to the fourth periodical report, no legal texts have been translated into Ruthenian.

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

Article 10 – Administrative authorities and public services

Preliminary issues

246. Article 10 of the Charter applies in those territories where the minority language speakers represent a sufficient number for the purpose of the undertakings entered into by the Slovak Republic, irrespective of any thresholds or other conditions provided for by national legislation.

247. In the Slovak Republic, the use of minority languages in relations with local branches of the State administration and local or regional authorities is possible in municipalities set out in the List established by the Government (see Chapter 1.3.2). As far as regional authorities – regional council and president of the region – are concerned, however, none has their seat in such a municipality. As for the other municipalities, it is possible to use minority languages orally in relations with the administration, if the civil servant and the persons involved so agree.

248. In the third 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;*

249. In the third evaluation report, the Committee of Experts, in lack of any information on the practical implementation, considered the undertaking not fulfilled. It urged 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 legislation.

250. According to the fourth periodical report, Ruthenian is used, in addition to Slovak, in the district offices of Svidník, Prešov, Humenné and its branch in Medzilaborce/Меджілабірці, as well in the cadastral offices of Medzilaborce/Меджілабірці and Prešov.

251. 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 Ruthenian-speakers may submit oral or written applications to local offices of state authorities and receive a reply in Ruthenian wherever there is a sufficient number of speakers for the purpose of the present undertaking, irrespective of any thresholds.

Paragraph 2

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

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

252. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. It strongly urged 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.

253. The fourth periodical report does not contain any specific information in this respect. According to the Authorities' Survey¹⁶, it is possible to use Ruthenian in communication with the authorities in 33 municipalities. Three municipalities accept oral and written applications, while 21 accept oral applications. Only three municipalities make available forms in Ruthenian. Nine municipalities inform about the possibility of using Ruthenian in relations with the administration. The municipalities have among their employees Ruthenian-speakers. During the on-the-spot visit, the Ruthenian-speakers confirmed that Ruthenian is used to some extent in practice in relations with local authorities.

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

The Committee of Experts strongly urges the Slovak authorities to take the necessary legal and organisational measures so that Ruthenian-speakers may submit oral or written applications in Ruthenian to local and regional authorities wherever there is a sufficient number of speakers for the purpose of the present undertaking, irrespective of any thresholds.

- 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;*

255. In the third evaluation report, the Committee of Experts considered the undertakings not fulfilled. It strongly 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 also in Ruthenian, irrespective of the 20% threshold.

256. The fourth periodical report does not contain any specific information in this respect. According to the Authorities' Survey, only one municipality keeps records or issues regulations also in Ruthenian. No municipality issues decisions or birth, marriage, or death certificates also in Ruthenian.

257. In view of the very limited practice, the Committee of Experts maintains its previous conclusion that the undertakings are not fulfilled. It again 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, wherever there is a sufficient number of speakers, irrespective of any thresholds.

¹⁶ In the case of Ruthenian, out of the 68 municipalities on the List, 49 replied to the questionnaire sent by the national authorities.

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;

258. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

259. According to the fourth periodical report, in municipalities which are on the List, 42% of the local council meetings are held in Ruthenian and 17% bilingually, in Slovak and Ruthenian.

260. 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.

261. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It strongly urged 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.

262. The fourth periodical report contains no specific information in this respect. According to the Authorities' Survey, the name of the municipality is displayed in Ruthenian on road signs at the entrance and at the exit of 25 municipalities. Street names are not displayed in Ruthenian in any municipality. During the on-the-spot visit, the Ruthenian-speakers informed the Committee of Experts that mayors see as problematic the setting up of place-name signs in Ruthenian.

263. The Committee of Experts reiterates its observations that the names in the minority language appear on separate and very small place-name signs. This does not meet the purpose of this undertaking, which is to give the minority language public visibility. The Committee of Experts underlines that the term "place-names" within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names in that municipality that can be officially used, for example in texts produced by the local authority (e.g. documents, forms, public relations material, websites) or in signage (e.g. street name signs, signposts and public transport signs, inscriptions for tourists).¹⁷

264. The Committee of Experts considers this undertaking partly fulfilled. It again 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 wherever there is a sufficient number of speakers, irrespective of any thresholds.

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.

265. In the third evaluation report, the Committee of Experts, in lack of any information concerning its practical implementation, considered this undertaking not fulfilled. It encouraged the Slovak authorities to allow Ruthenian-speakers to submit requests 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.

266. According to the fourth periodical report and the Minority Languages Act, minority language speakers are entitled to submit requests to the "legal entity set up by the local authority" and receive replies in their mother tongue. It is not possible to use a minority language when addressing corporate entities established by law (e.g. public universities, post offices, the Social Insurance, Slovak Railways).¹⁸ The report does not provide any information on the use of Ruthenian in practice in relations with public services.

267. The Committee of Experts reiterates that this undertaking concerns public services such as railways, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, sporting facilities or entertainment venues. It asks the authorities to provide information on the use of Ruthenian in practice in communication with such public services.

¹⁷ See, for example, 2nd Report of the Committee of Experts on the Slovak Republic, ECRML(2009) 8, paragraph 232, 1st report of the Committee of Experts on Romania, ECRML (2012) 3, paragraph 156.

¹⁸ See 3rd report of the Committee of Experts on the Slovak Republic, ECRML (2013) 1, paragraph 282.

268. The Committee of Experts considers the undertaking not fulfilled. It urges the Slovak authorities to enable Ruthenian-speakers to submit requests in Ruthenian to public services wherever there is a sufficient number of speakers, irrespective of any thresholds.

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;

269. In the third evaluation report, the Committee of Experts considered the undertaking formally fulfilled.

270. Since some undertakings in Article 10.1 and 10.2 are partly fulfilled, the Committee of Experts considers this 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.

271. In the third evaluation report, the Committee of Experts considered the undertaking formally fulfilled.

272. According to the information received from the Slovak authorities, civil servants speaking a minority language may request to be appointed in territories where the minority language is used. However, whether such requests are complied with depends on the staff situation and available positions in the respective office.

273. The Committee of Experts asks the Slovak authorities to provide examples of cases where civil servants speaking Ruthenian have been appointed, upon request, in the territory where this language is used.

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;

274. In the third 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 “**within available means promote and support the improvement of the provision of public sector television and radio in all minority languages**”. Furthermore, the Committee of Experts strongly urged the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Ruthenian language on public television.

275. According to the fourth periodical report, Slovak Television broadcast 21 hours/year in Ruthenian and Ukrainian in 2012, 19 hours/year in Ruthenian in 2013 and 17 hours/year in Ruthenian in 2014. Children’s programmes are only broadcast by Slovak Radio, which also produces them.

276. The Committee of Experts considers that the amount of television broadcasting is too low, bearing in mind the number of Ruthenian-speakers and the need to have an effective impact on the protection and promotion of the language.

277. The Committee of Experts considers the undertaking fulfilled for radio and partly fulfilled for television.

The Committee of Experts again 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;**
- c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;**

278. In the third evaluation report, the Committee of Experts encouraged the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in Ruthenian on private radio stations and television channels on a regular basis, such as financial incentives or licensing criteria.

279. According to the fourth periodical report, commercial electronic media broadcasting does not receive any support from the authorities, irrespective of the language of the broadcast. Financial assistance is provided only to the production of programmes and audio-visual works. The Committee of Experts has not been informed of any private radio stations or television channels broadcasting programmes in Ruthenian.

280. The Committee of Experts considers the undertakings not fulfilled. It encourages the Slovak authorities to facilitate the broadcasting of programmes in Ruthenian on private radio stations and television channels 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;**

281. In the third evaluation report, the Committee of Experts asked the authorities to provide concrete examples of audiovisual works in Ruthenian relevant for this undertaking and on children's programmes in Ruthenian. The Committee of Experts also asked for more specific information on how the Audiovisual Fund encourages the production of audiovisual works in Ruthenian.

282. According to the information received from the Slovak authorities, support was granted in 2013-2014 to the production of two music CDs in Ruthenian and of two multilingual music CDs. The Ruthenian-speakers have also informed the Committee of Experts that the authorities grant support to one Ruthenian internet radio.

283. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Slovak authorities to further encourage the production and distribution of audiovisual works in Ruthenian.

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

284. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Slovak authorities to take appropriate measures to enable at least one newspaper to be published in Ruthenian with sufficient frequency.

285. According to the fourth periodical report, the Slovak authorities provide financial support to the publication of three periodicals in Ruthenian: the monthly *Narodny novinky*, the bimonthly *Rusín* and the quarterly *ARTOS*.

286. The Committee of Experts was informed by the Ruthenian-speakers that the funds from the authorities are transferred very late, in the second half of the year. Under these circumstances, it is very difficult to develop the Ruthenian written media and to attract and employ young journalists.

287. The Committee of Experts reiterates that, in accordance with the Charter, a newspaper has to be published at least weekly. This is not the case for any publication in Ruthenian.

288. The Committee of Experts considers the undertaking not fulfilled. It urges 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;**

289. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Slovak authorities to apply existing measures for financial assistance to audiovisual works in Ruthenian and to provide concrete examples in the next periodical report.

290. According to the fourth periodical report, in 2009, the Audio-Visual Fund provided support to the production of the documentary *Osadné*, where both Ruthenian and Slovak are used.

291. Due to the lack of recent financial assistance to audio-visual productions in Ruthenian, the Committee of Experts considers the undertaking not 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.

292. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. Nevertheless, it encouraged the Slovak authorities to ensure that the interests of the users of regional or minority languages were represented or taken into account within the bodies responsible for guaranteeing the freedom and pluralism of the media.

293. There have been no legal changes in the monitoring period. According to the fourth periodical report, in the current legal framework, it is possible for a representative of a national minority to become a member of the Council for Broadcasting and Retransmission, a body responsible for guaranteeing the freedom and pluralism of the media. The presence of a person representing national minorities seems to be, in the current framework, more a matter of chance than of a structured approach.

294. The Committee of Experts requests the Slovak authorities to clarify how the interests of the minority language speakers are taken into consideration within the bodies responsible for guaranteeing the freedom and pluralism of the media, when representation is not ensured.

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;*

295. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Slovak authorities to foster access in other languages to works produced in Ruthenian.

296. According to the information received from the Slovak authorities, in 2013-2014, the subsidy programme *Culture of National Minorities* provided funds for the publication of two bilingual Ruthenian-Slovak and two trilingual Ruthenian-Slovak-English literary works. The Audiovisual Fund can also be used for producing audio-visual works in languages other than Slovak and for covering subtitling costs, but no specific information on Ruthenian has been provided.

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

- 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;*

298. In the third evaluation report, the Committee of Experts considered this undertaking fulfilled, but requested again the Slovak authorities to include information about dubbing, post-synchronisation and subtitling activities in the next periodical report.

299. The fourth periodical report refers to the Audiovisual Fund, which can be used for producing audio-visual works also in languages other than Slovak and for covering subtitling costs. However, no specific information on Ruthenian has been provided.

300. In view of the repeated lack of information, the Committee of Experts revises its previous conclusion and considers the undertaking partly fulfilled. It asks the Slovak authorities to provide examples of translation of literary works and dubbing, post-synchronisation and subtitling in Ruthenian of works produced in other languages.

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.

301. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. However, it asked for specific examples concerning Ruthenian.

302. The fourth periodical report does not provide any relevant information in this respect.

303. The Committee of Experts asks again the Slovak authorities to provide examples of how they make appropriate provision for Ruthenian in the cultural policy abroad.

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;*

304. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

305. As noted by the Committee of Experts in its previous evaluation report, the State Language Act requires written legal actions in labour relations to be in Slovak; a copy with an equal content may be drafted in a different language, in addition to the state language. Slovak is 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; versions in other languages with identical content may also be drawn up.

306. As long as the legislation prescribes that Slovak is compulsory in certain documents related to economic and social life, while a minority language can only be used as a “copy with an equal content”, as an unofficial version, the Committee of Experts considers this as a limitation to the use of minority languages. In case of instructions for the use of products or installations, it is unclear whether the relevant information can be presented bilingually.

307. The Committee of Experts 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;*

308. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled, as such prohibitions as required by the undertaking were not expressly laid down in the Slovak legislation.

309. The Committee of Experts has not been informed of any such prohibitions laid down in Slovak legislation.

310. Therefore, 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;*

311. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

312. The fourth periodical report reiterates that under the Minority Languages Act, in municipalities which are on the List, 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, while the institution shall allow the use of the minority language “insofar as the conditions prevailing at the institution so permit.” According to the periodical report, minority languages can be used in practice, since the local staff usually speaks them.

313. The Committee of Experts reiterates that the undertaking requires parties to *ensure* that it is possible to use minority languages in social care facilities. The undertaking thus goes beyond only allowing the use of minority languages, if the conditions permit it. It requires a structured policy in the human resources field, which could include regulations governing the relevant qualifications and take account of a person’s knowledge of minority languages, or facilities and incentives for the existing personnel to improve their minority language skills.

314. The Committee of Experts maintains its previous conclusion that the undertaking is not fulfilled. It strongly urges the Slovak authorities to adopt a structured policy aimed at ensuring that care facilities such as hospitals or retirement homes may receive and treat those concerned in Ruthenian in all areas where the Ruthenian-speakers are present in sufficient numbers for the purpose of the present undertaking.

Article 14 – Transfrontier exchanges

The Parties undertake:

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

315. In the third evaluation report, the Committee of Experts requested again the Slovak authorities to clarify in what way contacts between Ruthenian-speakers in the Slovak Republic and Ruthenian-speakers in other states where Ruthenian is spoken have been concretely fostered in the framework of the existing bilateral and multilateral agreements.

316. The fourth periodical report does not contain any relevant information in this respect.

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

3.2.3 Ukrainian

318. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous evaluation reports and for which it has not received any new elements which would have required a reassessment of its findings in its first report. 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 9.1.d;
 Article 10.5;
 Article 11.2;
 Article 12.1.a; d; e; f; g; 12.2; 12.3;
 Article 13.1.c;
 Article 14 a.

Article 8 – Education

Preliminary issues

319. 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 planned and organised, in co-operation with the speakers. 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 and benefits of minority language education and to encourage them to apply for it.¹⁹

320. In the third monitoring cycle, the Committee of Ministers of the Council of Europe recommended to the Slovak authorities to **“continue efforts 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;**

321. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It urged the Slovak authorities to increase the offer of pre-school education in Ukrainian and to ensure continuity of Ukrainian-language education at all levels of education.

322. The fourth periodical report does not contain any specific information in this respect. It indicates, however, that one kindergarten providing instruction in Ukrainian closed for financial reasons. Representatives of the Ukrainian-speakers informed the Committee of Experts that Ukrainian is used to a very limited extent in kindergartens, mainly for songs and stories.

323. The Committee of Experts considers the undertaking partly fulfilled at present. It asks the Slovak authorities to provide information on the number of kindergartens making available a substantial part of education in Ukrainian.

Primary education

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

¹⁹ See 3rd Report of the Committee of Experts on the Slovak Republic, ECRML (2013) 1, paragraph 363, 2nd Report of the Committee of Experts on the Czech Republic, ECRML (2013) 2, paragraph 88.

324. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It urged the Slovak authorities to increase the offer of primary education in Ukrainian and to ensure continuity of Ukrainian-language education at all levels of education. The Committee of Experts asked the Slovak authorities to provide information on which subjects are taught in Ukrainian in primary education.

325. According to the fourth periodical report, at the first level of primary school all subjects are taught in Ukrainian, while at the second level, only Ukrainian Language and Literature and the so-called “educational subjects” (e.g. music, physical education, religion, ethics, education by art) are taught in Ukrainian. The report does not provide any information on the number of schools offering a substantial part of education in Ukrainian. It indicates, however, that schools use an important part of their funds for teaching in or of Ukrainian. Therefore, schools, in particular those with a low and decreasing number of pupils, which will receive lower levels of funding, consider giving up Ukrainian-language education or have already done so (for example, the kindergarten and elementary school in Nižná Polianka, Bardejov district). The Committee of Experts underlines that the authorities need to take special measures to support minority language education.

326. The Ukrainian-speakers are also concerned about the closing of schools in recent years, a process that has weakened Ukrainian-language education.

327. The Committee of Experts considers the undertaking partly fulfilled at present. It asks the Slovak authorities to provide information on the number of primary schools making available a substantial part of education in Ukrainian, as well as on the share of subjects taught in Ukrainian.

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

328. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. It urged the Slovak authorities to increase the offer of secondary education in Ukrainian and to ensure continuity of Ukrainian-language education at all levels of education. The Committee of Experts asked the Slovak authorities to provide information on which subjects are taught in Ukrainian in secondary education.

329. According to the fourth periodical report, at one school in Prešov, only Ukrainian Language and Literature and the “educational subjects” are taught in Ukrainian.

330. The Committee of Experts cannot conclude on the fulfilment of the undertaking. It asks the Slovak authorities to clarify the share of subjects taught in Ukrainian.

Technical and vocational education

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

331. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It urged the Slovak authorities to increase the offer of technical and vocational education in Ukrainian and to ensure continuity of Ukrainian-language education at all levels of education.

332. The fourth periodical report does not provide any information in this respect. According to the Ukrainian-speakers, no schools provide any substantial part of technical or vocational education in Ukrainian.

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

The Committee of Experts strongly urges the Slovak authorities to increase the offer of pre-school, primary, 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;*

334. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

335. The fourth periodical does not provide any information in this respect.

336. The Committee of Experts maintains its previous conclusion and considers the undertaking partly fulfilled. It encourages the Slovak authorities to offer Ukrainian 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;

337. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It asked the Slovak authorities to provide more information on how the national curricula ensures in practice specific teaching about the Ukrainian history and culture.

