

ETHNIC MINORITIES

ONDREJ DOSTÁL

Reviewed by PhDr. Michal Vašečka, PhD.

*Department of Sociology, Faculty of Social Studies, Masaryk University, Brno
Institute for Public Policy, Faculty of Social and Economic Sciences,
Comenius University, Bratislava*

INTRODUCTION	
CHANGES IN THE MAKE-UP OF THE CABINET COUNCIL FOR ETHNIC MINORITIES	
POLITICAL REPRESENTATION OF ETHNIC MINORITIES	
Abolition of inactive minority political parties	
The SMK's minority agenda	
The SMK and regional elections	
USE OF MINORITY LANGUAGES	
Proposed amendment to the state Language Act	
List of municipalities where the share of ethnic minorities exceeds 20 percent	
CULTURE OF ETHNIC MINORITIES	
Bill on financing ethnic minority culture	
Development strategy for the cultural needs of marginal population groups	
SELECT PROBLEMS OF ETHNIC MINORITIES	
Antidiscrimination Act	
New criminal code and verbal crimes	
Accommodating gestures in Slovak-Hungarian relations	
Displays of extremism in Slovakia	
CONCLUSION	

INTRODUCTION

In the most recent population census conducted in 2001, more than one in eight Slovaks (13.1%) declared themselves to be members of an ethnic minority. Most belong to the largest ethnic group, the Hungarian minority, which totals 520,528 people (or 9.7% of Slovakia's population). The second largest ethnic group is the Roma, with 89,920 Slovak citizens (1.7%) declaring membership in it; however, various surveys and expert estimates put the total number of Roma in Slovakia at between 300,000 and 400,000. Other ethnic minorities are not nearly as numerous: 44,620 (0.8%) Slovak citizens declared Czech ethnicity, 24,201 (0.4%) said they were Ruthenian, 10,814 (0.2%) Ukrainian and 5,405 (0.1%) German. Other declared nationalities included Polish, Jewish, Moravian, Croatian, Serbian, Bulgarian and Russian.

CHANGES IN THE MAKE-UP OF THE CABINET COUNCIL FOR ETHNIC MINORITIES

Although the Slovak constitution guarantees all members of ethnic minorities and ethnic groups "the right to participate in administering affairs concerning ethnic minorities and groups" (Article 34, Paragraph 2, letter c), this right has never been anchored in any regular law, and ethnic minorities do not have any specific form of self-governance. The right is specified only in a by-law approved by the cabinet and implemented by the Slovak Government Council for Ethnic Minorities and Groups. The Council is a cabinet advisory and coordination body on minority issues, and most of its members are representatives of minority organizations; however, the Council does not have any decision-making powers and may only make recommendations to the cabinet.

On May 31, 2005, the cabinet amended the Council's statutes (*Návrh na zmenu Štatútu...*, 2005) to incorporate a representative of the Russian minority. Although the proposal to include a representative of the Russian minority had been approved back in March 2003, the Council's statutes did not officially reflect that change until May 2005. The right to nominate a representative to the Council was granted to the Union of Russians in Slovakia. The Russian minority in Slovakia had been striving to gain that right since 1997; at the time, they were rejected on the grounds that the Russian minority was not one that had historically been present in Slovakia.

In justifying its decision to accept a representative of the Russian minority, the cabinet referred to the favorable position of the Social Sciences Institute of the Slovak Academy of Sciences (SAV) on the issue. In its position, the Institute argued that Russians in Slovakia constitute a "migration minority", which "does not mean that the Russian ethnic minority should not be entitled to the ethnic and minority rights anchored in the Slovak Constitution and binding international agreements and documents ratified by the Slovak Republic" (*Stanovisko Spoločenskovedného...*, 2005). The change in the cabinet's attitude on this issue may serve as a precedent in Slovakia's minority policy. In the past, the rights and status of ethnic minorities were granted almost exclusively to minorities whose members had lived on Slovakia's territory for a long time. In future, the cabinet may reconsider the status of ethnic minorities and groups that arrived in Slovakia more recently; this change may concern ethnic groups from Europe as well as outside of Europe.

The recent amendment to the statutes of the Council concerned two other ethnic minorities as well, namely the Roma and ethnic Bulgarians. The right to nominate a Council member passed from the Romany Civic Initiative (ROI) to the Cultural Association of Romany Citizens, on the grounds that the ROI was a political party while the Council should be apolitical. Also, the Inforoma foundation, which no longer exists, was replaced by the Education Association of the Považie Roma. Based on a Culture Ministry proposal, the entity entitled to nominate a representative of the Bulgarian minority changed from the Cultural Association of Bulgarians and Friends in Slovakia to the “Hristo Botev” Genuine Cultural Association of Bulgarians and Friends in Slovakia. In explaining the change, the cabinet said that the former had failed to meet its obligations on the supervision of its handling of its state budget subsidies.

The recent changes show that while the Council allows members of ethnic minorities to participate in administering affairs that concern them, the form of that participation is rather haphazard. If a given ethnic minority is represented by several organizations, the cabinet simply decides which will be invited to sit on the Council and be allowed to take part in shaping the government’s minority policy.

Like in previous years, the Council did not do anything important in 2005. It convened only once during the year, to discuss the implementation of the Antidiscrimination Act and a bill on financing the culture of ethnic minorities (*Zápis z rokovania...*, 2005).

POLITICAL REPRESENTATION OF ETHNIC MINORITIES

Until 2005, Slovakia had a large number of political parties representing ethnic minorities; however, most existed only formally and were not politically active. The only politically significant minority party was the Hungarian Coalition Party (SMK), which was established before the 1998 parliamentary elections. The year 2005 saw a major reduction in the number of minority parties, as most were abolished following a requirement that they re-register.

ABOLITION OF INACTIVE MINORITY POLITICAL PARTIES

As of January 1, 2005, the Interior Ministry registered 111 political parties and movements; 28 of them represented ethnic minorities. By December 31, 2005, the total number of political entities had shrunk to 42, while the number of minority parties had dropped to four. This liquidation of political parties was a direct result of the Act on Political Parties and Political Movements, which took effect on June 1, 2005. The new law required all political parties and movements to submit a declaration specifying their headquarters and statutory organs to the Interior Ministry not later than September 30, 2005; the law also said that parties that failed to do so would be abolished starting October 1, 2005. Although this was a simple administrative operation, almost two in three existing parties failed to comply and are now defunct.

