INTRODUCTION

In the most recent population census conducted in 2001, more than one in eight Slovak citizens (13.1%) declared themselves as members of some ethnic minority. Most of them belong to the Hungarian minority that totals 520,528 people (or 9.7% of Slovakia’s population). In the same census, 89,920 Slovak citizens (1.7%) declared themselves as Roma; however, an extensive socio-graphic survey conducted in 2004 by the Institute for Public Affairs, the SPACE foundation, and the Regional Centre for Romany Issues suggested that the total number of Roma in Slovakia may be as high as 320,000; some demographic estimates even fluctuate between 380,000 and 400,000 (Kolko máme..., 2004).

Other ethnic minorities are nearly not as numerous: 44,620 (0.8%) Slovak citizens declared themselves as Czechs, 24,201 (0.4%) as Ruthenians, 10,814 (0.2%) as Ukrainians and 5,405 (0.1%) as Germans. Even fewer people declared themselves members of other ethnicities like: Polish, Jewish, Moravian, Croatian, Serbian, Bulgarian, or Russian.

STATUS OF ETHNIC MINORITIES

LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

In Slovakia, the rights of members of ethnic minorities are anchored in the Slovak Constitution and several regular laws that govern particular aspects of the minority issue, for instance the Law No. 184/1999 Coll. on Using Languages of Ethnic Minorities, Act No. 191/1994 Coll. on Marking Streets in Languages of Ethnic Minorities, Act No. 300/1993 Coll. on Names and Surnames, Act No. 154/1994 Coll. on Registry Offices, Act No. 29/1994 Coll. on the System of Primary and Secondary Schools, etc. Slovakia, however, has no single law that would regulate the status of ethnic minorities in a comprehensive manner. The schedule of the cabinet’s legislative tasks for 2003 included the drafting a bill on ethnic minorities that would seek to “regulate the legal status of ethnic minorities, create an adequate legal environment to develop their ethnic identity, and officially circumscribe the status of an ethnic minority” (Plán legislatívnych..., 2002).

In December 2003, the cabinet decided to extend the deadline for this task by one year to December 2004 and simultaneously transferred it from the competence of the Culture Ministry to the Deputy Prime Minister for European Integration, Human Rights and Minorities Pál Csáky (Plán legislatívnych..., 2003). The change did not help as the cabinet repeatedly failed to draft and publish the bill in 2004 which resulted in the deadline begin postponed again, this time to April 2005 (Návrh Plánu legislatívnych..., 2004).

The long-awaited bill on financing the culture of ethnic minorities was drafted in 2004 but has not been submitted to cabinet’s deliberations; which are expected to occur by February 2005. In May 2004, parliament passed the Law No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection against Discrimination, also known as Antidiscrimination Act.
The rights of members of ethnic minorities are guaranteed by several international conventions and bilateral treaties, for instance: Council of Europe’s General Convention on Protection of Rights of Ethnic Minorities, European Charter of Regional of Minority Languages or Basic Treaty on Neighborly Relations and Friendly Co-Operation between the Slovak Republic and the Hungarian Republic. The Agreement between the Government of the Slovak Republic and the Government of the Hungarian Republic on Mutual Support of Ethnic Minorities in the Field of Education and Culture that was signed in December 2003 and took effect in February 2004.

Although the Slovak Constitution guarantees all members of ethnic minorities “the right to participate in administering affairs concerning ethnic minorities and groups” (Article 34, Paragraph 2, letter c), this right has never been defined by a regular law. Implementation of this right is in the competence of the Cabinet’s Council for Ethnic Minorities and Groups that acts as an advisory body to the cabinet regarding minority issues and most of its members are representatives of minority organizations. In 2003, the Council that already comprises representatives of the Hungarian, Romany, Czech, Ruthenian, Ukrainian, Jewish, German, Polish, Croatian, Bulgarian, and Moravian minorities was expanded to include a representative of the Russian minority (Druhá správa o implementácii..., 2004). In 2004, like 2003, the Council showed very few signs of life and did not pursue any noteworthy activities.

There are other bodies, institutions and executive posts whose principal mission is to deal with the issue of ethnic minorities. For instance, the National Council of the Slovak Republic has a Committee for Human Rights, Minorities, and the Status of Women. The cabinet has a post of a deputy prime minister for European integration, human rights, and minorities; the Slovak Government’s Office also shelters the Office of Government’s Plenipotentiary for Romany Communities and the Section of Human Rights and Minorities. The Culture Ministry’s Section of Minority Cultures is divided into the Department of Culture of Ethnic Minorities and the Department of Culture of Disadvantaged Population Groups. The Education Ministry’s Section of Regional Education has a Division of Education of Ethnic Minorities and a specialized Department of Education of Romany Communities.

**Political representation of minorities**

Out of 111 political parties and movements that were registered with the Ministry of Interior as of December 31, 2004, 28 represent members of various ethnic minorities. Twenty-one of them represent the country’s Romany population, four represent the Hungarian minority, one focuses on ethnic Ukrainians and Ruthenians, and two on ethnic Czechs. The only relevant and truly functioning political party is the Hungarian Coalition Party (SMK), while all other minority parties and movements operate on a more informal level. There were no new minority political parties formed in 2004; however, a preparatory committee of the Minority Party announced the founding of a mechanism that should focus on representing the interests of ethnic and other minorities living in Slovakia.
**Political representation of the Hungarian minority**

In the 2002 parliamentary elections, the SMK won 20 seats in the national legislative assembly along with the Christian Democratic Movement (KDH) and Smer, and it is one of three parliamentary parties that has not seen a reduction in its original number of its deputies since the elections. SMK nominees took two posts of parliamentary committee chairmen, four ministerial posts, and six posts of ministries’ state secretaries.