338. According to the fourth periodical report, the teaching of the history and culture of national minorities is part of cross-sectorial topics (Multicultural Education, Regional Education, Traditional Folk Culture, etc.) or of educational areas such as People and Values, Art and Culture, People and Society. The educational provision for history includes content and requirements related to the history and culture of national minorities. This is a starting point and teaching can be extended and adapted, according to the needs of the pupils and the possibilities of the schools. It is possible to extend the teaching about the history of each national minority, to increase the number of lessons in the school educational programme or to include relevant topics in history teaching. In addition, the preparation of a handbook/teaching material *Let's Get to Know Each Other – National Minorities* started in 2014.

339. The Committee of Experts has, however, not received any information on whether teaching about the Ukrainian history and culture takes place in practice.

340. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Slovak authorities to strengthen the teaching of the history and culture reflected by the Ukrainian 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;

341. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the authorities to provide basic and further training of teachers for Ukrainian language education.

342. According to the fourth periodical report, the Methodology and Pedagogy Centre in Prešov offers further training focused on the Ukrainian language and has one employee in charge of such courses. In 2013, seven teachers of Ukrainian completed a training programme dedicated to the development of communication skills during lessons of Ukrainian. The same year, a seminar on national minority education in the Slovak Republic and neighbouring countries was organised. A cooperation agreement with the Trans-Carpathian Institute of Post-Graduate Education in Uzhhorod (Ukraine) is under preparation.

343. The Committee of Experts notes that the undertakings chosen by the Slovak Republic imply teaching of subjects in Ukrainian, not only of Ukrainian language as a subject. Therefore, a system of training teachers able to teach subjects in Ukrainian needs to be in place.

344. The Committee of Experts considers this undertaking partly fulfilled. It urges the Slovak authorities to provide basic and further training of teachers for Ukrainian-language education from pre-school to secondary 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.

345. In the third 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 in minority language education**". Furthermore, the Committee of Experts urged 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.

346. According to the fourth periodical report, in 2013, the Minister of Education established an Advisory Council on education for national minorities and the implementation of the Charter. In addition, the periodical report refers to the role of the State School Inspection in assessing the development of minority language education.

347. The Committee of Experts underlines that this undertaking requires a body that monitors, evaluates and analyses the measures taken and the progress achieved with regard to minority language education.

Monitoring has to be reflected in published periodical reports. The reports should, among others, contain information on the extent and availability of teaching in Ukrainian, together with information on language proficiency, teacher supply and the provision of teaching materials.

348. While the setting up of an Advisory Council is a welcome step for the promotion of minority language education, it is not clear to what extent this structure fulfils the requirements of the undertaking.

349. The Committee of Experts asks the Slovak authorities to clarify the tasks and role of the Advisory Council in monitoring minority language education, as required by the undertaking.

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; and/or*

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

350. In the third evaluation report, the Committee of Experts considered these undertakings not fulfilled. It strongly urged the Slovak authorities to guarantee the right of the accused to use Ukrainian in criminal proceedings irrespective of whether he or she has a command of Slovak and to ensure that the accused will be specifically informed of this right as of the beginning of the criminal prosecution. In addition, the Committee of Experts strongly 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. Furthermore, the Committee of Experts encouraged the Slovak authorities to take proactive measures facilitating the implementation of these undertakings in practice and asked them to provide detailed information in this respect in the next periodical report. The Committee of Experts encouraged the Slovak authorities to take measures to ensure that a sufficient number of trained interpreters were available.

351. There have not been any relevant legal changes in the monitoring period. According to the Slovak authorities, the current legal framework does not pose any restrictions in practice to the use of minority languages in criminal proceedings. The Committee of Experts has not received any information about proactive measures taken to facilitate the implementation of these undertakings. It asks the Slovak authorities to provide information on the measures facilitating the implementation of these undertakings in practice.

352. The fourth periodical report indicates that interpreters and translators for Ukrainian are trained by the University of Prešov.

353. According to the information received during the on-the-spot visit, Ukrainian is not used in practice in proceedings before judicial authorities.

354. The Committee of Experts underlines that, in accordance with the Charter, the right to use Ukrainian has to be guaranteed irrespective of the person's command of Slovak.

355. The Committee of Experts considers the undertaking not fulfilled. It strongly urges the Slovak authorities to guarantee in the legislation the right of the accused to use Ukrainian in criminal proceedings irrespective of whether he or she also has a command of Slovak and 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.

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;

356. In the third evaluation report, the Committee of Experts considered these undertakings formally fulfilled. It encouraged the Slovak authorities to take proactive measures facilitating the implementation of these undertakings in practice and asked them to provide detailed information in this respect in the next periodical report. The Committee of Experts encouraged the authorities to take measures to ensure that a sufficient number of trained interpreters were available.

357. The fourth periodical report does not provide any information about the use of Ukrainian in civil and administrative proceedings in practice, or about proactive measures taken to facilitate the implementation of these undertakings. According to the information received during the on-the-spot visit, Ukrainian is not used in practice in proceedings before judicial authorities.

358. The Committee of Experts considered these undertakings formally fulfilled. It asks the Slovak to provide information on the measures facilitating the implementation of these undertakings in practice.

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.

359. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled.

360. According to the fourth periodical report, no translations to Ukrainian have been made.

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

Article 10 – Administrative authorities and public services

Preliminary issues

362. Article 10 of the Charter applies in those territories where the minority language speakers represent a sufficient number for the purpose of the undertakings entered into by the Slovak Republic, irrespective of any thresholds or other conditions provided for by national legislation.

363. In the Slovak Republic, the use of minority languages in relations with local branches of the State administration and local or regional authorities is possible in municipalities set out in the List established by the Government (see Chapter 1.3.2). As far as regional authorities – regional council and president of the region – are concerned, however, none has their seat in such a municipality. As for the other municipalities, it is possible to use minority languages orally in relations with the administration, if the civil servant and the persons involved so agree.

364. In the third 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;*

365. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged 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.

366. According to the fourth periodical report, no requests have been made to use Ukrainian in communicating with administrative authorities, since all persons belonging to the Ukrainian minority speak Slovak. The Committee of Experts underlines that the Charter aims to promote the use of minority languages in public life and the fact that the minority language speakers are fluent in the official language does not mean that these languages should not be actively promoted.²⁰

367. 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 Ukrainian-speakers may submit oral or written applications to local offices of state authorities and receive a reply in Ukrainian, wherever there is a sufficient number of speakers for the purpose of the present undertaking, irrespective of thresholds.

Paragraph 2

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

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

368. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled at local level and not fulfilled at regional level. It strongly 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; 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.

369. The fourth periodical does not provide any specific information in this respect. According to the Authorities' Survey²¹, Ukrainian can be used in official contacts in three municipalities. Four municipalities accept oral applications in Ukrainian. Only one municipality informs about the possibility of using Ukrainian in communication. No municipality provides forms in Ukrainian.

370. 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 Ukrainian-speakers may submit oral or written applications in Ukrainian to local and regional authorities wherever there is a sufficient number of speakers for the purpose of the present undertaking, irrespective of any thresholds.

- 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;*

371. In the third evaluation report, the Committee of Experts considered the undertakings not fulfilled. It strongly 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 also in Ukrainian, irrespective of the 20% threshold.

372. The fourth periodical does not provide any specific information in this respect. According to the Authorities' Survey, no municipality publishes regulations, decisions or certificates also in Ukrainian.

²⁰ See 1st Report of the Committee of Experts on Denmark, ECRML (2004) 2, paragraph 21, 2nd report of the Committee of Experts on the Czech Republic, paragraph 66.

²¹ In the case of Ukrainian, out of the 18 municipalities on the List, 16 replied to the questionnaire sent by the national authorities.

373. The Committee of Experts considers the undertakings not fulfilled. The Committee of Experts again 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, wherever there is a sufficient number of speakers, irrespective of any thresholds.

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;

374. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the Slovak authorities to encourage the use of Ukrainian by local authorities in debates in their assemblies, irrespective of the 20% threshold.

375. The fourth periodical does not provide any specific information in this respect. According to the Authorities' Survey, in five municipalities Ukrainian is used in debates in the local council.

376. 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.

377. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It strongly urged the Slovak authorities to take the necessary measures to encourage the use of traditional and correct forms of place names in Ukrainian within the meaning of the present undertaking and irrespective of the 20% threshold.

378. The fourth periodical does not provide any specific information in this respect. According to the Authorities' Survey, three municipalities display their names in Ukrainian. No municipality displays street names in Ukrainian.

379. The Committee of Experts reiterates its observations that the names in the minority language appear on separate and very small place-name signs. This does not meet the purpose of this undertaking, which is to give the minority language public visibility. The Committee of Experts underlines that the term "place-names" within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names in that municipality that can be officially used, for example in texts produced by the local authority (e.g. documents, forms, public relations material, websites) or in signage (e.g. street name signs, signposts and public transport signs, inscriptions for tourists).²²

380. The Committee of Experts considers the undertaking partly fulfilled. It again strongly urges the Slovak authorities to take the necessary measures to encourage the use of traditional and correct forms of place names in Ukrainian within the meaning of the present undertaking, wherever there is a sufficient number of speakers, irrespective of any thresholds.

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.

381. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Slovak authorities to allow Ukrainian-speakers to submit requests 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.

382. According to the fourth periodical report and the Minority Languages Act, minority language speakers are entitled to submit requests to the "legal entity set up by the local authority" and receive replies in their mother tongue. It is not possible to use a minority language when addressing corporate entities established by law (e.g. public universities, post offices, the Social Insurance, Slovak Railways).²³ The report does not provide any information on the use of Ukrainian in practice in relations with public services.

²² See, for example, 2nd Report of the Committee of Experts on the Slovak Republic, ECRML (2009) 8, paragraph 232, 1st Report of the Committee of Experts on Romania, ECRML (2012) 3, paragraph 156.

²³ See also 3rd Report of the Committee of Experts on the Slovak Republic ECRML (2013) 1, paragraph 441.

383. The Committee of Experts reiterates that this undertaking concerns public services such as railways, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, sporting facilities or entertainment venues. It asks the Slovak authorities to provide information on the use of Ukrainian in practice in communication with such public services.

384. The Committee of Experts considers the undertaking not fulfilled. It urges the Slovak authorities to enable Ukrainian-speakers to submit requests in Ukrainian to public services wherever there is a sufficient number of speakers, irrespective of any thresholds.

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;

385. In the third evaluation report, the Committee of Experts considered the undertaking formally fulfilled.

386. In light of the very limited implementation of the undertakings in Article 10.1, 10.2 and 10.3, the Committee of Experts maintains its previous conclusion that the undertaking is 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.

387. In the third evaluation report, in view of the repeated lack of information, the Committee of Experts considered the undertaking not fulfilled.

388. According to the information received from the Slovak authorities, civil servants speaking a minority language may request to be appointed in territories where the minority language is used. However, whether such requests are complied with depends on the staff situation and available positions in the respective office.

389. The Committee of Experts asks the Slovak authorities to provide examples of cases where civil servants speaking Ukrainian have been appointed, upon request, in the territory where this language is used.

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;

390. In the third 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 “**within available means promote and support the improvement of the provision of public sector television and radio in all minority languages**”. Furthermore, the Committee of Experts strongly urged the Slovak authorities to increase the broadcasting time and the frequency of the time-slots allocated to the Ukrainian language on public television.

391. According to the fourth periodical report, Slovak Television broadcast 21 hours/year in Ukrainian and Ruthenian in 2012, 17 hours/year in Ukrainian in 2013 and 15 hours/year in Ukrainian in 2014. Children’s programmes are only broadcast by Slovak Radio, which also produces them.

392. The Committee of Experts considers that the amount of television broadcasting is too low to have an effective impact on the protection and promotion of the language.

393. The Committee of Experts considers the undertaking fulfilled for radio and partly fulfilled for television.

The Committee of Experts again 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;**
- c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;**

394. In the third monitoring cycle, the Committee of Experts encouraged the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in Ukrainian on private radio stations and television channels on a regular basis, such as financial incentives or licensing criteria.

395. According to the fourth periodical report, commercial electronic media broadcasting does not receive any support from the authorities, irrespective of the language of the broadcast. Financial assistance is provided only to the production of programmes and audio-visual works. The Committee of Experts has not been informed of any private radio stations or television channels broadcasting programmes in Ukrainian.

396. The Committee of Experts considers the undertakings not fulfilled. It encourages the Slovak authorities to facilitate the broadcasting of programmes in Ukrainian on private radio stations and television channels 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;**

397. In the third evaluation report, the Committee of Experts asked the Slovak authorities to provide concrete examples of audiovisual works in Ukrainian relevant for this undertaking and on children's programmes in Ukrainian. The Committee of Experts also asked for more specific information on how the Audiovisual Fund encourages the production of audiovisual works in Ukrainian.

398. According to the information received from the Slovak authorities, support was granted in 2013-2014 to the production of one bilingual Ukrainian-Slovak music CD.

399. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Slovak authorities to further encourage the production and distribution of audiovisual works in Ukrainian.

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

400. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. It strongly urged the Slovak authorities to take appropriate measures to enable at least one newspaper to be published in Ukrainian with sufficient frequency.

401. According to the fourth periodical report, the Slovak authorities provide financial support to the publication of two periodicals in Ukrainian: the biweekly *Nove žytt'a* and the monthly *Veselka*, dedicated to primary school pupils.

402. The Committee of Experts reiterates that, in accordance with the Charter, a newspaper has to be published at least weekly. This is not the case for any publication in Ukrainian.

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

404. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Slovak authorities to apply existing measures for financial assistance to audiovisual works in Ukrainian and to provide concrete examples in the next periodical report.

405. According to the fourth periodical report, in 2009, the Audio-Visual Fund provided support to the documentary *Hranica*, where Ukrainian is used in addition to Slovak.

406. Due to the lack of recent financial assistance to audio-visual productions in Ukrainian, the Committee of Experts considers the undertaking not 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.

407. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. Nevertheless, it encouraged 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.

408. There have not been any legal changes in the monitoring period. According to the fourth periodical report, in the current legal framework, it is possible for a representative of a national minority to become a member of the Council for Broadcasting and Retransmission, a body responsible for guaranteeing the freedom and pluralism of the media. The presence of a person representing national minorities seems to be, in the current framework, more a matter of chance than of a structured approach.

409. The Committee of Experts requests the Slovak authorities to clarify how the interests of the minority languages speakers are taken into consideration within the bodies responsible for guaranteeing the freedom and pluralism of the media, when representation is not ensured.

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;*

410. In the third evaluation report, the Committee of Experts considered the undertakings not fulfilled. It encouraged the Slovak authorities to foster access in other languages to works produced in Ukrainian and vice versa.

411. In the fourth periodical report, the authorities refer to the possibility of covering subtitling costs in the framework of the Audiovisual Fund. No specific information has been provided for Ukrainian.

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

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;*

413. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

414. As noted by the Committee of Experts in its previous evaluation report, the State Language Act requires written legal actions in labour relations to be in Slovak; a copy with an equal content may be drafted in a different language, in addition to the state language. Slovak is 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; versions in other languages with identical content may also be drawn up.

415. As long as the legislation prescribes that Slovak is compulsory in certain documents related to economic and social life, while a minority language can only be used as a “copy with an equal content”, as an unofficial version, the Committee of Experts considers this as a limitation to the use of minority languages. In case of instructions for the use of products or installations, it is unclear whether the relevant information can be presented bilingually.

416. The Committee of Experts 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;

417. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled, as such prohibitions as required by the undertaking are not expressly laid down in Slovak legislation.

418. The Committee of Experts has not been informed of any such prohibitions laid down in Slovak legislation.

419. Therefore, 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;

420. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

421. The fourth periodical report reiterates that under the Minority Languages Act, in municipalities which are on the List, 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, while the institution shall allow the use of the minority language “insofar as the conditions prevailing at the institution so permit.” According to the periodical report, minority languages can be used in practice, since the local staff usually speaks them.

422. The Committee of Experts reiterates that the undertaking requires parties to *ensure* that it is possible to use minority languages in social care facilities. The undertaking thus goes beyond only allowing the use of minority languages, if the conditions permit it. It requires a structured policy in the human resources field, which could include regulations governing the relevant qualifications and take account of a person’s knowledge of minority languages, or facilities and incentives for the existing personnel to improve their minority language skills.

423. The Committee of Experts considers the undertaking partly fulfilled. It strongly urges the Slovak authorities to adopt a structured policy aimed at ensuring that care facilities, such as hospitals or retirement homes, may receive and treat those concerned in Ukrainian in all areas where the Ukrainian-speakers are present in sufficient numbers for the purpose of the present undertaking.

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.

424. In the third evaluation report, the Committee of Experts requested again the Slovak authorities to specify how the existing forms of co-operation with Ukraine have benefited the Ukrainian language in the Slovak Republic.

425. According to the fourth periodical report, cross-border cooperation activities include cultural events, attended by participants from Ukraine and persons belonging to the Ukrainian national minority in the Slovak Republic.

426. The Committee of Experts considers the undertaking fulfilled.

3.2.4 Romani

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

Article 8.1.e.ii;
 Article 9.1.d;
 Article 10.4.c, 10.5;
 Article 11.1.f.ii; 11. 2;
 Article 12.1.a; d; e; f; g; 12.2;
 Article 13.1.c.

