



Strasbourg, 9 December 2009

ECRML (2009) 7

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN THE CZECH REPUBLIC

1st monitoring cycle

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

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

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

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

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to one or more Parties, as may be required.

Contents

A.	Report of the Committee of Experts on the application of the Charter in the Czech Republic	4	
	Chapter 1	Background information and preliminary issues	4
	1.1.	The Charter's ratification by the Czech Republic.....	4
	1.2.	The work of the Committee of Experts.....	4
	1.3.	Presentation of the regional or minority language situation in the Czech Republic.....	5
	1.4.	General legal framework.....	7
	1.5.	General issues arising from the evaluation of the report.....	7
	Chapter 2	The Committee of Experts' evaluation of the application of the Charter	9
	2.1.	Preliminary issue.....	9
	2.2.	Evaluation in respect of Part II of the Charter.....	9
	2.3.	Evaluation in respect of Part III of the Charter.....	20
		2.3.1. <i>Polish</i>	20
		2.3.2. <i>Slovak</i>	33
	Chapter 3	Findings of the Committee of Experts in the first monitoring round	43
	Appendix 1:	Instrument of ratification:.....	45
	Appendix II:	Comments by the Czech authorities.....	46
B.	Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the Czech Republic	55	

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

adopted by the Committee of Experts on 23 April 2009
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1 Background information and preliminary issues

1.1. The Charter's ratification by the Czech Republic

1. The Czech Republic signed the European Charter for Regional or Minority Languages (hereafter referred to as "the Charter") on 9 November 2000 and ratified it on 15 November 2006. The Charter entered into force with regard to the Czech Republic on 1 March 2007.
2. The instrument of ratification is set out in Appendix I to this report. Therein, the Czech authorities declared that the Charter applied to the Slovak, Polish, German and Romani languages.
3. In accordance with Article 15 paragraph 1 of the Charter, the initial periodical report on the application of the Charter in the Czech Republic was presented on 30 April 2008. The report was drafted by the Secretariat of the Government Council for National Minorities, and included information provided by several ministries, regional and local authorities and national minority associations.
4. The text of the Charter was published in the official Collection of International Treaties and on the website of the Government Council for National Minorities, as was the initial periodical report. The Secretariat of the Government Council distributed an information brochure on the Charter (*Charta – co bychom měli vědět?*, *The Charter – What Should We Know?*) to the regions and municipalities. However, during the on-the-spot visit, several representatives of the regional or minority language-speakers as well as the authorities expressed the view that the Charter may not have been distributed widely enough and that many municipalities were not sufficiently aware of the Charter.

1.2. The work of the Committee of Experts

5. After the Committee of Experts' preliminary examination of the report, a questionnaire was drawn up and addressed to the Czech authorities. A delegation of the Committee of Experts made an on-the-spot visit to the Czech Republic in December 2008. Meetings were held in Ostrava and Prague with representatives of the speakers of the Slovak, Polish, German and Romani languages, including non-governmental organisations, journalists and educationalists. It also met representatives of committees for national minorities, local, regional and central authorities.
6. The Committee of Experts received some comments and additional information from representatives of the speakers. This information has been helpful in the evaluation of the application of the Charter and the Committee of Experts would like to thank all of them for their active input and participation in the monitoring process.
7. In accordance with Article 16 paragraph 4 of the Charter, the Committee of Experts has established a list of general proposals for the preparation of recommendations that the Committee of Ministers may wish to address to the Czech Republic. Furthermore, in the body of the report, where necessary, it has made more detailed observations, which it encourages the Czech authorities to take into consideration when developing their regional or minority language policy.
8. This report is based on the political and legal situation prevailing when the Charter entered into force in the Czech Republic (1 March 2007), on the information presented by the Government of the Czech Republic in its initial periodical report to the Council of Europe (30 April 2008), on additional information provided by the Government at a later stage through the answers to a questionnaire compiled by the Committee of Experts, and on information obtained by the Committee of Experts during the on-the-spot visit, as stated above. The Committee of Experts adopted the present report on 23 April 2009.

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

9. The number of speakers of the regional or minority languages spoken in the Czech Republic is based on those who declared themselves as a native speaker in the results of the last census which took place in 2001. The Czech Republic is a relatively homogenous country. In the 2001 census, 10% of the population declared to have a mother tongue other than Czech.

10. The Committee of Experts observes that there has been a significant drop in the number of those that declared themselves as belonging to one of the relevant national minorities (Polish, Slovak, German and Roma) in 2001 compared to the previous census in 1991.¹ These figures do not necessarily reflect the numbers of speakers of the regional or minority languages. Some speakers choose not to declare themselves as members of the national minority, while not all members of the national minority necessarily speak the language of that national minority.

11. While the Czech constitution does not explicitly determine any language as official, the predominance of the Czech language, together with its status and privileges in several acts and regulations, mean that, for the purpose of the Charter, it is the official language of the Czech Republic. Certain privileges are also accorded to the Slovak language by law.

Polish

12. The Polish language is traditionally present in the Těšín/ Cieszyn part of Silesia, near the Czech-Polish border, in the administrative district of Moravia-Silesia. This can be contrasted to the other regional or minority languages whose speakers are dispersed throughout the territory of the Czech Republic. Nevertheless, there is no area where the Polish-speakers constitute an absolute majority.

13. In the Middle Ages, the historic regions of Moravia and Cieszyn Silesia were ruled by the local branch of the Polish Piast dynasty, before coming under Bohemian and later Habsburg rule. Following the break-up of the Austro-Hungarian Empire in 1918 and the emergence of the two new states of Poland and Czechoslovakia, Moravia became part of the latter, while Těšín/ Cieszyn Silesia was divided between the countries.

14. According to the 2001 census, there are 53 290 Polish-speakers in the Czech Republic. According to information received from the authorities, about 80% of the Polish population lives in the territory of Těšín. Poles make up 0.5% of the total population of the Czech Republic.

15. Polish-speakers mostly use the Těšín/ Cieszyn-Silesian variant as the main vehicle of oral communication, which is linguistically affiliated to the Polish Silesian dialects spoken in southern parts of Poland.

Slovak

16. The presence of Slovak in the Czech Republic can be considered as a direct result of migration. In the second half of the 19th century a migration movement of Slovak to more industrialised Czech regions had set in, which ceased in 1939.

17. A second wave of migration of Slovak-speakers, particularly of Roma origin, began after World War II, when many of them settled in border areas of western Bohemia.

18. After the Communists came to power in 1948, many Slovaks also moved to the industrial areas of the Czech Lands in search of work. Slovak migration reached its peak in 1980, when 359 370 declared Slovak ethnicity. Since then, the number of persons declaring themselves to be Slovak-speakers in the Czech Republic has been on a decrease.

19. According to the information provided by the authorities, Slovak is spoken in the whole territory of the Czech Republic. However, one can say that Slovak-speakers are concentrated in the Moravian-Silesian Region (42 357, according to the last census of 2001), the Ústecký Region (21 172), the Southern Moravian Region (15 452) and the Central Bohemian Region (14 191), the Karlovarský Region (13 655) and in Prague (17 406). According to the Slovak-speakers, the concentrations of speakers are mainly in towns due to employment reasons.

¹ Slovak 1991: 315 000 – 2001: 193 000; Polish 1991: 59 000 – 2001: 52 000; German 1991: 49 000 – 2001: 39 000; Roma 1991: 33 000 – 2001: 12 000.

20. In the 2001 national census, 193 190 persons declared Slovak identity, i.e. 1.9% of the total population. According to official sources, however, Slovak-speakers are slightly more numerous than citizens reporting Slovak nationality (222 832 speakers).

21. The Slovak and Czech languages belong to the same group of West Slavic languages. During the existence of the common state of Czechoslovakia, their mutual intelligibility was supported by politics and media. After 1990, they followed different paths, but the intelligibility is still very high. This means that in practice Slovak speakers have no difficulty using their language in public life.

German

22. German settlement in the territory of the Czech Republic can be traced back to the Middle Ages, when it was a policy of the Czech kings to invite Germans into the country.

23. Before World War II, Germans represented 22.95% of the population (3 123.305). This number dropped drastically after the war, when more than 2.5 million Germans were expelled by the Czechoslovak authorities, supported by the conclusions of the 1945 Potsdam conference and by virtue of the Beneš decrees. German-speakers suffered from stigmatisation until 1989 and consequently the intergenerational transmission of the German language was interrupted. As a result, most speakers nowadays belong to the older generation.

24. A significant number of German-speakers live in border areas, while a smaller number also live in Prague (1 791) and Central Bohemia (1 110). The highest concentration of German-speakers can be found in the region of Ústí nad Labem, where they represent 1.2% (9 478) of the total population. Other regions include Karlovarský Region (8,925), Moravian-Silesian Region (4 255) and Liberecký Region (3 722).

25. In the 2001 national census, 52 389 people declared German as their mother tongue, whereas 39 106 people declared German nationality, representing 0.38% of the total population. German-speakers use both standard German as well as traditional local dialects.

Romani

26. It cannot be exactly determined since when Romani is spoken in the Czech Republic. According to the information at the Committee of Experts' disposal, however, solid proof of the presence of Roma in the Czech Lands can be found in a letter of protection issued by the Holy Roman Emperor and Czech King Zikmund from the year of 1423.

27. Over the centuries, the Roma population faced severe persecution. In 1697, they were placed outside the law by Imperial decree, making them vulnerable to violent assaults. Persecution of Roma was officially brought to an end under Maria Theresa's reign (1740-1780). However, it was replaced by a first wave of large-scale assimilation attempts.

28. At the end of the 19th century, tensions between the Roma and Czechs increased. During the First Republic, the Law on Wandering Gypsies was passed, which required Roma to apply for papers and licences, thus restricting and depriving them from their traditions.

29. At the outbreak of World War II, an estimated number of 8 000 Roma lived in the territory of Bohemia and Moravia, i.e. the current territory of the Czech Republic. In 1939, the Ministry of the Interior of the Protectorate of Bohemia and Moravia issued an edict forcing them to settle and give up their migratory way of life. The autochthonous Czech Roma were almost exterminated by the Nazis. Consequently, the Czech variant of Romani has now disappeared as a living language.

30. The Romani language has suffered from stigmatisation for a long time and the language consequently has a very low prestige attached to it, which again in consequence has led to linguistic assimilation. Efforts to revive the language are a recent phenomenon.

31. The Roma population is concentrated in large towns, mainly in Prague and Ostrava. According to information at the Committee of Experts' disposal, the majority of the current Roma population are post-war immigrants, mostly from Slovakia, Hungary and Romania.

32. In the 2001 national census, the number of persons who reported Romani as their mother tongue was 23 211, compared to only 11 746 (0.1% of the population) who declared Roma identity, a figure three

times lower than in 1991. As stated in the initial periodical report (page 8), other estimates range between 200 000 and 250 000 Roma. The results of the survey carried out by the Charles University in Prague on the Romani language may give a more precise figure of Romani-speakers (see paragraph 32 below).

33. While, according to the periodical report (page 7), several varieties of Romani are spoken in the Czech Republic (Slovak Romani, Vlax, Hungarian, Bohemian and Sinti Romani), a standardised written Romani based on Slovak / Hungarian Romani has been used in the field of education and in the print media since 1971.

1.4. General legal framework

34. In the Czech Republic (as in most central and eastern European countries) the protection of regional or minority languages is closely linked to the notion of national minorities, a fact that is reflected in the domestic legislation and policies. According to the initial periodical report (page 6f), a number of laws fundamental to the rights of national minorities had been passed and/ or amended following the ratification of the Framework Convention for the Protection of National Minorities in 1997.

35. Altogether twelve national minorities are currently recognised as such in the Czech Republic, meeting the definition contained in paragraph 2 of the National Minorities Act.² It therefore should be kept in mind that all legislation and policies, including those relating to the financial budget allocated to national minorities in general, cover all twelve recognised national minorities.

36. According to the initial periodical report (page 6), Article 10 of the Czech Constitution stipulates that ratified legally binding international treaties are part of national legislation. Where the provisions of an international treaty differ from those of a national law, then the treaty is applied.

37. The general legal framework governing the use of regional or minority languages is as follows:

- Charter of Fundamental Rights and Freedoms (Act No. 2/1993 Coll);
- National Minorities Act (Act No. 273/2001 Coll);
- Act on Municipalities (Act No. 128/2000 Coll as amended), Act on the Regions (Act No. 129/2000 Coll as amended) and Act on the Capital City of Prague (Act No. 131/2000 Coll, as amended);
- Government Regulation No. 98/2002 laying down the conditions and method for the granting of subsidies from the national budget for the activities of members of national minorities and for the support of the integration of persons belonging to the Roma community.

1.5. General issues arising from the evaluation of the report

38. The Committee of Experts appreciates the excellent co-operation it enjoyed with the Czech Republic, especially with regard to the preparation of the on-the-spot visit and the open and constructive dialogue which took place.

39. The Committee of Experts nevertheless had difficulties obtaining a sufficient amount of information during some relevant stages of this first monitoring round, which hampers proper evaluation. The Committee of Experts notes that the initial periodical report contains little information on the Slovak, Romani and German languages. Further information in response to the Committee of Experts' request arrived just before the on-the-spot visit took place.

40. The formal protection and promotion of regional or minority languages within Czech law is in certain respects only guaranteed where certain criteria are met. These criteria include applying percentage thresholds relating to the numbers of members of national minorities.

41. On the local level, Section 117, paragraph 3 of the Act on Municipalities (Act No. 128/2000 Coll. as amended), provides that "if, according to the last census, at least 10% of citizens living in the geographical area of a municipality consider themselves to be of nationalities other than Czech, the municipal assembly shall establish a minorities committee." On the regional level, the same rule applies by virtue of Section 78, paragraph 2 of the Act on the Regions (Act No. 129/2000 Coll. as amended), but with a threshold of 5%.

² Bulgarian, Croatian, Hungarian, German, Polish, Roma, Ruthenian, Russian, Greek, Slovak, Serbian, and Ukrainian.

42. The Government Resolution of 7 June 2006 allows municipalities and regions to interpret these provisions in a flexible way; they may, for example, establish a committee below the given thresholds or on the contrary choose not to establish a committee for various reasons.

43. In the case of the Education Act (Act No. 561/2004 Coll.), Section 14 provides that the existence of a committee for national minorities at municipal level is a precondition to establishing regional or minority language education.

44. With regard to topographical signs, Section 29, paragraph 2 of the Act on Municipalities provides that bilingual topographical signs may be installed if “according to the last census at least 10% of the citizens of the municipality consider themselves to be members of the minority in question” and if the committee for national minorities resolves to request this. The detailed implications of these criteria are considered at paragraphs 194 - 199 below.

45. The establishment of committees for national minorities depends on aggregating the census data for all national minorities before reaching 10%. In certain respects this can be seen as a positive approach, in that it does not require any particular national minority to achieve a 10% threshold on its own before rights are granted.

46. The Committee of Experts considers, however, that percentage thresholds may nevertheless prevent the Charter from being applied to those regional or minority languages which may be present in sufficient numbers in municipalities or localities for the application of provisions of the Charter, but where there is no committee. This restriction affects in particular the application of Articles 8 and 10 of the Charter, but also the application in respect of languages protected only under Part II of the Charter. A further problem in the Czech Republic is that the thresholds are calculated by reference to the numbers of people identifying themselves as members of a national minority in the most recent census. As mentioned in paragraph 10 above, this is not necessarily an accurate guide to the number of speakers of a regional or minority language.³

47. In relation to the German, Slovak and Romani languages, the diffuse geographical presence of these languages that are spoken throughout the Czech Republic, with only small pockets of concentration, makes it a particular challenge to plan for and sustain their protection and promotion.

³ See also paragraph 114 of the 2nd Opinion on the Czech Republic of the Advisory Committee of the Framework Convention for the Protection of National Minorities – ACFC/INF/OP/II(2005)002: “The authorities acknowledge that the census results do not fully reflect the real number of persons belonging to national minorities”.

Chapter 2 The Committee of Experts' evaluation of the application of the Charter

2.1. Preliminary issue

48. Of the national minorities covered by the National Minorities Act, whose languages are not expressly mentioned in the instrument of ratification, it appears that the Croatian minority has a traditional presence in the Czech lands whereas the other minorities are more recent. The question therefore arises as to whether Croatian may be considered as a regional or minority language in the Czech Republic within the meaning of Article 1.a of the Charter.