Before presidential elections in April 2004, the SMK did not nominate its own candidate, but before the first round it endorsed the candidature of František Mikloško (KDH); the SMK Republican Council was choosing between Mikloško and independent candidate Martin Bútora. In the second round after a clash between a current and a former HZDS figure, the SMK refused to support either candidate.

In June 2004, the SMK ran in the historically first elections to the European Parliament (EP) and obtained 92,927 votes, which amounted to 13.2% of the popular vote and gave the party two of Slovakia’s 14 total seats in the EP. Due to extremely low voter participation, it is difficult to say whether the SMK was also supported by a significant number of voters of Slovak nationality or whether its election result was caused by traditionally disciplined ethnic Hungarian voters.

In the European Parliament, the SMK will be represented by two former national parliament deputies, Edit Bauer and Árpád Duka-Zólyomi who was originally number three on the party ticket, but was lifted to the EP. A direct implication of electing Bauer and Duka-Zólyomi to the EP was a personnel change in the executive after József Kvarda, former State Secretary of the Culture Ministry, took one of two vacated seats in the national assembly.

Another ethnic Hungarian party running in the European elections was the Hungarian Federalist Party, but its election result (1,598 votes, or 0.2%) confirmed that the SMK remains the dominant political force among ethnic Hungarians in Slovakia.

In regions with a high proportion of ethnic Hungarians, the SMK also holds strong positions in municipal and regional self-governments. The Nitra regional parliament is controlled by SMK deputies who hold 31 out of 52 seats; however, the post of regional governor is held by an HZDS representative, which makes for a piquant combination. In the Trnava regional self-government, there are 14 SMK deputies from the principal opposition force in the 40-member assembly. In the Košice and Bratislava regions, the SMK ran as part of a victorious grouping of coalitions (SMK – SDKÚ – ANO – Smer and the SDKÚ – KDH – ÁNO – SMK – DS, respectively). In the Banská Bystrica regional self-government, the SMK began to control the majority and cooperate with the HZDS after the originally victorious coalition of HZDS – Smer fell apart (Aká je situácia..., 2004).

2005 will be the final year in office for all regional parliaments and governors elected in December 2001; the next regional elections are scheduled to take place in December 2005. In some regions, particularly Nitra and Trnava, “Slovak” political subjects (i.e. those not representing ethnic Hungarians) are already
testing the possibilities of forming so-called “Slovak coalitions” that would bring together “Slovak” governing and opposition parties in order to outweigh the currently strong position of the SMK. In the Nitra region, representatives of HZDS, SDKÚ, KDH, and Smer already held talks about forming a joint coalition (*V Nitre sa hľadá..., 2004*).

The SMK strongly protested against such plans and its Chairman Béla Bugár announced that teaming up of governing and opposition parties against the SMK on the regional level could have grave implications for the cooperation within the ruling coalition at the national level. At its congress in November 2004, the SMK declared its willingness to form coalitions with Slovak parties on the regional level (before the first regional elections in 2001 it was not interested in forming such coalitions due to its high electoral potential in the Nitra and Trnava regions) or to nominate a lesser number of candidates in the Nitra region (*SMK sa nenechá..., 2004*).

According to Bugár, however, no party had reacted to the SMK declaration regarding regional elections in the Nitra region by the end of 2004. At the end of 2004, the negotiations on forming alliances for the 2005 regional elections have produced no definitive outcome. The KDH announced in November 2004 that it would not negotiate the formation of coalitions for regional elections with the HZDS; however, the reason was not the SMK warning, but rather the HZDS’s criticism in parliament of KDH representatives, especially Education Minister Martin Fronc.

As far as its performance within the ruling coalition goes, the SMK was particularly inclined to cooperate with the KDH and was rather prone to conflict with the SDKÚ; however, none of these conflicts threatened the ruling coalition’s existence or operability. The SMK supported adoption of the Antidiscrimination Act, which repeatedly brought Deputy Prime Minister Pál Csáky (SMK) into open confrontations with Deputy Prime Minister and Justice Minister Daniel Lipšic (KDH).

Most representatives of the parliamentary opposition as well as President Ivan Gašparovič took a prevailingly confrontational tone in respect to the SMK. Gašparovič labelled the SMK a nationalist party and indirectly accused Csáky of giving away details from the cabinet’s deliberations to the Hungarian Government. “I don’t like the fact that three hours after the cabinet’s session, one of our deputy prime ministers gives an account of the session’s program in Budapest,” said Gašparovič (*Prezident tvrdí..., 2004*). Csáky called these accusations nonsensical.

Chairman of Smer Robert Fico also labeled the SMK a nationalist and extremist party and accused it of pursuing activities aimed against the sovereignty of the Slovak Republic. Before elections to the European Parliament, HZDS Chairman Vladimír Mečiar called on Slovak voters to come to polling stations in great numbers and prevent the electoral success of the SMK, arguing that in the EP SMK officials will not represent Hungary’s interest rather than Slovakia’s.