Article 8 – Education

Preliminary issues

428. 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 planned and organised, in co-operation with the speakers. 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 and benefits of minority language education and to encourage them to apply for it.²⁴

429. In the third monitoring cycle, the Committee of Ministers of the Council of Europe recommended to the Slovak authorities to **“continue efforts 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”**. The Committee of Experts strongly urged 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.

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;

430. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It strongly urged 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.

431. According to the fourth periodical report, there are no kindergartens in the Slovak Republic where instruction in Romani is provided. There is one private kindergarten in Kremnica, established by an NGO, where Romani is used.

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

The Committee of Experts again 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.

²⁴ See 3rd Report of the Committee of Experts on the Slovak Republic, ECRML (2013) 1, paragraph 519, 2nd Report of the Committee of Experts on the Czech Republic, ECRML (2013) 2, paragraph 88

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;*

433. In the third evaluation report, the Committee of Experts considered these undertakings partly fulfilled. It strongly urged 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.

434. According to the fourth periodical report, Romani is taught in private schools, established by NGOs. There are two such primary schools in Kremnica and Košice, two grammar schools in the same municipalities, four vocational schools (two in Košice, one in Kežmarok and one in Bratislava) and three departments set up by the St. Elizabeth College of Health and Social Work, a non-profit organisation. The grammar school in Kremnica is included in the network of schools of the Slovak Republic and therefore receives support as any state school. It is unclear whether the other schools also benefit from any support from the state. The fourth periodical report does not contain any information on whether teaching Romani constitutes an integral part of the curriculum.

435. The Committee of Experts nevertheless considers the undertaking partly fulfilled. It asks the Slovak authorities to provide specific information on whether Romani is an integral part of the curriculum and the number of hours dedicated to Romani teaching.

The Committee of Experts again strongly urges the Slovak authorities to systematically introduce the teaching of Romani as an integral part of the curriculum in primary, secondary, technical and vocational education, 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;*

436. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It urged the Slovak authorities to systematically offer Romani as a subject of adult and continuing education.

437. According to the fourth periodical report, courses for Roma assistants and “advisory courses for Roma” have been organised. It is unclear, however, whether such courses include the teaching of Romani. A free Romani language course was organised by the Institute of Social Sciences of the Slovak Academy of Sciences in Košice, in the framework of a cross-border cooperation project.

438. The Committee of Experts was informed by representatives of the Romani-speakers that adult education is very important for the Roma minority, however, Romani is rarely offered.

439. The Committee of Experts cannot conclude to what extent Romani is taught in adult and continuing education. It asks the Slovak authorities to provide specific information on the offer of Romani in 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;*

440. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It asked for more information on how the national curricula ensures in practice specific teaching about Roma history and culture. The Committee of Experts urged the Slovak authorities to take steps to improve the teaching of Roma history and culture in mainstream education.

441. According to the fourth periodical report, the teaching of the history and culture of national minorities is part of cross-sectorial topics (Multicultural Education, Regional Education, Traditional Folk Culture, etc.) or of

educational areas such as People and Values, Art and Culture, People and Society. The educational provision for history includes content and requirements related to the history and culture of national minorities. This is a starting point and teaching can be extended and adapted, according to the needs of the pupils and the possibilities of the schools. It is possible to extend the teaching about the history of each national minority, to increase the number of lessons in the school educational programme or to include relevant topics in history teaching. In addition, the preparation of a handbook/teaching material *Let's Get to Know Each Other – National Minorities* started in 2014. The fourth periodical report reiterates that any school may decide to teach *Roma life and culture* as an optional subject. According to representatives of the speakers, this subject is usually taught in schools where a large number of pupils are of Roma origin. The other pupils, however, are not taught about Roma history and culture.

442. The Committee of Experts considers the undertaking partly fulfilled, since the teaching of Roma history and culture is not ensured.

The Committee of Experts strongly urges the Slovak authorities to take steps to increase 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;

443. In the third monitoring cycle, the Committee of Experts considered the undertaking not fulfilled for basic training and partly fulfilled for further training. The Committee of Ministers of the Council of Europe recommended the Slovak authorities to **“improve teacher-training [...]”**. Furthermore, the Committee of Experts strongly urged the Slovak authorities to intensify and accelerate their efforts in the field of basic and further teacher training for Romani.

444. According to the fourth periodical report, the Roma Educational Centre in Prešov (ROCEPO), part of the Methodology and Pedagogy Centre, has been offering since December 2012 a 90-hour training programme on *Romani in Education*. 16 teachers completed the programme in 2013, and the same number enrolled in 2014. Romani is taught at the Institute of Romology Studies of the Constantine the Philosopher University in Nitra and at the Institute of Romani Studies of the University of Prešov. During the on-the-spot visit, the Committee of Experts was informed that steps are underway to provide for the training of teachers of Romani at the University in Nitra. Within a project dedicated to improving the intercultural competences of teachers, the Slovak authorities are planning to train primary school teachers to use Romani as an auxiliary language, as well as to teach Roma history and culture.

445. The Committee of Experts considers the undertaking not fulfilled at present for basic training and partly fulfilled for further training. It strongly urges the Slovak authorities to continue their efforts to provide 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.

446. In the third monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended to the Slovak authorities to **“[...] set up a body in charge of monitoring the measures taken and progress achieved in minority language education”**. Furthermore, the Committee of Experts urged 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.

447. According to the fourth periodical report, in 2013, the Minister of Education established an Advisory Council on education for national minorities and the implementation of the Charter. In addition, the periodical report refers to the role of the State School Inspection in assessing the development of minority language education.

448. The Committee of Experts underlines that this undertaking requires a body that monitors, evaluates and analyses the measures taken and the progress achieved with regard to minority language education. Monitoring has to be reflected in published periodical reports. The reports should, among others, contain information on the extent and availability of teaching in Romani, together with information on language proficiency, teacher supply and the provision of teaching materials.

449. While the setting up of an Advisory Council is a welcome step for the promotion of minority language education, it is not clear to what extent this structure fulfils the requirements of the undertaking.

450. The Committee of Experts asks the authorities to clarify the tasks and role of the Advisory Council in monitoring minority language education, as required by the undertaking.

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;*

451. In the third evaluation report, the Committee of Experts considered these undertakings partly fulfilled. It strongly urged the Slovak authorities to guarantee the right of the accused to use Romani in criminal proceedings irrespective of whether he or she has a command of Slovak and to ensure that the accused will be specifically informed of this right as of the beginning of the criminal prosecution. In addition, it strongly 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. Furthermore, the Committee of Experts encouraged the Slovak authorities to take proactive measures facilitating the implementation of these undertakings in practice and asked them to provide detailed information in this respect in the next periodical report. The Committee of Experts also encouraged the Slovak authorities to take measures to ensure that a sufficient number of trained interpreters are available.

452. There have not been any relevant legal changes in the monitoring period. According to the Slovak authorities, the current legal framework does not pose in practice any restrictions to the use of minority languages in criminal proceedings. The Committee of Experts has not received information about proactive measures taken to facilitate the implementation of these undertakings. It asks the Slovak authorities to provide information on the measures facilitating the implementation of these undertakings in practice.

453. With respect to the interpreters and translators, the periodical report indicates that their names are registered in a list kept by the Ministry of Justice. If the list does not contain interpreters or translators for a specific language, the court is still under an obligation to ensure interpretation and usually turns to universities for support.

454. The Committee of Experts underlines that, in accordance with the Charter, the right to use Romani has to be guaranteed irrespective of the person's command of Slovak.

455. The Committee of Experts considers these undertakings partly fulfilled. It strongly urges the Slovak authorities to guarantee in the legislation the right of the accused to use Romani in criminal proceedings irrespective of whether he or she has a command of Slovak and 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.

- 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;*

456. In the third evaluation report, the Committee of Experts considered these undertakings partly fulfilled. It encouraged the Slovak authorities to take proactive measures facilitating the implementation of these undertakings in practice and asked them to provide detailed information in this respect in the next periodical report. The Committee of Experts encouraged the Slovak authorities to take measures to ensure that a sufficient number of trained interpreters are available.

457. The fourth periodical report does not provide any information about the use of Romani in civil and administrative proceedings in practice, or about proactive measures taken to facilitate the implementation of these undertakings.

458. The Committee of Experts maintains its previous conclusion that the undertakings are partly fulfilled. The Committee of Experts asks the Slovak authorities to provide information on the measures facilitating the implementation of these undertakings in practice.

Article 10 – Administrative authorities and public services

Preliminary issues

459. Article 10 of the Charter applies in those territories where the minority language speakers represent a sufficient number for the purpose of the undertakings entered into by the Slovak Republic, irrespective of any thresholds or other conditions provided for by the national legislation.

460. In the Slovak Republic, the use of minority languages in relations with local branches of the State administration and local or regional authorities is possible in municipalities set out in the List established by the Government (see Chapter 1.3.2). As far as regional authorities – regional council and president of the region – are concerned, however, none has their seat in such a municipality. As for the other municipalities, it is possible to use minority languages orally in relations with the administration, if the civil servant and the persons involved so agree.

461. In the third 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;*

462. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. It strongly urged 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.

463. The fourth periodical report does not indicate whether Romani is used in relations with local branches of state authorities.

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

The Committee of Experts again strongly urges the Slovak authorities to take the necessary measures to ensure that Romani-speakers may submit oral or written applications to local offices of state authorities and receive a reply in Romani, wherever there is a sufficient number of a speaker for the purpose of the present undertaking, irrespective of any thresholds.

Paragraph 2

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

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

465. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It strongly 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.

466. According to the fourth periodical report, Romani is used orally in municipalities where the mayor belongs to the Roma national minority. The Authorities' Survey²⁵ indicates that it is possible to use Romani in 22 municipalities. Three municipalities accept oral applications in Romani, while six make available some forms in Romani. Seven municipalities inform about the possibility of using the minority language in communication.

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

The Committee of Experts again strongly urges the Slovak authorities to take the necessary legal and organisational measures so that Romani-speakers may submit oral or written applications in Romani to local and regional authorities wherever there is a sufficient number of speakers for the purpose of the present undertaking, irrespective of any thresholds.

- 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;*

468. In the third evaluation report, the Committee of Experts considered the undertakings not fulfilled. It strongly urged 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.

469. The fourth periodical report does not contain any relevant information in this respect. The Authorities' Survey indicates that no municipality issues regulations, birth, marriage or death certificates, or decisions in Romani.

470. The Committee of Experts considers the undertakings not fulfilled. It again strongly urges the Slovak authorities to take the necessary measures to encourage the publication by local and regional authorities of their official documents also in Romani, wherever there is a sufficient number of speakers, irrespective of any thresholds.

- 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;*

471. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the Slovak authorities to encourage the use of Romani by local authorities in debates in their assemblies, irrespective of the 20% threshold.

472. According to the fourth periodical report, Romani is used orally in those municipalities where the mayor belongs to the Roma minority. The Authorities' Survey indicates that Romani is used in seven municipalities.

473. The Committee of Experts considers the undertaking partly fulfilled. It urges the Slovak authorities to encourage the use of Romani by local authorities in debates in their assemblies, wherever there is a sufficient number of speakers, irrespective of any thresholds.

- 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.*

²⁵ In the case of Romani, out of the 57 municipalities on the List, 44 replied to the questionnaire sent by the national authorities.

474. In the third evaluation report, the Committee of Experts considers the 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 is met or what measures had been taken to encourage the use or adoption of place-names in Romani also in those municipalities where the Romani-speakers did not attain the 20% threshold but represented nevertheless a sufficient number of speakers for the purpose of the present undertaking.

475. According to the fourth periodical report, traditional place names in Romani generally do not exist. The Roma minority uses Slovak place-names. In the List, the municipalities' names in Romani correspond to those in Slovak.

476. Based on this information, the Committee of Experts considers the undertaking is not applicable to Romani.

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.

477. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. It urged the Slovak authorities to allow Romani-speakers to submit requests 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.

478. According to the fourth periodical report and the Minority Languages Act, minority language speakers are entitled to submit requests to the "legal entity set up by the local authority" and receive replies in their mother tongue. It is not possible to use a minority language when addressing corporate entities established by law (e.g. public universities, post offices, the Social Insurance, Slovak Railways).²⁶ The report does not provide any information on the use of Romani in practice in relations with public services.

479. The Committee of Experts reiterates that this undertaking concerns public services such as railways, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, sporting facilities or entertainment venues. It asks the authorities to provide information on the use of Romani in practice in communication with such public services.

480. The Committee of Experts considers the undertaking not fulfilled. It urges the Slovak authorities to enable Romani-speakers to submit requests in Romani to public services wherever there is a sufficient number of speakers, irrespective of any thresholds

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;

481. In the third evaluation report, the Committee of Experts considered the undertaking formally fulfilled.

482. In light of the limited implementation of the provisions under paragraphs 1, 2 and 3 the Committee of Experts maintains its conclusion that the undertaking is 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:

²⁶ See also 3rd Report of the Committee of Experts on the Slovak Republic ECRML (2013) 1, paragraph 597.

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;

483. In the third 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 “**within available means promote and support the improvement of the provision of public sector television and radio in all minority languages**”. Furthermore, the Committee of Experts strongly 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.

484. According to the fourth periodical report, Slovak Radio broadcast 131 hours/year in Romani in 2011, 129 hours/year in 2012, 154 hours/year in 2013 and 109 hours/year in 2014 (66 hours/year in 2007, 106 hours/year in 2008, 128 hours/year in 2009, 126 hours/year in 2010). Slovak Television broadcast 32 hours/year in Romani in 2011, 38 hours/year in 2012, 36 hours/year in 2013 and 45 hours/year in 2014 (48.6 hours/year in 2007, 46 hours/year in 2008, 58 hours/year in 2009, 47 hours/year in 2010). Since 2012, the Slovak Radio and Television has been cooperating with the Roma Media Center, a cooperation which, according to the periodical report, has proven beneficial. The Roma Media Center has provided the public broadcaster with programmers and trained its editors. Children’s programmes in Romani are broadcast by Slovak Radio, which also produces them.

485. The Committee of Experts was, however, informed that the time-slots do not allow most people to watch the broadcasts. The Committee of Experts further notes that the number of hours on television is too low to have a real impact on language promotion.

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

The Committee of Experts again 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;

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

487. In the third evaluation report, the Committee of Experts encouraged the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in Romani on private radio stations and television channels on a regular basis, such as financial incentives or licensing criteria.

488. According to the fourth periodical report, commercial electronic media broadcasting does not receive any support from the authorities, irrespective of the language of the broadcast. Financial assistance is provided only to the production of programmes and audio-visual works. The Committee of Experts has not been informed of any private radio stations or television channels broadcasting programmes in Romani.

489. The Committee of Experts considers the undertakings not fulfilled. It encourages the Slovak authorities to facilitate the broadcasting of programmes in Romani on private radio stations and television channels 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;

490. In the third evaluation report, the Committee of Experts asked the Slovak authorities to provide concrete examples of audiovisual works in Romani relevant for this undertaking and on children’s programmes in Romani. The Committee of Experts also asked for more specific information on how the Audiovisual Fund encourages the production of audiovisual works in Romani.

491. According to the information received from the Slovak authorities, in 2013-2014, support was granted to the production of one CD in Romani and of an audio-visual work in Romani, Slovak and English. According to the information received from the speakers, there is an internet TV broadcasting in Romani. It is unclear whether it received any support from the Slovak authorities.

492. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Slovak authorities to further encourage the production and distribution of audiovisual works in Romani.

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

493. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. It strongly urged the Slovak authorities to take appropriate measures to enable at least one newspaper to be published in Romani with sufficient frequency.

494. According to the fourth periodical report, three periodicals publish articles in Slovak and Romani: the quarterly *Romano Nevo L'il* (an independent, cultural-social publication), the quarterly *Myš(u)lienka* and the monthly *Lulud'i* (both dedicated to children and youth). There are no periodicals exclusively in Romani. During the on-the-spot visit, the Committee of Experts was informed by the Romani-speakers that the funds granted by the authorities are received very late.

495. The Committee of Experts considers this undertaking not fulfilled. It strongly urges the Slovak authorities to take appropriate measures to enable at least one newspaper to be published in Romani with sufficient frequency.

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.

496. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. Nevertheless, it encouraged the Slovak authorities to ensure that the interests of the users of regional or minority languages were represented or taken into account within the bodies responsible for guaranteeing the freedom and pluralism of the media.

497. There have not been any legal changes in the monitoring period. According to the fourth periodical report, in the current legal framework, it is possible for a representative of a national minority to become a member of the Council for Broadcasting and Retransmission, a body responsible for guaranteeing the freedom and pluralism of the media. The presence of a person representing national minorities seems to be, in the current framework, more a matter of chance than of a structured approach.

498. The Committee of Experts requests the Slovak authorities to clarify how the interests of the minority languages speakers are taken into consideration within the bodies responsible for guaranteeing the freedom and pluralism of the media, when representation is not ensured.

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;*

499. In the third evaluation report, the Committee of Experts considered the undertakings partly fulfilled. It encouraged the authorities to foster access in other languages to works produced in Romani and vice versa.

500. According to the information received from the authorities, in 2013-2014, the subsidy programme *Culture of National Minorities* provided funds for the publication of one bilingual Romani-Slovak literary work and one trilingual Romani-Slovak-English monograph.

501. The Committee of Experts considers the undertakings partly fulfilled. It urges the Slovak authorities to further foster access in other languages to works produced in Romani and vice versa.

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.

502. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. However, it requested additional specific examples concerning Romani.