Last year’s *Global Report* warned that the new bill on political parties, which sought to introduce stricter supervision over party financing, might result in the extinction of political parties that existed on paper only, including several minority parties. Developments in 2005

surpassed all expectations, and confirmed that most minority parties were merely formal organizations and were unable to comply with even a simple re-registration process.

As a result of their failure to comply with the condition, 19 of 21 existing Romany parties, three of four Hungarian parties, one of two parties representing the Czech minority, and the only party representing ethnic Ukrainians and Ruthenians entered liquidation on October 1, 2005. Only four minority parties complied with the re-registration condition, namely the Hungarian Coalition Party (SMK), the Romany Initiative of Slovakia (RIS), the Party of the Romany Coalition in the Slovak Republic (SRK), and the Coalition of Czechs and Slovaks (KČaS). The SMK is a real political force represented in legislative and executive bodies at the national level, as well as on the regional and municipal government levels. The two Romany parties that were re-registered are not nearly as influential; however, their chairmen (Alexander Patkoló of the RIS and Ladislav Fízík of the SRK) have in past years managed to get at least limited media attention, unlike the representatives of other Romany parties.

Of the minority parties that were abolished, the only one of at least some past relevance was the Romany Civic Initiative (ROI), the most vocal representative of the Romany minority at the beginning of the 1990s. In 1990, some of its representatives running on the ticket of the Public Against Violence (VPN) even managed to clinch parliamentary seats, something that no Romany party has achieved since.

Another party that was abolished, the Party of Hungarian Socialists, was established in 1995 as the Hungarian People's Movement for Reconciliation and Prosperity, an ally of the then ruling Movement for a Democratic Slovakia (HZDS). Its sole purpose was to lure ethnic Hungarian voters away from then opposition ethnic Hungarian parties that later created the SMK. Another Hungarian subject in liquidation, the Hungarian Federalist Party, emerged in 2002 as a radical alternative to the SMK. None of these parties won recognition among ethnic Hungarian voters or came close to threatening the SMK's position.

Other minority parties that were abolished never played a significant role in Slovak politics, and most had been dormant before entering liquidation. The re-registration process caused even greater havoc among minority parties than among others; while 65% of all political parties entered liquidation after October 1, 2005, 86% of minority parties suffered this fate.

The year 2005 saw both the emergence and the extinction of a party whose aim was to represent ethnic and other minorities. Herman Arvay, an independent MP originally elected for the Communist Party of Slovakia (KSS), had announced a plan to establish the Party of Minorities back in 2004. According to Arvay, the new party would represent not only the Roma but also the Chinese, the Vietnamese, the Ruthenians, the Ukrainians and the Czechs; as for other minorities, it also focused on gays and lesbians and the handicapped (*Arvay už má...*, 2004). The Party of Minorities was registered on February 24, 2005, but entered liquidation on June 25, 2005 after failing to register its statutory organ with the Interior Ministry within four months of registration, as required by law.

The new Act on Political Parties and Political Movements increased the number of citizens' signatures a new party had to gather to be registered with the Interior Ministry from 1,000 to 10,000. This condition is likely to complicate the registration of new parties and cut down on the number of parties that exist only formally.

THE SMK'S MINORITY AGENDA

The SMK has been a stable member of the ruling coalition since 1998. Since the most recent parliamentary elections in 2002, the SMK has controlled 20 seats in parliament, four ministerial posts and six deputy minister positions. Although the SMK acts and comments on various political issues, its agenda and performance are dominated by issues related to the status of ethnic minorities, particularly the Hungarian minority.¹

The SMK supports the adoption of an Act on the Status of Ethnic Minorities as well as an Act on Financing for Ethnic Minority Culture. In 2005, however, its minority agenda was heavy on issues of symbolic and historic importance rather than those that had a real impact on the current status of the Hungarian minority in Slovakia. SMK leaders also seemed to pay more attention to issues arising from the public discourse taking place in Hungary or between the Hungarian government and ethnic Hungarians from surrounding countries.

A typical example was the issue of double citizenship for ethnic Hungarians from surrounding countries, something that has been discussed for some time in Hungary. In December 2004, Hungary held a referendum on the issue that was invalid due to a low turnout. SMK leaders criticized the Hungarian government for its negative position on the referendum and continued to support the idea of double citizenship even after the plebiscite failed.

In June 2005, the Hungarian parliament approved a law that allows ethnic Hungarians from countries near Hungary to acquire Hungarian citizenship; however, the basic condition for acquiring double citizenship is permanent residence in Hungary, which means it is not the kind of double citizenship that had been demanded by the Hungarian opposition and ethnic Hungarians from surrounding countries, who had called for Hungarian citizenship based on ethnic origin, regardless of country of residence (*Lídri maďarských menšín...*, 2005). SMK representatives welcomed double citizenship, but said that because Slovakia and Hungary were both members of the European Union² (EU), the act was of symbolic rather than practical importance for ethnic Hungarians in Slovakia. Nevertheless, they continued to justify their position on the issue as a matter of solidarity with ethnic Hungarians from countries that are not EU members yet (*Csáky: Otázka dvojakého...*, 2005).

The Slovak-Hungarian public discourse over the autonomy issue also takes place on a symbolic rather than a practical level. From time to time, some SMK officials publicly admit that a certain form of autonomy could be an acceptable solution for ethnic Hungarians from Slovakia; however, the SMK has never officially demanded autonomy. In 2005 this issue was again fuelled from abroad after Hungarian Prime Minister Ferenc Gyurcsány, during a meeting with ethnic Hungarian representatives in January 2005, declared that instead of double citizenship, his administration supported autonomy for ethnic Hungarians in surrounding countries (*Maďarské menšiny...*, 2005).

Although Gyurcsány did not elaborate on the idea, in Slovakia he provoked outrage from top state officials and representatives of all major political parties except the SMK. Even

¹ The goal of this chapter is not to give a complete account of the SMK's political performance in 2005 but to evaluate those aspects of it that have to do with the status of ethnic minorities in Slovakia. For details on the overall political performance of the SMK, see the *Domestic Politics and the Party System* chapter in this publication.