In August 2004, the Slovak Revival Movement began to collect signatures under a petition seeking to dissolve the SMK. The petition was openly endorsed by the Movement for Democracy founded by Ivan Gašparovič who was the party’s
chairman until he was elected Slovakia’s new president in April 2004. Another public figure to support the dissolution of the SMK was Ján Slota, Mayor of Žilina and leader of the non-parliamentary Slovak National Party. Eventually, the petition addressed to Attorney General Dobroslav Trnka was signed by 5,651 Slovak citizens (Skončila sa..., 2004).

In the course of 2004, the SMK took an active approach to Hungarian political subjects and political developments in Hungary. Its already friendly relations with its political partners in Hungary, particularly the FIDESZ opposition party, further intensified; on the contrary, the SMK continued to have tense relations with the ruling Hungarian Socialist Party. In March 2004, FIDESZ leader and Hungary’s former Prime Minister Viktor Orbán visited Slovakia on the invitation of Béla Bugár. At a rally in Komárno, Orbán supported the SMK before elections to the EP and declared that these elections were fulfilling the dream of Hungarians and Slovakia’s ethnic Hungarians to elect their representatives into a single parliament, even though that assembly was now in Brussels (Felvidék bol..., 2004).

Béla Bugár has criticized the Hungarian Government for reducing its financial support for the Hungarian University in Komárno. In March 2004, he refused to accept a Hungarian state honor conferred to him on the occasion of Hungarian national holiday, reasoning by his critical attitude toward the Hungarian Government for reducing its support of ethnic Hungarians living outside of Hungary.

SMK representatives also took an active stand in the referendum on double citizenship that Hungary held in December 2004. The referendum was initiated by the World Hungarian Congress. The concept of introducing double citizenship for ethnic Hungarians living abroad was advocated by the FIDESZ, while the ruling socialists and liberals opposed the idea. The SMK also supported the introduction of double citizenship. The most active player in this respect was its Executive Deputy Chairman Miklós Duray who directly participated in campaigning before the Hungarian plebiscite and discussed the issue with Hungarian Prime Minister Ferenc Gyurcsány in a debate aired live by Hungarian Television. In an interview for Hungarian Radio, Duray commented on the reluctance of the Hungarian ruling parties to endorse double citizenship by saying: “Finally, shit has separated from water” (Duray sa svojimi..., 2004).

SMK Chairman Béla Bugár said that the issue of double citizenship carried only a symbolic meaning for ethnic Hungarians in Slovakia; however, he said that the referendum’s negative outcome would send a bad signal to ethnic Hungarians living outside of Hungary (Bugár: Referendum..., 2004).

The referendum was proclaimed null and void due to insufficient voter participation. After the results were announced, Bugár initiated a joint declaration of Hungarian minority parties and organizations from a number of countries, which criticized the Hungarian Government for its attitude toward the referendum and urged the government and all parliamentary parties to draft a bill that “will enable ethnic Hungarians to obtain Hungarian citizenship without leaving their home country” (Maďarské menšinové..., 2004).

In the course of 2004, some SMK representatives touched on the issue of autonomy for Slovakia’s Hungarian minority. In July 2004, Duka-Zólyomi
declared that the SMK would oppose any type of autonomy, adding that “even territorial self-governance is a possible solution, but it needs to be negotiated”; however, he conditioned the autonomous status would require the consent of the majority of the nation. Duka-Zólyomi reacted publicly to a statement by Zsolt Németh of FIDESZ who said that self-governance and autonomy was the political ambition of the SMK, which the FIDESZ endorsed (Duka-Zólyomi tvrdí..., 2004).

Duray has publicly criticized the SMK for not having any strategy for achieving autonomy for ethnic Hungarians. He said that autonomy has never emerged solely based on political will, but the concept always had to be fuelled by economic or political pressure, or open warfare. Duray added it was clear to everybody that any attempt to take up arms in order to achieve autonomy for Hungarians in any country neighboring with Hungary would be doomed to failure (Miklós Duray kritizuje..., 2004).

Duray himself did not come up with any proposals that would urge official organs of the SMK to strive for autonomy. Bugár only addressed the issue of cultural and educational autonomy, citing the Hungarian university in Komárno as an example of such autonomy. However, Bugár did not exclude a possibility that the SMK might in future support the concept of autonomy if a government is formed that would include the far-right Slovak National Party or would pursue policies similar to those implemented by the third Vladimír Mečiar administration between 1994 and 1998. Officially though, the SMK did not publicly present any autonomist demands in 2004.

**Political representation of the Romany minority and other minorities**

The most perceptible activity of political representation of the Romany minority in the past year was the involvement of Romany representatives in the aftermath of the social unrest in February 2004 that was triggered by changes in the system of disbursing social assistance benefits (for further details, see chapters Social Policy and Roma).

In 2003, five Romany political parties announced they would put up a joint Romany candidate for the 2004 presidential elections. There was not, however, a single candidate that was Romany or represented the Romany minority that ran in the direct presidential elections in April 2004.

Only one Romany political subject registered for elections to the European Parliament in June 2004. In elections, the Romany Christian Democratic Movement received 4,856 votes, which amounted to 0.69% of the popular vote. No other Romany political party or other subjects representing other ethnic minorities pursued any relevant or noteworthy activities in 2004.