503. According to the fourth periodical report, in April 2013, on the occasion of the 50th anniversary of the foundation of the Slovak Film Institute, the Slovak Institute in Vienna organised a screening of the film *Gypsy* and a performance by a Roma music group. In November 2013, as part of the Slovak Evening at the Vienna International Film Festival, the movie *Gypsies Go to Elections* was screened, followed by a concert of Roma musicians. In 2015, as part of the “Pro Slovakia” programme, meant to present the Slovak culture abroad, the Ministry of Culture provided grants for the participation of Roma musicians to events in Hungary and Poland.

504. 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;*

505. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

506. As noted by the Committee of Experts in its previous evaluation report, the State Language Act requires written legal actions in labour relations to be in Slovak; a copy with an equal content may be drafted in a different language, in addition to the state language. Slovak is 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; versions in other languages with identical content may also be drawn up.

507. As long as the legislation prescribes that Slovak is compulsory in certain documents related to economic and social life, while a minority language can only be used as a “copy with an equal content”, as an unofficial version, the Committee of Experts considers this as a limitation to the use of minority languages. In case of instructions for the use of products or installations, it is unclear whether the relevant information can be presented bilingually.

508. The Committee of Experts 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;*

509. In the third evaluation report, the Committee of Experts considers the undertaking not fulfilled, as such prohibitions as required by the undertaking are not expressly laid down in Slovak legislation.

510. The Committee of Experts has not been informed of any such prohibitions laid down in Slovak legislation.

511. Therefore, 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;*

512. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

513. The fourth periodical report reiterates that under the Minority Languages Act, in municipalities which are on the List, 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, while the institution shall allow the use of the minority language “insofar as the conditions prevailing at the institution so permit.” According to the periodical report, minority languages can be used in practice, since the local staff usually speaks them.

514. The Committee of Experts reiterates that the undertaking requires parties to *ensure* that it is possible to use minority languages in social care facilities. The undertaking thus goes beyond only allowing the use of minority languages, if the conditions permit it. It requires a structured policy in the human resources field, which could include regulations governing the relevant qualifications and take account of a person’s knowledge of minority languages, or facilities and incentives for the existing personnel to improve their minority language skills. The Committee of Experts has not been informed of any measures taken to ensure the use of Romani in these facilities.

515. The Committee of Experts considers the undertaking not fulfilled. It strongly urges the Slovak authorities to adopt a structured policy aimed at ensuring that care facilities, such as hospitals or retirement homes, may receive and treat those concerned in Romani in all areas where Romani-speakers are present in sufficient numbers for the purpose of the present undertaking.

Article 14 – Transfrontier exchanges

The Parties undertake:

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

516. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled, as no information had been provided on how agreements concluded with other states fostered contacts between Romani-speakers living in these various countries.

517. The fourth periodical report refers to the participation of the Slovak Republic to the Council of Europe’s *No Hate Speech Movement* and to the implementation of projects financed by the Financial Mechanism of the EEA, the Norwegian Financial Mechanism and the Swiss Financial Mechanism.

518. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It asks the Slovak authorities to clarify how agreements concluded with other states foster contacts between Romani-speakers living in various countries.

3.2.5 German

519. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous evaluation reports and for which it has not received any new elements which would have required a reassessment of its findings in its first report. 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 9.1.d;
 Article 10.5;
 Article 11.2;
 Article 12.1.a; b; d; e; f; g;
 Article 13.1.c.

Article 8 – Education

Preliminary issues

520. 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 planned and organised, in co-operation with the speakers. 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 and benefits of minority language education and to encourage them to apply for it.²⁷

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

522. The Committee of Experts underlines that foreign language teaching does not meet the needs of the speakers of regional or minority languages. It is therefore necessary to promote the teaching of German as a regional or minority language in education, not only the teaching of German as a foreign language.

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 third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It strongly 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.

524. According to the fourth periodical report, two kindergartens using German exist, in Bratislava (private) and in Kežmarok.

525. While welcoming the use of German at pre-school level, the Committee of Experts notes that the offer is very limited and only partly covers the areas where there is a sufficient number of German-speakers.

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

²⁷ See 3rd Report of the Committee of Experts on the Slovak Republic, ECRML (2013) 1, paragraph 668, 2nd Report of the Committee of Experts on the Czech Republic, ECRML (2013) 2, paragraph 88.

The Committee of Experts again 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;*

527. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It strongly urged the Slovak authorities to provide for the teaching of German as an integral part of the curriculum at primary education in all areas where there is a sufficient number of German-speakers and to ensure continuity between the different levels of education.

528. According to the fourth periodical report, the teaching of German as a minority language is possible under the “Framework Curriculum for Primary and Secondary Schools with the Language of Instruction of National Minorities”. This is offered by those schools qualified as “with instruction in German”, which means the possibility to teach German from the 1st to the 4th grade (21 hours), from the 5th to the 9th grade (23 hours), and to teach other subjects in German. Schools in Bratislava, Nitrianske Pravno, Kežmarok, Chmel'nica, Gelnica and Medzev provide extended teaching of German or of some subjects in German “if there is a suitable teacher”. The Committee of Experts asks the Slovak authorities to specify in which schools extended teaching of German or teaching in German takes place in practice, as well as how many hours per week these options cover.

529. However, the offer of teaching German does not cover all areas where there is a sufficient number of German-speakers.

530. 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;*

531. In the third evaluation report, the Committee of Experts considered these undertakings not fulfilled. It strongly 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 in all areas where there is a sufficient number of German-speakers and to ensure continuity between the different levels of education.

532. According to the fourth periodical report, the German School in Bratislava (private school, included in the network of Slovak schools in 2011) and the grammar school in Poprad provide teaching in German. However, as the report indicates, the great majority of pupils in these schools do not belong to the German minority. It seems that German as a minority language is not taught in secondary, technical or vocational education.

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

The Committee of Experts again 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;*

534. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Slovak authorities to offer German as a subject of adult and continuing education.

535. The fourth periodical report provides information on courses of German for professional use, organised by centres for entrepreneurs or private entities in Poltár, Zvolen, Mojmírovce, Prešov, Košice, Prievidza, and by the Matej Bel University in Banská Bystrica.

536. The Committee of Experts notes that these courses are not offered in the areas where German speakers are concentrated. Furthermore, the offer concerns rather specific professional fields and does not deal with German as a minority language. The Committee of Experts considers the undertaking not fulfilled.

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

537. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. It urged the Slovak authorities to make arrangements to ensure the teaching of the history and culture which are reflected by the German language.

538. According to the fourth periodical report, the teaching of the history and culture of national minorities is part of cross-sectorial topics (Multicultural Education, Regional Education, Traditional Folk Culture, etc.) or of educational areas such as People and Values, Art and Culture, People and Society. The educational provision for history includes content and requirements related to the history and culture of national minorities. This is a starting point and teaching can be extended and adapted, according to the needs of the pupils and the possibilities of the schools. It is possible to extend the teaching about the history of each national minority, to increase the number of lessons in the school educational programme or to include relevant topics in history teaching. In addition, the preparation of a handbook/teaching material *Let's Get to Know Each Other – National Minorities* started in 2014.

539. The Committee of Experts has not received any information on how the history and culture reflected by the German language is taught in practice.

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

The Committee of Experts strongly urges the Slovak authorities to make arrangements to ensure the teaching of the history and culture which are 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;

541. In the third monitoring cycle, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended to the Slovak authorities to “**improve teacher-training [...]**”. Furthermore, the Committee of Experts strongly 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.

542. The fourth periodical report does not contain any specific information in this respect. According to the information received from the German-speakers, teachers are graduates of German philology. The German minority is particularly concerned about the availability of teachers, as the interest of students in becoming teachers of German has been decreasing after English became the compulsory first foreign language. In addition, as already noted, the Committee of Experts underlines that special training is needed for teaching German as a minority language. The Committee of Experts has not been informed whether such training is in place, in basic or further training. It further notes that the periodical report indicated that extended teaching of German or subject-teaching in German takes place “if there is a suitable teacher”, which points to the fact that a structured policy is missing in this respect.

543. The Committee of Experts considers the undertaking not fulfilled. It again 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.

544. In the third monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers of the Council of Europe recommended to the Slovak authorities to “[...] **set up a body in charge of monitoring the measures taken and progress achieved in minority language education**”. Furthermore, the Committee of Experts urged 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.

545. According to the fourth periodical report, in 2013, the Minister of Education established an Advisory Council on education for national minorities and the implementation of the Charter. In addition, the periodical report refers to the role of the State School Inspection in assessing the development of minority language education.

546. The Committee of Experts underlines that this undertaking requires a body that monitors, evaluates and analyses the measures taken and the progress achieved with regard to minority language education. Monitoring has to be reflected in published periodical reports. The reports should, among others, contain information on the extent and availability of German teaching, together with information on language proficiency, teacher supply and the provision of teaching materials.

547. While the setting up of an Advisory Council is a welcome step for the promotion of minority language education, it is not clear to what extent this structure fulfils the requirements of the undertaking.

548. The Committee of Experts asks the Slovak authorities to clarify the tasks and role of the Advisory Council in monitoring minority language education, as required by the undertaking.

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;*

549. In the third evaluation report, the Committee of Experts considered these undertakings not fulfilled. It strongly urged the Slovak authorities to guarantee the right of the accused to use German in criminal proceedings irrespective of whether he or she has a command of Slovak and to ensure that the accused will be specifically informed of this right as of the beginning of the criminal prosecution. In addition, it strongly urged 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. Furthermore, the Committee of Experts encouraged the Slovak authorities to take proactive measures facilitating the implementation of these undertakings in practice and asked them to provide detailed information in this respect in the next periodical report. The Committee of Experts also encouraged the Slovak authorities to take measures to ensure that a sufficient number of trained interpreters were available.

550. There have not been any relevant legal changes in the monitoring period. According to the Slovak authorities, the current legal framework does not pose in practice any restrictions to the use of minority languages in criminal proceedings. The Committee of Experts has not received any information about proactive measures taken to facilitate the implementation of these undertakings. It asks the authorities to provide information on the measures facilitating the implementation of these undertakings in practice.

551. With respect to the interpreters and translators, the periodical report indicates that their names are registered in a list kept by the Ministry of Justice. If the list does not contain any interpreters or translators for a specific language, the court is still under an obligation to ensure interpretation and usually turns to universities for support.

552. The Committee of Experts underlines that, in accordance with the Charter, the right to use German has to be guaranteed irrespective of the person's command of Slovak.

553. The Committee of Experts considers these undertakings not fulfilled. It strongly urges the Slovak authorities to guarantee in the legislation the right of the accused to use German in criminal proceedings irrespective of whether he or she has a command of Slovak and 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.

- 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;*

554. In the third evaluation report, the Committee of Experts considered these undertakings formally fulfilled. It encouraged the Slovak authorities to take proactive measures facilitating the implementation of these undertakings in practice and asked them to provide detailed information in this respect in the next periodical report. The Committee of Experts also encouraged the Slovak authorities to take measures to ensure that a sufficient number of trained interpreters were available.

555. The fourth periodical report does not provide any information about the use of German in civil and administrative proceedings in practice, or about proactive measures taken to facilitate the implementation of these undertakings.

556. The Committee of Experts maintains its previous conclusion that the undertakings are formally fulfilled. The Committee of Experts asks the Slovak authorities to provide information on the measures facilitating the implementation of these undertakings in practice.

Article 10 – Administrative authorities and public services

Preliminary issues

557. Article 10 of the Charter applies in those territories where the minority language speakers represent a sufficient number for the purpose of the undertakings entered into by the Slovak Republic, irrespective of any thresholds or other conditions provided for by national legislation.

558. In the Slovak Republic, the use of minority languages in relations with local branches of the State administration and local or regional authorities is possible in municipalities set out in the List established by the Government (see Chapter 1.3.2). As far as regional authorities – regional council and president of the region – are concerned, however, none has their seat in such a municipality. As for the other municipalities, it is possible to use minority languages orally in relations with the administration, if the civil servant and the persons involved so agree.

559. In the third 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;*

560. In the third evaluation report, the Committee of Experts considers the undertaking not fulfilled. It urged 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.

561. According to the fourth periodical report, in municipalities with a large German minority it is possible to use the language orally, since there are employees speaking German. This is the case, for example, in Devínska Nová Ves. The Committee of Experts welcomes this information, since the number of persons belonging to the German minority in Devínska Nová Ves is very low. However, the Committee of Experts has not been informed whether German is actually used in practice in relations with any local branch of state authorities. Moreover, the undertaking covers also written communication.

562. 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 German-speakers may submit oral or written applications to local offices of state authorities and receive a reply in German, wherever there is a sufficient number of speakers for the purpose of the present undertaking, irrespective of any thresholds.

Paragraph 2

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

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

563. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It strongly 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; 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.

564. According to the Authorities' Survey²⁸, it is possible to use German in Kunešov/Kuneschhau and there is one German-speaking employee. However, there were no oral applications accepted, nor any forms in German made available.

565. Committee of Experts considers the undertaking not fulfilled.

The Committee of Experts again strongly urges the Slovak authorities to take the necessary measures so that German-speakers may submit oral or written applications in German to local and regional authorities wherever there is a sufficient number of speakers for the purpose of the present undertaking, irrespective of any thresholds.

- 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;*

566. In the third evaluation report, the Committee of Experts considered the undertakings not fulfilled. It strongly urged 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.

567. The fourth periodical report does not contain any specific information in this respect. The Authorities' Survey indicates that no documents are issued in German. The German-speakers also indicated that German is not used in official documents.

568. The Committee of Experts considers the undertakings not fulfilled. It again 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, wherever there is a sufficient number of speakers for the purpose of the present undertaking, irrespective of any thresholds.

²⁸ In the case of German, the only municipality on the List, Kunesov/Kuneschhau, replied to the questionnaire.

- 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;*

569. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the Slovak authorities to encourage the use of German by local authorities in debates in their assemblies, irrespective of the 20% threshold.

570. The fourth periodical report does not contain any specific information in this respect. The Authorities' Survey indicates that German is not used in local assemblies.

571. The Committee of Experts considers the undertaking not fulfilled. It strongly urges the Slovak authorities to encourage the use of German by local authorities in debates in their assemblies, wherever there is a sufficient number of speakers for the purpose of the present undertaking, irrespective of any thresholds.

- 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.*

572. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It strongly urged 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.

573. The fourth periodical report does not contain any specific information in this respect. A place-name sign in German is displayed in Kunešov/Kuneschhau. However, there are no street name signs in German. According to the representatives of the German-speakers, German is used on welcome signs and touristic signs.

574. The Committee of Experts reiterates its observations that the names in the minority language appear on separate and very small place-name signs. This does not meet the purpose of this undertaking, which is to give the minority language public visibility. The Committee of Experts underlines that the term "place-names" within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names in that municipality that can be officially used, for example in texts produced by the local authority (e.g. documents, forms, public relations material, websites) or in signage (e.g. street name signs, signposts and public transport signs, inscriptions for tourists).²⁹

575. The Committee of Experts considers this undertaking partly fulfilled. It again 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 wherever there is a sufficient number of speakers, irrespective of any thresholds.

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.*

576. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. It urged the Slovak authorities to allow German-speakers to submit requests 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.

577. According to the fourth periodical report and the Minority Languages Act, minority language speakers are entitled to submit requests to the "legal entity set up by the local authority" and receive replies in their mother tongue. It is not possible to use a minority language when addressing corporate entities established by law (e.g. public universities, post offices, the Social Insurance, Slovak Railways).³⁰ The report reiterates that requests in German will be dealt with by the help of interpreters or translators, but does not clarify whether German is used in practice in relations with public services.

²⁹ See, for example, 2nd Report of the Committee of Experts on the Slovak Republic, ECRML (2009)8, paragraph 232, 1st Report of the Committee of Experts on Romania, ECRML (2012) 3, paragraph 156.

³⁰ See also 3rd Report of the Committee of Experts on the Slovak Republic ECRML (2013) 1, paragraph 740.

578. The Committee of Experts reiterates that this undertaking concerns public services such as railways, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, sporting facilities or entertainment venues. It asks the Slovak authorities to provide information on the use of German in practice in communication with such public services.

579. The Committee of Experts considers this undertaking not fulfilled. It strongly urges the Slovak authorities to allow German-speakers to submit requests in German to public services wherever there is a sufficient number of speakers, irrespective of any thresholds.

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;

580. In the third evaluation report, the Committee of Experts considered the undertaking formally fulfilled.

581. In view of the lack of practical implementation of the undertakings in Article 10.1, 10.2 and 10.3, the Committee of Experts maintains its previous conclusion that the undertaking is only 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.

582. In the third evaluation report, the Committee of Experts considered the undertaking formally fulfilled.

583. According to the information received from the Slovak authorities, civil servants speaking a minority language may request to be appointed in territories where the minority language is used. However, whether such requests are complied with depends on the staff situation and available positions in the respective office.

584. The Committee of Experts asks the Slovak authorities to provide examples of cases where civil servants speaking German have been appointed, upon request, in the territory where this language is used.

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;

585. In the third 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 “**within available means promote and support the improvement of the provision of public sector television and radio in all minority languages**”. Furthermore, the Committee of Experts strongly 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.

586. According to the fourth periodical report, Slovak Radio broadcast 18 hours/year in German in 2011, 16 hours/year in 2012 and 2013 and 25 hours/year in 2014 (16-17 hours/year in the previous cycles). Slovak Television broadcast three hours in German in 2011, four hours in 2012, five hours in 2013 and 2014 (6.5 hours in 2007, 4 hours in 2008, 7 hours in 2009 and 2010). No children’s programmes are broadcast.