² Here, we are referring particularly to the free movement of people, common EU citizenship, or the rights of the citizens of one EU member state on the territory of another EU member state.

radical SMK Deputy Chairman Miklós Duray said Gyurcsány's proposal was out of the question, as it would require amending the Slovak constitution (*Podľa Duraya...*, 2005).

In 2005, SMK leaders commemorated several anniversaries related to Hungarian history. In March 2005, top SMK officials took part in a commemorative rally in Bratislava on the occasion of the 157th anniversary of the Hungarian Revolution. A month later, they attended a rally in Komárno to commemorate the 60th anniversary of the Košice Government Program, a document applying the principle of collective guilt to ethnic Hungarians in Slovakia following World War II.

On this occasion, SMK Chairman Béla Bugár criticized Czechoslovak policy from the 1945 – 1948 period, when ethnic Germans and Hungarians were persecuted based on the principle of collective guilt. Representatives of the SMK, Csemadok, the Szűllő Géza Civil Association, the Association of Hungarian Pedagogues in Slovakia, and the Association of Hungarian Parents in Slovakia signed a declaration to have April 5 proclaimed the Commemorative Day of the Hungarian nation. "Its signatories declared that on April 5 each year, they would commemorate the tragic events that led to ethnic Hungarians being deprived of their human rights. They pledged to do everything in their power to ensure that Czechoslovakia's policy towards ethnic Germans and Hungarians between 1945 and 1948, which was based on the principle of collective guilt for having divided up Czechoslovakia in 1938, is taught factually in Slovak and Hungarian schools" (*Madári si pripomenuli...*, 2005).

The declaration claimed that Slovakia's ethnic Hungarians were entitled to the same moral satisfaction that ethnic Germans and Jews had already received from the country's parliament, as well as at least a symbolic one-time financial compensation. The SMK thus publicly supported the revision of the so-called Beneš Decrees, as Bugár confirmed on April 10, 2005 on TV Markíza: "It is impossible to forget one period of our common history when several hundred thousand people were punished just because of their ethnicity. We should put the matter behind us, but we should do it together" (*Podľa Bugára...*, 2005).

Bugár's statements earned criticism from opposition parties, especially the HZDS and Smer. On the other hand, his demand that the Beneš Decrees be revised was supported by the Society of Carpathian Germans. František Mikloško, one of the leaders of the KDH party, publicly apologized to ethnic Hungarians for the wrongs they had suffered in post-war Czechoslovakia (for details see the *Accommodating Gestures in Slovak-Hungarian Relations* section in this chapter).

In August 2005, Bugár attended the celebrations of St. Stephen's Day in Šahy, which was co-organized by the Youth Movement of 64 Counties (in Hungary this is considered an extremist organization that demands the revision of the post-war borders in Europe).

THE SMK AND REGIONAL ELECTIONS

November 2005 marked the end of the maiden four-year tenure of the regional self-government organs elected in 2001. The second elections to regional parliaments in Slovakia's history were held on November 26, 2005; elections of regional governors were held on November 26 and December 10, 2005 (for details on the results of regional elections, see the *Domestic Politics and the Party System* chapter in this publication).

Candidates nominated by the SMK, the Party of the Romany Coalition in the Slovak Republic (SRK) and the Romany Initiative of Slovakia (RIS) also ran in the elections; however, the participation of Romany candidates was more or less symbolic. The SRK nominated only 23 candidates – 13 in the Banská Bystrica region, 8 in the Košice region and 1 each in the Prešov and Žilina regions; the RIS nominated a single candidate in the Banská Bystrica region. None of them was elected to regional parliaments, as they all obtained very few votes.

The SMK nominated its own candidates in all regions except the Žilina region; however, its participation in the Trenčín and Prešov regions, where very few ethnic Hungarians live, was again symbolic. The SMK focused its campaign on the remaining five regions where the ratio of ethnic Hungarian residents gave it a real shot at winning seats in regional parliaments. In four of them, SMK candidates ran on a separate ticket, while in the Bratislava region they were part of a broader coalition. In the previous regional elections in 2001, the SMK was part of broader coalitions in Bratislava and Košice regions.

Overall, the SMK won 58 seats, or 14.1% of all seats in the eight regional parliaments combined. In terms of the total number of seats, the party ranked fourth behind the KDH, Smer and the SDKÚ. Compared to the previous electoral term, though, the party lost 26 seats, as between 2001 and 2005 it had controlled 84 seats in regional parliaments.

In the previous electoral term, the SMK was not represented by a single regional governor, and this did not change in the 2005 regional elections. In 2001, SMK candidates for regional governors advanced to the second round in Nitra and Trnava regions, where they lost. In 2005 an SMK candidate advanced to the second round in the Nitra region, but gave up his candidacy before the second round. In the Trnava region, the SMK did not nominate its own candidate for regional governor, and from the beginning endorsed a candidate nominated by the centre-right KDH-SDKÚ-DS coalition.

The SMK saw its worst election defeat in the Nitra region. Between 2001 and 2005, the party controlled a comfortable majority of 31 out of 52 seats in the Nitra regional parliament. After the 2005 elections, however, the number of SMK deputies dropped to 17, largely as a result of the formation of the “great Slovak coalition” of Smer-HZDS-SDKÚ-KDH-SNS, which was established combining national government and opposition parties with the sole purpose of defeating the SMK and ending its dominance of the Nitra region parliament. These “Slovak” parties do not cooperate at the national level, and even in the most recent regional elections they competed against each other in most regions.

As described above, the SMK’s candidate for the Nitra regional governorship, László Szigeti, advanced to the second round where he withdrew from the race and was replaced by Ján Greššo, the second runner-up from the first round, who was supported by the SDKÚ-DS coalition. The SMK did not officially endorse Greššo before the second round, allowing incumbent governor Milan Belica, a member of the HZDS nominated by the HZDS-KSS-ZSNS-PSNS-Leftist Bloc-Rural Agrarian Party coalition, to defend his post with 74.1% of the vote. Regional elections in the Nitra region, once an SMK stronghold, thus turned into a total fiasco for the SMK.

On the other hand, the SMK managed to improve its position in the Trnava region, not only increasing its own contingent but also helping turn the tables in the Trnava regional parliament. The number of seats controlled by the SMK increased from 14 to 15, making Trnava

the only region where the party's position did not deteriorate. The SMK also helped the KDH-SDKÚ-DS coalition secure a comfortable majority of 30 out of 40 seats; between 2001 and 2005, the Trnava parliament had been ruled by the HZDS-Smer-SDE coalition.