Herman Arvay, an independent Member of Parliament originally elected on the ticket of the Communist Party of Slovakia, announced in June 2004 an intention to establish the Minority Party. Arvay said that the new subject would focus on representing the interests of the Roma, but also of the Chinese, Vietnamese, Ruthenians, Ukrainians and Czechs. Among other than ethnic minorities, Arvay cited people who had a different sexual orientation or were physically
handicapped (Arvay už má..., 2004). Although in August 2004, Arvay announced he had collected enough signatures on the petition to register the new party, the constituent congress scheduled for September 2004 was not held and as of the end of 2004 the Minority Party has not been registered with the Ministry of Interior.

In December 2004, parliament passed the first reading of the cabinet’s new bill on political parties that sought to increase the transparency of financing political subjects’. The bill obliges political parties to submit to parliament their annual report along with an annual balance verified by an independent auditor. The proposed sanction for failure to submit this financial statement is 100,000 Sk. If the proposed bill is passed in its current version, it may lead to the near bankruptcy of many political parties that exist only formally, including a handful of minority parties.

APPROVED CHANGES IN THE LEGAL STATUS OF ETHNIC MINORITIES

SLOVAK-HUNGARIAN AGREEMENT ON MUTUAL SUPPORT OF ETHNIC MINORITIES IN THE FIELD OF EDUCATION AND CULTURE

Conclusion of the Agreement between the Government of the Slovak Republic and the Government of the Hungarian Republic on Mutual Support of Ethnic Minorities in the Field of Education and Culture put an end to quarrels between Slovakia and Hungary regarding implementation of the Law on Ethnic Hungarians. The dispute began in 2001 when the Hungarian Parliament drafted and passed the legislation, and continued after Hungarian parliamentary elections in 2002 when Hungary’s new socialist-liberal administration attempted to amend the law in order to make it acceptable to its neighbors.

From the outset, the Slovak Government labeled the law as discriminatory and exterritorial, criticizing both the original and amended versions from 2003 and maintaining that the law must not be enforced on Slovakia’s territory. The dispute over the law’s implementation negatively affected mutual relations between Slovakia and Hungary, but also the SMK’s relations with Slovak ruling and opposition parties (for further details on developments surrounding the legislation, please see Dostál, 2002 and Dostál, 2003).

The dispute arose from support the Hungarian Government might extend to ethnic Hungarians living in Slovakia. In 2003, both countries’ foreign affairs ministers, Eduard Kukan and László Kovács, agreed that this support will be provided in compliance with the Basic Slovak-Hungarian Bilateral Treaty from 1995. The Agreement between the Government of the Slovak Republic and the Government of the Hungarian Republic on Mutual Support of Ethnic Minorities in the Field of Education and Culture makes an explicit reference to the Basic Treaty. On December 12, 2003, the Agreement was signed by both foreign affairs ministers in Brussels and took effect on February 13, 2004.
Based on the Agreement, the Hungarian Government may support ethnic Hungarians living in Slovakia and the Slovak Government may in return support ethnic Slovaks living in Hungary. The allotted funds may be used to finance the educational process in minority educational institutions or to support minority cultural events and activities. Individual financial support may be provided only to university students or to the further education of pedagogues teaching at minority schools. Institutionally, the financial support will be administered through the Association of Slovaks foundation in Hungary and the Péter Pázmány Foundation in Slovakia. The Agreement also provided for the support of activities of minority social organizations in the neighboring country.

Both parties view the Agreement as their success. The Slovak Government is happy because the Agreement is not based on the Law on Ethnic Hungarians, but on the Basic Slovak-Hungarian Bilateral Treaty and it has a reciprocal character allowing for the support of the Slovak minority in Hungary under the same conditions of support for the Hungarian minority in Slovakia; according to Slovakia’s interpretation, the Agreement is not the one over implementing the Law on Ethnic Hungarians on the territory of the Slovak Republic. For the Hungarian Government, the Agreement provides the basis for supporting the Hungarian minority in Slovakia in the field of education and culture that ensues from the Law on Ethnic Hungarians, although the law itself is not explicitly mentioned in the Agreement.

ANTIDISCRIMINATION ACT

In May 2004, the National Council of the Slovak Republic approved Law No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, also known as the Antidiscrimination Act. The law was passed by the votes of the ruling coalition as well as opposition deputies, while only KDH deputies voted against it. The law’s adoption was preceded by two unsuccessful attempts to include the bill in the program of parliament’s deliberations in June 2002 and October 2003; dispute arose over whether Slovakia’s commitment to take over the antidiscrimination legislation of the European Union (EU) would be discharged by passing a single comprehensive law or whether the assembly would have to amend several other laws as well. The creation of a comprehensive law was advocated by Deputy Prime Minister Pál Csáky (SMK), the latter was championed by Deputy Prime Minister and Justice Minister Daniel Lipšic (KDH). In February 2004, the cabinet approved a compromise proposal of a single Antidiscrimination Act that simultaneously amended 21 other laws.

The law bans various forms of discrimination, including discrimination based on people’s racial or ethnic origin. Based on a proposal by Edit Bauer (SMK), the cabinet’s bill was amended to include Paragraph 8 of Article 8, which reads: “In order to guarantee equality of opportunities in practice and to enforce the principle of equal treatment, it is possible to adopt specific equalization measures designed to prevent the disadvantage ensuing from person’s racial
or ethnic origin”. The amendment was fiercely criticized by Lipšic who argued that it sought to introduce affirmative action, which contradicted the Slovak Constitution.