587. The Committee of Experts notes that the presence of German in public service broadcasting remains very limited, 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 societies³¹.

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

³¹ See also 3rd report of the Committee of Experts on the Slovak Republic ECRML (2013) 1, paragraph 754.

The Committee of Experts again 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;***
- c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;***

589. In the third evaluation report, the Committee of Experts encouraged the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in German on private radio stations and private television channels, on a regular basis, such as financial incentives or licensing criteria.

590. According to the fourth periodical report, commercial electronic media broadcasting does not receive any support from the authorities, irrespective of the language of the broadcast. Financial assistance is provided only to the production of programmes and audio-visual works. The Committee of Experts has not been informed of any private radio stations or television channels broadcasting programmes in German.

591. The Committee of Experts considers the undertakings not fulfilled. It encourages the Slovak authorities to facilitate the broadcasting of programmes in German on private radio stations and television channels 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;***

592. In the third evaluation report, the Committee of Experts asked the Slovak authorities to provide concrete examples of audiovisual works in German relevant for this undertaking and on children's programmes in German. It also asked for more information on how the Audiovisual Fund encourages the production of audiovisual works in German.

593. The Committee of Experts has not received any concrete examples of audiovisual works in German.

594. The Committee of Experts considers the undertaking not fulfilled. It encourages the Slovak authorities to facilitate the production and distribution of audiovisual works in German.

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

595. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. It strongly urged the Slovak authorities to take appropriate measures to enable at least one newspaper to be published in German with sufficient frequency.

596. According to the fourth periodical report, the monthly *Karpatenblatt*, the bimonthly *Pressburger Zeitung*, the monthly *Neue Pressburger Zeitung*, the monthly *Hurra!*, the bimonthly *Spitze* (both promoting German-language education among young people) are issued in German. Except for the monthly *Karpatenblatt*, it is unclear to what extent they are supported by the Slovak authorities.

597. The Committee of Experts notes that there is still no newspaper in German published at least weekly.

598. The Committee of Experts considers this undertaking not fulfilled. It 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;***

599. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Slovak authorities to apply existing measures for financial assistance to audiovisual works in German and to provide concrete examples in the next periodical report.

600. The fourth periodical report refers to a 2009 film (*The Return of the Storks*), where German is used, in addition to Slovak.

601. Due to the lack of recent financial assistance to audio-visual productions in German, the Committee of Experts considers the undertaking not 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.

602. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. Nevertheless, it encouraged 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.

603. There have not been any legal changes in the monitoring period. According to the fourth periodical report, in the current legal framework, it is possible for a representative of a national minority to become a member of the Council for Broadcasting and Retransmission, a body responsible for guaranteeing the freedom and pluralism of the media. The presence of a person representing national minorities seems to be, in the current framework, more a matter of chance than of a structured approach.

604. The Committee of Experts requests the Slovak authorities to clarify how the interests of the minority language speakers are taken into consideration within the bodies responsible for guaranteeing the freedom and pluralism of the media, when representation is not ensured.

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:

- 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;*

605. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Slovak authorities to foster access in German to works produced in other languages.

606. According to the fourth periodical report, in 2014, the Slovak Film Institute released a DVD of the movie “Signum Laudis” with subtitles in German.

607. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Slovak authorities to further foster access in German to works produced in other languages.

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.

608. In the third evaluation report, the Committee of Experts considered this undertaking fulfilled. However, it requested specific examples of cultural activities and facilities concerning German outside the territories where the language is traditionally used.

609. The fourth periodical report does not provide any relevant information in this respect.

610. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled. It asks again the Slovak authorities for specific examples of cultural activities, such as festivals or cultural institutions promoting German, outside the territories where the language is traditionally used.

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.

611. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. However, it requested specific examples concerning German.

612. The fourth periodical report does not provide any relevant information in this respect.

613. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled. It asks again the Slovak authorities for examples of how the German language and culture are reflected in the cultural policy abroad of the Slovak Republic.

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;*

614. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

615. As noted by the Committee of Experts in its previous evaluation report, the State Language Act requires written legal actions in labour relations to be in Slovak; a copy with an equal content may be drafted in a different language, in addition to the state language. Slovak is 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; versions in other languages with identical content may also be drawn up.

616. As long as the legislation prescribes that Slovak is compulsory in certain documents related to economic and social life, while a minority language can only be used as a “copy with an equal content”, as an unofficial version, the Committee of Experts considers this as a limitation to the use of minority languages. In case of instructions for the use of products or installations, it is unclear whether the relevant information can be presented bilingually.

617. The Committee of Experts 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;*

618. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled, as such prohibitions as required by the undertaking are not expressly laid down in the Slovak legislation.

619. The Committee of Experts has not been informed of any such prohibitions laid down in Slovak legislation.

620. Therefore, 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;*

621. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

622. The fourth periodical report reiterates that under the Minority Languages Act, in municipalities which are on the List, 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, while the institution shall allow the use of the minority language “insofar as the conditions prevailing at the institution so permit.” According to the periodical report, minority languages can be used in practice, since the local staff usually speaks them.

623. The Committee of Experts reiterates that the undertaking requires parties to *ensure* that it is possible to use minority languages in social care facilities. The undertaking thus goes beyond only allowing the use of minority languages, if the conditions permit it. It requires a structured policy in the human resources field, which could include regulations governing the relevant qualifications and take account of a person's knowledge of minority languages, or facilities and incentives for the existing personnel to improve their minority language skills.

624. The Committee of Experts considers the undertaking partly fulfilled. It strongly urges the Slovak authorities to adopt a structured policy aimed at ensuring that care facilities, such as hospitals or retirement homes, may receive and treat those concerned in German in all areas where German-speakers are present in sufficient numbers for the purpose of the present undertaking.

Article 14 – Transfrontier exchanges

The Parties undertake:

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

625. In the third evaluation report, 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.

626. According to the fourth periodical report, cooperation with Germany takes place in the framework of the 1997 Agreement between the Government of the Slovak Republic and the Government of the Federal Republic of Germany on Cultural Cooperation. The German Academic Exchange Service (DAAD) provides an important number of scholarships to Slovak applicants. German teachers and lecturers work in Slovak schools and universities. Cooperation with Austria is governed by the 1999 Agreement between the Government of the Slovak Republic and the Government of Austria on Cooperation in the Fields of Culture, Education and Science and the 2013 Protocol of the 4th Meeting of Joint Commission on Cooperation in the Fields of Culture, Education and Science. Teachers and lecturers from Austria work in Slovak universities. Academic mobility takes place in the framework of the programme Austria-Slovakia Action, Cooperation in Science and Education. Scholarships for studying German, study visits and financial support for joint research programmes are granted.

627. The Committee of Experts considers the undertaking fulfilled.

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

628. In the third evaluation report, 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.

629. The fourth periodical report refers to the 2007-2013 Slovak-Austrian Cross-Border Cooperation Programme. However, the example provided is related to a tourism cooperation project between Lower Austria and the Bratislava Region.

630. The Committee of Experts asks the Slovak authorities to provide examples on how cross-border co-operation benefits the German language in the Slovak Republic.

3.2.6 Czech

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

Article 9.1.a.ii; a.iii; b.ii; b.iii; c. ii; c. iii; d;
 Article 10.1.a.iii; 10.2.b; c; d; f; g; 10.3.c; 10.4.a; c; 10.5;
 Article 11.1.a.iii; 11.2;
 Article 12.1.a; d; e; f; g; 12.2; 12.3;
 Article 13.1.c; 13.2.c;
 Article 14 a, 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.

632. The Committee of Experts considers that there is no need to conclude on the fulfilment of these undertakings as there was no demand on the part of the speakers for the 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;*

633. 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.

634. The Committee of Experts considers that there is no need to conclude on the fulfilment of this undertaking. It 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;*

635. In the light of the mutual intelligibility of Slovak and Czech, the Committee of Experts considers there is no need to conclude on the fulfilment of this undertaking.

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;*

636. The Committee of Experts considers the undertaking not fulfilled. However, it notes 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;*

637. The Committee of Experts considers the undertaking not fulfilled. However, it notes that this does not have any implications for the use of Czech.

3.2.7 Bulgarian, Croatian and Polish

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

639. For **Bulgarian**, these provisions are the following:

Article 8.1.e. ii;
 Article 9.1.d;
 Article 10.5;
 Article 11.2;
 Article 12.1.a; d; e; f;12.3
 Article 13.1.c.

640. For **Croatian**, these provisions are the following:

Articles 8.1.e. ii;
 Article 9.1.d;
 Article 10.5;
 Article 11.2;
 Article 12.1.a; d; e f; g;12.3
 Article 13.1.c.

641. For **Polish**, these provisions are the following:

Article 8.1.e. ii;
 Article 9.1.d;
 Article 10.5;
 Article 11.2;
 Article 12.1.a; b; d; e; f; 12.3
 Article 13.1.c
 Article 14.a, b.

Article 8 – Education

Preliminary issues

642. The Committee of Experts reiterates 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 planned and organised, in co-operation with the speakers. 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 and benefits of minority language education and to encourage them to apply for it.³²

643. In the third monitoring cycle, the Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**continue efforts 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:

- 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;***

³² See 3rd report of the Committee of Experts on the Slovak Republic, ECRML (2013) 1, paragraph 841, 2nd Report of the Committee of Experts on the Czech Republic, ECRML (2013) 2, paragraph 88.

644. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled for **Bulgarian** and not fulfilled for **Croatian** or **Polish**. It encouraged 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**.

645. According to the fourth periodical report, there is a private **Bulgarian** kindergarten in Bratislava, attended by 50 children of different nationalities. There are no kindergartens offering at least a substantial part of education in **Croatian** or **Polish**. These languages are only taught in the framework of courses organised by NGOs and financed by Croatia and Poland. Polish is also taught at a Saturday school, organised by the Polish Embassy in Bratislava.

646. The Committee of Experts asks the Slovak authorities to clarify how they support the Bulgarian kindergarten.

647. The Committee of Experts considered the undertaking partly fulfilled for **Bulgarian** and not fulfilled for **Croatian** and **Polish**. It urges the Slovak authorities to support the provision of pre-school education in **Bulgarian** and to 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;*

648. In the third evaluation report, the Committee of Experts considered these undertakings partly fulfilled for **Bulgarian** and not fulfilled for **Croatian** or **Polish**. It strongly urged 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. The Committee of Experts also urged the authorities, to clarify, in co-operation with the speakers, whether Croatian varieties spoken around Bratislava could be included (e.g. oral use) in the teaching of standard Croatian.

649. According to the fourth periodical report, a private **Bulgarian** primary and grammar school is functioning in Bratislava, established by the Bulgarian Ministry of Education and Science. It is part of the Slovak school network and provides education in Bulgarian. It had 97 students in the 2013/2014 school year. The Committee of Experts understands that, as part of the Slovak school network, it also receives support from the Slovak authorities.

650. Standard **Croatian** is taught at one private grammar school in Bratislava. Courses of standard Croatian are provided by a Croat teacher once per week, in each municipality where the minority lives, with support from Croatia. There are usually also locals assisting the teacher and focusing on the local variety of Croatian (the old form of the language, which the minority is interested also in preserving). Croatian is also taught in Devínska Nová Ves, as part of a project taking place in the Slovak Republic and Austria in the framework of an EU programme.

651. **Polish** courses are organised by NGOs, in Žilina and Nitra, with support from Poland, and by the Embassy of Poland, in Bratislava.

652. The Committee of Experts considers these undertakings partly fulfilled for **Bulgarian** and not fulfilled for **Croatian** or **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 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;*

653. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled for **Bulgarian**, **Croatian** or **Polish**.

654. According to the available information, there are no technical and vocational schools where **Bulgarian**, **Croatian** or **Polish** are taught as an integral part of the curriculum.

655. The Committee of Experts considers this undertaking not fulfilled for **Bulgarian**, **Croatian** or **Polish**.

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

656. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the authorities to offer **Bulgarian, Croatian** and **Polish** as subjects of adult and continuing education.

657. According to the fourth periodical report, **Polish** language courses for adults are organised by the Interactive Academy of Polish Language and Literature as internet teaching. The project was initiated by an NGO and is supported by Poland. The courses organised by the **Croatian** NGO also address adults. No information is provided about **Bulgarian**.

658. Since there does not seem to be any support of the Slovak authorities for the offer, the Committee of Experts considers the undertaking not fulfilled. It urges the Slovak authorities to offer **Bulgarian, Croatian** and **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;

659. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled with respect to **Bulgarian, Croatian** and **Polish**.

660. According to the fourth periodical report, the teaching the history and culture of national minorities is part of cross-sectorial topics (Multicultural Education, Regional Education, Traditional Folk Culture, etc.) or of educational areas such as People and Values, Art and Culture, People and Society. The educational provision for history includes content and requirements related to the history and culture of national minorities. This is a starting point and teaching can be extended and adapted, according to the needs of the pupils and the possibilities of schools. It is possible to extend the teaching about the history of each national minority, to increase the number of lessons in the school educational programme or to include relevant topics in history teaching. In addition, the preparation of a handbook/teaching material *Let's Get to Know Each Other – National Minorities* started in 2014. The Committee of Experts has, however, not received any information on how the history and culture reflected by the **Bulgarian, Croatian** and **Polish** languages are taught in practice.

661. The Committee of Experts considers the undertaking not 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;

662. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the authorities to provide the basic and further training of the teachers of **Bulgarian, Croatian** and **Polish**.

663. According to the fourth periodical report, the Methodology and Pedagogy Centre does not provide continuing education for the teachers of **Bulgarian, Croatian** and **Polish**. Teachers of the Croatian language attend annual seminars in Croatia. The Committee of Experts has not received any other information on how the basic and further training of the teachers of Bulgarian, Croatian and Polish is provided.

664. The Committee of Experts considers the undertaking not fulfilled. It urges 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.

665. In the third evaluation report, 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 in minority language education**”. Furthermore, the Committee of Experts urged 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.

666. The Committee of Experts underlines that this undertaking requires a body that monitors, evaluates and analyses the measures taken and the progress achieved with regard to minority language education. Monitoring has to be reflected in published periodical reports. The reports should, among others, contain

information on the extent and availability of teaching in minority language education, together with information on language proficiency, teacher supply and the provision of teaching materials.

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

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;*

668. In the third evaluation report, the Committee of Experts considered these undertakings not fulfilled for **Bulgarian, Croatian or Polish**. It strongly urged the Slovak authorities to guarantee the right of the accused to use the Bulgarian, Polish or Croatian language in criminal proceedings irrespective of whether he or she has a command of Slovak and to ensure that the accused will be specifically informed of this right as of the beginning of the criminal prosecution. In addition, the Committee of Experts strongly urged the Slovak authorities to provide in the legislation that requests and evidence may be produced in Bulgarian, Polish or 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. Furthermore, the Committee of Experts encouraged the Slovak authorities to take proactive measures facilitating the implementation of these undertakings in practice and asked them to provide detailed information in this respect. The Committee of Experts also encouraged the Slovak authorities to take measures to ensure that a sufficient number of trained interpreters are available.

669. There have not been any relevant legal changes in the monitoring period. According to the authorities, the current legal framework does not pose in practice restrictions to the use of minority languages in criminal proceedings. The Committee of Experts has not received any information about proactive measures taken to facilitate the implementation of these undertakings. The Committee of Experts asks the Slovak authorities to provide information on the measures facilitating the implementation of these undertakings in practice.

670. With respect to the interpreters and translators, the periodical report indicates that their names are registered in a list kept by the Ministry of Justice. If the list does not contain any interpreters or translators for a specific language, the court is still under an obligation to ensure interpretation and usually turns to universities for support.

671. The Committee of Experts underlines that, in accordance with the Charter, the right to use Bulgarian, Croatian or Polish has to be guaranteed irrespective of the person's command of Slovak.

672. The Committee of Experts considers these undertakings not fulfilled. The Committee of Experts strongly urges the Slovak authorities to guarantee the right of the accused to use **Bulgarian, Croatian or Polish** in criminal proceedings irrespective of whether he or she has a command of Slovak and to provide in the legislation that requests and evidence may be produced in Bulgarian, Croatian or Polish, and that the use of interpreters and translations, where necessary, does not involve any extra expense for the person concerned.

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

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

673. In the third evaluation report, the Committee of Experts considered these undertakings formally fulfilled. It encouraged the authorities to take proactive measures facilitating the implementation of these undertakings in practice and asked them to provide detailed information in this respect in the next periodical report. The Committee of Experts also encouraged the authorities to take measures to ensure that a sufficient number of trained interpreters was available.

674. The fourth periodical report does not provide any information about the use of **Bulgarian, Croatian or Polish** in civil and administrative proceedings in practice, or about proactive measures taken to facilitate the implementation of these undertakings.

675. The Committee of Experts considers the undertakings formally fulfilled. The Committee of Experts asks the Slovak authorities to provide information on the measures facilitating the implementation of these undertakings in practice.

Article 10 – Administrative authorities and public services

Preliminary issues

676. Article 10 of the Charter applies in those territories where the minority language speakers represent a sufficient number for the purpose of the undertakings entered into by the Slovak Republic, irrespective of any thresholds or other conditions provided for by national legislation.

677. In the Slovak Republic, the use of minority languages in relations with local branches of the State administration and local or regional authorities is possible in municipalities set out in the List established by the Government (see Chapter 1.3.2). As far as regional authorities – regional council and president of the region – are concerned, however, none has their seat in such a municipality. As for the other municipalities, it is possible to use minority languages orally in relations with the administration, if the civil servant and the persons involved so agree. The Bulgarian, Croatian and Polish national minorities do not attain the 20% threshold in any municipality, nor are any municipalities included in the List.