49. According to supplementary information provided by the authorities, Croatian-speakers have lived in the territory of the Czech Republic since the 16th century as a result of an expanding Ottoman Empire. They settled in the southern part of Moravia, around the town of Mikulov. In the 19th century, assimilation tendencies proved to be quite strong and the majority of Croats abandoned their language and culture in favour of German. According to census of 1918, 1 682 Croats lived in the three villages of Jevišovka, Nový Přerov and Dobré Pole. Regarded as a hostile minority which had collaborated with the Germans during World War II, those three villages were depopulated by the Communist government in 1948 and their Croat inhabitants were dispersed throughout the territory of the Czech Republic. Some also left the country for Austria.

50. In the census of 2001, 1 585 people declared Croatian nationality. The Committee of Experts, however, has no information on the number of Croatian-speakers.

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

2.2. Evaluation in respect of Part II of the Charter

Article 7 Objectives and principles

Paragraph 1

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

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

52. According to the initial periodical report (page 6), the recognition of the regional or minority languages of the Czech Republic is guaranteed through the Czech constitutional document, the Charter for Fundamental Rights and Freedoms. Article 25, paragraph 1 guarantees national or ethnic minorities the right, *inter alia*, "to impart or receive information in their mother tongue", and paragraph 2 guarantees national minorities the right to education in their own language" and the "right to use their own language when communicating with the authorities." The Preamble of the National Minorities Act recognises regional or minority languages as an expression of cultural wealth by underlining the respect of the culture and language of national minorities.

53. Reflecting this approach, in the past few years, the Czech Republic has adopted and amended a number of laws regulating the rights of persons belonging to national minorities which strengthens the position of regional or minority languages in the Czech Republic. Moreover, Article 14 of the Cultural Policy of the Czech Republic, approved by Government Resolution No 40 on 10 January 2001 puts the principle of regional or minority language protection and promotion on a political level.

54. There appears to be a variety of festivals celebrating national minority culture throughout the Czech Republic.

55. In relation to the Romani language, since 2000, the annual World Roma Festival Khamoro has been held every year in the Czech Republic and is subsidised by the state. In 2007, the festival was under the aegis of the Czech Prime Minister. Prague also celebrates the International Day of the Roma on 8 April.

56. While commending these initiatives, the Committee of Experts nevertheless observes that Romani suffers from low prestige in the Czech Republic which has led to assimilation. According to the speakers

themselves, Romani is not always considered a language in its own right, or as equal to other languages by the general public nor by all members of the Roma minority.

57. As regards the German language, the Committee of Experts also gained the impression during the on-the-spot visit that, despite an improvement in public perception of the German national minority, the German language is nevertheless still not sufficiently perceived as a part of the cultural wealth of the Czech Republic.

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;

58. The Czech Republic is divided into thirteen regions. Every region (*kraj*) has its own elected Regional Assembly and is further divided into municipalities (*obce*) which are self-governing bodies.

59. According to the initial periodical report (page 10), the existing administrative boundaries in the Czech Republic do not constitute any obstacle to the promotion of regional or minority languages, and the Committee of Experts has not been made aware of any problems by the representatives of the regional or minority language speakers.

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

60. Apart from the above-mentioned legislative framework for the protection and promotion of regional or minority languages, the Czech Republic earmarks an annual budget for national minorities, which includes the funding of activities and projects geared towards the promotion of regional or minority languages. The conditions and procedure for grant supply is laid down in the Government Decree Nr. 98/2002. During the on-the-spot visit, representatives of the speakers were concerned over the fact that the overall annual budget has remained unchanged for 15 years. Some financial support for Polish, German and Slovak also comes from the respective kin-state governments.

61. Furthermore, according to the initial periodical report (page 21), the Ministry of Culture earmarks an annual amount of CZK 30 million (€1 126 498) for the support of minority language broadcasting and print media for all national minorities.

62. During the on-the-spot visit, the Committee of Experts was informed by representatives of the Moravian-Silesian Region that apart from the annual budget mentioned above, the central authorities provided a lump sum of CZK 5 million (€187 684) to the committee for national minorities of the Moravian-Silesian Region to assist in the technical implementation of the provisions of the Charter (i.e. bilingual signs, translation of documents). The Committee of Experts welcomes this and considers it good practice.

63. Although there are pockets of speakers in certain areas, speakers of the Romani and German languages are dispersed throughout the whole country. Representatives of these speakers told the Committee of Experts during the on-the-spot visit that there were hardly any areas where the concentration was high enough to meet the legal criteria necessary for regional or minority language protection and promotion (see paragraph 41 above).

64. While welcoming the measures taken by the authorities, the Committee of Experts is of the view that decisive steps need to be taken to promote regional or minority languages in the Czech Republic, particularly for Romani and German.

65. In the case of Romani, there is a need for particularly resolute action. The language is virtually absent from public life, state education and the media, and suffers from considerable prejudice and hostility. These factors mean that a planned and structured approach is needed on the part of the authorities to the promotion and preservation of the Romani language in the Czech Republic.

The Committee of Experts encourages the Czech authorities to develop, in cooperation with the speakers, a planned and structured approach to the promotion and preservation of the Romani language in the Czech Republic.

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

66. According to Article 25 (1) of the Charter of Fundamental Rights and Freedoms, and Section 13 of the Act on National Minorities, national minorities are guaranteed the right to impart and receive information in their language.

67. By virtue of Section 10 of the Act on National Minorities, elections are announced in the languages of all national minorities, and notifications and information on the elections are published in these languages.

68. In the field of media, the following Acts enable the use of regional or minority languages in the broadcasting and print media: Act No. 231/2001 Coll. concerning radio and television broadcasting and amending other acts as amended, Act No. 483/1991 concerning Czech television as amended and Act No. 484/1991 Coll. concerning Czech radio as amended, Act No. 46/2000 Coll. concerning the rights and obligations of publishers of periodical press and amending certain other acts (Press Act) as amended. For example, Section 2 of Paragraph 2 (c) of Act 483/1991 Coll. obliges Czech Television to provide a balanced offer of programmes for all groups of the population, taking into account *inter alia*, their national identity. Furthermore, paragraph 2 (d) of the same section stipulates that the Czech Television should develop the identity of national or ethnic minorities. Act No 231/2001 Coll. concerning (public and private) radio and television broadcasting sets criteria for the licensing of television and radio services. Section 17.1.(g) includes among these criteria the contribution of the service to guaranteeing the development of the cultures of national minorities in the Czech Republic. This will be dealt with in more detail under Article 11 in the evaluation in respect of Part III below.

69. Czech national television broadcasts a 20-minute weekly programme called “Babylon” which covers among others issues pertaining to national minorities. Languages other than Czech that appear in the programme are subtitled in Czech.

German

70. According to supplementary information received from the Czech authorities, 15-minute radio programmes in German are broadcast twice a week on the regional radio station ČRo Plzeň, there is a 15-minute programme on the regional station ČRo North and a 20-minute monthly programme on the regional station ČRo Brno. These programmes replace a previous offer which was broadcast throughout the whole territory of the Czech Republic, and are regarded as a backward step by representatives of the speakers. Although Radio Prague broadcasts programmes in German six times a day which can be received nationwide, in the view of the speakers, the content is not necessarily of relevance to the German-speakers living in the Czech Republic.

71. There are no television programmes broadcast in German apart from some programmes produced in Germany and Austria and shown on Czech television with Czech subtitles.

72. Subsidies for the printed media are provided for by the Ministry of Culture through an annual grant of over CZK 2 million (€75 074) for the fortnightly *Landeszeitung* and the monthly *Eghaländ Bladl*. The Committee of Experts was informed by representatives of the German-speakers during the on-the-spot visit that the biweekly newspaper *Prager Volkszeitung* was no longer published after 2007 due to lack of financial and human resources.

73. Representatives of the *Landeszeitung* informed the Committee of Experts that it is not possible to predict the afforded subsidy level for the funding of the newspaper in advance which makes planning difficult.

74. According to some representatives of the German-speakers that the Committee of Experts met during the on-the-spot visit, German-speakers often refrain from using their language in public because they fear repercussions. However, at the same time the speakers said that the government policy of supporting a multicultural society could also lead to a positive development for the use of German. There seems to be a change of attitude among the younger Czech generation.

Romani

75. According to supplementary information received from the Czech authorities and during the on-the-spot visit, ČRo 1 Radiožurnál and most regional radio stations broadcast programmes for Roma. According to a radio representative, Romani has been present on radio since 1992, mostly in the form of songs. Apart from that, Romani is only used in the opening words of the programme. The rest of the programme is in Czech on issues of concern for Roma. The programme is also perceived as a way of informing the general public about issues relating to the Roma minority and its culture. Furthermore, Radio Rota is a radio channel that broadcasts via the internet, *inter alia* in Romani.

76. As for television programmes, according to media representatives that the Committee of Experts met during the on-the-spot visit, Czech public television had produced several programmes on Roma and by Roma since 1992. However, these were discontinued allegedly because they did not receive any positive response from the Roma community.

77. Several periodicals published by and for the Roma minority receive an annual subsidy of CZK 5 – 6 million (€178 685 – €225 251) from the Ministry of Culture. Some of these publish articles in Romani, for example the newspaper *Romano hangos*, the monthly *Romano Vod'i*, the children's magazine *Kereka*, or the half-yearly journal *Romano džaniben*.

78. According to the information contained in the *Report on the Situation of National Minorities in the Czech Republic in 2007*, the Museum of Roma Culture in Brno, supported by the Ministry of Culture, regularly organises events and activities relating to the Romani language.

79. The Committee of Experts considers that there is a need for greater promotion of German and Romani and encouragement of their use in public life, for example by strengthening the broadcast offer in both languages.

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

80. The Czech Bureau for Lesser Used Languages (CzechBLUL) has been identified by the Czech authorities as a non-governmental umbrella organisation that develops links between the speakers, although it currently focuses mainly on the promotion of the Polish language.

81. According to the initial periodical report (page 11), links between different regional or minority language-speakers are facilitated through the Government Council for National Minorities and the House of National Minorities which opened in June 2007 in Prague. It serves among other things as a meeting place for national minorities and their activities such as concerts, seminars and social evenings.

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

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

83. The providers of pre-schools and primary schools are the local authorities, the providers of secondary schools are the regions. Compulsory school education in the Czech Republic comprises altogether nine years, usually from the age of six to the age of 15. The *základní škola* is a comprehensive single structure institution comprising primary education (five years) and lower secondary education (another four years). After primary education, it is possible for pupils to proceed to a grammar school *gymnázium* which comprises lower (four years) and upper secondary education (another four years).

84. The right to receive instruction in a regional or minority language in the Czech Republic is guaranteed by law. Paragraph 11 of the National Minorities Act reads as follows:

Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right of upbringing and education in their mother tongue at schools, pre-school and school institutions under conditions determined by special legal regulations.

Members of national minorities according to paragraph 1 are allowed under conditions determined by special legal regulations to establish private schools using the language of a national minority as the teaching languages or teaching the language of a national minority as a school subject;

85. By virtue of Section 14, paragraphs 2 and 3 of the Education Act, the minimum number of pupils required to set up a class for instruction in the regional or minority language in the Czech Republic is eight in pre-schools, ten in primary schools and twelve in secondary schools. Furthermore, the Act allows for a flexibility in those thresholds in certain cases:

1) In line with Section 23, the founder of the school (e.g. the central, regional or municipal authority) can lower the threshold by 20%;

2) By virtue of Section 14, paragraph 5, the principal of the school can decide to offer some bilingual classes, if the number of pupils is lower than the threshold. According to the information received from the authorities, the threshold can be lower for the teaching of the language as a subject, for which there does not seem to be a fixed number.

86. According to the Education Act, minority schools can be set up if certain requirements are met. One of these requirements is the existence of a committee for national minorities in the relevant municipality. This can cause problems where no committee has been established but where there are nevertheless sufficient numbers of pupils to justify regional or minority language education. In this respect, the Committee of Experts received complaints from both Slovak- and German-speakers during the on-the-spot visit. A representative of the Ministry of Education confirmed that attempts to set up pre-schools and primary schools in the past have failed due to this rule.

87. The Committee of Experts observes that there is a variety of contexts in which regional or minority language education can be provided in the Czech Republic, but it can only be guaranteed as of right where a committee for national minorities exists.

The Committee of Experts encourages the Czech authorities to take action to improve the offering of regional or minority language education in the Czech Republic including:

- making parents aware of the various possibilities for their children to receive education in regional or minority languages;

- encouraging school boards and principals to offer regional or minority language education;

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

Romani

88. On 13 November 2007, the Council of Europe's European Court of Human Rights found that the Czech school system discriminated against Roma pupils. A disproportionate number of Roma pupils attended so-called special schools (*zvláštní školy*) for mentally and socially disadvantaged pupils which did not allow further advancement within the education system. This discriminatory practice has now been abolished.

89. Pre-schools and primary schools are the two most important stages in education for language acquaintance and maintenance. However, according to the representatives of Romani-speakers that the Committee of Experts met during its on-the-spot visit, Romani is not taught at all at these levels in the Czech Republic. According to the speakers, there are a number of schools with a sufficient number of Roma pupils for teaching in or of Romani to be offered. However, so far the interest of parents for Romani education has been low. Experts from the Charles University told the Committee of Experts during the on-the-spot visit that there was also a need to raise awareness within the Roma community of the benefits of education in general and of bilingualism in particular. A lack of information in this respect, combined with clearly assimilationist practices within schools and the absence of a policy from the authorities have led to the current virtual absence of Romani education. The Committee of Experts was informed by representatives of the speakers that appeals had been made to the Ministry of Education for an offer of Romani in schools but that no action had followed.

90. Initial indications from research carried out by Charles University into the language competence of Roma pupils in Romani suggest that 30% of the Roma children live in communities that are supportive of the use of Romani; 15% of the Roma pupils have limited active but good passive knowledge of Romani; 25%

have poor active knowledge and problems understanding the language, and finally, 30% of the pupils have no knowledge of Romani. Therefore there is a great potential among the Roma children to strengthen and revive the Romani language.

91. According to a representative of the research project at Charles University (see paragraph 109 below), so far it was believed to be best to teach Roma children through the medium of Czech and introduce Romani elements at a later stage of education. However, first results of the survey have shown that, at least concerning those Roma from Slovakia, Roma pupils who are taught in Czech only confuse Czech with Slovak and Romani. There therefore seems to be a need for a new pedagogical approach, introducing the Romani language at an earlier stage of education.

92. The Committee of Experts was informed by the Ministry of Education of plans for a pilot project to introduce Romani as an optional subject in a primary school. The Committee of Experts looks forward to receiving information on this development in the next periodical report.

93. It seems that in the Czech Republic, Romani education is only offered at some private secondary schools (e.g. Roma vocational schools in Kolín and Ostrava where Romani is taught as a subject) and also at some public secondary schools.

94. The Committee of Experts was informed that there is a general lack of trained teachers, especially with regard to teaching through the medium of Romani. According to additional information received from the Czech authorities, Romani courses are included in the curriculum of the vocational school in Most for future teacher assistants and social workers.

95. During the on-the-spot visit the Committee of Experts was informed about teaching assistants who work in the first two class levels of primary schools to help the integration of “culturally different and/or socially disadvantaged backgrounds” (see the 2007 Czech Framework Education Programme for Basic Education). The assistants, whose position does not require a higher education diploma, occasionally speak in Romani to the Roma pupils. The results of the survey mentioned above (paragraphs 90-91 above), showed that some teachers occasionally used Romani in songs. According to the speakers, it is important that native speakers of the Roma minority study the language at university, which is currently rarely the case. A method for teaching Romani literacy in schools has already been developed by Charles University.

96. The 2007 Framework Education Programme for Basic Education allows schools to include the teaching of Romani in the curriculum. Still, the survey revealed that the attitude of some teachers towards Romani was negative and that they even forbid pupils from speaking Romani (see also Annex 1 of the *Report on the Situation of National Minorities in the Czech Republic in 2007*).

97. The Preamble to the Charter of course states that “the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them”. Furthermore, the need for successful integration of Roma in Czech society deserves maximum support, given the unfavourable economic, social and political conditions from which Roma have suffered for centuries in most European countries. However, social integration should not be confused with cultural and linguistic assimilation. Full recognition of the linguistic and cultural specificities of Roma is more conducive to their successful integration in the society than denying them. Furthermore, acquiring multiple linguistic skills from a very early age, or even better as a mother-tongue bilingual speaker, enhances the child’s intellectual and linguistic ability (see the first evaluation report with regard to the implementation of the Charter in Slovakia ECRML (2007) 1, paragraph 59).

98. In conclusion, on the basis of the information at its disposal and of the views that it has gathered from language policy and Roma experts, the Committee of Experts is convinced that integration of the Romani-speaking people into Czech society implies inclusion of teaching of and in Romani in the Czech school system.