The SMK came very close to sweeping the Trnava region. Unlike in 2001, the party did not nominate its own candidate for regional governor, and supported Jozef Klokner, a member of the KDH nominated by the KDH-SDKÚ-DS coalition. In the second round, Klokner lost by a narrow margin to Tibor Mikuš, a member of the HZDS nominated by the HZDS-PSNS-ZSNS-LB coalition, who was elected the new regional governor with 54.7% of the vote.

In the 2001-2005 electoral term, the Banská Bystrica region parliament was initially controlled by the HZDS-Smer coalition; after it broke up, the HZDS formed a majority with the SMK. Regional elections in 2005 reduced the SMK's share from 15 to 8 seats. While the victorious Smer-SNS-HZD coalition does not control a majority in the parliament, it is not interested in cooperating with the SMK.

In the Bratislava region, the SMK ran as part of the centre-right SDKÚ-DS-SMK-ANO-SZS coalition that won a thin majority of 27 out of 50 seats in the regional parliament. The number of seats controlled by the SMK declined from six to five.

In the Košice region, the SMK was part of a victorious coalition with the SDKÚ and Smer parties in 2001, clinching 18 seats in the regional parliament; four years later, it ran independently and obtained 13 seats. Despite the decline, the SMK became the strongest party in the assembly (the KDH-OKS coalition also controls 13 seats). In the second round of elections for regional governor, the SMK turned its back on the incumbent governor, Rudolf Bauer (KDH), with whom it had cooperated throughout the previous electoral term, and helped elect Zdenko Trebuľa, nominated by the Smer-HZD coalition. This change signaled a shift in the SMK's regional priorities, as the party cooperates mostly with Smer in the new regional parliament.

USE OF MINORITY LANGUAGES

PROPOSED AMENDMENT TO THE STATE LANGUAGE ACT

In April 2004, the Culture Ministry drafted an amendment to the State Language Act, which introduced only cosmetic changes to the problematic provisions that hinder the use of minority languages (Dostál, 2003). The amendment was endorsed by the cabinet but rejected by the assembly. The previous year's *Global Report* criticized the fact that in drafting the amendment, the cabinet did not even consider eliminating the existing deformations and restrictions in the use of minority languages.

In May 2005, the Culture Ministry submitted for interdepartmental debate another amendment to the State Language Act. Compared to its predecessor, this proposal featured more positive changes seeking to eliminate restrictions in the use of minority languages, but it did not go all the way.

Article 5, Paragraph 6 of the current State Language Act stipulates that "occasional printed materials intended for public circulation, catalogues of galleries, museums, and libraries,

programs of cinemas, theatres, concerts and other cultural events, must be published in the state language. In case of need, these texts may contain translations into foreign languages.” The proposed amendment limited the obligation to publish these printed materials in the state language to public organs and the cultural institutions administered by them, which in practice freed the hands of private entities.

According to Article 5, Paragraph 8 of the State Language Act, cultural events intended for ethnic minorities do not have to take place in the state language, but should be presented and moderated in it. The most recent amendment abolished that condition, saying simply that cultural and educational events intended for ethnic minorities could be organized in other languages than the state language.

Article 8, Paragraph 6 of the State Language Act also stipulates that “all signs, advertisements and announcements designed to inform the public, particularly in stores, in sports and catering facilities, on streets, by and above roads, at airports, at bus and train stations, in coaches and other means of public transport, must be written in the state language. They may be translated into foreign languages, but the foreign language texts must follow the state language text, and must be of equal size or smaller.” The amendment simply stated that these signs, advertisements and announcements “are written in the state language and, if necessary, in foreign languages as well.” The amendment did not specify the size or the order of the different texts.

On the one hand, the Culture Ministry’s attempt to eliminate deformations in the use of minority languages was positive; on the other hand, the ministry’s approach to the issue was inconsistent, as the most recent amendment failed to eliminate all of the restrictions on the use of minority languages, and allowed the government to meddle with things it should not. It is good that the law does not state that a sign in Hungarian may only follow an equally large sign in Slovak; however, the basic problem here is government interference in the use of language by private entities. The “state language” should not be forced on private media, private cultural and other events, or private announcements to inform the public.

The amendment did not seek to change the absurd provision of the State Language Act that communication between medical staff and patients must take place in the state language, except in cases where the patient cannot speak the state language. If a doctor and a patient are members of the same minority, they are not likely to communicate in Slovak together just because the law says so.

The amendment passed through the interdepartmental debate stage, but did not reach the cabinet before the end of 2005.

LIST OF MUNICIPALITIES WHERE THE SHARE OF ETHNIC MINORITIES EXCEEDS 20 PERCENT

In 2005, the cabinet again failed to update the list of municipalities where the share of ethnic minorities exceeds 20% of the population. Therefore, the original list compiled in 1999 based on the 1991 census continues to apply. This list of municipalities is important to the proper application of the Act on the Use of Minority Languages in Official Contacts which states that minority languages may only be used in official contacts in this type of municipi-

pality. The law requires the cabinet to update the list of municipalities based on the most recent population census. Although a census was done in 2001, the cabinet has been unable to update the list of municipalities since then

As previous editions of the *Global Report* pointed out, this state of affairs contradicts the law. The cabinet is apparently aware of the fact that the law requires it to update the list. In 2003, it discussed changing the list, but the SMK vetoed it because, according to the most recent population census, the total number of municipalities where ethnic Hungarians make up at least 20% of the population had declined by 11 from 1991. If a new list were approved, ethnic Hungarians in these municipalities would lose the right to use their mother tongue in official contacts.

At the same time, the SMK veto prevents the members of other ethnic minorities from exercising their legal rights and using their mother tongues in official contacts in those municipalities where their share exceeds 20% of the local population according to the most recent census. This is of particular concern to the Ruthenian minority, as the number of municipalities where Ruthenians make up over 20% of the population rose by 23 between 1991 and 2001.

In the past, the SMK proposed lowering the limit for allowing the use of minority languages in official contacts from 20% to 10%, but this was turned down by the other ruling parties. The Slovak government's website features lists of municipalities where the share of various ethnic minorities exceeds 20% and 10% of the population, respectively. But since these lists have not been officially approved by a government order, they have a merely informative nature. The incumbent administration is responsible for this unlawful state of affairs and for violating the rights of members of ethnic minorities in some municipalities.