678. In the third 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;*

679. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged 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. The Committee of Experts also asked the Slovak authorities to clarify whether the foreseen 15% threshold will apply only to individual municipalities or also to those that belong to a larger municipality.

680. According to the information provided to the Committee of Experts, the districts of Bratislava, where speakers of **Croatian** live in substantial numbers, will be treated as a distinct municipality for the purposes of minority language use and the 15% threshold will apply to each district. However, none of these districts is currently on the List. The Croatian-speakers informed the Committee of Experts that they tried to have the districts of Bratislava-Jarovce and Bratislava-Čunovo included in the List; however, this was not possible since in the 1991 census the Croatian nationality was not recorded separately. They are also concerned that

they will not be able to meet the 15% threshold in the future, as the number of inhabitants is increasing in the suburbs of Bratislava.

681. According to the periodical report, in three districts of Bratislava where the Croatian minority lives and in Chorvátsky Grob, at least one civil servant speaks Croatian and the authorities are prepared to use this language. However, it does not seem that Croatian has been used in communication with the authorities in these places.

682. As far as **Bulgarian** and **Polish** are concerned, the fourth periodical report indicates that these languages have not been used in relations with the administration.

683. The Committee of Experts considers the undertaking not fulfilled. It strongly urges the Slovak authorities to take the necessary measures so that the speakers of **Bulgarian, Croatian and Polish** may submit oral or written applications to local offices of state authorities and receive a reply in these languages, wherever there is a sufficient number of speakers for the purpose of the present undertaking, and irrespective of any thresholds.

Paragraph 2

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

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*
- c the publication by regional authorities of their official documents also in the relevant regional or minority languages;*
- d the publication by local authorities of their official documents also in the relevant regional or minority languages;*
- f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

Paragraph 3

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

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

Paragraph 4

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

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

684. In the third evaluation report, the Committee of Experts considered these undertakings not fulfilled for **Bulgarian, Croatian or Polish**. It strongly urged 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.

685. The fourth periodical report states that the authorities are ready to act in accordance with their commitments, if the Bulgarian, Croatian or Polish minorities request to use their languages in communicating with the administrative authorities. The Committee of Experts underlines that the authorities should have a proactive approach to the use of minority languages.

686. The Committee of Experts has been informed by the **Croatian**-speakers that the language is occasionally used orally, in two municipalities where the mayors are of Croatian origin. The use depends on the

good-will of the authorities and no guarantees are in place. The traditional place-names in Croatian are only used in publications or billboards during cultural events.

687. **Bulgarian** or **Polish** are not at all used in administration. Bearing in mind that Croatian is used to some extent in practice, the Committee of Experts considers that undertaking under Article 10.2.b partly fulfilled for **Croatian** at local level. It considers the rest of the undertakings not fulfilled for Croatian. The Committee of Experts considers all these undertakings not fulfilled for **Bulgarian** or **Polish**.

688. 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** or **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;

689. In the third monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled for **Polish** and not fulfilled for **Bulgarian** or **Croatian** with regard to radio and partly fulfilled for **Bulgarian**, **Polish** or **Croatian** with regard to television. The Committee of Ministers of the Council of Europe recommended that the Slovak authorities “**within available means promote and support the improvement of the provision of public sector television and radio in all minority languages**”. Furthermore, the Committee of Experts strongly urged the Slovak authorities to: make adequate provision so that broadcasters offer radio programmes in Bulgarian and Croatian, and to increase the frequency of the time-slots allocated to Bulgarian and Croatian; increase the frequency of the time-slots allocated to Polish on public radio and television.

690. According to the fourth periodical report, in 2011 and 2012 Slovak Radio broadcast annually 17 hours/year in **Polish** (the same as in the previous cycle), in 2013 16 hours/year and in 2014 25 hours/year. There is no information on broadcasts in **Bulgarian** or **Croatian**, but these languages have been included in the programme structure for 2015. Slovak Television broadcast two hours/year in **Bulgarian**, in 2011 and 2012, less than one hour/year in 2013 and almost two hours/year in 2014. It broadcast two hours/year in **Croatian** in 2012 (none in 2011) and less than one hour/year in 2013 and 2014. There were three hours/year of broadcasts in **Polish**, in 2011 and 2012, almost two hours/year in 2013 and three hours/year in 2014. No children’s programmes are broadcast in any of these languages.

691. According to representatives of the speakers, in practice the programmes are broadcast twice per year. The minority associations are informed that the programme in the respective language will be broadcast and are invited to contribute. However, this is an irregular initiative and at short notice, and it is very difficult to prepare adequate contributions. As of 2015, the **Croatian** broadcast uses both standard Croatian and the local variety.

692. The Committee of Experts notes that the presence of these languages on radio and television remains very limited and too low to have any impact on the promotion of the language. The Committee of Experts reiterates³³ 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 considerably enhance its social prestige.

693. The Committee of Experts considers this undertaking partly fulfilled for **Polish** and not fulfilled for **Bulgarian** or **Croatian** with regard to radio and not fulfilled for **Bulgarian**, **Polish** or **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 **Croatian**, to increase the frequency of the time-slots allocated to **Bulgarian** and **Croatian** and to increase the frequency of the time-slots allocated to **Polish** on public radio and television.

³³ See 3rd Report of the Committee of Experts on the Slovak Republic, ECRML (2013) 1, paragraph 898.

- 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;*

694. In the third evaluation report, the Committee of Experts encouraged the Slovak authorities to provide information on measures taken to encourage and/or facilitate the broadcasting of programmes in **Bulgarian, Croatian** or **Polish** on private radio stations and television channels on a regular basis, such as financial incentives or licensing criteria.

695. According to the fourth periodical report, commercial electronic media broadcasting does not receive any support from the authorities, irrespective of the language of the broadcast. Financial assistance is provided only to the production of programmes and audio-visual works. The Committee of Experts has not been informed of any private radio stations or television channels broadcasting programmes in **Bulgarian, Croatian** or **Polish**.

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

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

697. In the third evaluation report, the Committee of Experts asked the Slovak authorities to provide concrete examples of audiovisual works in **Bulgarian, Croatian** or **Polish** relevant for this undertaking and on children's programmes in these languages. The Committee of Experts also asked for more information on how the Audiovisual Fund encourages the production of audiovisual works in **Bulgarian, Croatian, or Polish**.

698. The Committee of Experts received information only about financial support granted to the production of a music CD in **Croatian**.

699. The Committee of Experts considers the undertaking partly fulfilled for **Croatian** and not fulfilled for **Bulgarian** or **Polish**. It encourages the Slovak authorities to facilitate the production and distribution of audiovisual works in **Bulgarian, Croatian** and **Polish**.

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

700. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged 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.

701. According to the fourth periodical report, the monthly *Monitor Polojny, Kurier Pieňinski* (twice a year, tourism) and *Wieści prosto z gór* (twice a year, tourism) are published in **Polish**. The quarterly *Hrvatska Rosa* in **Croatian** has been published since 2012. The quarterly *Sanarodnik* uses Slovak and **Bulgarian**.

702. The Committee of Experts recalls that a "newspaper" within the meaning of the present provision has to be published at least once per week. 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.

703. 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;*

704. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Slovak 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.

705. The fourth periodical report refers to the 2012 film *All Right*, where **Croatian** is also used in addition to Slovak. The Croatian-speakers informed the Committee of Experts about the 2014 documentary *Naše Selo*, about Jarovce, which is fully in Croatian. It is unclear whether the Slovak authorities have provided support to any of these productions.

706. The Committee of Experts considers the undertaking not fulfilled for **Bulgarian** or **Polish**. It asks for information about the support of authorities for productions in **Croatian**.

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.

707. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. Nevertheless, it encouraged 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.

708. There have not been any legal changes in the monitoring period. According to the fourth periodical report, in the current legal framework, it is possible for a representative of a national minority to become a member of the Council for Broadcasting and Retransmission, a body responsible for guaranteeing the freedom and pluralism of the media. The presence of a person representing national minorities seems to be, in the current framework, more a matter of chance than of a structured approach.

709. The Committee of Experts requests the Slovak authorities to clarify how the interests of minority languages speakers are taken into consideration within the bodies responsible for guaranteeing the freedom and pluralism of the media, when representation is not ensured.

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;*

710. In the third evaluation report, the Committee of Experts considered undertaking (b) fulfilled for **Polish** and partly fulfilled for **Bulgarian** and **Croatian**. It considered undertaking (c) not fulfilled for any of the languages.

711. According to the fourth periodical report, movies in **Croatian** with Slovak subtitles have been screened. The Slovak Film Institute also organised the screening of two **Bulgarian** films with subtitles in Slovak.

712. The Committee of Experts considers undertaking in Article 12.2.b fulfilled for **Polish** and partly fulfilled for **Bulgarian** and **Croatian** and undertaking in Article 12.2.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;*

713. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled for **Croatian**, partly fulfilled for **Bulgarian** and **Polish**.

714. The fourth periodical report does not provide any information in this respect.

715. The Committee of Experts maintains its previous conclusion that the undertaking is 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.

716. In the third evaluation report, the Committee of Experts considered this undertaking fulfilled. However, it requested specific examples of such cultural activities and facilities concerning **Bulgarian, Croatian or Polish**.

717. The fourth periodical report does not provide any relevant information in this respect.

718. In the third evaluation report, the Committee of Experts considers this undertaking fulfilled. However, it again requests the authorities to provide specific examples of cultural activities, such as festivals, promoting **Bulgarian, Croatian or Polish**.

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;*

719. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

720. As noted by the Committee of Experts in its previous evaluation report, the State Language Act requires written legal actions in labour relations to be in Slovak; a copy with an equal content may be drafted in a different language, in addition to the state language. Slovak is 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; versions in other languages with identical content may also be drawn up.

721. As long as the legislation prescribes that Slovak is compulsory in certain documents related to economic and social life, while a minority language can only be used as a “copy with an equal content”, as an unofficial version, the Committee of Experts considers this as a limitation to the use of minority languages. In case of instructions for the use of products or installations, it is unclear whether the relevant information can be presented bilingually.

722. The Committee of Experts 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;*

723. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled, as such prohibitions as required by the undertaking are not expressly laid down in Slovak legislation.

724. The Committee of Experts has not been informed of any such prohibitions laid down in Slovak legislation.

725. Therefore, 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;*

726. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It pointed 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.

727. The fourth periodical report reiterates that under the Minority Languages Act, in municipalities which are on the List, 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, while the institution shall allow the use of the minority language “insofar as the conditions prevailing at the institution so permit.” According to the periodical report, minority languages can be used in practice, since the local staff usually speaks them.

728. The Committee of Experts reiterates that the undertaking requires parties to *ensure* that it is possible to use minority languages in social care facilities. The undertaking thus goes beyond only allowing the use of minority languages, if the conditions permit it. It requires a structured policy in the human resources field, which could include regulations governing the relevant qualifications and take account of a person’s knowledge of minority languages, or facilities and incentives for the existing personnel to improve their minority language skills.

729. The Committee of Experts considers the undertaking not fulfilled. It strongly urges the Slovak authorities to adopt a structured policy aimed at ensuring that care facilities, such as hospitals or retirement homes, may receive and treat those concerned in **Bulgarian, Croatian or Polish** in all areas where the speakers are present in sufficient numbers for the purpose of the present undertaking.

Article 14 – Transfrontier exchanges

The Parties undertake:

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

730. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled for Bulgarian and Croatian.

731. The Committee of Experts maintains its conclusion that the undertaking is partly fulfilled for Bulgarian and Croatian. It asks the Slovak authorities to provide information on how the agreements with states in which Bulgarian and Croatian are used foster contacts between the users of these languages in the states, beyond the field of education.

Chapter 4 Findings of the Committee of Experts in the fourth monitoring cycle

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 and the on-the-spot visit. The authorities also made increased efforts to provide accurate information in the monitoring process. In addition, the co-operation with the bodies and associations representing the speakers of minority languages was very positive.

B. 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 all regional or minority languages spoken in the Slovak Republic, except Yiddish. Taking into account the very diverse situation of the minority languages and the fact that some have a very weak and/or dispersed territorial presence, the application of Part III undertakings in some cases remains particularly difficult. The situation of all minority languages, despite a certain number of fulfilled undertakings, remains vulnerable.

C. A number of general problems which affect all minority languages and identified during the previous monitoring rounds persist. Slovak legislation has undergone changes, but a stable and consistent implementation of Article 10 is still to be achieved. In practice, the legislation in force continues to exclude the use of minority languages in administration in areas where their speakers are present in sufficient numbers to justify the application of Article 10.

D. Some provisions of the Slovak State Language Act and some other acts continue to be in contradiction with the Charter. Reported sanctions applied in accordance with these provisions, for not using the official language in some public domains, or requests to remove signs in a minority language are examples that are not in line with the Charter's principles to promote and facilitate the use of minority languages. There is therefore still a need to amend the legislation and apply a more flexible approach to the obligations that the Slovak Republic undertook when ratifying the Charter.

E. Immediate measures need to be taken in the field of education. The steps taken to reduce costs (the so-called "school rationalisation") are particularly affecting minority language education. Specific measures need to be put in place to ensure the maintenance and further development of teaching in and of minority languages. Except for Hungarian, the existing offer in the school system still does not guarantee any systematic provision of minority language education and does not provide for the necessary continuity throughout all levels of education. There are also serious shortcomings in the field of teacher-training, in particular for those teachers expected to teach subjects in a minority language.

F. 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 both majority Slovak-speaking pupils and minority language pupils, as well as the role played by the mainstream mass media in overcoming prejudices. Hungarian, Romani and German speakers are particularly affected by these prejudices.

G. In the field of justice, the right of minority language speakers to use their language irrespective of the person's command of Slovak is still not guaranteed in criminal proceedings. The need remains to improve the legislative framework and to encourage the practical use of minority languages before courts.

H. The use of minority languages in administration remains on the whole limited. The shortcomings are in part the result of the legal framework, but are partly also due to the lack of proactive and systematic measures needed to implement Article 10 in practice.

I. In the field of the media, with the partial exception of the Hungarian language, minority language broadcasting in public radio and television is insufficient, and non-existent on private radio and television. Except for Hungarian, the publication of weekly newspapers is non-existent. The Bulgarian, Croatian, German and Polish languages have only a very limited presence on television.

J. The situation for minority languages is more positive in the cultural field. The Slovak authorities continue to fund a network of minority culture museums and also provide funding to the activities promoting the culture of national minorities. For some minority languages, such as Hungarian, Romani and Ukrainian, this includes presenting them at cultural events abroad.

K. 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 remain not fulfilled. They are not taught in the Slovak public system, and, except for Bulgarian, mainly as out-of-school courses. Except for some very limited use of Croatian, these languages are completely absent from the administrative field.

L. 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.

M. The **German** language continues to be in a very weak position in education and the media. The language is not used 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. A structural and pedagogical problem for the teaching of German as a minority language is that it is predominantly taught as a foreign language.

N. The position of **Hungarian** in the education system is still strong, but there is a continuous 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. However, despite this strong position, the general problems linked to the application of Article 10 affect this language too.

O. In relation to **Romani**, the menu of protection under Part III proves to be particularly challenging. Romani continues to be taught in several private schools but no attempts have been made to teach Romani on a wide scale in the Slovak school system. Furthermore, despite recent measures taken, the practice of enrolling Roma children in special schools and classes still persists.

P. The **Ruthenian** language, despite the relatively high number of speakers, remains in a very weak position. This is most obvious in the field of education where the existing provision of Ruthenian-language education does not meet the undertakings chosen. The financial cuts have also affected Ruthenian-language education. Ruthenian is used to some degree in relations with the administrative authorities.

Q. The **Ukrainian** language continues to lose ground, in particular in the education system. Schools teaching in Ukrainian have closed and others are in danger of being closed in the near future, for financial and/or administrative reasons.

R. Pro-active measures are needed from the authorities to protect **Yiddish**.

The Slovakian 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 Slovakian authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1254th meeting on 27 April 2016, 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 from the Slovak authorities

General comments

The Slovak Republic has the honour to thank the Committee of Experts of the European Charter for Regional or Minority Languages (hereinafter "Language Charter") for the preparation and drafting of the Fourth Report on the implementation of the Language Charter in the Slovak Republic, which the Committee of Experts adopted on 6 November 2015. It also welcomes the mutual cooperation and appreciates the ongoing dialogue between the Committee of Experts and the Slovak authorities. Based on the provisions of Article 16, par. 3 of the Language Charter, the Slovak Republic uses the opportunity to present its comments on the Fourth Report of the Committee of Experts on the implementation of the Language Charter in the Slovak Republic.

Linguistic diversity is one of the most precious elements of the European cultural heritage. The primary objective of the Language Charter is to safeguard and promote regional and minority languages as an endangered aspect of this collective wealth. From that point of view it is necessary to focus on the situation of the smaller languages that deserve special attention and protection.

It is in the natural interest of the Slovak Republic to give due support to the languages of persons belonging to national minorities. In this context, we would like to draw attention to the fact that the Slovak Republic declared in November 2015, in accordance with Article 2, par. 1 of the Language Charter, that the Russian and Serbian languages meet the definition of minority languages for the purposes of Part II of the Language Charter. For more information on the recognition of the Russian language and the Serbian language as minority languages in the Slovak Republic in terms of Part II of the Language Charter see section 35.