99. The results of the Charles University survey may serve as a basis to identify the needs of the Romani pupils and the schools where Romani could be taught. As an intermediate solution, the Czech authorities should take urgent action to end the unacceptable practice of preventing children from speaking Romani in schools, including through awareness-raising campaigns and training of staff who are responsible for Romani-speaking children. The authorities should also consider employing more Romani-speaking teaching assistants until there is a sufficient number of trained teachers. In the medium term they should establish the acquisition of Romani literacy skills as a priority, with a clearly defined career path for teachers of the Romani language.

The Committee of Experts encourages the Czech authorities to adopt a structured policy to Romani education and to take immediate interim measures to improve the situation.

German

100. According to additional information provided by the Czech authorities, at most primary and secondary schools, German is taught as an optional compulsory subject.⁴ However, the representatives of the German-speakers expressed the view that the current offer of German education did not meet the needs of the German-speakers, since German is taught as a foreign language.

101. There is one German-medium school in Prague that comprises pre-school, primary and secondary school education. There is also one bilingual Primary School of Czech - German Understanding, which opened in 1996 (with 124 pupils), an Austrian grammar school, and one bilingual grammar school (Thomas-Mann-Gymnasium) in Prague (with 150 pupils) in which up to 50% of the subjects are taught in German. Furthermore, there is a bilingual grammar school in Liberec. Some of these schools are subsidised by the Czech state.

102. Evidence supplied by the umbrella association of the German-speakers indicated that some German is taught at six pre-schools. Furthermore, associations offer voluntary German classes to 80 pupils under the age of six, mainly in Krumlov. The Committee of Experts was informed of an attempt to set up a German-medium pre-school in the Hlučín Region within the next two years and would welcome information on its development in the next periodical report.

103. According to the speakers there is an interest to introduce German-medium education in the regions but according to them, this would not be possible in the light of the current regulations which impose a minimum number of pupils or the existence of a committee for national minorities in the relevant municipality. The umbrella association of the German-speakers identified the areas where there is a demand for German language education starting at primary school level: Jihlava, Liberec, Cheb, Moravská Třebová, Šumperk, Hlučín and Opava.

The Committee of Experts encourages the Czech authorities to improve the situation of German as a regional or minority language in the field of education, in co-operation with the speakers.

- 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;*

104. According to the initial periodical report (pages 11 and 15), organisations offering language courses may benefit from the subsidy programme of the Ministry of Education to support education in minority languages.

Romani

105. According to information received during the on-the-spot visit, the Museum of Romani Culture in Brno offers regular Romani language courses and the Protestant College for Applied Social Science in Prague offers Romani courses through distance learning.

German

106. According to the information provided by the German-speakers, 14 associations of the German minority organised 44 German language courses for all ages in 2007, which were attended by over 450 learners.

Polish

107. According to supplementary information received by the authorities, there are a number of language schools throughout the Czech Republic that teach Polish as a foreign language.

⁴ At secondary schools, in addition to the core subjects, pupils must choose a certain number of subjects from a greater list of subjects. Just like the core subjects, these so-called optional compulsory subjects are marked and taught as an integral part of the curriculum.

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

Romani

108. Romani is offered as a bachelors and masters degree subject at the Charles University in Prague at the Department of Romani Studies/ Faculty of Philosophy and Arts. According to additional information received from the Czech authorities, Romani courses are also offered at the Department of Special Pedagogy at the same university and at the Faculty of Education/ Masaryk University in Brno.

109. As already mentioned in this report, the Department of Roma Studies is currently carrying out an extensive research project on the sociolinguistic situation of Romani in the Czech Republic. This two-year project entitled "Preparation and pilot testing of methods for sociolinguistic research into the situation regarding Romani in the Czech Republic" has received a grant of CZK 2 million (€ 75 061) from the Ministry of Education. The collection of data took place from June to November 2008 and this data is currently being evaluated. The Committee of Experts welcomes this and asks the Czech authorities to provide information on the main findings of the research in the next periodical report.

German

110. According to supplementary information received by the Czech authorities, bachelor and masters programmes in German studies are available at the Masaryk University in Brno, at the Palacký University in Olomouc and at Ostrava University, and as a bachelor programme only at the University of Hradec Králové. German studies are also offered at several other institutes of higher education throughout the Czech Republic.

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

111. According to supplementary information provided by the Czech authorities, school exchanges and teacher training exchange programmes take place with Germany. There are twinning programmes involving towns in the Czech Republic with several countries where Slovak, Polish and German are spoken.

112. According to supplementary information received from the authorities, several EU regional co-operation programmes in the Czech Republic, so called Euroregions, foster exchanges with neighbouring regions in Poland, Slovakia and Germany.

113. In the case of Romani, while no exchange programmes have been brought to the Committee of Experts' attention, the Czech authorities promote contact between Romani-speakers from several states through such activities as the World Roma Festival (see paragraph 55 above).

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.

114. In their initial periodical report, the Czech authorities make reference to the non-discrimination articles in the Czech Constitution and the Charter of Fundamental Rights and Freedoms.⁵ In addition, there are specific laws implementing the EU-Directive No. 2000/43/EC on anti-discrimination but because of a presidential veto, the process of implementation has not yet been completed.

115. Nevertheless, the Committee of Experts received evidence that the use of the Romani language is prohibited and/ or discouraged in certain schools. Furthermore, the Committee of Experts was informed by representatives of the Polish-speakers of occasional restrictions on speaking Polish in the workplace.

116. This undertaking requires not only a legislative framework which prohibits discrimination etc. on the grounds of language, but also practical steps to eradicate it. The Committee of Experts looks forward to receiving further information in the next periodical report as to the practical steps taken.

⁵ Article 3 (1) of the Charter of Fundamental Rights and Freedoms: Fundamental human rights and freedoms are guaranteed to everybody irrespective of sex, race, colour of skin, language, faith, religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth, or other status. Article 24 of the same Charter: The national or ethnic identity of any individual shall not be used to his or her detriment.

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.

117. The initial periodical report (page 12) states that legislation and policies provide for appropriate measures with regard to this undertaking. According to additional information received from the Czech authorities, a general objective of the 2007 Framework Education Programme for Basic Education is multicultural education which includes tolerance and understanding for different languages and ethnic groups. With regard to the media, Section 2, paragraph 2 (c) of the Act concerning Czech Television stipulates that it should offer a balanced programme to ensure that the programmes reflect diversity in order to enhance mutual understanding and tolerance and to support cohesion of a pluralist society.

118. According to the representative of the Ministry of Education, history textbooks deal with the history of the settlement of national minorities. While this may be the case, representatives of regional or minority languages expressed their view that the historic settlement and the long tradition of the languages spoken by the national minorities in the Czech Republic are not sufficiently dealt with, if at all. In particular, representatives of Romani were concerned that Romani was not even regarded by all as a language equal to others. There is a need to better acquaint future teachers with the history and culture attached to Romani. In the view of the Polish- and German-speakers, school history books do not sufficiently deal with the historical presence of the languages (see paragraphs 156 - 160 below).

119. As regards the situation in the media, during the on-the-spot visit, several representatives of regional or minority language-speakers expressed their concern and dissatisfaction about the ways in which they were portrayed by the media. Romani-speakers in particular complained about their negative portrayal in the media.

120. The Committee of Experts was informed by a representative of the Czech radio that the radio programme made by and for Roma also intends to address the majority population to inform them about issues relating to Roma. However, the representative expressed the view that more information needs to be given in the broadcasting media, in particular on television and on a regular basis, in order to eliminate prejudices and intolerance, especially since there has been a recent increase of extremist attacks against Roma.

121. Although good initiatives are being taken to inform the public about Roma and the Romani language, notably through the museum for Roma Culture in Brno, the national minority festivals, and the House of National Minorities in Prague, there is a need for an awareness campaign to improve the image of the language.

122. Despite the fact that programmes such as "Babylon" (see paragraph Art.7.1.d above) report on national minorities, the representatives of the speakers are of the impression that little is known about the national minorities within the society at large, and that more efforts need to be made in schools and in the media to change this.

123. The Committee of Experts observes that the extent to which a regional or minority language is protected or promoted is, in many respects, a reflection of the majority language speakers' approach and perception and that awareness-raising within the majority is therefore of utmost importance. As this provision indicates, education and the media are especially relevant in this respect (see the first evaluation report on the implementation of the Charter in Spain, ECRML (2005) 4, paragraph 182).

124. The Committee of Experts acknowledges the legislative basis and the good initiatives taken by the Czech authorities to create mutual understanding and tolerance amongst all linguistic groups in the Czech Republic. However, it seems that more steps need to be taken to reach the society at large.

125. The Committee of Experts encourages the Czech authorities to take measures to improve the awareness and understanding in relation to regional or minority languages in Czech society at large.

The Committee of Experts encourages the Czech authorities to take measures in relation to both education and the media to improve tolerance and understanding within the Czech society at large towards regional or minority languages.

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.

126. The Czech authorities have established a system of consultative bodies that serve the purpose of advising the authorities and representing the interests of national minorities on several government levels, among others on matters pertaining to regional or minority languages, for example with regard to legislative or budgetary matters concerning national minorities.

127. At the level of central government, the Government Council for National Minorities is an advisory body of the Government that was set up in accordance with paragraph 6 of the National Minorities Act. At least half of the members are representatives of national minorities who are nominated by the association of national minorities, the rest being nominated by public administration, including the chairperson. The Council's functions are to advise the government on matters relating to regional or minority language issues and it acts as an intermediary between the speakers and the government. The Council draws up a comprehensive annual report on the situation of national minorities in the Czech Republic which is made public and sent to the relevant authorities and national minority organisations.⁶ It does not have any executive powers. Three of its committees also play a role in advising the authorities in relation to national minorities, namely the Committee for Co-operation with Local and Regional Authorities, the Committee for Financial Policy and the Working Group on Broadcasting Media.

128. The Government Council for Roma Community affairs deals with mainly social matters relating to Roma and acts as an intermediary between the Roma community and the government. This Council has three committees and two working groups.

129. As mentioned in paragraph 41 above, at the regional and local levels, Section 117(3) of the Act on Municipalities and Section 78(2) of the Act on the Regions stipulate the obligation to establish a committee for national minorities on the local and regional level respectively, if the national minority in question according to the latest census constitutes 10% and 5% respectively of the total population in that municipality or region. Accordingly, three of the regions have the legal duty to set up committees for national minorities. These are the Moravian-Silesian Region, the Karlovarský Region and the Ústecký Region. 70% of the Committee is composed of representatives of national minorities, the remaining 30% representing the municipality or the region respectively. Like the Government Council, these local and regional committees have an advisory function.

130. The local committees and regional committees are self-governing bodies, and are therefore not answerable to the Government Council for National Minorities. According to the initial periodical report (page 9), currently 58 committees for national minorities have been set up on the local level in four towns, and in two regions. According to the Government Resolution of 7 June 2006, in 261 municipalities, the threshold of 10% for establishing a committee was exceeded, but only in 63 municipalities had committees been established.

131. It was reported to the Committee of Experts that committees have been set up in some municipalities even when the national minority in question lay under the 10% threshold.

132. Several problems have been reported to the Committee of Experts concerning the composition and functioning of the committees, especially on the local level. General problems are outlined in paragraphs 40 - 46 above, whereas specific problems are dealt with in the given context in this report (see paragraphs 84 - 87 above and paragraphs 194 - 199 below).

133. While commending the system of committees for national minorities, the Committee of Experts is concerned that in certain cases the promotion of a regional or minority language and the application of the Charter is hampered by the issues identified above.

⁶ The present report refers several times to information contained in the most recent available Government Council's *Report on the Situation of National Minorities in the Czech Republic in 2007*.

Paragraph 5

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

134. In the instrument of ratification, Romani and German which have certain features suggesting that they may be non-territorial languages, are specified to be protected under Part II of the Charter.

2.3. Evaluation in respect of Part III of the Charter

2.3.1. Polish

Article 8 – Education

135. With regard to basic information on the education system, see paragraphs 83 - 87 above.

136. The Polish-medium schools mentioned under the provisions below are publicly funded state schools. While they follow the Czech curriculum, the subjects are taught through the medium of Polish.

137. The Pedagogical Centre for Polish-medium schools (*Pedagogické centrum pro polské národnostní školství*) based in Český Těšín is a public institution, partly funded by the government, and serves as a support structure for Polish-medium schools. Among other things, it offers further teacher training, develops and translates teaching materials and guidelines, organises workshops and runs a library. The centre co-operates closely with the principals of these schools. Some textbooks used at the schools are imported from Poland. The Polish-medium schools follow the *Framework Curriculum for Schools with the Polish Language of Instruction* which was developed by the Centre and approved by the Ministry of Education.

138. A problem that was brought to the attention of the Committee of Experts is the general demographic decline which affects the Polish schools disproportionately. For example, in the town of Třinec the merging of two schools has been decided, which (it is feared) may lead to fewer parents opting for Polish-medium education.

139. Finally, in its instrument of ratification, the Czech Republic did not specify which of the subparagraphs of Article 8.1. a), b) and c) respectively it wishes to apply. Since the subparagraphs *i* and *ii* are mutually exclusive, Contracting Parties are required to opt for one of them. According to the practice of the Committee of Experts, in the absence of a choice by the State where several alternative options are available, the highest option from the point of view of the protection and promotion of the language shall normally be applied by default, unless specific circumstances make the highest option appear manifestly incompatible with the needs of the regional or minority language concerned and/or with the expressed wishes of the speakers (see paragraph 95 of the second Hungarian evaluation report ECRML (2005) 4). In the case of Polish in the Czech Republic, the Committee of Experts sees no reason to depart from its usual practice. The Committee of Experts has thus decided to evaluate the implementation of the strongest option.

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;

140. Pre-school education in the Czech Republic is the responsibility of the municipalities. According to the information provided in the initial periodical report (page 14) and supplementary information, 33 pre-schools in the Moravian-Silesian Region provided Polish education to a total of 741 children in the year 2007/ 2008. 26 of these pre-schools use Polish as the language of instruction out of which 24 are run by *základní školy* (i.e. schools comprising primary and lower secondary education). The other seven pre-schools use some Polish in an otherwise Czech-medium pre-school. The Committee of Experts was not made aware of any shortcomings in the provision by representatives of the Polish-speakers.

141. The Committee of Experts considers the undertaking fulfilled.

Primary Education

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

142. According to the initial periodical report (page 14 f), there are 25 Polish-medium *základní školy* in the Frýdek-Místek and Karviná districts offering primary education (classes 1 - 5) which were attended by 903 pupils in the school year 2007/2008. The Committee of Experts understands that all subjects are taught through the medium of Polish. There seems to be a decline in the enrolment of primary school pupils due to demographic changes. The Committee of Experts was not made aware of any shortcomings in the provision of Polish-medium primary education by representatives of the Polish-speakers.

143. The Committee of Experts was also informed during the on-the-spot visit that Polish is offered as an optional subject at some primary schools.

144. The Committee of Experts considers the undertaking fulfilled.

Secondary Education

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

145. According to the initial periodical report (page 15), there are 25 Polish-medium *základní školy* in the Frýdek-Místek and Karviná districts offering lower secondary education which were attended by 836 pupils in the school year 2007/2008 (see paragraph 142 above).

146. Two upper secondary grammar schools (*gymnásia*) in Český Těšín and Karviná teach through the medium of Polish to a total of 439 pupils in the school year 2007/ 2008. Furthermore, at three other schools, some subjects are taught through the medium of Polish. The Committee of Experts was not made aware of any shortcomings in the provision of Polish-medium secondary education by representatives of the Polish-speakers.

147. During the on-the-spot visit, the Committee of Experts was informed that Polish can be offered as an optional subject in Czech schools, if it is demanded by pupils who have passed through Polish-medium education at primary school level.

148. The Committee of Experts considers the undertaking fulfilled.

Technical and vocational education

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

149. According to the information provided in the initial periodical report (page 15) and supplementary information provided by the authorities, a technical school, a business academy and a health care school in Český Těšín and Karviná offer Polish-medium or bilingual education. In the school year 2007/ 2008, a total of almost 200 pupils attended these schools. The Committee of Experts was not made aware of any shortcomings in the provision of Polish-medium technical and vocational education by representatives of the Polish-speakers.

150. The Committee of Experts considers the undertaking fulfilled.

University and Higher Education

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

151. According to additional information provided by the Czech authorities, Polish language and literature are offered as a subject within a bachelor and masters degree course at the Department of Slavonic Studies

at the Masaryk University in Brno, and as an independent subject (Polish Philology) at the Palacký University in Olomouc and at the Department of Polish Studies at Ostrava University. The latter also offers a doctoral programme and is currently preparing a bachelor programme on Polish Language for Business Practice. The Committee of Experts would welcome more information on this development in the next periodical report.