CULTURE OF ETHNIC MINORITIES

BILL ON FINANCING ETHNIC MINORITY CULTURE

In its program manifesto, the incumbent administration pledged to draft a bill on financing the culture of ethnic minorities, and included it in the *Plan of the Slovak Government's Legislative Tasks for 2003*. After failing to perform the task, the cabinet postponed it until 2004 and transferred it from the Culture Ministry to Deputy Prime Minister for European Integration, Human Rights and Minorities Pál Csáky.

Csáky prepared the bill in cooperation with the Culture Ministry and in July 2004 submitted it to interdepartmental debate. The bill envisaged establishing the Office for Supporting the Culture of Ethnic Minorities and the State Fund for Supporting the Culture of Ethnic Minorities. The bill was opposed particularly by the Finance Ministry, which rejected the idea of creating another state fund, arguing that all state funds had been abolished back in 2001 in order to increase transparency and efficiency in the administration of public finances. As a result of this opposition, the bill was not submitted to cabinet in 2004.

In February 2005, Csáky submitted a revised version of the bill to interdepartmental debate. Although the revised version is more elaborate and consistent than the previous one, the objections of its critics were virtually the same:

1. While the revised version abandoned the idea of establishing a new state authority, it still envisages establishing a new state fund, although state funds were abolished within the administration of public finances.
2. The revised version proposed a substantial increase in the state budget funds allocated to supporting minority culture without justifying the increase. In 2005, the Culture Ministry allocated about Sk2.5 billion to the creation, dissemination, protection and presentation of cultural values; about Sk80 million of that amount was allocated to the culture of ethnic minorities. The bill sought to introduce a fixed percentage of the Culture Ministry's budget that would be earmarked for the culture of ethnic minorities; the 14% that was proposed came to Sk350 million, or more than quadruple the funds currently allocated to the culture of ethnic minorities.
3. Whereas the original proposal from 2004 linked the state fund's independence to the relatively independent status of the Office for Supporting the Culture of Ethnic Minorities, the revised bill tried to anchor its independence in the Slovak government's Council for Ethnic Minorities and Groups, whose personnel are selected by the cabinet. So, none of the proposed mechanisms may be considered a true enforcement of independence.

The revised version of the bill was discussed by the Slovak government's Council for Ethnic Minorities and Groups, but did not make it to cabinet. The *Plan of the Slovak Government's Legislative Tasks for 2006* said nothing about drafting a bill on financing the culture of ethnic minorities, suggesting that the incumbent administration abandoned the idea of passing such a law before the end of its tenure.

DEVELOPMENT STRATEGY FOR THE CULTURAL NEEDS OF MARGINAL POPULATION GROUPS

In October 2005, the Culture Ministry submitted to interdepartmental debate the *Proposed Strategy for Satisfying the Cultural Needs of Disadvantaged Population Groups until 2007*. The aim of the document is "to increase the quality and efficiency of the government's support for the systematic development of the cultural needs of disadvantaged population groups, to make available the still taboo information on marginalized groups, to encourage sensitivity to these issues within society, and to facilitate the access of marginalized population groups to culture and thus reduce their risks of exclusion in satisfying their cultural needs, to help the most vulnerable, and to get the mainstream population involved."

Among the disadvantaged population groups identified by the document are Romany communities living in separated and segregated settlements and urban ghettos. The document pointed out the complicated access to culture of people from Romany settlements, particularly children, and their deepening segregation from the majority population. At the same time, it concluded that only a very small proportion of the funds allocated through grants to support the cultural activities of the Romany minority "truly satisfy the cultural needs of marginalized children and juveniles inhabiting Romany settlements". According to the document, the main reason for this is that Romany settlements lack cultural institutions or other mechanisms to satisfy their residents' cultural needs. The proposed strategy outlined several cultural projects and activities focusing on Romany settlements and children inhabiting them.

Perhaps the greatest drawback of the strategy is that it strives to define a common ground for population groups with fundamentally different problems and needs. In addition to Roma communities from separated and segregated settlements, the strategy also focuses on handicapped citizens, homeless people, asylum seekers and “women struggling with gender inequality”, elderly citizens, children and youth, and gays and lesbians. If this approach were taken to absurd lengths, most Slovak citizens could be placed into some “disadvantaged group”, which questions the purpose of such a broadly defined strategy.

Another problem is that the strategy takes a very paternalistic approach, and is likely to increase government meddling with people’s lives in areas where there is no reason for it. Even where such reasons seem to exist, it is highly questionable whether the proposed measures will help achieve the declared goals. For instance, one of the projects envisaged by the document is called Itinerant Theatre for Romany Settlements; it seeks “to explain to children in visual form the meaning of certain values such as hygiene or education, whose mastery is essential to the implementation of social programs and the progress of the overall integration process”. As a spontaneous activity done by a civil society group, this might be a way to address the problems of children from Romany settlements; however, as a state policy it resembles social engineering. Besides, children from segregated Romany settlements are not likely to change their attitudes to hygiene or education after attending a single show by the Itinerant Theatre. As of the end of 2005, the cabinet had not discussed the proposed strategy.

SELECT PROBLEMS OF ETHNIC MINORITIES

ANTIDISCRIMINATION ACT

In October 2005, the Constitutional Court ruled that a provision in the Antidiscrimination Act calling for affirmative action violated the Slovak constitution. Parliament had passed the Act on Equal Treatment in Certain Areas and on Protection against Discrimination, also known as the Antidiscrimination Act, in May 2004. During the parliamentary debate on the cabinet bill, the SMK proposed to insert a paragraph into Article 8, which reads as follows: “In order to guarantee equality of opportunities in practice and to enforce the principle of equal treatment, special equalization measures may be adopted to combat disadvantages ensuing from racial or ethnic origin”.

The amendment was criticized by Justice Minister Daniel Lipšic, who said that “equalization measures” were just another name for affirmative action, which according to him 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 without regard to sex, race, complexion, language, faith or religion, political or other conviction, national or social origin, ethnic minority or ethnic group affiliation, property, lineage or other status. No one shall be harmed, privileged or penalized on such grounds.” Despite opposition from the SMK ministers, most cabinet members identified with Lipšic’s interpretation, and the cabinet petitioned the Constitutional Court to rule on the provision.