The latest Fourth Report of the Committee of Experts was forwarded to relevant ministries and institutions, which have expressed their opinion mainly on the issues of interpretation and application of the State Language Act, the right of the accused to use a minority language in criminal proceedings, and education of national minorities. The input of the Slovak authorities forms the contents of the following comments on particular issues.

Comments on specific issues

General issues arising from the Report evaluation

Section 21

Section 21 states the number of citizens who indicated Hungarian nationality: *"The fourth periodical report provides new official data on the number of persons belonging to national minorities, according to the 2011 census. As reported in the census results, 456,467 persons indicated Hungarian ethnicity, ..."*

Based on the results of the latest census of 2011, 458,467 persons indicated they belong to the Hungarian national minority.

(Statement of the Office of the Plenipotentiary of the Slovak Republic for National Minorities)

Section 35

Regarding section 35, we present additional information on the course of the process of recognition of the Russian language and the Serbian language as minority languages.

The process of recognition of the Russian and Serbian languages as minority languages in terms of the Language Charter was re-initiated in 2014 by the Office of the Plenipotentiary of the Slovak Republic for National Minorities after approval of the proposal to recognise them by the Committee for National Minorities and Ethnic Groups. In this regard, the Office of the Plenipotentiary requested an opinion from 10 ministries, had several negotiations with relevant authorities, and took further steps to successfully finalise the whole process. The proposal for recognition of the Russian language and the Serbian language as minority languages in Slovakia under the European Charter for Regional or Minority Languages was adopted by the Government Council for Human Rights, National Minorities and Gender Equality at its 22nd meeting on 15 October 2015. Subsequently, the document in was approved by the Government Resolution no. 618/2015 of 18 November 2015. This Resolution tasked the Deputy Prime Minister and Minister of Foreign and European Affairs of the Slovak Republic to notify the recognition of the Russian language and the Serbian language as minority languages in the Slovak Republic pursuant to Part II of the European Charter for Regional or Minority Languages to the Secretary General of the Council of Europe. The Slovak Republic notified the recognition of these languages to the Secretary General of the Council of Europe in a letter of the Permanent Representative of the Slovak Republic to the Council of Europe on 25 November 2015. The Declaration of the Slovak Republic was registered by the Secretariat General of the Council of Europe on 27 November 2015.

(Statement of the Office of the Plenipotentiary of the Slovak Republic for National Minorities)

Article 7 – Objectives and principles

Section 49

Section 49 states: *“The fourth periodical report provides information about the subsidy programme Culture of National Minorities, to which € 3.8 million were allocated in 2014.”* To specify this, we state that:

More than € 3.8 million were allocated to the subsidy programme Culture of National Minorities in 2014 – precisely € 3,829,250.

(Statement of the Office of the Plenipotentiary of the Slovak Republic for National Minorities)

Section 52

Section 52 states: *“An Action Plan concerning the rights of persons belonging to national minorities is under preparation.”*

For completeness, it is necessary to note that the Slovak Government adopted Resolution no. 71/2015 early in 2015, in which it approved the National strategy for the protection and promotion of human rights in the Slovak Republic and tasked to elaborate an Action plan for the protection of rights of persons belonging to national minorities and ethnic groups. The Chairwoman of the Committee for National Minorities and Ethnic Groups established a working group consisting of experts on the rights of persons belonging to national minorities and ethnic groups and government representatives which, in a participatory manner, developed a draft of the Action Plan for the protection of persons belonging to national minorities and ethnic groups for the years 2016 – 2020. At its XIXth meeting on 17 December 2015, the Committee for National Minorities and Ethnic Groups approved the presented Action plan.

(Statement of the Office of the Plenipotentiary of the Slovak Republic for National Minorities)

Section 54

Section 54 of the Report states: *“...Cases have been reported to the Committee of Experts where local authorities have been requested to take down multilingual touristic signs or post office employees were forbidden to use Hungarian. Such situations clearly go against the Charter’s principles to facilitate and encourage the use of minority languages in all domains of public life...”*.

It is not entirely clear from the context of this part of the Report who requested the local authorities to issue such “ban” on the use of minority languages, what was the form of this “ban”, and based on what circumstance it was issued. It should be emphasized that the Ministry of Transport, Construction and Regional Development of the Slovak Republic is neither aware of the described factual and legal circumstances, nor of the imposition of a “ban” on the employees of Slovenská pošta, a. s., who work in areas with ethnically mixed population. The management of Slovenská pošta, a. s., has never issued such a “ban”; quite the contrary, employees working in such areas use primarily the minority language, which facilitates communication with customers, and they are also notified through internal memos on possible changes and amendments to the present legislation (Act No. 270/1995 Coll. on the State Language of the Slovak Republic, as amended, and Act No. 184/1999 Coll. on the Use of Languages of National Minorities, as amended).

(Statement of the Ministry of Transport, Construction and Regional Development of the Slovak Republic)

Section 59

In section 59, on the one hand, the Committee of Experts claims that *“...efforts are being made by the authorities to prevent the unjustified enrolment of Roma children in special schools or classes”*, while, on the other hand, it uses information from unidentifiable sources: *“However, at present and in practice, there are still a disproportionately high number of Roma children in such classes. During the on-the-spot visit, the Committee of Experts was also informed that the diagnostic tests do not sufficiently take into consideration the specific cultural and linguistic background of these children. Moreover, many special schools are found in the neighbourhood of Roma settlements, which also leads to the enrolment of Roma children in such institutions.”*, not verifying its truthfulness. Questions of the Committee of Experts during the visit to Slovakia in September 2015 as well as additional written questions applied to other areas.

(Statement of the Ministry of Education, Science, Research and Sport of the Slovak Republic)

Section 68

The present evaluation report strives to be unbiased; however, in the field of education, it contains some vague and unidentifiable claims. Although the experts had the opportunity to ask questions during the visit in September 2015, and subsequently requested additional information in writing, in the report they comment on topics that were not even discussed.

This particularly applies to the following claims:

- in section 68: *“Textbooks describe Hungarians as tourists or recent immigrants, while history textbooks portray them in a negative manner.”*
- in section 93: *“These schools are only allowed to use translated versions of Slovak textbooks and history textbooks, which promote a negative image of Hungarians.”*
- in section 141: *“The Committee of Experts further asked the Slovak authorities to clarify whether in a textbook for the 4th grade, topographical names in Hungarian had to be replaced by Slovak names.”*
(Statement of the Ministry of Education, Science, Research and Sport of the Slovak Republic)

Article 8 - Education

Section 81

Section 81 contains a misinterpreted statement that *“...as of September 2016, local authorities would not be allowed to maintain the small schools, even if they used their own funds to support them.”* During the visit of the experts to Slovakia, the issue of legislative establishment of the minimum number of students in the class, including the financing, was discussed and submitted to the experts in writing.

(Statement of the Ministry of Education, Science, Research and Sport of the Slovak Republic)

Section 93

See comment on section 68.

Section 430

We recommend modifying the text of this recommendation in order to ensure pre-school education of the Roma children in such language of instruction, which is the language of instruction of the primary school these children will attend, together with the teaching of Romani. Such modification would lead to an increased awareness of the Romani-speaking population, promote their identity and, at the same time, ensure the preparation of children for further education.

(Statement of the Office of the Plenipotentiary of the Slovak Republic for Roma Community)

Article 9 - Judicial authorities

Par. 1(a)

Regarding each minority language (except for Czech), the Committee of Experts states in the conclusion that it *“strongly urges the Slovak authorities to guarantee the right of the accused to use Hungarian³⁴ in criminal proceedings irrespective of whether he or she has a command of Slovak and 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.”*

In relation to the request for the right of the accused to use a minority language in cases where the accused person has a command and fully understands Slovak language, the Slovak Republic maintains its previous position. At the moment, it does not consider an adjustment that would provide interpreting to those who fully and unconditionally understand the language in which the proceedings are conducted. Such adjustment would be a disproportionate financial burden on the criminal proceedings and in rare cases this could be a way to intentionally impede or extend the proceedings.

Regarding the recommendations concerning the possibility of drafting requests and evidence in a language other than Slovak, we would once again like to point out § 51 par. 5 of the Decree of the Ministry of Justice of the Slovak Republic no. 543/2005 Coll. on Administration and Office Rules for district courts, regional courts, the Special Court and military courts, under which this commitment of the Slovak Republic has been fulfilled and fully applied. Interpreting and translation in criminal proceedings does not constitute a financial burden to persons in whose favour the interpreting or translation is performed. According to § 553 par. 1 of Act no. 301/2005 Coll. Code of Criminal Procedure, the costs of criminal proceedings (including the costs of interpreting) are fully borne by the state. Therefore, we consider this commitment of the Slovak Republic to be also fulfilled. Thus, on the legislative level, these two commitments are already fulfilled, which we also mentioned in the previous comments as well as to the representatives of the Committee of Experts in person.

Also in civil proceedings, pursuant to § 141 par. 4 of Act no. 99/1963 Coll. Code of Civil Procedure, the costs associated with the participants' use of their mother tongue or a language which they understand are borne by the state.

Although all of the above commitments are fulfilled, or unfulfilled at the same level in relation to all minority languages existing in the Slovak Republic³⁵, the Committee of Experts uses different ways to comment different languages in the present report. While in the case of Hungarian, Ruthenian and Romani languages it considers the commitments under the Charter in the field of criminal proceedings to be partially

³⁴ Ruthenian, Ukrainian, Romani, German, Polish, Bulgarian and Croatian.

³⁵ With the exception of Yiddish and Czech languages, in terms of the Fourth Report of the Committee of Experts.

fulfilled, in the case of Ukrainian, German, Bulgarian, Croatian and Polish languages it refers to them as not fulfilled. Considering the above facts, we request for all languages a conclusion stating at least a partial fulfilment of commitments under Art. 9 of the Charter.

(Statement of the Ministry of Justice of the Slovak Republic)

Article 10 – Administrative authorities and public services

The Ministry of Health of the Slovak Republic has not received complaint concerning failure to provide medical care due to inability to use a minority language by the personnel of health facilities. Use of minority languages in health facilities is made possible for all patients and clients in verbal communication, especially in Hungarian, Romani and Ruthenian indiscriminately.

According to the Act no. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments to certain laws, as amended, the Ministry of Health of the Slovak Republic issues state educational programs for medical courses that prepare students for the medical profession at secondary medical schools. National education programs, as part of general and vocational theoretical education, include thematic units that also focus on professional terminology. As part of further training of health personnel, the Ministry of Health of the Slovak Republic lays down minimum standards for specialized curricula, minimum standards for certification courses, and minimum standards for programs of continuing education.

Section 141

See comment on section 68.

Section 144

From the formal point of view, we would like to point out that in the section 144 of the report, an incorrect term is used, i.e. "reject" in the following part: "...*Slovak Railways has repeatedly rejected requests to display bilingual signs, invoking procedural and technical obstacles. The Ministry of Transport also rejected these requests in 2013. Draft legal amendments which meant to remove the above-mentioned obstacles were twice rejected by the National Assembly, in 2013 and 2014, respectively...*". For this reason, we note that § 4 par. 3 of the Act no. 184/1999 Coll. on the use of minority languages, as amended (hereinafter "Act no. 184/1999 Coll."), after its amendment by Act no. 204/2011 Coll., allows optional display of bilingual signs in a minority language also on railway stations, bus stations, airports and ports. Such signage in a minority language are displayed under the name in the state language with the same or smaller font. This type of municipality signage in a minority language has only a local character, is part of the cultural heritage of the respective minority, is not an official name of the municipality and may only be used in public communication to the extent laid down by the Act no. 184/1999 Coll., which is territorially limited in scope, i.e. it can be applied only in the municipality mentioned in Slovak Government Regulation no. 221/1999 Coll., establishing a list of municipalities, where citizens of the Slovak Republic belonging to a national minority constitute at least 20% of the population. Application of provision § 4 par. 3 of Act no. 184/1999 Coll. is optional. Act no. 184/1999 Coll. does not require displaying municipality signage in a minority language, but it gives the possibility to be selected accordingly by members of the minority community. The exercise of this right, however, must not interfere with uniform national railway station labelling rules, which require signage exclusively using the official name of the municipality (or geographical location) in the state language. The actual exercise of right of persons belonging to a national minority to apply the provisions of § 4 par. 3 of Act no. 184/1999 Coll. is one of the competencies of the municipality authorities which, together with the railway operator, arrange for a specific railway signage of the municipality in the minority language.

Regarding the statement concerning the National Council of the Slovak Republic, we request to rephrase the incorrect claim, as the resolution of the National Council of the Slovak Republic states that: "...*after discussing the bill in the first reading it has been decided that according to § 73 par. 4 of the Act of the National Council of the Slovak Republic no. 350/1996 Coll. Rules of Procedure of the National Council of the Slovak Republic, as amended, the discussion concerning this bill will not continue.*", i.e. the National Council of the Slovak Republic did not "reject" the Members' bill, but instead did not continue the discussion concerning this bill.

(Statement of the Ministry of Transport, Construction and Regional Development of the Slovak Republic)

Section 145

Section 145 states: "...*The Committee of Experts underlines that the term "place-names" within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names in that municipality that can be officially used, for example in texts produced by the local authority (e.g. documents, forms, public relations material, websites) or in signage (e.g. street name signs, signposts and public transport signs, inscriptions for tourists).*"

We cannot agree with the above claim of the Committee of Experts. The current Act no. 184/1999 Coll. on the use of minority languages, in the section dedicated to labelling of geographical entities in minority languages, defines the place names of municipalities in a minority language (§ 4 par. 1, 2 and 3), and separately defines the local labelling of non-municipal geographical entities in a minority language (§ 4 par. 4 and 5). The names of municipalities in a minority language must be marked on road signs indicating the beginning and end of the municipality under the road sign bearing the official name of the municipality in the state language, if it is a municipality to which the provisions of this Act apply. Furthermore, it is possible to put them in places listed in § 4 par. 3 and 4. The option to use local topographical indications in a minority language in official documents applies exclusively to non-municipal geographical entities when used in documents drawn up in a minority language.

(Statement of the Ministry of Culture of the Slovak Republic)

Article 11 - Media

Section 167

Section 167 states that: *“...The Committee of Experts was also informed by the Hungarian-speakers that according to new regulations, when broadcasting in an EU language only, subtitling or translation are not required. However, the authorities interpret this regulation as applying only to foreign broadcasters.”*

We cannot agree with the above claim of the Committee of Experts. According to § 5 par. 3 of the State Language Act, the provisions of paragraphs 1 and 2 do not apply to broadcasters licenced by the Council for Broadcasting and Retransmission under conditions stipulated by a special regulation to broadcast exclusively in one or more official languages of the European Union, which is not the official state language of the Slovak Republic. The range of exemptions from the mandatory use of the state (Slovak) language in broadcasting is thus extended with a new exemption that applies to broadcasters that broadcast in one or more official languages of the European Union (other than the Slovak language) who wish to provide their programme service to citizens of another member state of the European Union living in the Slovak Republic. An application for such licence can be rejected by the Council for Broadcasting and Retransmission if the application applies to regional or local broadcasting, and the territory to be covered by such broadcasting does not have a sufficient choice of regional broadcasting or local broadcasting programme services in the state language. The purpose of this is to ensure the right of Slovak citizens to access information about events in their region or city in the state language. Under no circumstances can this provision be construed as meaning that it applies only to foreign broadcasters, as the Act no. 308/2000 Coll. on Broadcasting and Retransmission and on the amendment of Act no. 195/2000 Coll. on Telecommunications, as amended, applies primarily to broadcasters who have a place of business or residence in the Slovak Republic, where they make their editorial decisions.

(Statement of the Ministry of Culture of the Slovak Republic)

Article 13 – Economic and social life

Sections 196, 513, 622 and 727

Within the meaning of the Committee's text, the phrase *“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”* could be construed that communication with the staff of the mentioned institutions concerns a certain conditionality or permission aspect regarding the use of a minority language. For this reason, we consider it more appropriate to use the word “can” instead of “may”. We also believe that the phrase *“while the institution shall allow the use of the minority language insofar as the conditions prevailing at the institution so permit”* sounds similarly somewhat restrictive or with a sense of conditionality, where we would consider it more appropriate to use *“shall enable”*, which better reflects the real situation in the mentioned institutions.

We also point out that the institutions of child protection and social care (children's homes, foster homes for unaccompanied minors, crisis centres and social reintegration centres) and social service facilities implement measures and services for children and adults in the language that the beneficiaries (of the services/measures) use. Employees of these institutions almost always speak the respective regional or minority language and use it mainly as part of an individual approach to clients.

From the terminology point of view, we would also like to point out the insufficiently exact phrase *“child social and legal protection institutions and social probation institutions”* in the above-mentioned parts of the report, because under Slovak legislation (Act no. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship) the correct terminology is *“institutions of social and legal protection of children and social guardianship.”*

(Statement of the Ministry of Labour, Social Affairs and Family of the Slovak Republic)

Sections 189, 190, 305, 306, 414, 415, 506, 507, 615, 616, 720, 721

Chapter 4 (Findings and proposals for recommendations)

Item D

Commentary to the evaluation of compliance with the obligation under Article 13 par. 1(a) of the Charter for Regional or Minority Languages in sections 189, 190, 305, 306, 414, 415, 506, 507, 615, 616, 720, 721 and to the finding D in chapter 4.1. of the evaluation report (the Committee of Experts considers this obligation not fulfilled):

When evaluating the State Language Act, the Committee of Experts misinterprets § 8 par. 1, 2 and 3, whose English wording on the website of the Ministry of Culture <http://www.culture.gov.sk/posobnost-ministerstva/statny-jazyk/zakon-o-statnom-jazyku-c2.html> is as follows:

“(1) In the interest of consumer protection, the use of the state language shall be mandatory in the labelling particulars of products, whether domestic or imported, in instructions for the use of products, particularly foodstuffs, medicinal products, consumption electronic and drugstore goods, in warranty terms and conditions, as well as other information for the *consumer in the range and in the conditions assigned by separate regulations*.¹³

(2) All documents and written communication with legal effect in the employment or a similar working relationship shall be executed in the state language; beside the version in the state language *contentually identical version in another language* can also be executed.