152. The Committee of Experts considers the undertaking fulfilled.

Adult and continuing education

f) ...

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

153. From the information provided in the initial periodical report (page 15), although government financial support is provided for such courses, Polish does not appear to be offered as a subject of adult and continuing education. The authorities state that there has been no demand. However, the Committee of Experts has not been informed of any concrete measures taken by the Czech authorities to favour and/ or encourage the offering of Polish as a subject of adult and continuing education or whether such an offer is made known.

154. According to additional information received from the authorities, the Pedagogical Centre for Polish-medium schools organises among other things lifelong education for parents of the pupils.

155. The Committee of Experts is not in a position to conclude on this undertaking and asks the authorities to provide the relevant information in the next periodical report.

Teaching of history and culture

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

156. According to the information received from the authorities, the history and culture which is reflected by the Polish language is included in the teaching of the history of national minorities. This in turn is part of the current Framework Education Programme for Basic Education.

157. During the on-the-spot visit, the Committee of Experts was informed by a representative of the Ministry of Education that the history of the settlement of national minorities in the Czech Republic is dealt with in school history books.

158. Despite the framework mentioned above, according to evidence received from the Polish-speakers, the teaching of the history and culture reflected by the Polish language in the territory where Polish is traditionally spoken was not ensured.

159. According to evidence received from the Polish-speakers, the Association of Polish Teachers is preparing a collection of texts in co-operation with the Pedagogical Centre concerning the history of the region for use both in the Polish-medium schools and in the Czech schools in the region.

160. The Committee of Experts is unable to conclude on this undertaking, and asks the Czech authorities to provide more detailed information on how the current framework mentioned above ensures in practice that the history and culture reflected by the Polish language are taught in the areas where it is traditionally spoken to a sufficient degree.

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;*

161. According to supplementary information provided by the Czech authorities, teachers for Polish-medium education are trained (through the medium of Polish) at the Universities either in the Czech Republic (for example in Ostrava and Olomouc) or in Poland. All teachers are bilingual. Teachers of Polish-medium education are from the Czech Republic and Poland. Further training for Polish teachers is provided by the Association of Polish Teachers and the Pedagogic Centre for Polish National Education. The Committee of Experts was informed during the on-the-spot visit that there was no shortage of teachers.

162. The Committee of Experts considers the undertaking fulfilled.

Monitoring

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

163. According to the initial periodical report, the Government Council for National Minorities is responsible for monitoring the situation of national minorities including their languages and publishing an annual report thereof (see paragraph 127 above), whereas education is subject to supervision by the Ministry of Education. The Committee of Experts however observes that the existing report produced by the Government Council for National Minorities does not correspond to the requirements of this undertaking.

164. During the on-the-spot visit, a representative of the Ministry of Education explained that all schools in the Czech Republic undergo inspection by the central Czech School Inspectorate which co-operates in the case of Polish-medium education with the regional inspectorate and the Pedagogical Centre for Polish-medium schools. In the view of the representative of the Ministry of Education, so far there has been no need for a specific supervisory body.

165. The Committee of Experts has not received any information regarding the factual monitoring of Polish-medium education. Furthermore it has not been made aware of any periodic reports and their publication corresponding to the requirements of this undertaking. The monitoring requires evaluating and analysing the measures taken and the progress achieved with regard to regional or minority language education. The report should, among other things, contain information on the extent and availability of Polish language education together with developments in language proficiency, teacher supply and the provision of teaching materials (see the third evaluation report with regard to the implementation of the Charter in Germany ECRML (2008) 4, paragraphs 141 - 143). The Committee of Experts encourages the authorities to provide more specific information in the next periodical report.

Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

166. According to the initial periodical report (page 16), no schools in the Czech Republic other than those in the Český Těšín area offer Polish-medium or bilingual education. No information has been provided as to where in the Czech Republic, outside the traditional language area, the numbers of Polish-speakers are such as to justify the offering of Polish education.

167. The Committee of Experts therefore cannot conclude on this undertaking and asks the Czech authorities to provide the necessary information in their next periodical report.

Article 9 – Judicial authorities

168. Czech legislation guarantees the right to use regional or minority languages in judicial proceedings. Paragraph 9 of the National Minorities Act grants persons belonging to national minorities the right to use their language before court and to produce documents in their language: "Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right to use the language of a national minority in official documentation and discourse and hearing before a court. Conditions for exercise of this right are determined in special regulations".

169. During the on-the-spot visit, representatives of the Polish-speakers pointed out to the Committee of Experts that because the variant of Polish spoken in the Czech Republic is different from standard Polish, this means that Polish-speakers might refrain from making use of their right to use their language in formal legal proceedings. The Committee of Experts emphasises that the provisions in the Charter are not confined to standard variants of regional or minority languages, but apply equally to the variant(s) traditionally used within the specific geographical area.

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*

170. Paragraph 2 of the Code of Criminal Procedure (Act No. 141/1961 Coll. as amended) specifies the right to use Polish in courts set out in Section 9 of the National Minorities Act. It allows any person who declares that s/he does not have a command of the Czech language to use another language.

171. The right guaranteed by the Code of Criminal Procedure is not an absolute right. It is conditional on the individual declaring that s/he does not speak Czech. Nevertheless, the Committee of Experts received information during the on-the-spot visit from representatives of the Polish-speakers that it is common for judges in the Polish-speaking area to ask the accused prior to the proceeding whether s/he wishes to use Polish regardless of whether or not the individual also speaks Czech.

172. The complete fulfilment of this undertaking requires a justiciable right to use Polish in criminal proceedings, regardless of whether the person in question has a command of the Czech language.

173. The right to use Polish before courts is not guaranteed by legislation if the individual speaks Czech. Given the fact that the opportunity to use Polish is nevertheless regularly offered in practice, the Committee of Experts finds that this undertaking is partly fulfilled.

The Committee of Experts encourages the Czech authorities to remove from legislation the condition that a person must declare that he or she does not have a command of Czech before they can use Polish in criminal proceedings.

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*

174. There is no provision in Czech law which renders requests or evidence inadmissible solely because they are in Polish. The Committee of Experts considers the undertaking fulfilled.

iv *to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,*

175. Paragraph 55 of the Code on Criminal Procedure⁷ has the effect that where an individual declares that s/he does not have a command of Czech, the protocols relating to criminal proceedings will be provided in that person's language.

176. The right to use Polish is not guaranteed by legislation if the individual speaks Czech. Given the fact that Polish documents are nevertheless offered in practice, the Committee of Experts finds that this undertaking is partly fulfilled (see paragraph 173 above). It encourages the authorities to remove the condition that a person must declare that he or she does not have a command of Czech before documents connected to criminal proceedings are produced in Polish.

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

177. Paragraph 151 of the Code on Criminal Procedure guarantees translation at the expense of the state in all cases where an individual exercises his or her right to use a language other than Czech or where it is otherwise necessary.

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*

⁷ Paragraph 55: "The protocols shall be written in the Czech language, even if the person concerned speaks another language. In case the precise wording is relevant, the wording of the speech in the other language shall be added."

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

178. Paragraph 18 of the Code of Civil Procedure (Act No. 99/1963 Coll. as amended by the Act N. 30/2000 Coll.) provides that a person whose mother tongue is other than Czech has the right to proceed before the court in that mother tongue. The court is obliged to guarantee the same right to that person as it does to a person whose mother tongue is Czech. This right is unconditional.

179. However, in the absence of any evidence of practical implementation of these undertakings, the Committee of Experts considers them only formally fulfilled. It looks forward to receiving information on how these undertakings are implemented in practice in the next periodical report.

- 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;*

180. Paragraph 36 of the Code of Administrative Justice (Act No. 150/2002) provides that parties to proceedings have an equal standing before the court and the court is obliged to give them an equal opportunity to exercise their rights. While not expressly allowing individuals to use a language other than Czech, this is clearly implied because the same paragraph provides that any translation or interpretation costs must be borne by the state.

181. However, in the absence of any evidence of practical implementation of these undertakings, the Committee of Experts considers them only formally fulfilled. It looks forward to receiving information on how these undertakings are implemented in practice in the next periodical report.

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

182. Section 141, paragraph 2 of the Code of Civil Procedure and Section 36, paragraph 2 of the Code of Administrative Procedure (Act No. 500/2004) guarantee that the costs incurred by the use of an interpreter are covered by the state.

183. The Committee of Experts considers the undertaking fulfilled.

Paragraph 2

The Parties undertake:

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

184. There is no provision in Czech law which denies the validity of legal documents drawn up in a language other than Czech. The Code of Administrative Procedure (Act No. 500/2004) expressly provides the right for members of national minorities to produce documents in their language in connection with administrative matters.

185. The Committee of Experts considers the undertaking fulfilled.

Article 10 – Administrative authorities and public services

Paragraph 1

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

- a) ...
- iv *to ensure that users of regional or minority languages may submit oral or written applications in these languages;*

Paragraph 2

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

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

186. As mentioned in paragraph 58 above, apart from their own autonomous powers, regions (*kraje*) as well as municipalities (*obce*) carry out state administration activities. Since the administrative reform in 2000, some of the former districts (*okresy*) have remained the seat of branches of state administration.

187. Section 16, paragraph 4 of the Code of Administrative Procedure (Act No. 500/2004) provides that any members of a national minority may use their language in communications with administrative authorities at all levels. Thus, the legal possibility for Polish-speakers to use their language in dealings with the branches of state administration as well as with local and regional authorities within the Moravian-Silesian Region is guaranteed.

188. According to representatives of the Polish-speakers, Polish-speakers tend to speak Czech in dealings with the administration, unless they are aware that the civil servant in the municipality or in the region in question speaks Polish. The Committee of Experts was also informed that the use of Polish in municipalities depended on the local leadership and its attitude towards the Polish language.

189. According to the *Report on the Situation of National Minorities in the Czech Republic in 2007*, certain municipalities have appointed a Polish-speaking public liaison officer to deal with queries from Polish-speakers. While commending this initiative, the Committee of Experts met with representatives of Polish-speakers during the on-the-spot visit who were unaware of this initiative. It therefore seems necessary to inform the Polish-speakers of the possibility to use their language in dealings with the administration and to actively encourage them to submit oral and written applications in Polish in the municipalities of Frýdek-Místek and Karviná. This can be done for example by Polish-speaking civil servants wearing badges, by putting up bilingual signs or through the distribution of brochures (see the second evaluation report with regard to the implementation of the Charter in Germany, ECRML (2006) 1, paragraph 208).

190. In the light of this information, the Committee of Experts considers that the undertakings are only partly fulfilled. It encourages the Czech authorities to take the necessary steps to ensure that the possibility for Polish-speakers to submit oral or written applications in Polish to the state administrative bodies and to the local and regional authorities is guaranteed in practice.

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

191. According to the initial periodical report (page 19), any language can be used in debates of the assemblies of the local and regional authorities, since Czech legislation does not specify the use of any language in this context.

192. However, according to the evidence received by representatives of the local and regional authorities of the Moravian-Silesian Region, the Polish language has not been used in practice in the assembly meetings of the regions and municipalities. According to a representative of the Region, interpretation would be guaranteed if the language were used.

193. In view of the absence of any practical implementation, the Committee of Experts considers that these undertakings are only formally fulfilled. It encourages the authorities to inform the speakers of the possibility to use the Polish language in assemblies and to create favourable conditions for its use in practice.

- 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;*

194. As mentioned in paragraph 44 above, Section 29, paragraph 2 of the Act on Municipalities regulates the use of place-names and topographical signs in regional or minority languages. Such signs can be installed if “according to the last census at least 10% of the citizens of the municipality consider themselves to be members of the minority in question” and if the committee for national minorities resolves to request this. This provision replaces previous more restrictive provisions and is to be welcomed.

195. The initial periodical report further states that out of the 31 municipalities that meet the legal requirement, so far 13 have set up bilingual place-names, street names and inscriptions to a varying degree within the districts of Český Těšín and Karviná. The costs incurred by setting up these signs were borne by the state from a sum earmarked for the implementation of the Charter and administrated by the Moravian-Silesian Region (see paragraph 62 above).

196. During the on-the-spot visit, the Committee of Experts’ attention was drawn to several problems in this matter which seem to be connected to the more general issue of the functioning of committees on national minorities (see paragraphs 40 - 46 above). In some municipalities, the committees did not propose a recommendation because Polish-speakers were not in the majority and the representatives of the other minorities were not prepared to support the recommendation. For example, in the municipality of Třinec 17.7% of the population are Polish, but despite tabling a motion on bilingual signs three times, the Polish representatives on the committee were outvoted each time.

197. The Committee of Experts was also informed of a case where a municipality refused to implement the recommendation of the committee for national minorities, arguing that the decision was ultimately one for the municipality alone while referring to Section 84, paragraph 2 r) of the Act on Municipalities.⁸ This reflects also the views of the Polish-speakers who consider that the provisions regulating bilingual signs are not justiciable or enforceable.

198. According to the initial periodical report (page 19), bilingual signs are also to be installed on railway station name boards in the Moravian-Silesian Region in those municipalities which reach the required 10% of Polish inhabitants.

199. While welcoming the recent positive development in relation to the use of Polish place-names, the Committee of Experts regrets that this process has been hampered in some municipalities. Therefore the Committee of Experts must conclude that the undertaking is only partly fulfilled at present. It encourages the Czech authorities to find a solution to this problem, by amending the current legislation, or adopting further legislation if necessary.

The Committee of Experts encourages the Czech authorities to remove the legislative and administrative obstacles to the use of Polish place names on topographical signs in the area where Polish is used.

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 and interpretation as may be required;*

200. According to Section 16, paragraph 4 of the Code of Administrative Procedure, interpretation and translation is provided for and the costs for such are covered. Furthermore, money has been allocated from the central government to cover translation and interpretation costs in order to secure the implementation of this undertaking.

201. The Committee of Experts considers the undertaking fulfilled.

⁸ Paragraph 2 of Section 84 of the Municipalities Act: “The following matters are reserved for the Municipal Assembly: r) decisions on the establishment and naming of parts of the municipality and on names of streets and other public spaces.”

Paragraph 5

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

202. Paragraph 7 of the National Minorities Act stipulates that “Members of national minorities have the right to use their name and surname in the language of their national minority under conditions determined by a special regulation”. Act No. 301/2000 Coll. concerning registries, first names and family names has been amended several times in order to guarantee this right. No difficulties in the implementation of this provision have been brought to the attention of the Committee of Experts.

203. The Committee of Experts therefore considers the undertaking fulfilled.

Article 11 – Media

Paragraph 1

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

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

204. According to Act No 484/1999 Coll. concerning Czech Radio and Act No. 483/1991 Coll. concerning Czech Television, Czech radio and television must reflect the diversity of the population, including their ethnic or national origin. The programmes should also develop the cultural identity of the Czech Republic, including persons belonging to national or ethnic minorities.

205. Act No 231/2001 Coll. concerning (public and private) radio and television broadcasting sets criteria for the licensing of television and radio services. Section 17.1.(g) includes among these criteria the contribution of the service to guaranteeing the development of the cultures of national minorities in the Czech Republic.

206. According to the information received from the Czech authorities, the regional studio of the public broadcaster Czech Television in Ostrava produces a weekly 5-minute news and current affairs package in Polish which is broadcast at around 6pm on Fridays and repeated on Sundays within regional programmes. The Committee of Experts understands that this is a recent development.

207. With regard to public radio broadcasting, the broadcasting of Polish language programmes on Czech radio has a long tradition (since 1945). According to the Czech authorities, Radio Ostrava broadcasts a one-hour news programme in Polish on workdays from 7pm – 8pm and 30 minutes on Sundays from 7.30pm – 8pm. The journalists are full-time employees and are fluent Polish-speakers.

208. The undertaking is fulfilled with regard to radio broadcasting. With regard to television broadcasting, while welcoming the introduction of Polish language broadcasting on public television, the Committee of Experts considers that one 5-minute insert per week is not sufficient and concludes that the undertaking is not fulfilled.

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

209. As mentioned in paragraph 68 above, the provisions relating to the cultures of national minorities contained in Act No 231/2001 Coll. concerning radio and television broadcasting apply to private as well as public broadcasting. Among the criteria for the licensing of radio services is the contribution of the services of guaranteeing the development of the cultures of national minorities in the Czech Republic.

210. Nevertheless, during the on-the-spot visit, the Committee of Experts was informed by representatives of the Polish-speakers that no Polish programmes are broadcast on private radio.

211. Based on the information received during the on-the-spot visit, the Committee of Experts asks the authorities to provide more specific information regarding the presence of Polish on private radio and of any additional measures taken by the Czech authorities to encourage and/ or facilitate the broadcasting of programmes in Polish on private radio on a regular basis.