According to Article 12, Paragraph 2 of the Slovak Constitution, “fundamental rights and freedoms are guaranteed on the territory of the Slovak Republic regardless of sex, race, skin color, language, faith and religion, political or other persuasion, national or social origin, affiliation to an ethnic minority or group, property, ancestry, or other status. No person may be harmed, privileged, or disadvantaged due to these reasons.”

Csáky rebuffed Lipšic’s claim about the unconstitutionality of the formulation proposed by Bauer, referring to one of the EU guidelines according to which equalization measures represent an acceptable form of affirmative action. But Lipšic maintained his position and said the guideline was not binding for Slovakia because it could not be enforced in accordance with the Slovak Constitution (Csáky a Lipšic..., 2004).

The dispute could not be solved during negotiations of the coalition council. Subsequently, the cabinet adopted Lipšic’s argumentation and turned to the Slovak Constitutional Court, requesting it to examine the provision's compliance with the Slovak Constitution. The motion objects to the lack of clarity of the term “equalization measures” that is not further specified; also, the cabinet charged that the approved law failed to specify what subject is entitled to adopt such measures, who could be the target group of such measures, and the criteria for adopting them. The cabinet’s proposal also pointed out that “the Constitution does not recognize an exception from the ban on privileging someone’s fundamental rights and freedoms on grounds of racial origin” and argues that a law may not stipulate other exceptions from the ban on discrimination other than those explicitly spelled out in the Constitution (Návrh vlády..., 2004). The Constitutional Court accepted the cabinet’s motion for further deliberations.

The main problem seems to be the lack of clarity in the term “equalization measures”. If a certain group of the population was privileged solely based on affiliation to a certain race or ethnic group, especially through applying quotas, it would most probably be unconstitutional. Regardless of the compliance or non-compliance with the constitution (which can be amended after all), introducing such measures would be flatly wrong because in a democratic society, because belonging to a race or an ethnic group cannot by itself justify privileging or disadvantaging.

On the other hand, it would be unsound to deny that the Roma are considerably more frequently plagued with problems such as: unemployment, poverty, poor hygiene, generally bad state of health, inadequate education and so on. Denying this obvious connection and refusing to take any specific approach would imply the nullification of all government documents aimed at solving the problems of the Romany minority, elimination the post of the government plenipotentiary for Romany communities, and cancellation of all government measures specifically
aimed at tackling the so-called “Romany issue”. For obvious reasons, no one has produced such requirement.

Discrimination and related problems always concern individuals, not an ethnic group as such. Therefore, it is appropriate to tackle these problems based on the civic approach, as opposed to the ethnic one. A good example may be tools designed to help pupils from poor families such as: social scholarships and allowances for school lunches and materials. The eligibility criteria for these benefits are not ethnically defined, but based on a families’ income. In other words, these measures are aimed at children from families in the state of material poverty, regardless whether they are Roma or not. At the same time, the Roma who are not in the state of material poverty are not eligible to benefit from the system only because they belong to a generally poorer ethnic group. Still, these measures remain aimed primarily at children from Romany families, as these families are more likely to be in a state of material poverty.

In June 2004, shortly after passing the Antidiscrimination Act, the Ministry of Education approved a document titled *Temporary Equalization Measures Designed to Prepare a Sufficient Number of Pedagogues Able to Teach in Romany* (Dočasné vyrovnávací..., 2004).

It is piquant that the Education Ministry is led by Martin Frone who is from the same party as the principal critic of affirmative action, Daniel Lipšic. The document applies the same argumentation that is presented by advocates of affirmative action and equalization measures, like Deputy Prime Minister Pál Csáky.

On the other hand, it should be pointed out that these equalization measures are not tied directly to ethnic origin, as pedagogues teaching in Romany may not necessarily be Roma themselves. Their main goal is to implement the right of the Roma and members of other ethnic minorities to be educated in their mother tongue, which is spelled out in Article 34, Paragraph 2, letter a) of the Slovak Constitution.

**USE OF MINORITY LANGUAGES**

The right to use minority languages is guaranteed by Article 34 of the Slovak Constitution. The use of minority languages in official contact is regulated by the Law No. 184/1999 Coll. on Using Languages of Ethnic Minorities, while their use in other areas of public life is governed by other laws and by-laws. Since January 2002, Slovakia is bound by the *European Charter of Minority or Regional Languages*. The cabinet approved the first report on the Charter’s implementation in Slovakia in November 2003, and subsequently submitted it to the Council of Europe in December 2003 (*Správa o implementácii..., 2003*).

Some provisions of the Law No. 270/1995 Coll. on the State Language may be viewed as limiting the use of minority languages; however, in 2004 there were no cases of actual restrictions of using minority languages. At the end of 2003 and in the course of 2004, there were three attempts to amend the valid legislation...
regulating the use of minority languages, but none of them succeeded. In August 2004, the European Bureau for Lesser Used Languages established a branch in Slovakia.1

**PROPOSAL TO CHANGE PARLIAMENT’S STANDING ORDER**

The Law No. 350/1996 Coll. on Standing Order of the National Council of the Slovak Republic stipulates that “the language of deliberations during sessions of the National Council and its organs is the state language” (Article 31). The previously valid standing order (Law No. 44/1989 Coll.) guaranteed members of parliament “the right to speak in the language of their nationality” and stipulated that “if a deputy does not speak in Slovak or Czech language, his speech is translated into Slovak” (Article 18). The standing order approved by the third Vladimír Mečiar administration in 1996 abolished that right.