The Constitutional Court subsequently ruled that the provision in Article 8 Paragraph 8 of the Antidiscrimination Act contradicted Article 1 Paragraph 1 and Article 12 Paragraph 1

and 2 of the Slovak constitution. In a related opinion, the Court reasoned that the constitution banned both positive and negative discrimination for reasons specified in Article 12 Paragraph 2, i.e. based on “sex, race, complexion, language, faith or religion, political or other conviction, national or social origin, ethnic minority or ethnic group affiliation, property, lineage or other status. Therefore, the adoption of special equalization measures, which otherwise are generally recognized legislative techniques to prevent disadvantages ensuing from racial or ethnic origin, contradicted Article 12 Paragraph 2 of the constitution and, consequently, Article 12 Paragraph 1 of the constitution.”

The Constitutional Court panel ruling on the case reached its decision by a ratio of seven votes to four. The four dissenting judges attached their position to the ruling.

The ruling is not expected to have a direct impact on cabinet measures to tackle the problems of Romany communities. Although some of these measures resemble preferential or special treatment, most are not adopted on the basis of their addressees’ racial or ethnic origin, but on the basis of their economic plight.

NEW CRIMINAL CODE AND VERBAL CRIMES

In 2004, the cabinet drafted a thorough amendment to the Criminal Code, abolishing the crime of defamation of someone’s nation, race, political or religious opinions, as well as the “Auschwitz lie”, i.e. the public denial, endorsement or vindication of the Holocaust. The deletion of these crimes was initiated by the Justice Ministry, which drafted the amendment. Citing freedom of speech, Justice Minister Lipšic said it was not for the government to punish verbal assaults. “Every idea, however vulgar, incorrect, deplorable or scandalous it be, is protected by the freedom of speech, unless it aims to incite crime,” Lipšic said (*Verbálne rasistické prejavy...*, 2005). The amendment retained the crime of instigating national, racial and ethnic intolerance, as well as the crime of supporting and promoting movements aimed at suppressing fundamental rights and freedoms.

The proposal to delete verbal crimes from the new Criminal Code was criticized by the SMK and the Association of Jewish Religious Communities. When discussing the bill in parliament, MPs reincorporated crimes related to the defamation of someone’s nation, race, political and religious opinions, as well as the Auschwitz lie. After other amendments were incorporated into the bill as well, the cabinet withdrew the new Criminal Code from parliament. It later submitted a revised version of the Criminal Code that included the aforementioned crimes to the assembly; parliament approved this version in May 2005.

ACCOMMODATING GESTURES IN SLOVAK-HUNGARIAN RELATIONS

In June 2005, František Mikloško, an MP for the KDH, publicly apologized to ethnic Hungarians for the wrongs committed by the Czechoslovak government in the aftermath of World War II. Mikloško presented his apology at a ceremony in Budapest during which he received the Prize of St. Adalbert from Hungarian President Ferenc Mádl. Although Mikloško acted “off his own bat” and his statement did not convey the official position of the Slovak government, it met with a warm response and was of great symbolic importance. Mikloško is a respected KDH leader who between 1990 and 1992 was the speaker of the first freely elected

Slovak parliament after November 1989; in 2004 he unsuccessfully ran for president in direct presidential elections.

In explaining his decision to apologize, Mikloško said: “Between 1945 and 1948, [ethnic] Hungarians were deprived of their citizenship and property based on the principle of collective guilt; they were forced to relocate, which caused a lot of suffering and pain to a lot of innocent people” (*Mikloško...*, 2005). He pointed out that he had tried to achieve a mutual exchange of apologies as a parliamentary speaker, and again during the current electoral term. He admitted that the time was not yet ripe for an official apology from the Slovak parliament. While the KDH claimed it fully supported Mikloško, it declared it would welcome a similar gesture from the Hungarian side. Other Slovak politicians, including President Ivan Gašparovič, disapproved of Mikloško’s move.

During his official visit to Slovakia in December 2005, Hungarian President-elect László Sólyom also addressed the issue of mutual apologies for historical wrongs, saying that an apology is only meaningful if the people it concerns are still alive. He added that he was willing to declare anytime that the Magyarization policy during the Hungarian Kingdom was very wrong (*Prezident Sólyom...*, 2005).

DISPLAYS OF EXTREMISM IN SLOVAKIA

In the course of 2005, the activities of extremist groups that are often linked to displays of ethnic and racial intolerance attracted increased media and public attention. This is somewhat of a paradox, as police statistics suggest that the number of racially-motivated crimes reported has been in steady decline since 2003. The police registered 117 such crimes in that year, 76 in 2004 and 69 in the first 10 months of 2005 (*Správa o boji...*, 2005).

There were two main reasons that society’s focus on extremist activities shifted: first, repeated public appearances by the extremist association/political party called Slovenská pospolitosť [Slovak Community]; second, the murder of student Daniel Tupý, which police believe was committed by members of the extremist Skinheads movement.

In January 2005, the Slovenská pospolitosť association registered with the Interior Ministry as a political party named Slovenská pospolitosť – Národná strana [Slovak Community – National Party]. Its members and supporters became infamous after a series of rallies and marches during which they wore uniforms resembling those worn by members of the Nazi-inspired Hlinka Guard during the wartime Slovak State. Other symbols are supposed to strengthen the connection: The organization is headed by ‘the Leader’, and the official greeting among its members is “Na stráž!” [‘On guard!’]. Apart from defending the wartime Nazi-puppet Slovak State, its representatives made anti-Hungarian and anti-Jewish statements.

In March 2005, Slovenská pospolitosť commemorated the anniversary of the founding of the Slovak State in 1939 by organizing a rally and a march through the streets of Bratislava. In June it organized a rally on the occasion of the Trianon anniversary in Rožňava, during which its members spat on the statue of Lajos Kossuth. In July, members of Slovenská pospolitosť – Národná strana clashed with extremists from Hungary in Komárno. In August, Slovenská pospolitosť organized torch-lit marches in Zvolen and Banská Bystrica, while in October it held rallies in Hlohovec, Modra, Černová and Prešov.

According to the *Report on the Campaign against Displays of Violence, Intolerance and Extremism in the Slovak Republic*, most members of Slovenská pospolitost' are former or active members of far-right extremist groups.