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

212. As mentioned above, the provisions relating to the cultures of national minorities contained in Act No 231/2001 Coll. concerning radio and television broadcasting apply to private as well as public broadcasting.

213. According to the information received from representatives of the Polish-speakers, regular news programmes are broadcast in Polish on regional private television channels.

214. Based on this information, the Committee of Experts considers the undertaking fulfilled.

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

215. According to the initial periodical report (page 21), funds for audio and audiovisual works are available from the general budget of the Ministry of Culture dedicated to the promotion of cultural activities of national minorities (see paragraphs 60 – 62 above and 222 -224 below for details on the budget). However, the Committee of Experts has not been made aware of any audio or audiovisual productions in Polish and therefore cannot conclude on this undertaking. It asks the Czech authorities to provide the relevant information in the next periodical report.

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

216. As mentioned in paragraph 61 above, the Ministry of Culture earmarks an annual amount of CZK 30 million (€1 126 341) for the support of minority language broadcasting and print media for all national minorities.

217. The Polish language newspaper *Głos Ludu* is published every other day by the organisation *Kongres Polaków v ČR (Congress of Poles in the Czech Republic)*. In 2007, this newspaper was subsidised with CZK 5.5 million (€206 496). Representatives of the *Kongres Polaków* explained to the Committee of Experts during the on-the-spot visit that the organisation has to provisionally cover the costs attached to the production of the newspaper until the money arrived from the project grant mentioned above. The cost of one edition is CZK 30 000 (€ 1 126).

218. The Committee of Experts considers the undertaking fulfilled at present. It nevertheless encourages the Czech authorities to find a viable solution to the funding arrangements of the newspaper, in co-operation with the speakers.

Paragraph 2

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

219. According to the initial periodical report (page 22 and 29), Polish-speakers in the Czech Republic have free access to the media from neighbouring countries. This right is guaranteed through Articles 17 and 25 of the Charter of Fundamental Rights and Basic Freedoms.⁹

⁹ Article 17

220. During the on-the-spot visit, the Committee of Experts was informed by representatives of the Polish-speakers that in some mountainous regions programmes from Poland cannot be received.

221. The Committee of Experts nevertheless considers the undertaking fulfilled.

Article 12 – Cultural activities and facilities

Paragraph 1

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

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

222. Polish-speakers receive project based funds for cultural activities for which they must apply under the general budget. The Czech authorities have earmarked a budget of CZK 8 million (€300 347) within the Ministry of Culture for the support of cultural activities of national minorities (see paragraphs 60 – 62 above and page 21 of the initial periodical report). Persons belonging to national minorities can apply for funds for projects involving cultural activities under this grant programme. They are required to contribute 30% of the costs themselves to the project. According to the Government Decree No. 98/2002, this share can be reduced or dispensed with in certain cases as for example with the Romani journal *Romano džaniben*. These activities are in some cases also supported by the local or regional authorities. According to additional information provided by the authorities, the Polish minority received CZK 1 928 000 (€ 72 458) in 2007. The Ministry of Culture sets another budget aside for national minorities for the support of print and broadcasting media of CZK 30 000 000 (€ 1 127 464).

223. During the on-the-spot visit, representatives of the Polish-speakers drew the Committee of Experts' attention to the fact that the budget allocated to the activities of national minorities has remained at the same level for 15 years.

224. The Committee of Experts considers the undertaking fulfilled at present.

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

225. Polish-speakers are directly involved in planning cultural activities since the budget mentioned in paragraph 222 above is granted to regional or minority language-speakers in order to plan their own activities.

226. The Committee of Experts considers the undertaking fulfilled.

-
- (1) The freedom of expression and the right to information are guaranteed.
- (2) Everyone has the right to express his views in speech, in writing, in the press, in pictures, or in any other form, as well as freely to seek, receive, and disseminate ideas and information irrespective of the frontiers of the state.
- (3) Censorship is not permitted.
- (4) The freedom of expression and the right to seek and disseminate information may be limited by law in the case of measures that are necessary in a democratic society for protecting the rights and freedoms of others, the security of the state, public security, public health, or morals.
- (5) State bodies and territorial self-governing bodies are obliged, in an appropriate manner, to provide information with respect to their activities. Conditions therefore and the implementation thereof shall be provided for by law.

Article 25

- (1) Citizens who constitute a national or ethnic minority are guaranteed all-round development, in particular, the right to develop, together with other members of the minority, their own culture, the right to disseminate and receive information in their native language, and the right to associate in national associations. Detailed provisions shall be set down by law.
- (2) Citizens belonging to national and ethnic minority groups are also guaranteed, under the conditions set down by law: a) the right to education in their own language, b) the right to use their own language when dealing with officials, c) the right to participate in the resolution of affairs that concern national and ethnic minorities.

- 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;*

227. According to supplementary information provided by the Czech authorities, a grant of CZK 324 500 (€ 12 195) was given jointly by the Ministry of Culture and the Moravian-Silesian Region in 2007 for the Documentation Centre of the Congress of Poles in the Czech Republic (*Kongres Poláků v ČR*). This appears to be an annual subsidy.

228. From information contained in the *Report on the Situation of National Minorities in the Czech Republic in 2007*, it seems that the activities of the Documentation Centre include maintaining an archive of documents and published materials relevant to the Polish language in the Czech Republic.

229. The Committee of Experts considers the undertaking fulfilled.

Paragraph 2

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

230. According to supplementary information received by the Czech authorities, the annual state budget dedicated to cultural activities of national minorities is not limited geographically. However, the Committee of Experts has not received any examples of cultural activities taking place other than in Frýdek-Místek and Karviná. It therefore cannot come to a conclusion on whether the undertaking is fulfilled or not, and encourages the Czech authorities to provide the relevant information, including some concrete examples, in their next periodical report.

Paragraph 3

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

231. According to the information provided in the initial periodical report (page 23), it seems that regional or minority languages could be reflected in international cultural exchanges. However, according to additional information received, this does not seem to happen currently in practice.

232. The Committee of Experts underlines that the present provision concerns above all the way in which the country presents its own diverse linguistic and cultural heritage abroad. This could consist of cultural exchanges, references to the regional or minority languages spoken in the Czech Republic in the context of exhibitions or events, or information material concerning regional or minority languages in the Czech Republic aiming at an international public (see the second evaluation report with regard to the implementation of the Charter in Austria, ECRML (2008) 10, paragraph 176).

233. In the absence of evidence of such cultural policy with regard to the Polish language, the Committee of Experts must conclude that the undertaking is not fulfilled. It encourages the Czech authorities to provide examples in their next periodical report on how the Polish language spoken in the Czech Republic is reflected in the cultural policy abroad.

Article 13 – Economic and social life

Paragraph 1

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

...

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

234. According to the initial periodical report (page 23), the Czech Labour Code contains an antidiscrimination clause that prohibits direct and indirect discrimination, among other things on the grounds of language.

235. In the absence of any complaints in this respect, the Committee of Experts considers the undertaking fulfilled at present.

Paragraph 2

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

...

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

236. According to the initial periodical report (page 23), the Ministry of Industry and Trade publishes an annual consumer information brochure, among others in the Polish language. Also, the European Consumer Centre established by the said Ministry provides information *inter alia* in Polish.

237. The Committee of Experts concludes that this undertaking is fulfilled.

Article 14 – Transfrontier exchanges

The Parties undertake:

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

238. According to the information provided by the Czech authorities, the Czech Republic has entered into agreements with Poland, such as the Agreement between the Czech and Slovak Federal Republic and the Republic of Poland on Good Neighbourliness, Solidarity and Friendly Co-operation (1991), the Agreement between the Government of the Czech Republic and the Government of the Republic of Poland on Transfrontier Cooperation (1994) and Agreement between the two governments on Cooperation in the Fields of Culture, Education and Science (2003). However, it is not clear to the Committee of Experts how these agreements with Poland or any other state foster contacts between Polish-speakers.

239. The Committee of Experts is therefore not in a position to conclude on this undertaking and encourages the authorities to provide the relevant information in the next periodical report.

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

240. According to the initial periodical report (page 24), the Czech-Polish Intergovernmental Commission for Transfrontier Co-Operation agrees on exchanges *inter alia* in the field of cultural activities. These in turn should be carried out by local and regional authorities. However, the Committee of Experts has not received any information on the extent to which the Polish-speakers in the Czech Republic benefit from these cultural activities or what role the Polish language plays.

241. During the on-the-spot visit, representatives of the media informed the Committee of Experts that Ostrava Television carried out a joint programme with the regional television studio in Katowice/ Poland which was funded by the EU Interreg programme.

242. As mentioned in paragraphs 111 - 113 above, there are twinning programmes involving towns in the Czech Republic with several countries where Slovak, Polish and German are spoken. Also, several EU regional co-operation programmes in the Czech Republic, so called Euroregions, foster exchanges with neighbouring regions in Poland. For example, the Pedagogical Centre for Polish-medium schools (see paragraph 137 above) participates in co-operation activities with Poland in the field of education through the Euroregion Silesian Těšín.

243. The Committee of Experts considers the undertaking fulfilled.

2.3.2. Slovak

Article 8 – Education

244. With regard to general information on the right to minority language education and information on the Czech school system, the Committee of Experts refers to the relevant paragraphs under Article 7.1.f) above.

Paragraph 1

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

Pre-school Education

- a)
 - i to make available pre-school education in the relevant regional or minority languages; or
 - ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or
 - iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or
 - iv **if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;**

245. During the on-the-spot visit the Committee of Experts was informed by representatives of the Slovak-speakers that there are no Slovak-medium or bilingual pre-schools in the Czech Republic. One Slovak language organisation is currently attempting to set up a Slovak-medium pre-school in Prague with the support of the Ministry of Education.

246. The Committee of Experts concludes that the undertaking is not fulfilled at present. It encourages the Czech authorities, to assess the demand for Slovak-medium pre-school education and to encourage the introduction of Slovak-medium or bilingual education, in co-operation with the speakers. It also encourages the authorities to continue support in setting up the above-mentioned pre-school in Prague.

Primary Education

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

247. According to the information provided in the initial periodical report (page 15) which was confirmed by the Slovak-speakers during the on-the-spot visit, there are no Slovak-medium primary schools in the Czech Republic due to lack of interest from the parents. Due to the linguistic affinity to the Czech language, most parents do not see the need for Slovak-medium education. For the same reason, the last Slovak primary and lower secondary school (*základní škola*) was closed down in Karviná in 2001. According to representatives of the speakers, the Ministry of Education plans to re-introduce Slovak into the curriculum.

248. The periodical report also mentions a new government programme promoting the teaching of lesser-taught foreign languages from which regional or minority languages can benefit. It allows the teaching of such languages in smaller groups, with a minimum of seven pupils. It seems that one primary school offers two hours of Slovak per week under this programme. The Committee of Experts has not been informed of any other school in the Czech Republic where Slovak is available as a subject.

249. The Committee of Experts commends the efforts made by the Czech authorities to revive Slovak-medium education. It seems however that there is no demand for this. Nevertheless there was a clear concern among the representatives of the Slovak-speakers that the Committee of Experts met during the on-the-spot visit about the declining Slovak language skills of children. The Committee of Experts points out that the present undertaking does not necessarily require the establishment of Slovak-medium education. In a case of this sort, the undertaking can be fulfilled by providing Slovak language lessons to pupils as part of the normal school curriculum. It seems to the Committee of Experts that it would be more fruitful for the Czech authorities to focus more resources and efforts on this option, for instance by making Slovak more widely available as a subject.

250. The Committee of Experts must conclude that the undertaking is not fulfilled at present.

University and Higher Education

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

251. According to supplementary information provided by the Czech authorities, Slovak Language and Literature is offered as a bachelor and masters degree subject at Masaryk University in Brno. Furthermore, Slovak can be studied at the Charles University in Prague.

252. According to supplementary information received from the Czech authorities, some lecturers from Slovakia teach in the Slovak language.

253. The Committee of Experts considers the undertaking fulfilled.

Teaching of history and culture

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

254. According to the information received from the authorities, the history and culture which is reflected by the Slovak language are included in the teaching of the history of national minorities. This in turn is part of the current Framework Education Programme for Basic Education.

255. During the on-the-spot visit, the Committee of Experts was informed by a representative of the Ministry of Education that the history of the settlement of national minorities in the Czech Republic is dealt with in school history books.

256. The Committee of Experts is unable to conclude on this undertaking, and asks the Czech authorities to provide more detailed information on how the current framework mentioned above ensures in practice that the history and culture reflected by the Slovak language are taught.

Monitoring

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

257. According to the initial periodical report, the Government Council for National Minorities is responsible for monitoring the situation of national minorities including their languages and publishing an annual report thereof (see paragraph 127 above), whereas education is subject to supervision by the Ministry of Education. The Committee of Experts however observes that the existing report produced by the Government Council for National Minorities does not correspond to the requirements of this undertaking.

258. During the on-the-spot visit, a representative of the Ministry of Education explained that all schools in the Czech Republic undergo inspection by the central Czech School Inspectorate.

259. The Committee of Experts has not received any information regarding the factual monitoring of education in or of Slovak. Furthermore it has not been made aware of any periodic reports and their publication corresponding to the requirements of this undertaking. The monitoring requires evaluating and analysing the measures taken and the progress achieved with regard to regional or minority language education. The report should, among other things, contain information on the extent and availability of Slovak language education together with developments in language proficiency, teacher supply and the provision of teaching materials (see the third evaluation report with regard to the implementation of the Charter in Germany ECRML (2008) 4, paragraphs 141 - 143). The Committee of Experts encourages the authorities to provide more specific information in the next periodical report.

Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

260. Since the Charter applies to the entire territory of the Czech Republic with regard to Slovak, this undertaking is redundant.

Article 9 – Judicial authorities

261. Czech legislation guarantees the right to use regional or minority languages in judicial proceedings. Paragraph 9 of the National Minorities Act grants persons belonging to national minorities the right to use their language before court and to produce documents in their language: “Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right to use the language of a national minority in official documentation and discourse and hearing before a court. Conditions for exercise of this right are determined in special regulations.”

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*

262. Paragraph 2 of the Code of Criminal Procedure (Act No. 141/1961 Coll. as amended) specifies the right to use Slovak in courts, as set out in Section 9 of the National Minorities Act. It allows any person who declares that s/he does not have a command of the Czech language to use another language.

263. The right guaranteed by the Code of Criminal Procedure is not an absolute right. It is conditional on the individual declaring that s/he does not speak Czech.

264. The fulfilment of this undertaking requires a justiciable right to use Slovak in criminal proceedings, regardless of whether the person in question has a command of the Czech language.

265. However, during the on-the-spot visit, the Committee of Experts was not made aware of any practical problems with regard to the implementation of these undertakings, due to the mutual intelligibility of Slovak and Czech, and there was evidence that Slovak was used in court. Nevertheless, because the right to use Slovak is not guaranteed in law when the individual also speaks Czech, the Committee of Experts finds that this undertaking is only partly fulfilled. The Committee of Experts encourages the Czech authorities to remove the condition that a person must declare that he or she does not have a command of Czech before he or she can use Slovak in criminal proceedings.

The Committee of Experts encourages the Czech authorities to remove from legislation the condition that a person must declare that he or she does not have a command of Czech before they can use Slovak in criminal proceedings.

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*

266. There is no provision in Czech law which renders requests or evidence inadmissible solely because they are in Slovak. The Committee of Experts considers the undertaking fulfilled.

- iv *to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,*

267. Paragraph 55 of the Code on Criminal Procedure has the effect that where an individual declares that s/he does not have a command of Czech, the protocols relating to criminal proceedings will be provided in that person's language.

268. Because the right to use Slovak is not guaranteed when the individual also speaks Czech, the Committee of Experts finds that this undertaking is not fulfilled. The Committee of Experts encourages the authorities to remove the condition that a person must declare that he or she does not have a command of Czech before documents connected to criminal proceedings are produced in Slovak.

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

269. Paragraph 151 of the Code on Criminal Procedure guarantees translation at the expense of the state in all cases where an individual exercises his or her right to use a language other than Czech or where it is otherwise necessary.

- 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;*

270. Paragraph 18 of the Code of Civil Procedure (Act No. 99/1963 Coll. as amended by the Act N. 30/2000 Coll.) provides that a person whose mother tongue is other than Czech has the right to proceed before the court in that mother tongue. The court is obliged to guarantee the same right to that person as it does to a person whose mother tongue is Czech. This right is unconditional.

271. During the on-the-spot visit, the Committee of Experts was not made aware of any practical problems with regard to the implementation of these undertakings, due to the mutual intelligibility of Slovak and Czech.