In July 2004, the SMK tried to restore this right for members of ethnic minorities. The idea was proposed by Edit Bauer, MEP for the SMK, during a joint press conference with MEPs for the FIDESZ in Strasbourg (Bauer sa stažovala..., 2004).

The SMK initiative was rejected by all parliamentary parties. They argued that using minority languages in parliament would draw out deliberations and imply increased costs for interpretation. SMK representatives, for their part, reasoned that although the right to use their mother tongue during parliament’s sessions had been guaranteed before 1996, deputies for Hungarian parties had exercised the right only in extraordinary cases.

In spite of other parties’ resistance, SMK deputies submitted the proposal in October 2004 as an amendment to the discussed bill on parliament’s new standing order. Apart from SMK deputies, the proposal was endorsed only by Peter Bódy, Branislav Opaterný (independent deputies, members of the Freedom Forum), Jozef Miklušičák (KDH), and Michal Vajda (KSS); the proposal was ultimately rejected.

With regard to the fact that reintroducing the possibility to use minority languages in parliament was primarily of symbolic importance, and given the fact that members of ethnic minorities enjoyed this right until it was abolished by the Mečiar administration that was frequently chastised for serious deformations in its minority policy, the unwillingness of Slovak political subjects to change parliament’s standing order may be evaluated as a display of an insufficiently accommodating approach toward ethnic minorities.

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1 The European Bureau for Underused Languages (EBLUL) is a non-governmental organization whose goal is to disseminate information about ethnic minorities and their languages, inform representatives of ethnic minorities about possibilities to develop their own culture and language, mutually interconnect particular minorities and lobby political structures and institutions such as the EU or UNESCO. The Slovak branch was established by a handful of Hungarian minority organizations, two Romany, one Ruthenian, one Croatian and one German organization; its first chairman was elected László Óllös, President of the Forum Institute (Založili európsku pobočku..., 2003).
Draft amendment to the Law on state language

In 2004, the Ministry of Culture drafted an amendment to the Law No. 270/1995 Coll. on the State Language. The proposal was based on requirements by the European Commission and did not seek to abolish the restrictions on the use of minority languages spelled out in the Law on the State Language. The only change that would concern the freedom to use minority languages was an amendment to Article 8, Paragraph 6 of the law, which stipulates that “all inscriptions, advertisements and notices designed to inform the public, particularly in shops, on sports grounds, in catering facilities, on streets, by and above public roads, on airports, in bus and railway stations, in carriages and in means of public transport must be written in the state language. They may be translated into other languages, but foreign language texts must follow the text in the state language and must be of equal size”.

The new amendment proposed that the mentioned inscriptions, advertisements, and notices “are written in the state language and, where necessary, in other languages”. The difference was only minimal: the law did not stipulate that foreign language texts must be translations of the Slovak text, nor did it stipulate their order or size. Nevertheless, the obligation to show these inscriptions in the state language has no justification with respect to individuals and actually violates their property rights and infringes on their freedom of speech.

The cabinet approved the amendment in May 2004, but parliament rejected it already in the first reading in June 2004. The Ministry of Culture declared its intention to resubmit the amendment after an expiration of a six-month term provided for in parliament’s standing order (Informácia o plnení..., 2004). The fact that the cabinet did not consider eliminating the existing deformations and restrictions on the use of minority languages when drafting an amendment to the Law on the State Language should be perceived critically.

Minority education

The right of members of ethnic minorities to education in their native language is guaranteed in the Slovak Constitution and implemented on all levels of education system, from kindergartens to universities; however, except eight primary and two secondary schools where the teaching language is Ukrainian, all other minority education concerns only members of the Hungarian minority.

Out of 2,837 primary schools operating in Slovakia in the 2003/2004 academic year, 260 used Hungarian as the teaching language and an additional 35 taught in both Slovak and Hungarian. Out of the total number of 579,011 primary school pupils, 37,590 attended schools teaching fully or partly in Hungarian; the total number of ethnic Hungarian pupils attending primary schools was 45,352.

In the same academic year, Slovakia had 770 secondary schools, i.e. secondary grammar schools, secondary trade schools, secondary vocational schools, and educational establishments; 32 of them used Hungarian as the teaching language and an additional 43 taught in both Slovak and Hungarian. Out of the total
number of 273,563 secondary school pupils, 16,275 attended schools teaching fully or partly in Hungarian; the total number of ethnic Hungarian pupils attending secondary schools was 19,602 (Prehľad škôl..., 2004).

In the course of 2004, two institutions providing higher education in Hungarian were established in Slovakia, namely the University of János Selye in Komárno and the Faculty of Central European Studies at University of Constantine the Philosopher in Nitra. The former is the result of acting upon a pledge spelled out in the incumbent administration’s program manifesto; the latter is an attempt to make up for the unfulfilled commitment from the previous administration’s government program.