The extremist actions of Slovenská pospolitost' provoked reactions from the public and various levels of government. In Zvolen, civil activists organized an anti-rally in favor of tolerance and against extremism. The Slovenská pospolitost' rally in Modra was broken up by the police after its activists handed out propaganda leaflets. After the rally, police detained two women and charged them with supporting and promoting movements aimed at suppressing fundamental rights and freedoms. In Černová, police detained Marian Kotleba, 'the Leader' of Slovenská pospolitost'. The rally in Prešov was broken up by the police because its organizers had failed to comply with the formal conditions for holding a rally.

The People Against Racism civic association filed a motion with the Attorney General's Office to have Slovenská pospolitost' outlawed. On October 31, 2005, Attorney General Dobroslav Trnka filed a motion with the Slovak Supreme Court, urging it to dissolve the party on the grounds that "its statutes, program and activities violate the Slovak constitution, constitutional and regular laws, as well as international conventions such as the International Covenant on Civil and Political Rights from 1966, and the Convention for the Protection of Human Rights and Fundamental Freedoms" (*Trnka podal...*, 2005).

At the beginning of November 2005, a group of supporters of the extremist Skinheads movement murdered student Daniel Tupý in Bratislava, apparently because he had long hair. As of the end of 2005, the police had not found the killers. Although the murder did not seem to have a racial motive, it triggered a previously unseen public response against extremist groups. Civil rights activists organized a series of protest rallies.

After Slovenská pospolitost' announced its intention of organizing another rally on November 17, 2005 on Hodžovo námestie in Bratislava (in front of the Presidential Palace), the Civic Conservative Party and a handful of civic associations called an anti-fascist rally on the same day and in the same place. While the local Bratislava Old Town council refused to authorize the Slovenská pospolitost' rally, the protest against fascism took place as announced.

CONCLUSION

There were no significant changes in the status of ethnic minorities in Slovakia in 2005. The incumbent administration once again postponed the adoption of the Act on the Status of Ethnic Minorities and the Act on Financing the Culture of Ethnic Minorities, even though they had been spelled out in its program manifesto and its plan of legislative tasks for 2005. It looks like the government has given up on passing either law before the end of its tenure.

Despite these partial failures, the fundamental rights of ethnic minorities are respected in Slovakia, and the most serious deformations in minority policy introduced by the Vladimír Mečiar administration were remedied between 1998 and 2002. While the incumbent Mikuláš Dzurinda administration has taken certain steps to improve the status of ethnic minorities, some specific problems and unresolved issues linger. For instance, the State Language Act continues to restrict the use of minority languages, while the right of ethnic minorities to

participate in the administration of affairs that concern them, although guaranteed by the constitution, is not yet enshrined in a specific law.

The year 2006 is not likely to bring any major changes in the government's policy towards ethnic minorities or in minority legislation; however, that may all change after parliamentary elections in June 2006, depending on the make-up of the next ruling coalition. It is possible that after eight years in government, the SMK will not be part of the new administration. On the other hand, it is also possible that the new administration will include one or more parliamentary opposition parties that are fond of anti-Hungarian rhetoric (e.g. the HZDS or Smer) or even the far-right Slovak National Party.

While a return to the openly anti-minority policy pursued by the Vladimír Mečiar administration between 1994 and 1998 is not likely, the new government may well be less accommodating to ethnic minorities, and tensions in Slovak-Hungarian relations may rise. On the other hand, if the SMK does participate in the new government after June 2006, it will probably push to have its minority demands incorporated into the new administration's program manifesto.

REFERENCES

- “Arvay už má dosť podpisov na registráciu strany” [‘Arvay Has Enough Signatures to Register Party’], *Sme*, August 16, 2004.
- “Csáky: Otázka dvojakého občianstva nie je pre občanov SR dôležitá” [‘Csáky: The Issue of Double Citizenship is Not Important to Slovak Citizens’], *Sme*, January 8, 2005.
- Dostál, Ondrej: “Národnostné menšiny” [‘Ethnic Minorities’] in Kollár, Miroslav and Mesežnikov, Grigorij (eds.): *Slovensko 2003. Súhrnná správa o stave spoločnosti* [Slovakia 2003: A Global Report on the State of Society], (Bratislava: Institute for Public Affairs, 2003).
- Dostál, Ondrej: “Národnostné menšiny” [‘Ethnic Minorities’] in Kollár, Miroslav and Mesežnikov, Grigorij (eds.): *Slovensko 2004. Súhrnná správa o stave spoločnosti* [Slovakia 2004: A Global Report on the State of Society], (Bratislava: Institute for Public Affairs, 2004).
- “Lídri maďarských menšín chcú dvojaké občianstvo” [‘Hungarian Minority Leaders Want Double Citizenship’], *Sme*, September 6, 2005.
- “Maďari si pripomenuli 60. výročie vyhlásenia Košického vládného programu” [‘Hungarians Commemorate 60th Anniversary of the Košice Government Program’], *Sme*, April 5, 2005.
- “Maďarské menšiny sa radia o dvojakom občianstve” [‘Ethnic Hungarians Debate Double Citizenship’], *Sme*, January 7, 2005.
- “Mikloško: Povedať prepáčte je prejavom zrelosti” [‘Mikloško: Saying Sorry Is a Display of Maturity’], *Sme*, June 14, 2005.
- Nález Ústavného súdu Slovenskej republiky PL.ÚS 8/04-202* [Ruling of the Constitutional Court of the Slovak Republic PL.ÚS 8/04-202], (Košice: Ústavný súd SR, October 18, 2005).
- Návrh nariadenia vlády SR, ktorým sa vydáva zoznam obcí, v ktorých občania Slovenskej republiky patriaci k národnostným menšinám tvoria najmenej 20% obyvateľstva* [Proposal of the Government Order to Issue a List of Municipalities in which the Share of Members of Ethnic Minorities is at Least 20%], (Bratislava: Ministerstvo kultúry SR, 2003).
- Návrh na zmenu Štatútu Rady vlády Slovenskej republiky pre národnostné menšiny a etnické skupiny* [Proposed Change in the Statutes of the Slovak Government Council for Ethnic Minorities and Ethnic Groups], (Bratislava: Úrad vlády SR, 2005).
- Návrh Stratégie rozvoja kultúrnych potrieb znevýhodnených skupín obyvateľstva do roku 2007* [Proposed Strategy of Satisfying Cultural Needs of Disadvantaged Population Groups until 2007], (Bratislava: Ministerstvo kultúry SR, October 2005).