(3) The state language shall be the language of account^{13a} and financial statement^{13a}, technical documentation whose drafting or submission is required for proceeding under separate regulation^{13b} and bylaws of associations, societies, political parties, political movements and companies, which are necessary for registration; beside the version in the state language *contentually identical version in another language* can also be executed. The use of the state language in the Slovak technical standards is governed by a separate regulation.”

¹³For example, section 9 of the Act of the National Council of the Slovak Republic No. 152/1995 Coll. on Foodstuffs, as amended, section 24 of Act No. 140/1998 Coll. on Drugs and Medical Aids, on amendments to Act No. 455/1991 Coll. on Licensed Trade (the Trades Act), as amended, which also amends and supplements Act of the National Council of the Slovak Republic No. 220/1996 Coll. on Advertising, as amends, section 13 of Act No. 250/2007 Coll. on Consumer Protection and amendment and supplementing to Act of the Slovak National Council No. 372/1990 Coll. on Contraventions, as amended.

13a Act No. 431/2002 Coll. on the Account amended

13b E.g. Government Regulation no. 264/2009 Coll. on agricultural support measures as amended by Government Regulation no. 381/2009 Coll.

For unknown reasons, the Committee of Experts believes that the optional version of selected documents in a language other than the state language is only an “unofficial copy”, as opposed to the mandatory Slovak version. However, the Act in § 8 par. 2 and 3 makes no distinction between the mandatory Slovak version and other language versions of selected documents. Since they are documents used by public administration authorities, one version must exist in the state language, and it is up to the authors of such documents what other language version, substantially identical in wording, will also be submitted to the public administration authorities together with the state language version. State Language Act does not address the issue of official or unofficial status of these versions, let alone the issue of one version being a copy of another version. Therefore, the Expert Committee’s conclusion about the restriction of the use of minority languages has no rational basis for this reason.

We should note that, according to section 121 of the explanatory report, the purpose of Article 13 of the Charter is to eliminate measures to ban or discourage the use of such languages in economic and social life and, according to section 122 of the explanatory report, to give concrete application to the principle of non-discrimination. At the same time, the actual text of Article 13, par. 1(a) of the Charter clearly states that each State Party undertakes to eliminate from their legislation any provision prohibiting or limiting the use of minority languages without justifiable reasons, which clearly means that if the State, for objectively justifiable reasons, imposes an obligation to draw up the text of a document in the state language, it is not a restriction on the use of minority languages, which would mean a failure to fulfil the obligations of the State Party under Article 13 par. 1(a) of the Charter. Laying down this obligation indeed is a certain restriction on freedom of expression (or other freedoms, such as freedom of movement of workers) due to a legitimate public interest, such as protection of the rights and freedoms of others (namely the right of persons speaking the state language to receive and impart information in their private lives and in their dealings with the public authorities – *Consequently, by making a language its official language, the State undertakes in principle to guarantee its citizens the right to use that language both to impart and to receive information without hindrance, not only in their private lives, but also in their dealings with the public authorities.* – decision of the European Court of

Human Rights in the case of *Mentzen v. Latvia* and *Kuharec v. Latvia* of 7 December 2004 and decision of the European Court of Human Rights in *Bulgakov v. Ukraine* of 11 September 2007; those were acceptable language requirements in case of interference with the right to private life under Article 8 par. 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms), because the bearer of freedom of expression must subsequently draw up a state language version of the document, but this restriction is not limiting the minority language. The state language version is required by the state for legitimate purposes of contact with the public authorities, and this is a justifiable reason for such restriction on freedom of expression, freedom of movement of workers, etc., since it is a legitimate public interest, as is the protection of the rights and freedoms of others.

In the case of evaluation of Denmark, the Committee of Experts expressly stated that mandatory use of the state language in technical documents, unless it prevents provision of information in a minority language, results in fulfilment of the obligation under Article 13 par. 1(a) of the Charter:

Denmark – first evaluation report of 26 May 2004:

“The Danish legislation complies with the obligation set out under this paragraph... Regarding technical documents, the authorities state that the requirement for information to be available in Danish in certain cases does not prevent provision of the same information in German as well. The Committee of Experts therefore considers this obligation fulfilled.”

The Committee of Experts did not even address the existence of a justifiable reason for requiring the Danish language in technical documents in certain cases. It logically follows that a mandatory status of the state language in certain economic and social documents used by public authorities as part of certain procedures set forth by law, while enabling minority language versions identical in content, is objectively not a per se restriction on the use of minority languages, as it explicitly allows the state language version and another language version to be identical in content. The same is allowed by the Slovak State Language Act, which guarantees identical content of the state language version of a document and the minority language version of the same document, and does not set forth any differences between the versions. Therefore there is no discrimination. The only difference between the two versions is that the state language version is mandatory and the version in any other language, including a minority language, is optional. This in itself, however, makes no difference between the existing versions.

When is the use of a minority language restricted then? Certainly not when there is an obligation to use the state language identical in content with the minority language version. This is evidenced by the above evaluation of Denmark in 2004. A restriction of a minority language could occur if the law defines the state language version as the one which can be used by public authorities, or considers the minority language version as a translation (copy) of the state language version, or restricts the ability to use the minority language version in the dealings with the public authorities so that it cannot be submitted together with the state language version, or penalizes its use, or restricts the minority language version in terms of extent, form or other criteria. None of this exists in the State Language Act. While it is true that the state language version is primarily required for a legitimate public interest or for the reason of protection of the rights and freedoms of others, but that does not mean that it is impossible to use a minority language version in the dealings with the public authorities along with the state language version. If it is submitted together with the state language version, public authorities are not allowed to reject the minority language version or consider it unusable in the proceedings, because it is equally authentic, and therefore valid as the state language version.

With respect to the use of a minority language, we believe it is essential that such language has been given full space in a specific document with full legal effect. The purpose of the statutes of a civic association is not in fact primarily to be the basis for registration of the association with a public administration authority, which usually requires the state language version (especially if the law provides that such version must be drawn up), but mainly to set forth internal relations between members and bodies of the civic association, where the minority language version is identical in content with the state language version, and the law does not prioritise either version, indicating that both versions are equally authentic.

State Language Act thus sees no disadvantage in selected documents being drawn up in a language other than the state language, as opposed to the state language version. Since the Committee of Experts, besides prohibiting discrimination of the state language version and minority language version, has not given any specific guidelines or recommendations on how exactly should the mandatory use of the state language and minority languages in documents relating to economic and social life be set forth in case when the state language version is necessary for the exercise of powers of public authorities, the Slovak Republic follows *The Oslo Recommendations regarding the Linguistic Rights of National Minorities & Explanatory Note* of February 1998, according to which “The State may require the additional use of the official language or languages of the State only where a legitimate public interest can be demonstrated, such as interests relating to the protection of workers or consumers, or in dealings between the enterprise and governmental authorities.” According to the Explanatory Note to these Recommendations from 1998: “*Notwithstanding the above, the State may require that the official language or languages of the State be accommodated in those sectors of economic activity*

which affect the enjoyment of the rights of others or require exchange and communication with public bodies. This follows from the permissible restrictions on freedom of expression as stipulated The Oslo Recommendations 25 in Article 19(3) of the International Covenant on Civil and Political Rights and Article 10(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms. ... protection of the rights and freedoms of others and the limited requirements of public administration may well justify specific prescriptions for the additional use of the official language or languages of the State. This would apply to sectors of activity such as workplace health and safety, consumer protection, labour relations, taxation, financial reporting, State health and unemployment insurance and transportation, depending on the circumstances. On the basis of a legitimate public interest, the State could, in addition to the use of any other language, also require that the official language or languages of the State be accommodated in such business activities as public signage and labelling – as expressly stated in paragraph 60 of the Explanatory Report to the Framework Convention for the Protection of National Minorities. In sum, the State could never prohibit the use of a language, but it could, on the basis of a legitimate public interest, prescribe the additional use of the official language or languages of the State.

In keeping with the logic of legitimate public interest, any requirement(s) for the use of language which may be prescribed by the State must be proportional to the public interest to be served. The proportionality of any requirement is to be determined by the extent to which it is necessary. Accordingly, for example, in the public interest of workplace health and safety, the State could require private factories to post safety notices in the official language or languages of the State in addition to the chosen language(s) of the enterprise. Similarly, in the interest of accurate public administration in relation to taxation, the State could require that administrative forms be submitted in the official language or languages of the State and that, in the case of an audit by the public authorities, relevant records be made available also in the official language or languages of the State; the latter eventuality would not require that private enterprise maintain all records in the official language or languages of the State, but only that the burden of possible translation rests with the private enterprise. This is without prejudice to the possible entitlement of persons belonging to national minorities to use their language(s) in communications with administrative authorities as foreseen in Article 10(2) of the Framework Convention for the Protection of National Minorities.“

The State is therefore entitled to set forth the entity's obligation to issue certain documents in the state language for the legitimate purpose of protecting workers, consumers and the needs of the dealings with public authorities in case of accounting, financial and technical documents required for the proceedings under special regulations, statutes of various entities for the purposes of registration in the register of entities in the state language. Thus it does not restrict the right of an entity to draw up such documents for economic and social purposes in another language with the same authenticity.

As regards employment contracts and any documents relating to employment, their mandatory execution in the state language, while allowing their creation in another language, is according to paragraph 32 of the judgment of the ECJ of 16 April 2013 in Case C-202/11 Anton Las v. PSA Antwerp NV a permissible interference with the freedom of movement of workers. Such legislation of a Member State, which not only lays down an obligation to use the official language of the Member State in employment contracts with a cross-border element, but also allows to draw up authentic versions of such agreements in a language known to all the parties concerned, would be less prejudicial to the freedom of movement of workers than legislation without such a possibility (which penalizes other language versions of all the files and documents of employers laid down by law and all documents for their employees by nullity), because such legislation can achieve the objectives of promoting and encouraging the use of the official language, social protection of workers and simplifying related administrative procedures which the ECJ has recognized as imperative reasons of public interest capable of justifying a restriction on the exercise of fundamental freedoms guaranteed by the TFEU.

Therefore, legislation which enables to draw up an employment contract in a language other than the mandatory official language version does not go beyond what is necessary to achieve the objectives of promoting and stimulating the use of the official language, social protection of workers and simplifying related administrative procedures, and is therefore appropriate. In this respect, the procedure of testing the adequacy of linguistic requirements of a Member State by the European Court of Justice in relation to employment contracts is consistent with the test indicated by the OSCE High Commissioner on National Minorities in the Oslo Recommendations of 1998.

It is thus clear that on 1 September 2009, when the amendment to the State Language Act entered into force, which allowed to draw up substantially identical copies of the documents, which under § 8 par. 2 and 3 of the State Language Act must be drawn up in the official language and in another language, and at the same time on 1 March 2011, when another amendment to the State Language Act entered into force, which restricted the range of documents in § 8 par. 3 of the State Language Act to those submitted to public authorities, the Slovak Republic unambiguously excluded from its national legislation such provisions that forbid or restrict the use of minority languages in economic and social-related documents.

We should specifically point out the issue of product labelling where § 8 par. 1 of the State Language Act since 1 September 2009 no longer limits the use of minority languages and refers explicitly to the use of the state language pursuant to specific legislation, such as the Consumer Protection Act, Food Act and Medicinal Products Act.

Regarding the question of the Committee of Experts whether in case of instructions for the use of products or installations relevant information may be presented bilingually, footnote to reference no. 13 “in the range and in the conditions assigned by separate regulations” indicates the laws that govern the labelling of products.

These are:

For example,

section 9 of the Act of the National Council of the Slovak Republic No. 152/1995 Coll. on Foodstuffs, as amended, (this regulation is complemented by Parliament and Council Regulation 1169/2011 on the provision of food information to consumers that allows EU Member States to introduce the mandatory use of one of the official languages of the EU, as required by Act no. 152/1995 Coll. on food, while European regulation 1169/2011 with direct effect expressly provides that it must also be possible to use other languages)

section 24 of Act No. 140/1998 Coll. on Drugs and Medical Aids, on amendments to Act No. 455/1991 Coll. on Licensed Trade (the Trades Act), as amended, which also amends and supplements Act of the National Council of the Slovak Republic No. 220/1996 Coll. on Advertising, as amends, (this regulation was replaced on 1 December 2011 by Act no. 362/2011 Coll. on medicines and medical devices, which explicitly permits simultaneous use of other languages on the outer packaging and the package leaflet as the state language), section 13 of Act No. 250/2007 Coll. on Consumer Protection and amendment and supplementing to Act of the Slovak National Council No. 372/1990 Coll. on Contraventions, as amended.

Firstly, it is § 13 of Act no. 250/2007 Coll. on consumer protection, which states that “if the *information referred to in § 10a–12* is provided in writing, it must be in a codified form of the state language. The possibility of simultaneous use of other labelling, particularly graphic symbols and pictograms as well as other languages, is not affected.” This is data set forth by Act no. 250/2007 Coll. on consumer protection. This option for Member States was set by the European Court of Justice in its judgment in the case Colim C-33/97 of 3 June 1999, which states: “In the absence of full harmonisation of language requirements applicable to information appearing on imported products, the Member States may adopt national measures requiring such information to be given in the language of the area in which the products are sold or in another language which may be readily understood by consumers in that area, provided that those national measures apply without distinction to all national and imported products and are proportionate to the objective of consumer protection which they pursue. They must, in particular, be restricted to information which the Member State makes mandatory and which cannot be appropriately conveyed to consumers by means other than translation.” At the same time, section 35 of this judgment implies that this is a “sufficient” linguistic requirement (By contrast, where there is only partial Community harmonisation or none at all, the Member States in principle retain the power to impose additional language requirements.), which implicitly assumes admission of other languages. The admission of other languages is also required due to adequacy of measures to protect the consumer, so the measure is necessary to achieve the objective of consumer protection.

Additionally, in the case of food labelling, Regulation of the European Parliament and of the Council (EU) no. 1169/2011 of 25 October 2011 on the provision of food information to consumers is effective since 13 December 2014, which in Art. 16 par. 3 states that the directive allows establishment of an official EU language as the language in which it is required to provide the mandatory food information by the Member State of the Union, where the food is marketed (*Within their own territory, the Member States in which a food is marketed may stipulate that the particulars shall be given in one or more languages from among the official languages of the Union.*), this *shall not preclude the particulars from being indicated in several languages.* Act no. 152/1995 Coll. on food in § 8 par. 1 establishes an obligation to the person who produces, handles or markets food to identify it in the state language with data according to Regulation of the European Parliament and of the Council no. 1169/2011 on the provision of food information to consumers. This is data set forth by Regulation of the European Parliament and of the Council no. 1169/2011.

As regards the specific regulation of medicinal product labelling, a new Act on medicines no. 362/2011 Coll. is effective since 1 December 2011, which in § 61 par. 1 sets out the requirement for precisely identified data on the external and internal packaging (labelling) of a medicinal product to be in the official state language and, at the same time, in § 61 par. 6 it states: “If the outer packaging of a human medicinal product is labelled in the state language and in other languages, the name of the human medicinal product must be indicated in characters for the visually impaired (Braille) in all languages on the external packaging.”, so it allows the use of languages other than the state language. Likewise § 62 par. 1 provides that precisely identified data in the package leaflet must be in the state language, but at the same time § 62 par. 6 specifically provides that the precisely identified information and data, which must be indicated in the state language, may be given in other languages, but it must be the same data and information. In both

cases, this is an implementation of the requirement of Article 63 of the European Parliament and Council Directive 2001/83/ES on the Community code relating to medicinal products for human use in paragraph 1, which requires the Member States to provide mandatory data on the outer packaging (outer labelling) (if not present, internal packaging – immediate labelling) and package leaflet in the official language or languages of the Member State where the product is marketed, while explicitly stating that this obligation does not prevent indication of such data in several languages, provided the same data is used in all the languages used.

It is thus clear that the laws of the Slovak Republic and the regulations of the European Union, whether having a direct effect (Regulation 1169/2011) or an indirect effect (Directive 2001/83/EC), as well as decision-making practice of the ECJ (case C-33/97 Colim) relating to consumer labelling, are in full compliance with European law, both primary (freedom of movement of goods) and secondary (mandatory or optional use of the official language allowing other languages at the option of the seller). The Committee of Experts could have verified these issues before the development of the fourth evaluation report with the Slovak authorities, who would make things more clear.

Conclusion: Since 1 March 2011, the State Language Act is not in conflict with any provision of the European Charter for Regional or Minority Languages.

(Statement of the Ministry of Culture of the Slovak Republic)

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(2016)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 27 April 2016 at the 1254th 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 requirements related to thresholds in order to make the undertakings in the field of administration operational;
2. strengthen efforts to provide teaching in or of all regional or minority languages at all appropriate levels;
3. take measures to improve teacher-training for regional or minority language education;
4. strengthen the support to television, radio, and newspapers in all regional or minority languages;
5. continue measures to abolish unjustified enrolments of Roma children in special 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 regional or minority languages and the cultures they represent.