The University of János Selye in Komárno, also known as the “Hungarian university” or the “Komárno university”, was founded by the Law No. 465/2003 Coll. as a full-fledged university with three faculties (economic, pedagogical, and reformed theological). Teaching languages include Hungarian, Slovak, and other languages. Except funds from Slovakia’s state budget, the school also receives financial support from the Hungarian Government.\(^2\)

The Faculty of Central European Studies at University of Constantine the Philosopher (UKF) in Nitra was established as the result of the previous Dzurinda administration’s commitment to tackle the problem of professional preparation of pedagogues for schools that use minority languages as teaching languages, as well as theologians and cultural and educational professionals working in minority languages by founding a separate faculty at the Nitra university. The university’s academic organs rejected the government’s recommendation to establish such a faculty but agreed to found the Faculty of Central European Studies where 50 – 70% of all subjects are taught in Hungarian and German. An integral part of the Faculty is the Department of Hungarian Language and Literature and the Institute for National and Ethnic Cultures. Students from other UKF faculties who major in teaching in Hungarian began to transfer to the Faculty of Central European Studies.

In October 2004, shortly after both schools launched their operation, Deputy Prime Minister Pál Csáky came up with an idea to move the Faculty of Central European Studies from the UKF and incorporate it under the University of János Selye in Komárno, but both Faculty and UKF officials rejected the proposal (Csáky chee fakultu..., 2004).

In its program manifesto, the incumbent Dzurinda administration pledged to create favorable conditions for founding educational establishments that would use Ruthenian and Romany as the teaching language. In the most recent population census from 2001, the total number of Slovak citizens declaring Ruthenian ethnicity was twice as high as the number of people who declared themselves Ukrainians. Furthermore, the number of those who declared Ruthenian to be their mother tongue was double the number of those who declared to be their mother tongue was double the number of those who

\(^2\) According to a statement by Hungary’s Education Minister Bálint Magyar from September 2004, the financial subsidy Hungary provided to University of János Selye in Komárno equalled 2.2 billion forint ($12.1 million) (Maďarsko finančne..., 2004).
declared Ruthenian ethnicity. Despite that, Slovakia has ten schools that teach in Ukrainian but no schools that utilize Ruthenian as the teaching language.

The government's activities aimed at improving the general education status of the Roma are substantially greater in terms of scope and intensity. The Education Ministry’s Section of Regional Education has a Division of Education of Ethnic Minorities but also a specialized Department of Education of Romany Communities. In April 2001, the cabinet adopted the *Strategy of Education of Roma Children and Pupils*. In 2004, the government elaborated the *Strategy of Integrated Education of Roma Children and Youth Including Development of Secondary and Higher Education* and approved *Temporary Equalization Measures Designed to Prepare a Sufficient Number of Pedagogues Able to Teach in Romany*.

Generally speaking, the measures are primarily aimed at training a sufficient number of lecturers who will prepare future teachers or Romany language and literature, train future kindergarten teachers to be able to communicate in Romany and teach social and mission workers and assistant teachers to use Romany in their profession (for further details, please see the chapter *Roma*).

**ETHNIC MINORITIES’ CULTURE**

Slovakia has a handful of institutions and organizations that pursue activities in the field of minority culture including: theatres, museums, art ensembles, civil associations specializing in developing minority cultures, media published in minority languages, publishing houses, etc. Both public broadcast media (i.e. the Slovak Television and the Slovak Radio) have broadcasts specifically designed for members of ethnic minorities.

The government financially supports cultural activities pursued by minority organizations and the publication of periodical and non-periodical press for ethnic minorities. In 2002, the total volume of state budget subsidies provided to ethnic minorities in the form of a current purpose-bound transfer to the Ministry of Culture was 67.5 million Sk; in 2003 and 2004, that transfer grew to 80 million Sk. Proposals to allocate the available funds to concrete projects are submitted by expert cultural commissions of particular ethnic minorities that comprise mostly minority representatives.

In April 2004, the Culture Ministry issued a regulation that circumscribed the rules of allocating subsidies to institutions and organizations in its jurisdiction. One of seven types of projects eligible to receive subsidies from the Culture Ministry’s budgetary chapter are projects aimed at developing culture of ethnic minorities. The Ministry’s grant system for 2004 defined seven grant programs; one of them was Supporting Culture of Ethnic Minorities that was further divided into subprograms called Live Culture and Written Culture. It also included a program called Disadvantaged Groups that apart from supporting projects benefiting handicapped citizens, focused also on socio-cultural projects aimed at combating racism, xenophobia, and displays of discrimination (*Grantový systém MK SR..., 2004*). For 2005, the Ministry defined six grant programs; Culture of Ethnic Minorities is one of them and is divided into subprograms Live Culture, Periodical Press, and Non-Periodical Press.
Apart from the Culture Ministry’s budgetary chapter, cultural activities of ethnic minorities are supported through the Slovak Government’s Office, either from funds raised based on the Law No. 194/1990 Coll. on Lotteries and Similar Games or from the subsidies designed to co-finance PHARE programs aimed at development of ethnic minorities.

**Bill on financing culture of ethnic minorities**

In July 2004, Deputy Prime Minister Pál Csáky submitted to an interdepartmental debate the Bill on Financing Culture of Ethnic Minorities that he drafted in cooperation with the Culture Ministry. The bill envisages establishing the Office for the Support of Culture of Ethnic Minorities and the State Fund to Support Culture of Ethnic Minorities.

According to the proposed bill, the Office chairman would be elected by parliament acting on the cabinet’s proposal. Besides the six-year term in office, independence of the Office chairman should be guaranteed by strict circumscription of reasons for which he may be removed by the assembly. The Office chairman would appoint the director of the State Fund and members of the Fund Board (alternatively a board for each ethnic minority) that would act as an advisory body for raising and allocating funds. One of the Fund’s financial resources should be state budget subsidies provided annually and should amount to at least 0.15% of the projected state budget revenues in a given fiscal year.