Návrh vlády SR na začatie konania o súlade § 8 ods. 8 zákona č. 365/2004 Z. z. o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov z 20. mája 2004 (antidiskriminačný zákon) s Ústavou SR [The Slovak Government's Proposal to Examine the Compliance of Article 8 Section 8 of the Law No. 365/2004 on Equal Treatment in Certain Areas and on Protection against Discrimination from May 20, 2004, (Antidiscrimination Act) with the Constitution of the Slovak Republic], (Bratislava: Úrad vlády SR, September 14, 2004).

Návrh zákona, ktorým sa mení a dopĺňa zákon č. 270/1995 Z. z. o štátnom jazyku Slovenskej republiky v znení neskorších predpisov a o doplnení niektorých zákonov [Bill that Seeks to Alter and Amend the Law No. 270/1995 on the State Language of the Slovak Republic], (Bratislava: Ministerstvo kultúry SR, April 2004).

Návrh zákona, ktorým sa mení a dopĺňa zákon č. 270/1995 Z. z. o štátnom jazyku Slovenskej republiky v znení neskorších predpisov a o doplnení niektorých zákonov [Bill that Seeks to Alter and Amend the Law No. 270/1995 on the State Language of the Slovak Republic], (Bratislava: Ministerstvo kultúry SR, May 2005).

Návrh zákona o financovaní kultúry národnostných menšín a o zmene a doplnení zákona č. 575/2001 Z. z. o organizácii činnosti vlády a organizácii ústrednej štátnej správy v znení neskorších predpisov [Bill on Financing the Culture of Ethnic Minorities that Seeks to Alter and Amend the Law No. 575/2001 on the Organization of the Activities of the Government and the Central State Administration, as Amended], a document submitted to debate, (Bratislava: Úrad vlády SR, July 27, 2004).

Návrh zákona o financovaní kultúry národnostných menšín a o zmene a doplnení zákona č. 575/2001 Z. z. o organizácii činnosti vlády a organizácii ústrednej štátnej správy v znení neskorších predpisov [Bill on Financing the Culture of Ethnic Minorities that Seeks to Alter and Amend the Law No. 575/2001 on the Organization of the Activities of the Government and the Central State Administration, as Amended], a document submitted to debate, (Bratislava: Úrad vlády SR, February 2005).

Plán legislatívnych úloh vlády SR na rok 2003 [Plan of the Slovak Government's Legislative Tasks for 2003], (Bratislava: Úrad vlády SR, 2002).

Plán legislatívnych úloh vlády SR na rok 2004 [Plan of the Slovak Government's Legislative Tasks for 2004], (Bratislava: Úrad vlády SR, 2003).

Plán legislatívnych úloh vlády SR na rok 2005 [Plan of the Slovak Government's Legislative Tasks for 2005], (Bratislava: Úrad vlády SR, 2004).

Plán legislatívnych úloh vlády SR na rok 2006 [Plan of the Slovak Government's Legislative Tasks for 2006], (Bratislava: Úrad vlády SR, 2005).

“Podľa Bugára treba otvoriť Benešove dekréty” [‘Bugár Believes Beneš Decrees Should Be Revised’], *SITA*, April 10, 2005.

“Podľa Duraya je požiadavka národnostnej autonómie bezpredmetná” [‘Duray Believes the Demand for Ethnic Autonomy Is Irrelevant’], *Sme*, January 30, 2005.

“Prezident Sólyom: Maďarizácia v Uhorsku bola veľmi nesprávna” [‘President Sólyom: Magyarization in the Hungarian Kingdom Was Very Wrong’], *Sme*, December 9, 2005.

Programové vyhlásenie vlády Mikuláša Dzurindu [Program Manifesto of the Mikuláš Dzurinda Administration], (Bratislava: Úrad vlády SR, 2002).

“SMK sa nenechá vypoklonkovať z regiónov” [‘SMK Won't Be Elbowed Out of Regions’], *Sme*, November 8, 2004.

Správa o boji proti prejavom násilia, intolerancie a extrémizmu v Slovenskej republike [Report on the Campaign against Displays of Violence, Intolerance and Extremism in the Slovak Republic], (Bratislava: Úrad vlády SR, December 7, 2005).

Stanovisko Spoločenskovedného ústavu SAV k autochtónnosti ruskej národnostnej menšiny na území Slovenskej republiky [The Position of the SAV Social Science Institute on the Autochthonous Status of the Russian Ethnic Minority on the Territory of the Slovak Republic], (Košice: Spoločenskovedný ústav Slovenskej akadémie vied, May 9, 2005).

“Trnka podal návrh na zrušenie pospolitosti” [‘Trnka Files a Motion to Abolish the Slovak Community’], *SITA*, October 31, 2005.

“Verbálne rasistické prejavy by mali byť trestné. Podľa poslanca za SMK by malo byť trestné aj popieranie holokaustu, lebo šírenie takých názorov pokladá za nebezpečné” [‘Verbal Displays of Racism Should Be Punishable. Ac-

ording to an MP for the SMK, Denial of the Holocaust Should Be Punishable Too Because Disseminating Such Opinions Is Dangerous’], *Sme*, January 16, 2005.

Základné údaje – Národnostné zloženie obyvateľstva [Basic Facts: Ethnic Make-up of the Population], (Bratislava: Štatistický úrad SR, 2002).

Zákon č. 365/2004 Z. z. o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov (antidiskriminačný zákon) [Law No. 365/2004 on Equal Treatment in Certain Areas and on Protection against Discrimination that Alters and Amends Certain Laws (Antidiscrimination Act)], (Bratislava: NR SR, 2004).

Zákon č. 85/2005 Z. z. o politických stranách a politických hnutiach [Law No. 85/2005 on Political Parties and Political Movements], (Bratislava: NR SR, 2005).

Zápis z rokovania Rady vlády SR pre národnostné menšiny a etnické skupiny dňa 22. 6. 2005 [Minutes from the Meeting of the Slovak Government Council for Ethnic Minorities and Ethnic Groups on June 22, 2005] (Bratislava: Úrad vlády SR, 2005).

“Zväz Rusov na Slovensku” [‘Union of Russians in Slovakia’]; www.ruskodnes.sk, September 5, 2004.