272. The Committee of Experts considers the undertakings fulfilled.

- 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;*

273. Paragraph 36 of the Code of Administrative Justice (Act No. 150/2002 Coll.) provides that parties to proceedings have an equal standing before the court and the court is obliged to give them an equal opportunity to exercise their rights. While not expressly allowing individuals to use a language other than Czech, this is clearly implied because the same paragraph provides that any translation or interpretation costs must be borne by the state.

274. During the on-the-spot visit, the Committee of Experts was not made aware of any practical problems with regard to the implementation of these undertakings, due to the mutual intelligibility of Slovak and Czech.

275. The Committee of Experts considers the undertakings fulfilled.

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

276. Although interpretation or translation are not required due to the mutual intelligibility of Slovak and Czech, Section 141, paragraph 2 of the Code of Civil Procedure and Section 36, paragraph 2 of the Code of Administrative Procedure (Act No. 500/2004 Coll) nevertheless guarantees that the costs incurred by the use of an interpreter are covered by the state.

277. The Committee of Experts considers the undertaking fulfilled.

Paragraph 2

The Parties undertake:

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

278. There is no provision in Czech law which denies the validity of legal documents drawn up in a language other than Czech. The Code of Administrative Procedure (Act No. 500/2004 Coll.) expressly provides the right for members of national minorities to produce documents in their language in connection with administrative matters.

279. The Committee of Experts considers the undertaking fulfilled.

Article 10 – Administrative authorities and public services

Paragraph 1

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

- a) ...
- iv *to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*

280. The possibility for Slovak-speakers to use their language in dealings with the branches of state administration is secured through the Code of Administrative Procedure. Section 16.1 of this Code provides that all dealings, communications and documents in the Slovak language are valid without a translation into Czech.

281. During the on-the-spot visit, representatives of the Slovak-speakers informed the Committee of Experts that they did not encounter any problems when submitting documents in Slovak.

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

- a) ...
- v *to ensure that users of regional or minority languages may validly submit a document in these languages;*

283. The Charter provides that only one option may be chosen from sub-paragraphs *i* to *v* of Article 10.1.a. Sub-paragraph (a) *v* represents an alternative option to sub-paragraph(a) *iv*, evaluated above (paragraphs 280-282 above) and is therefore redundant to the undertakings of the Czech Republic (see first evaluation report with regard to the implementation of the Charter in Croatia, document ECRML (2001) 2, paragraph 75).

Paragraph 2

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

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

284. The possibility for Slovak-speakers to use their language in dealings with local and regional authorities is secured through the Code of Administrative Procedure. Section 16.1 of this Code provides that all dealings, communications and documents in the Slovak language are valid without a translation into Czech.

285. During the on-the-spot visit, representatives of the Slovak-speakers informed the Committee of Experts that they did not encounter any problems when submitting documents in Slovak.

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

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

287. According to the initial periodical report (page 19), any language can be used in debates of the assemblies of the local and regional authorities, since Czech legislation does not specify the use of any language in this context.

288. Due to the mutual intelligibility of Slovak and Czech, there is no problem with regard to these undertakings, they are therefore fulfilled.

Paragraph 3

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

...

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

289. According to the initial periodical report, Slovak-speakers submit requests in their language, and due to the mutual intelligibility, no problems have occurred in this respect. Based on this information, the Committee of Experts considers the undertaking fulfilled.

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 and interpretation as may be required;*

290. According to Section 16, paragraph 4 of the Code of Administrative Procedure, interpretation and translation is provided for and the costs for such are covered. However, due to the mutual intelligibility of both languages, and due to Paragraph 1 of that Section that puts Slovak on a par with Czech, translation and interpretation are not required.

291. Given these circumstances, the Committee of Experts considers the undertaking fulfilled.

Paragraph 5

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

292. Paragraph 7 of the National Minorities Act stipulates that "Members of national minorities have the right to use their name and surname in the language of their national minority under conditions determined by a special regulation". Act No. 301/2000 concerning registries, first names and family names has been amended several times in order to guarantee this right. No difficulties in the implementation of this provision have been brought to the attention of the Committee of Experts.

293. The Committee of Experts therefore considers the undertaking fulfilled.

Article 11 – Media

Paragraph 1

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

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

294. According to Act No 484/1999 Coll. concerning Czech Radio and Act No. 483/1991 Coll. concerning Czech Television, Czech radio and television must reflect the diversity of the population, including their ethnic or national origin. The programmes should also develop the cultural identity of the Czech Republic, including persons belonging to national or ethnic minorities.

295. Act No 231/2001 Coll. concerning (public and private) radio and television broadcasting sets criteria for the licensing of television and radio services. Section 17.1.(g) includes among these criteria the contribution of the service to guaranteeing the development of the cultures of national minorities in the Czech Republic.

296. According to additional information received from the authorities, Slovak programmes are broadcast once a week on the nationwide public Radio ČR 1 Radiožurnál for 55 minutes in the evening and on the regional radios on average 15-minute programmes are broadcast twice a week. During the on-the-spot visit, the Committee of Experts was informed by media representatives that Czech Radio employs many Slovak-speakers.

297. During the on-the-spot visit, the Committee of Experts was informed by representatives of the Slovak-speakers about the absence of Slovak programmes on Czech television, saying they would welcome the broadcasting of at least a monthly television programme in Slovak.

298. The Committee of Experts concludes that the undertaking is fulfilled with regard to radio broadcasting. It encourages the authorities to provide further information about the presence of Slovak on television in the Czech Republic in the next periodical report.

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

299. It is unclear to the Committee of Experts to what extent Slovak programmes are broadcast on private radio, and encourages the authorities to provide further information in the next periodical report.

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

300. According to the initial periodical report (page 21), funds for audio and audiovisual works are available from the general budget of the Ministry of Culture dedicated to the promotion of cultural activities of national minorities (see paragraphs 60 – 62 above and 305 – 307 below for details on the budget). However, the Committee of Experts has not been made aware of any audio or audiovisual productions in Slovak and therefore cannot conclude on this undertaking. It asks the Czech authorities to provide the relevant information in the next periodical report.

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

301. As mentioned in paragraph 61 above, the Ministry of Culture earmarks an annual amount of CZK 30 million (€1 127 422) for the support of minority language media. In 2007, four Slovak periodicals were subsidised under this budget with a total amount of CZK 6 134 500 (€230 539). However, these periodicals are published at the most on a monthly basis and therefore do not fall under the definition of a newspaper.

302. The Committee of Experts therefore considers that the undertaking is not fulfilled. It encourages the Czech authorities to facilitate the creation and maintenance of a newspaper in Slovak.

Paragraph 2

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

303. According to the initial periodical report (page 22 and 29), Slovak-speakers in the Czech Republic have free access to the media from neighbouring countries. This right is guaranteed through Articles 17 and 25 of the Charter of Fundamental Rights and Basic Freedoms.

304. The Committee of Experts was not made aware of any problems with regard to the reception of radio and television programmes from Slovakia. The Committee of Experts considers the undertaking fulfilled.

Article 12 – Cultural activities and facilities

Paragraph 1

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

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

305. Slovak-speakers receive project based funds for cultural activities for which they must apply under the general budget. The Czech authorities have earmarked a budget of CZK 8 million (€300 654) within the Ministry of Culture for the support of cultural activities of national minorities (see paragraphs 60 - 62 above and page 21 of the initial periodical report). Persons belonging to national minorities can apply for funds for projects involving cultural activities under this grant programme. They are required to contribute 30% of the costs themselves to the project. These activities are in some cases also supported by the local or regional authorities. According to additional information provided by the authorities, the Slovak minority received CZK 1 923 000 (€72 257) in 2007. The Ministry of Culture sets another budget aside for national minorities for the support of print and broadcasting media of CZK 30 million (€1 127 255).

306. During the on-the-spot visit, representatives of the Slovak-speakers drew the Committee of Experts' attention to the fact that the budget allocated to the activities of national minorities has remained at the same level for 15 years.

307. The Committee of Experts considers the undertaking fulfilled at present.

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

308. Slovak-speakers are directly involved in planning cultural activities since the budget mentioned in paragraph 222 above is granted to regional or minority language-speakers in order to plan their own activities.

309. The Committee of Experts considers the undertaking fulfilled.

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

310. Although the initial periodical report (page 23) states that the Ministry of Culture subsidises projects to establish documentation centres among others for the Slovak minority, the Committee of Experts has not been made aware of the existence of any such body.

311. The Committee of Experts is therefore unable to draw a conclusion with regard to this undertaking and asks the Czech authorities to provide the relevant information in their next periodical report.

Paragraph 2

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

312. Since the Charter applies to the whole territory of the Czech Republic with regard to the Slovak language, this undertaking is redundant.

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.

313. According to the information provided in the initial periodical report (page 23), it seems that regional or minority languages could be reflected in international cultural exchanges. However, according to additional information received, this does not seem to be the case in practice.

314. The Committee of Experts underlines that the present provision concerns above all the way in which the country presents its own diverse linguistic and cultural heritage abroad. This could consist of cultural exchanges, references to the regional or minority languages spoken in the Czech Republic in the context of exhibitions or events, or information material concerning regional or minority languages in the Czech Republic aiming at an international public event (see the second evaluation report with regard to the implementation of the Charter in Austria, ECRML (2008) 10, paragraph 176).

315. In the absence of evidence of such cultural policy with regard to the Slovak language, the Committee of Experts must conclude that the undertaking is not fulfilled. It encourages the Czech authorities to provide examples in their next periodical report of how the Slovak language spoken in the Czech Republic is reflected 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 oppose practices designed to discourage the use of regional or minority languages in connection with economic and social activities;*

316. According to the initial periodical report (page 23), the Czech Labour Code contains an antidiscrimination clause that prohibits direct and indirect discrimination, among other things on the grounds of language.

317. In the absence of any complaints in this respect, the Committee of Experts considers the undertaking fulfilled at present.

Paragraph 2

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

...

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

318. According to the initial periodical report (page 23), the European Consumer Centre established by the Ministry of Industry and Trade provides information *inter alia* in Slovak. However, the Committee of Experts has not found any information in Slovak on the website of the Centre.

319. Therefore the Committee of Experts cannot reach a conclusion on this undertaking and asks the authorities to provide the relevant details in the next periodical report.

Article 14 – Transfrontier exchanges

The Parties undertake:

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

320. According to the information provided by the Czech authorities, the Czech Republic has entered into agreements with Slovakia. For example between the Ministries of Culture of the two countries there is a Cultural Agreement and Protocols on Co-operation of the year 2000. Another agreement is the Treaty between the Czech Republic and the Slovak Republic on Good Neighbourhood, Friendly Relations and Cooperation of 1992. The guarantee that both countries grant legal protection and support for the newly constituted national minorities, and development among others in the fields of education and culture is enshrined in Article 8 of the Treaty. However, it is not clear to the Committee of Experts how these agreements foster contacts between the Slovak-speakers in both countries.

321. The Committee of Experts is therefore not in a position to conclude on this undertaking and encourages the authorities to provide the relevant information in the next periodical report.

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

322. According to the initial periodical report (page 24), there are no cross-border exchanges between local and regional authorities in Slovakia, because the Slovak-speakers are scattered throughout the Czech Republic. However, as mentioned in paragraphs 111 – 113 above, there are twinning programmes involving towns in the Czech Republic with several countries, including countries where Slovak is spoken.

323. During the on-the-spot visit, representatives of the media informed the Committee of Experts that Ostrava Television plans to carry out a joint programme with the regional television studio in Bratislava/ Slovakia which is to be funded by the EU Interreg programme.

324. Several EU regional co-operation programmes in the Czech Republic (the so-called Euroregions), such as the Beskydy or the White Carpathia Euroregion, foster exchanges with Slovakia.

325. Based on this information, the Committee of Experts considers the undertaking fulfilled.

Chapter 3 Findings of the Committee of Experts in the first monitoring round

- A. The protection of national minorities has been part of Czech national law for many years. This includes provisions relating to regional or minority languages. Many amendments to national laws and finally the ratification of the Charter by the Czech government demonstrate the serious commitment of the Czech Republic to continuously develop and strengthen the position of the languages covered by the Charter. The Czech legislative framework for the protection and promotion of regional or minority languages is therefore on the whole well developed, despite some shortcomings.
- B. The Czech Republic has a fairly well established system of institutionalised representation of regional or minority language speakers through the committees for national minorities on the central, regional and local level. However, paradoxically in some cases, on the local level this system hampers the promotion of regional or minority languages.
- C. The Czech Republic affords an annual budget to the activities relating to the national minorities, including the fostering of their languages. However, regional or minority language-speakers have complained that this budget has remained at the same level for 15 years. There is a separate budget for the support of broadcasting and print media of regional or minority languages. Apart from this, the government provided an earmarked sum for the implementation of certain Charter provisions to the regions and municipalities.
- D. Apart from the Polish language, the regional or minority languages spoken in the Czech Republic are thinly dispersed over the country which makes it a challenging task to protect them. However, if these languages are to survive as living languages in the Czech Republic, decisive and concrete efforts need to be immediately taken. Despite good legal protection and mechanisms from which regional or minority languages can benefit, there is no structured language policy in place for German or Romani.
- E. As regards the Romani language, the Czech authorities have taken certain positive steps in relation to Romani, including cultural activities, research and publications. The sociolinguistic survey carried out by the Charles University is a good example. Nevertheless, the situation of Romani in the Czech Republic is still affected by the history of social exclusion of Roma. The language has a low prestige. Romani-speakers suffer from a negative portrayal in the media. These factors present a barrier to implementation of the Charter in respect of Romani. There is comparatively little Romani to be heard on television or radio or indeed anywhere in public life. The language is virtually absent at pre- and primary schools.
- F. The focus of education of Romani-speaking children is understandably on social integration, but this is at the expense of Romani-medium education or Romani language classes. The emphasis is largely on assimilation of Roma children without taking due account of their cultural, ethnic and linguistic background and valuing it by teaching it. Indeed, there are reports that children are prohibited from speaking Romani at certain schools. This has led to a situation where Roma children suffer from low self-esteem and alienation which are counterproductive to the aim of social integration.
- G. The German language is widely but thinly dispersed throughout the Czech Republic. Many people in the Czech Republic still associate the language with the German occupation in World War II and this has consequently made it difficult for the language to have a place in public life. The population is generally elderly and intergenerational transmission is dwindling, so swift action is needed if it is to remain a living language in the Czech Republic. While German is widely taught as a foreign language, mother tongue education is patchy at all levels.
- H. The situation of Polish is in general very good, especially in the field of education which appears to be exemplary. With regard to criminal proceedings, the Committee of Experts notes that there is a legal restriction on the use of the language. Although some measures have been taken to facilitate the use of Polish in the field of administration, Polish-speakers do not seem to have been made aware of this possibility.
- I. Although the recent installation of Polish-Czech bilingual signs is to be welcomed, the process is hampered in certain cases by the above-mentioned system of committees for national minorities and ambiguities in the Act on municipalities concerning the competences and composition of these committees.
- J. The situation with regard to Polish in the broadcasting media is in general satisfactory although there are some gaps.
- K. Due to the mutual intelligibility of the Slovak and Czech languages, few problems are encountered with the use of the Slovak language in the Czech Republic. In certain areas it is on a par with the Czech

language in public life. Nevertheless, measures should be taken to offer Slovak at least as a subject at school, where there is a demand.

L. Finally, the Committee of Experts considers that there is still a need to raise awareness of the Czech-speaking majority population about the Czech Republic's regional or minority languages as an integral part of the Czech Republic's cultural heritage. To that end, more targeted efforts are needed to improve the portrayal of regional or minority languages in the media and to inform the population at large of the languages and create an atmosphere of respect, tolerance and mutual understanding.

The Czech government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

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

At its 1073rd meeting on 9 December 2009, the Committee of Ministers adopted its Recommendation addressed to the Czech Republic, which is set out in Part B of this document.

Appendix 1: Instrument of ratification:



Czech Republic :

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

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

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

Period covered: 1/3/2007 -

The preceding statement concerns Article(s) : 1

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

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

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

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

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

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

Period covered: 1/3/2007 -

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

Appendix II: Comments by the Czech authorities

Comments by the Czech Republic on the First Report of the Committee of Experts of the European Charter for Regional and Minority Languages on the Czech Republic's compliance with the Charter

Introduction

The Czech Republic welcomes the Committee's report on its compliance with the Charter, based on the First Periodical Report submitted to the Secretary General of the Council of Europe on 30 April 2009. In accordance with Art. 16 para. 3 of the Charter, the Czech Republic presents the following comments.¹⁰

The Committee's report was received by the Secretariat of the Government Council for National Minorities (hereinafter "the Council") on 9 June 2009. Its Czech translation, together with draft comments, was made available to the members of the Council.