The submitted bill should be evaluated as problematic, especially due to the following reasons:

- It proposes to establish a new state fund, although almost all state funds were abolished by the Law No. 553/2001 Coll. on Abolishing Certain State Funds, mostly because they represented a non-systemic element of the public finance system that was not subject to sufficient control mechanisms and created space for inefficient and non-transparent handling of public funds.

- It proposes a significant increase in the total volume of funds allocated to supporting minority cultures without justifying the need for such an increase in any way. The reason for stipulating the fixed share of the projected state budget revenues as the minimum level of state budget subsidies for the Fund in a given fiscal year is to achieve independence from political pressures when holding annual negotiations over the amount of subsidies for the Fund. But the proposed 0.15% of the projected state budget revenues in 2004 would amount to almost 350 million Sk, which is more than four times higher compared to the volume of funds actually allocated to this purpose in 2004 through the current transfer to the Culture Ministry.

- According to the bill’s justification report, its principal objective is “to introduce a certain form of particular ethnic minorities’ independence to decision-making over allocating funds to culture of ethnic minorities”. By establishing a new separate central state administration organ with a relatively independent chairman is no guarantee of implementing self-governance principles. According to the bill, both the Office and especially its chairman...
would be relatively independent from the government; however, the extent of enforcing self-governance principles would depend exclusively on the chairman’s discretion.

Even if the bill is approved, it will not provide sufficient guarantees against possible efforts of future administrations to pursue their own concepts of financing minority cultures; the options of the new government vary a lot, ranging from appointing its own candidate to the post of the Office chairman to amending or completely abolishing the law. The law is not likely to create conditions for minorities’ actual self-governance but merely another bureau for implementing certain aspects of state policy.

As of the end of 2004, the bill had still not made it to cabinet’s deliberations. It was discussed by the coalition council several times without avail. The bill was criticized particularly by the SDKÚ and Finance Minister Ivan Mikloš who reasoned that they opposed creation of any new state funds (SMK chce fond…, 2004). According to its plan of legislative tasks, the cabinet should discuss the Bill on Financing Culture of Ethnic Minorities in February 2005.

CONCLUSION

Fundamental rights of ethnic minorities are respected in Slovakia. The previous administration managed to eliminate and remedy the most essential deformations of the country’s minority policy introduced by the third administration of Vladimír Mečiar. The incumbent administration of Mikuláš Dzurinda adopted and implemented certain positive measures in respect to ethnic minorities, such as founding a Hungarian university in Komárno or initial measures aimed at developing education of Romany. The government also succeeded in settling the Slovak-Hungarian dispute regarding support provided to Slovakia’s ethnic Hungarians by the Hungarian Government.

Nevertheless, there are still some lingering problems and unresolved issues. For instance, the still valid Law on the State Language continues to allow for possible restrictions on the use of minority languages. On the other hand, there is still no legislation that would regulate the right of members of ethnic minorities to participate in administering affairs that concern them.

The incumbent administration even managed to cause some new problems, especially by failing to issue an updated list of municipalities where the share of ethnic minority members exceeds 20%. The laws that are supposed to establish a transparent model of financing minority cultures and regulate the status of ethnic minorities in general are planned, but their actual adoption keeps getting postponed.

Furthermore, political parties representing the majority tend to show the lack of noble-mindedness toward political representatives of ethnic minorities; the most obvious examples include their leaders’ excessively irritated reactions to the Law on Ethnic Hungarians or their unwillingness to amend parliament’s standing order in order to restore the right of minority deputies to use their mother tongue during parliament deliberations.
The largest conglomeration of problems concerns the Romany minority; however, the most serious of them are not common to all ethnic minorities in Slovakia, as they represent specific problems of this particular ethnic minority.

On the level of domestic politics, Slovak-Hungarian relations are showing increasingly serious signs of future confrontation. On the majority side, there appears an effort to form “Slovak” i.e. *de facto* anti-Hungarian (or anti-SMK) coalitions before the regional elections scheduled for December 2005. Some parties have made frequent use of the so-called Hungarian card, particularly by Smer. There also exists the possibility of the return of the extremist SNS into the national legislative assembly following the next elections.

Signs of radicalization can also be observed on the minority side. For instance, some SMK leaders are repeatedly trying to revive the issue of territorial autonomy that has been idle for quite some time. Miklós Duray, leader of the more radical SMK wing, has begun to intensify his political activities in respect to political developments in Hungary (for instance the referendum on double citizenship of ethnic Hungarians) and drag the SMK closer toward Hungary’s FIDESZ party.

The most important aspect of Slovakia’s minority policy in 2005 will be how the ruling coalition fulfils its commitment to pass the law on financing the culture of ethnic minorities and the law on ethnic minorities. The former bill is surrounded by problems and the ruling coalition seems to lack the necessary consensus for adopting it; the latter bill has not even been published, although the cabinet was supposed to approve both laws back in 2003. All of this indicates that the ruling coalition does not share a common idea about the content of these laws, which reiterates the potential difficulty in reaching a compromise. If these two laws are not passed in 2005, the incumbant administration will most probably become resigned to fulfilling this part of its program manifesto because passing such laws in the 2006 election year is highly improbable.

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