On 24 August 2009, amended draft comments were submitted to the Government. The Government approved the comments by its Resolution No. 1060.

Comments on Chapter 1

Ad 4.

The text of the Charter and all relevant documents are available on the website of the Government Council for National Minorities (in the form of a link to the relevant web address of the Council of Europe).

First Periodic Report in Czech:

https://web2006.vlada.cz/assets/ppov/rnm/aktuality/iii_periodicka_zpravacharta_1_def_1.pdf

First Periodic Report in English:

http://www.coe.int/t/dg4/education/minlang/Report/PeriodicalReports/CzechRepPR1_en.pdf

First Periodic Report in French:

http://www.coe.int/t/dg4/education/minlang/Report/PeriodicalReports/CzechRepPR1_en.pdf

The text of the Language Charter (with a link to 49 translations):

http://www.coe.int/t/dg4/education/minlang/textcharter/default_en.asp

Documents on ratification of the Charter:

<http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/rnm/dokumenty/mezinarodni-dokumenty/evropska-charta-regionalnich-ci-mensinovyh-jazyku-17547/>

The handbook *The Charter - what do we need to know?* was distributed to all municipalities that have set up a Committee for National Minorities, to regional authorities offices and also to the minorities' representatives. Additional reprints are available upon request. The handbook is also available on the Council's website (<http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/rnm/dokumenty/publikace/charta-co-bychom-meli-vedet-18224/>).

Ad 12.

The municipalities with the largest proportion of members of the Polish minority are Hrádek, Milkov and Košaňska. It is to be noted that the percentage does not express the share of "speakers" but the share of members of the minority. The total number of persons declaring in the 2001 census that their mother tongue is Polish was 44 825, i.e. 7 143 less than those who claim membership of the Polish minority (51 968 persons).

¹⁰ Paras 13, 22 and 23 of the Report contain some historical inaccuracies; however, these are not covered by these Comments.

Table 1 Summary of municipalities with more than 10% of Polish minority members (2001 census)			
Municipality	% of members of the Polish minority	Municipality	% of members of the Polish minority
Hrádek	42.77	Horní Suchá	23.18
Milíkov	41.08	Komorní Lhotka	21.42
Košářská	38.63	Chotěbuz	21.30
Vendryně	35.22	Řeka	21.24
Bukovec	33.55	Třanovice	21.14
Dolní Lomná	31.03	Písek	20.92
Bocanovice	30.84	Jablunkov	20.69
Bystřice	29.67	Vělopolí	18.93
Ropice	28.86	Střítež	18.78
Horní Lomná	28.43	Mosty u Jablunkova	18.24
Písečná	26.74	Třinec	17.69
Nýdek	26.54	Petrovice u Karviné	16.21
Milovice	26.33	Český Těšín	16.11
Stonava	25.76	Těrlicko	12.92
Návsí	23.96	Hnojník	11.48
Albrechtice	23.51		

Ad 41.

By the Government resolution No. 689 the Minister of the Interior was tasked to carry out (before 30 June 2007) an audit of municipalities which meet the conditions of Art. 117 of the Municipalities Act (No. 128/2000), i.e. to evaluate the functioning of Committees for National Minorities and to inform the Deputy Prime Minister and Minister of Justice of the findings. In 2009, the process started by the audit will result in the submission of a draft amendment to the Municipalities Act which provides for the conditions for setting up of Committees and their composition and the conditions for the use of bi-lingual signs in the language of the national minority on public premises and buildings (Report on the Situation of National Minorities in the Czech Republic for 2008, Chapter 16 and Appendix 14, Decree No. 845 of 29 June 2008).

Comments on Chapter 2

Ad 50.

The majority of citizens of Croatian nationality, including the older generation, only understand, but do not speak, Croatian. The young generation's language skills are limited to understanding the language (oral communication).

Moreover, there is no municipality where a number of Croatian minority members would represent 10% of inhabitants; in the municipality with the largest proportion, Croats make 1.53% of 654 inhabitants, according to the 2001 census. The small proportion of the Croatian minority at municipal level is attributable to the practices of the totalitarian regime in the post-war period. The time elapsed since then makes it difficult to continue the broken tradition.

Ad 58.

The scope of independent powers of at municipal level is *de jure* the same for all municipalities. Delegated powers are exercised by each municipality, but in varying degrees. By the level of delegated powers, the law (Act No. 314/2002) makes distinction between municipalities with a designated local office and municipalities with extended powers.

Ad 88.

Special Schools and, since the adoption of the new Education Act of 2005, Special Elementary Schools, were and are intended for children with light mental handicaps. They have never been intended for the socially disadvantaged. The fact that Roma pupils who had been incorrectly diagnosed as having light mental handicaps were assigned to these establishments was found discriminatory by the European Court of Human Rights.

Ad 89.

Problems with introducing Romani in kindergartens and elementary schools are of a practical nature, they do not stem from unwillingness of the state to deal with the issue. Since Romani has no codified standard form, it cannot be included in education without a prior expert analysis. As a first necessary step, the Ministry of Education, Youth and Sports commissioned a project "Preparation and Pilot Testing of Methods of Sociolinguistic Research into the Position of Romani in the Czech Republic", in order to determine how Romani might be used in education. While this is still a question of teaching Romani, another matter is teaching in Romani. Eventual introduction of teaching in Romani would require training of teachers and introducing study programmes at the relevant (eight) faculties of education.

Ad 95.

More information on the research project "Preparation and Pilot Testing of Methods of Sociolinguistic Research into the Position of Romani in the Czech Republic" can be found in the Report on the Situation of National Minorities in the Czech Republic for 2008 (<http://www.romistika.eu/docs/SociolingVyzkumRomstiny2008.pdf>). See also below.

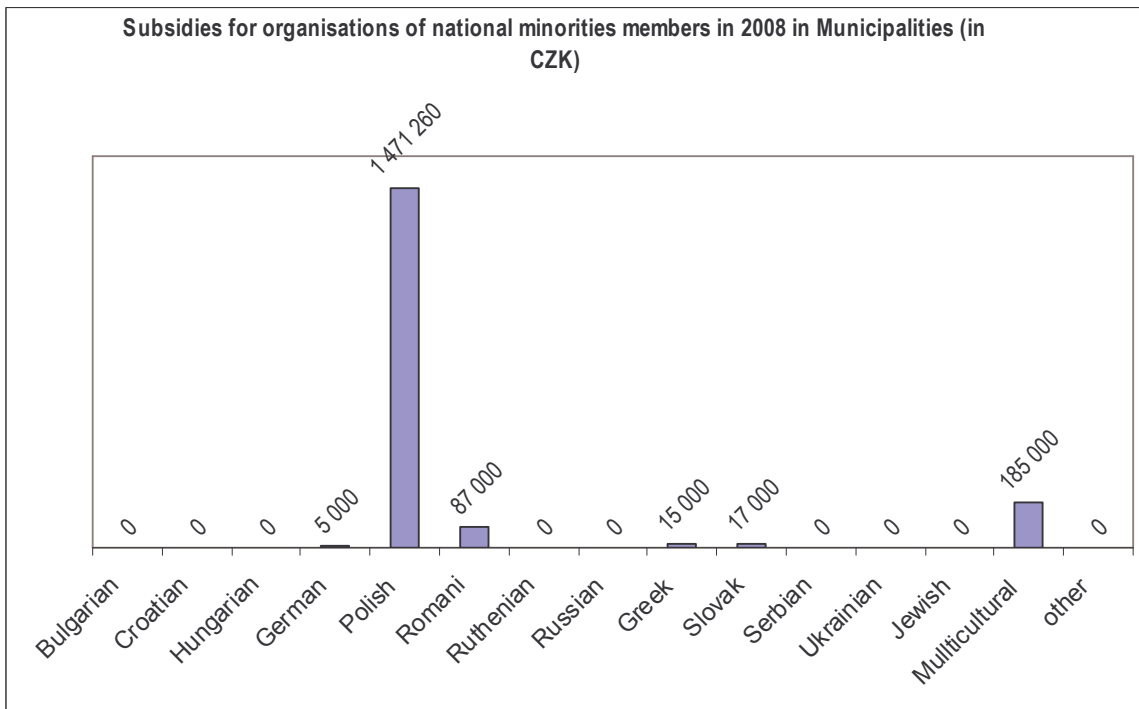
Ad 114.

Following the presidential veto, the Antidiscrimination Act was returned to the Chamber of Deputies for a new debate. On 17 June 2009, the Act was approved by the Chamber of Deputies and comes into force on 1 September 2009.

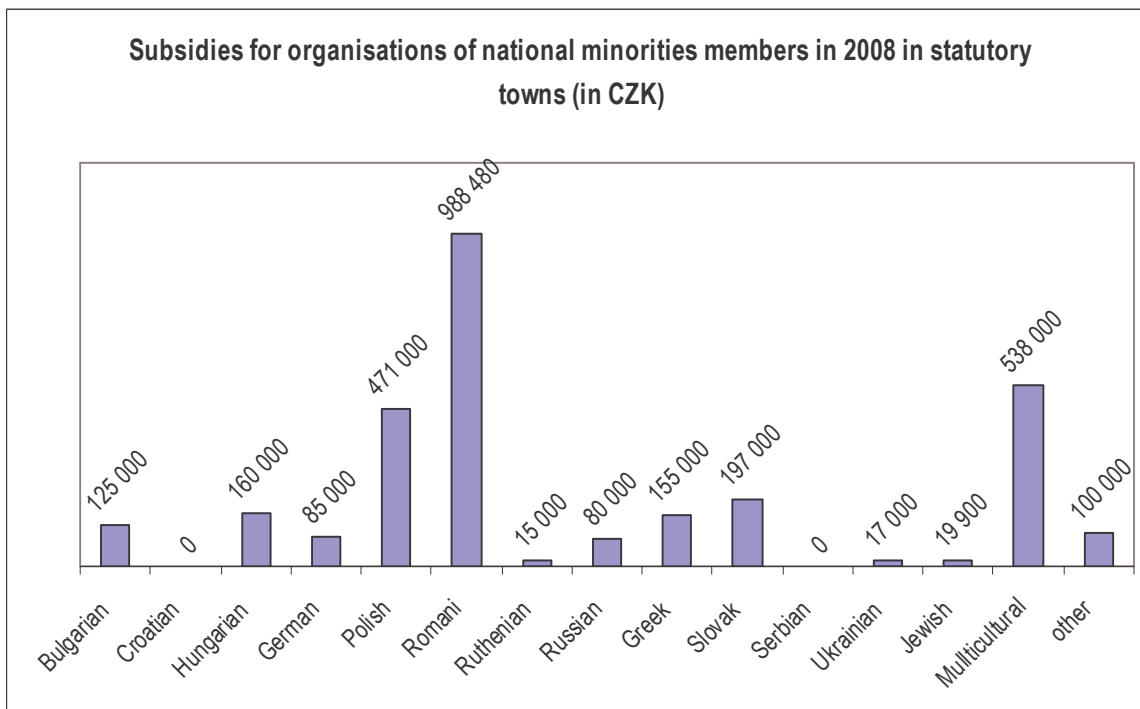
Ad 230.

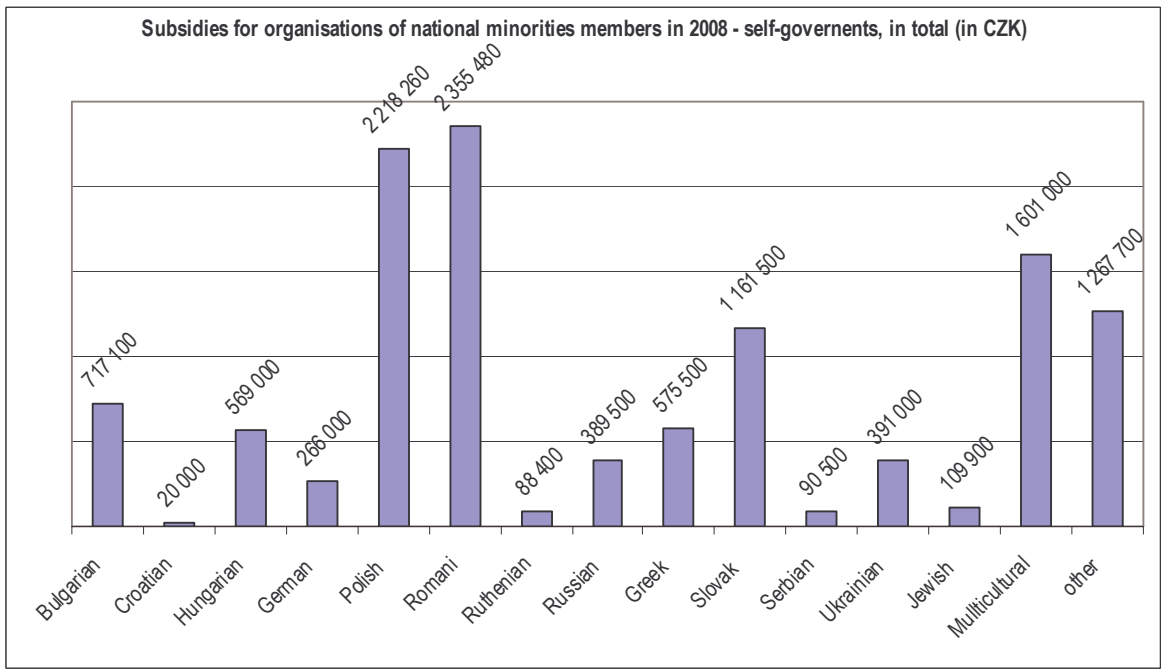
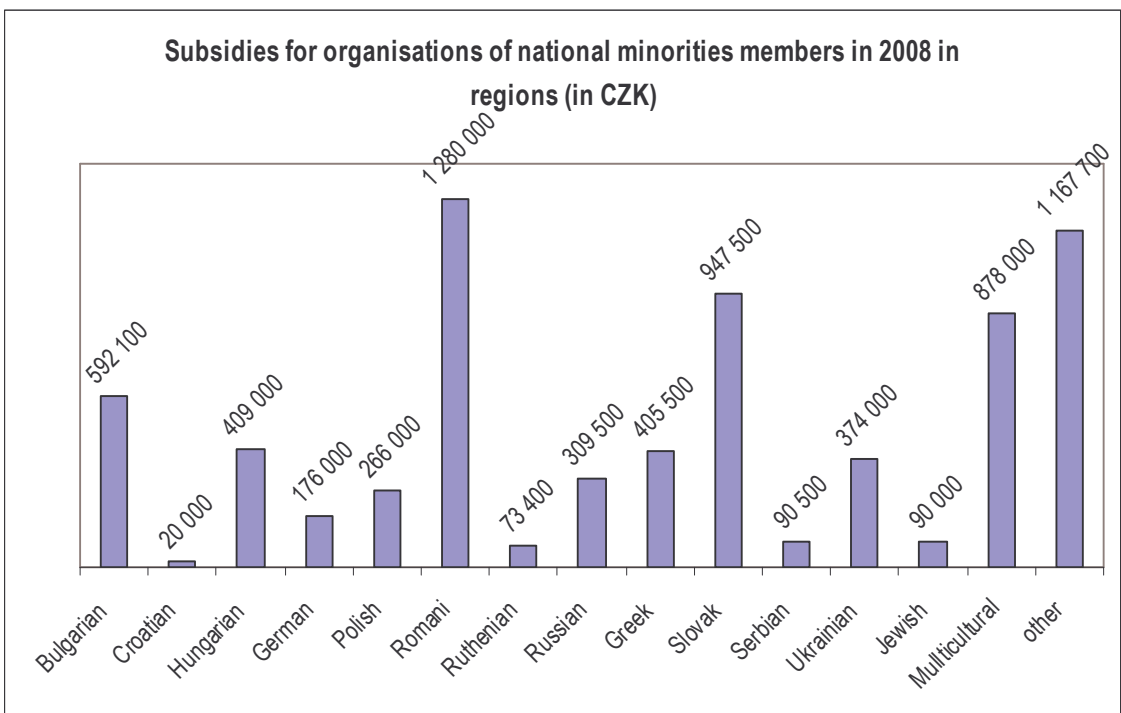
A list of grants provided from public finances at the level of municipalities, statutory towns and regions for the cultural activities of the Polish minority is made public regularly in the Report on the Situation of National Minorities in the Czech Republic. As appears from the data in the Report, at municipal level (not only in the districts of Frýdek-Místek and Karviná), the Polish minority receives the highest level of grants.

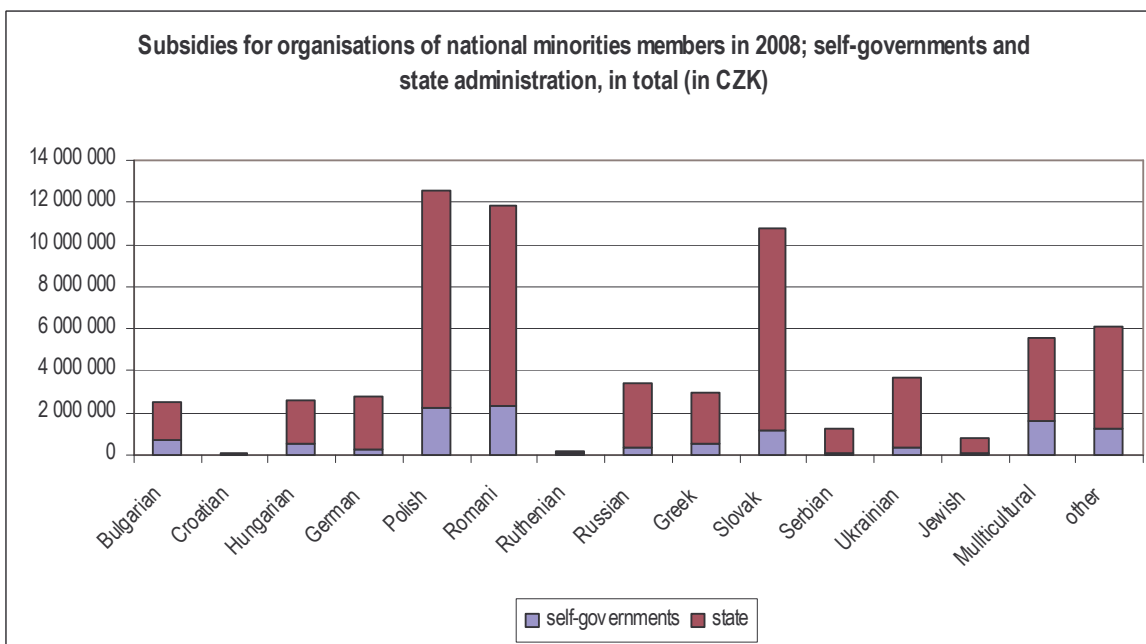
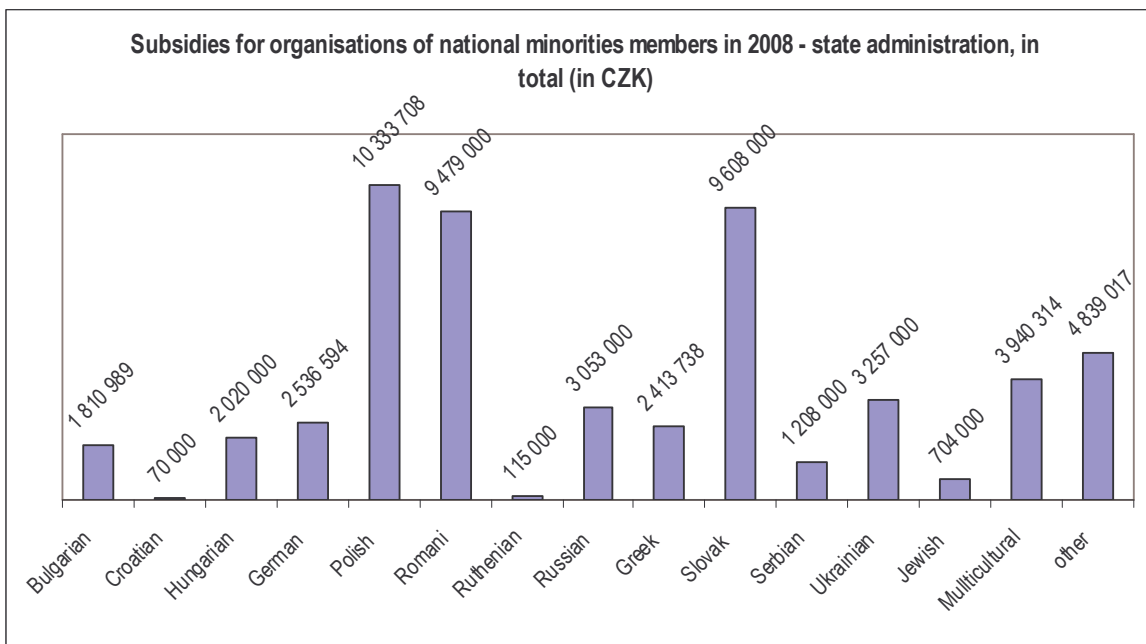
A summary of grants in regions, cities and municipalities by individual national minorities:



In comparison to the situation in 2007 there has been a growth in Polish projects. This does not include 751 125 CZK from the state budget for the implementation of the Charter, this sum being considered as a subsidy to municipalities, not only to the Polish minority.







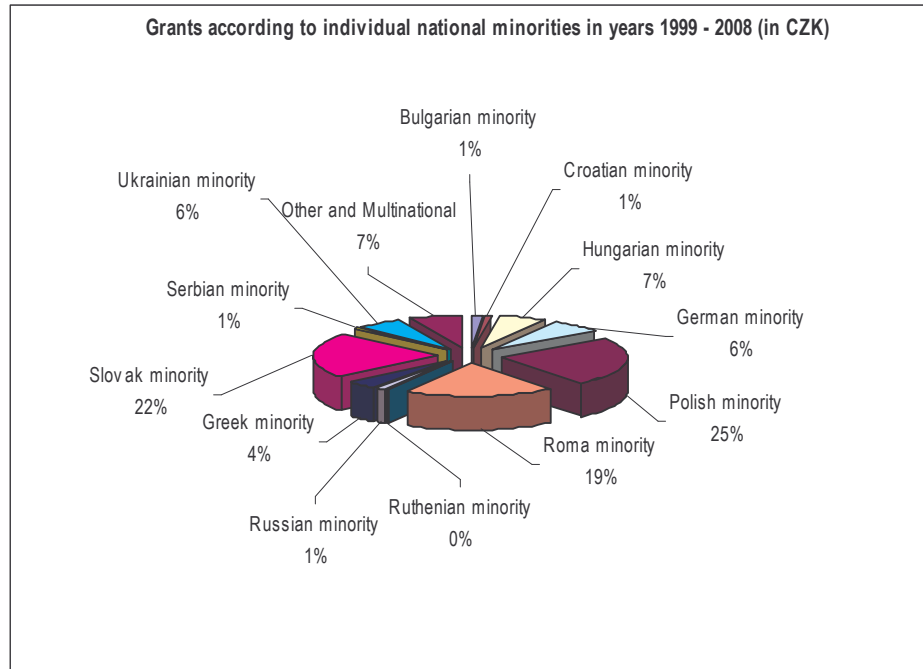
From the comparison it follows that in the long-term the greatest support from local (self-government) authorities both at local and regional level is directed towards the Roma and Polish minorities, while grants from state administration are predominantly for Polish and Slovak organisations. This is given above all by the support for minority periodicals. Of the overall total, the Polish, Slovak and Roma minorities receive about one-third of all grants; the Croatian and Ruthenian minorities receive the smallest proportion of the local authorities and central state administration grants. The ratio of grant values is not proportional to the size of the minorities (as established by the census). It may therefore be assumed that in the allocation of grants a significant role is played by the quality of submitted projects.

Ad 305.

A subsidy scheme is issued by the Ministry of Culture each year, without limitation. The graphs which follow illustrate the allocation of funds from the culture department to individual minorities over the last 10 years.

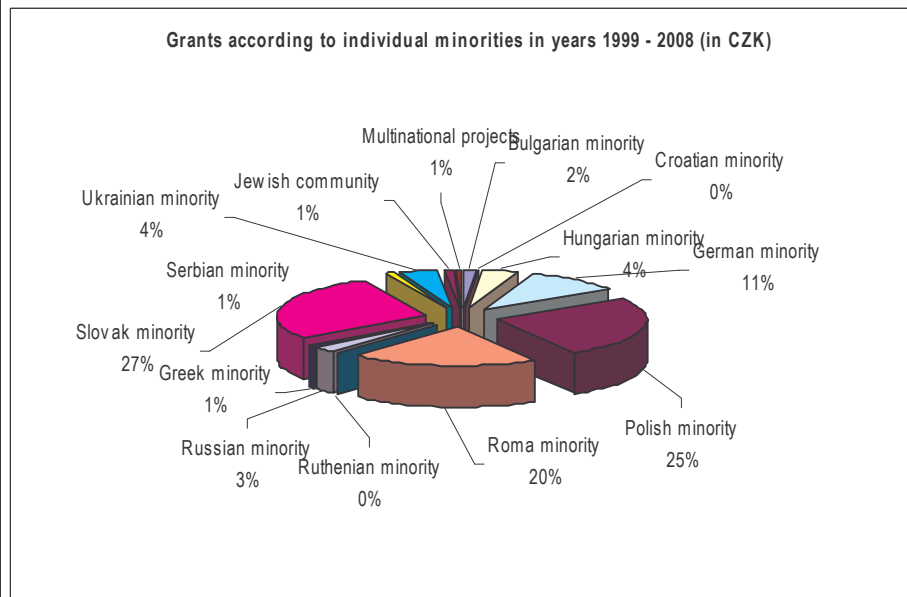
SUBSIDIES TO SUPPORT THE CULTURAL ACTIVITIES OF NATIONAL MINORITIES
(by the Ministry of Culture)

Bulgarian	1 129 670
Croatian	679 979
Hungarian	5 576 000
German	5 462 257
Polish	20 296 125
Roma	16 458 888
Ruthenian	236 000
Russian	853 000
Greek	3 563 894
Slovak	19 015 297
Serbian	565 000
Ukrainian	4 948 000
Other and Multinational	5 870 160
Total	84 654 270



SUBSIDIES TO SUPPORT DISSEMINATION AND RECEIPT OF INFORMATION IN MINORITY LANGUAGES
(by the Ministry of Culture)

Bulgarian	4 284 500
Croatian	0
Hungarian	10 777 000
German	29 873 500
Polish	72 572 250
Roma	57 547 250
Ruthenian	418 500
Russian	8 115 000
Greek	2 103 000
Slovak	79 871 250
Serbian	2 600 000
Ukrainian	11 207 347
Jewish	3 196 000
Multinational	1 893 500
Total	284 459 097



Ad 310.

For a number of years, the Slovak minority has been running the Domus project (DOcumentation and MUSeum Centre for the Slovak Minority in the Czech Republic, set up by the Slovak Culture Club; http://www.klubsk.net/index.php?option=com_content&task=blogcategory&id=15&Itemid=30). In 2008, the project received a Ministry of Culture grant of 150 000 CZK from the programme for the support of cultural activities of members of national minorities (see Report on the Situation of National Minorities in the Czech Republic in 2008, Appendix 4).

Comments on Chapter 3

Ad B. and I.

At local self-government level, a circumvention of the law concerning the representation and meeting of the requirements of national minorities has been noted. With the aim of facilitating the decision-making on the installation of bi-lingual signs in national minority languages, the Government Council for National Minorities proposed to amend the Municipalities Act. Based on the findings of the Report on the Situation of National Minorities in the Czech Republic in 2008, the amendment would introduce direct participation of civic associations representing national minorities in municipalities in the decision-making process. The amendment should also deal with situations when the decision-making is blocked by minorities committees themselves.

Ad C.

In the present situation, the Council is seeking at least not to have the budget for national minorities reduced. However, in view of the current financial and economic situation and government austerity measures, a budget increase is unlikely.

Ad D. and G.

It is true that there is no structured programme of language support for German (from the national minority's point of view, since there are not enough pupils). German has the same standing as other minority languages. Moreover, throughout the country, German has a strong position in elementary and secondary schools as part of teaching of foreign languages (bi-lingual schools, in some schools as a priority foreign language). The Ministry of Education, Youth and Sports supports inter alia the language activities of grammar schools which offer German language teaching leading to the award of the *German Language Diploma*. The diploma makes studying at German universities possible without additional language tests. As has been mentioned, the dispersed nature and age profile of the German minority does not make a special programme of language support feasible.

On the position of Romani, see Ad 89. So far, any improvement in the perception and use of Romani has been slowed by the absence of codification of the language.

Ad E. and F.

See above, Romani is used in the nationwide public radio station Radiožurnal, through the programme O Roma vakeren (Roma Calling) every Friday from 20:05 to 21:00. See also Ad 89.

Ad H.

The right to use one's mother tongue in court proceedings is not mandatory; its use is at the discretion of the person concerned (even if he/she has the knowledge of Czech). Should anyone be denied the right to use their mother tongue, such a breach of law can be remedied by procedural means (raising an objection in court).

Already before the ratification of the Charter, the Secretariat of the Government Council for National Minorities prepared and distributed the information handbook *The Charter - what do we need to know?* to all interested parties (primarily to local government offices); the handbook is also available on the Council's website.

Ad K.

According to the information from the Slovak minority representative on the Council, there is not sufficient interest on the part of the Slovak minority in teaching of Slovak. Slovak is present in public and private media broadcasting, albeit not on a regular basis (news reporting, sports commentaries, Slovak presenters/guests on entertainment programmes).

Ad L.

Raising general awareness about national minorities is the aim of many campaigns (e.g. the government Campaign against Racism, the European Year of Inter-Cultural Dialogue 2008 in the Czech Republic) or educational programmes (Multicultural Training). A significant role is also played by non-profit organisations and their activities.

Ad Recommendation 1.

As mentioned ad L, increased awareness about national minorities and increased level of tolerance in society towards them is the long-term aim of many government initiatives.

Full list of grants for 2008:

<i>Specification</i>	<i>Grant provider (kind of grant)</i>	<i>Grant value (CZK)</i>
Cultural activities of members of national minorities	Ministry of Culture (Dept. of regional and nationalities culture - grant programme)	9 913 029.-
The KHAMORO world Roma festival in Prague	Ministry of Culture (Government Decree No. 347/2003)	2 000 000.-
Operation of the Museum of Roma culture in Brno.	Ministry of Culture (Dept of Protection for movable cultural heritage, museums, galleries)	8 133 000.-
Operation of the Terezín Memorial		25 776 000.-
The Vagón project (Slovak-Czech Club)	Ministry of Culture (foreign Dept)	200 000.-
Grants for activities of members of national minorities	Ministry of Culture, Dept of Arts and Libraries (grant programme)	3 470 000.-
Grant for Library of the 21 st Century		142 000.-
Support for spreading and receiving information in national minority languages	Ministry of Culture (grant programme)	30 000 000.-
Education in the national minority languages and multicultural training.	Ministry of Education (grant programme)	15 901 331.-
Integration of members of Roma communities	Ministry of Culture (grant programme)	1 991 482.-
Support for education of socially disadvantaged children, pupils and students	Ministry of Education (grant programme)	14 319 000.-
Integration of members of Roma communities - support for Roma pupils in secondary schools		10 000 000.-
Programme to prevent social exclusion in Roma communities ¹¹	Czech Office of the Government (grant programme)	19 998 600.-
Coordinators for Roma advisors in regional government offices ²		4 217 730.-
Support for field social work		9 700 000.-
Implementation of the European Charter for Regional and Minority Languages	Czech Office of the Government (Government Decree No. 637 dated 11 th June 2005, GTA Chapter	751 125.40

Total 156 513 297.40 CZK

Ad Recommendation 2.
See Ad D and G.

Ad Recommendation 3.
See Ad B.

Ad Recommendation 4.
See Ad D, G and K.

Ad Recommendation 5.
See Ad E and F.

¹¹ On the basis of Government Decree No. 841 dated 25 July 2007 on the Control Conclusions of the Supreme Audit Office on Control No. 06/04: State Budget Funds included in the General Treasury Administration Chapter, items dealing with support for the activities of members of national minorities and the integration of the Roma community were transferred from 2008 from the GTA Chapter to the budget of the Office of the Government.

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

COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

**Recommendation RecChL(2009)7
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages by the Czech Republic**

*(Adopted by the Committee of Ministers on 9 December 2009
at the 1073rd 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 Czech Republic on 15 November 2006;

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

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

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

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

1. take practical steps to promote awareness and tolerance vis-à-vis the regional or minority languages and the cultures they represent as an integral part of the cultural heritage of the Czech Republic, both in the general curriculum at all stages of education and in the media;
2. adopt a structured policy for the protection and promotion of Romani and German, and create favourable conditions for their use in public life;
3. improve legislation concerning the composition and powers of committees for national minorities, so that these rules do not present barriers to the implementation of the Charter; including
 - the creation of regional or minority language schools and
 - the use of Polish place names in topographical signs.
4. take measures to make available teaching in or of Slovak, Romani and German, in co-operation with the speakers;
5. ensure that speaking Romani at school is not prohibited or discouraged.