I. Who are Minorities?

The last official census of 2001 shows that 763,601 Slovak citizens (14.2%) out of the total population of 5,379,455 declared themselves as belonging to one of the national minorities. The Hungarians represent the largest minority in Slovakia with 9.7% of the total population. They are followed by the Roma (1.7%), Czechs (0.8%), Ruthenians (0.4%), Ukrainians (0.2%), and smaller minorities such as Germans (0.1%), Jews, Croats, Poles, Moravians, Bulgarians, and Russians. The comparative statistical data for the period 1991 – 2001\(^1\) show an expected decrease of the Hungarian population and a slight increase of the number of people who officially declare that they belong to the Roma minority:

<table>
<thead>
<tr>
<th>Census</th>
<th>Total population</th>
<th>Hungarians</th>
<th>Roma</th>
<th>Germans</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>No.</td>
<td>No.</td>
<td>No.</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>1991</td>
<td>5,274,335</td>
<td>567,296</td>
<td>75,802</td>
<td>5,414</td>
</tr>
<tr>
<td></td>
<td>10.8</td>
<td>1.4</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>5,379,455</td>
<td>520,528</td>
<td>89,920</td>
<td>5,405</td>
</tr>
<tr>
<td></td>
<td>9.7</td>
<td>1.7</td>
<td>0.1</td>
<td></td>
</tr>
</tbody>
</table>

The main reasons for the dropping number of Hungarians are the low birth rate among the members of this minority group and the immigration of young Hungarians to the kin-state and other Western countries. Roma is the only national minority for which the 2001 census registered an increase in number. However, it is generally accepted that these official data are not accurate and that, in reality, Roma population is much larger. During the 1991 and 2001 censuses, many Roma have declared the Slovak or Hungarian ethnicity, depending on the region where they were living. Rejection of the Roma identity due to perceived stigmas attached to it, fear of discrimination and insufficient awareness of legal issues related to ethnicity and nationality are only some of the factors that have contributed to this phenomenon. Experts on minority issues agree that Roma population living in Slovakia is larger than the official data but there is no consensus regarding the number. The estimates

range between 370,000\(^2\) to 520,000\(^3\) persons which represent more than 9% of the total population of the country. The authors of a comprehensive study on the Roma in Slovakia consider that currently 370,000-390,000 Slovak citizens belong to this minority group.\(^4\) The lack of reliable data makes difficult the attempt to present a clear demographic picture of Roma population. If these estimations are correct, around 22% of the population of Slovakia belong to national minorities.

The two world wars had a profound impact on the **demographic evolution** of the minority groups on the territory of Slovakia. The most obvious cases are the Hungarians and the Germans. The second chapter presents in details the historical background therefore we shall highlight here only the changes in the ethnic structure of the population since 1919:\(^5\)

<table>
<thead>
<tr>
<th>Census</th>
<th>Total population</th>
<th>Hungarians</th>
<th>Germans</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>1919</td>
<td>2,935,139</td>
<td>681,375</td>
<td>23,2</td>
</tr>
<tr>
<td>1930</td>
<td>3,254,189</td>
<td>585,434</td>
<td>17,6</td>
</tr>
<tr>
<td>1941</td>
<td>3,536,319</td>
<td>761,434</td>
<td>21,5</td>
</tr>
<tr>
<td>1950</td>
<td>3,442,317</td>
<td>354,532</td>
<td>10,3</td>
</tr>
<tr>
<td>1970</td>
<td>4,537,290</td>
<td>552,006</td>
<td>12,2</td>
</tr>
<tr>
<td>1980</td>
<td>4,987,853</td>
<td>559,801</td>
<td>11,2</td>
</tr>
<tr>
<td>1991</td>
<td>5,274,335</td>
<td>567,296</td>
<td>10,8</td>
</tr>
<tr>
<td>2001</td>
<td>5,379,455</td>
<td>520,528</td>
<td>9.7</td>
</tr>
</tbody>
</table>


In terms of territorial distribution of ethnic groups, the overwhelming majority of Hungarians in Slovakia (92.2%) live in South Slovakia along the 550-kilometer long Slovak–Hungarian state border. On this territory of 9,000 square kilometers, there are 523 localities where the ratio of the Hungarian population exceeds 10%, and within this figure, 435 localities where this ratio exceeds 50%. In addition, a significant number of Hungarians live in 87 localities but their ratio does not reach 10%. For example, in Košice and Bratislava there are over 10,000 Hungarians, making up about 4 to 6% of the population. Roma minority is concentrated primarily in the Eastern Slovakia. According to census data, 85.5% of Roma live in the following three regions: Prešov has 31,653 Roma inhabitants (4.0 % of the region’s population), Košice 29,803 (3.9 %) and Banská Bystrica 15,463 (2.3 %). In addition there are significant Roma communities in the Nitra region (4,741 people meaning 0.7 % of the local population), the Trnava region (3,163; 0.6 %), the Žilina region (2,795; 0.4 %), the Trenčín region (1,547; 0.3 %), and the Bratislava region (755; 0.1 %). The Ruthenian and the Ukrainian minorities are concentrated in the Prešov region, and in the East and North towards the border with Ukraine and Poland. Germans are living mainly in the Spiš and in the historical mining towns. The pattern of territorial occupation of the other smaller minorities is more or less concentrated, dispersed and uneven.

At present there is no legal definition of the term national minority in the Slovak legislation. Article 34 of the Slovak Constitution refers to “national minorities and ethnic groups” but the difference between the two is not clear. It is submitted that in early 1990s when the Constitution was drafted, the Roma people were considered not a “national minority” but an “ethnic group”. Their status changed in the next years. The Roma people have been implicitly recognized as “national minority” through the adoption by the government of the Statute of the Council for National Minorities and Ethnic Groups (hereinafter CNMEG) and by the inclusion of the Roma language in the declaration attached to Slovakia’s instruments of ratification of the European Charter for Regional or Minority Languages (hereinafter EChRML). However, even the Statute of the CNMEG does not refer

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8 Council for National Minorities and Ethnic Groups is a governmental advisory and coordination body for the area of minority policy and for the implementation of the European Charter for Regional or Minority Languages.
to national minorities as such. It includes a list of cultural associations or civic organizations that are linked to 12 national minorities. According to the 2003 Government Plan of Legislative Tasks, the Ministry of Culture was supposed to submit to the government by December 2003 a draft law on national minorities and a draft law on the financing of national minority culture. The government at that time acknowledged the fact that the protection of national minorities goes beyond the cultural matters and that there is a need for a comprehensive cross-sectoral law on the status of national minorities. Therefore through the governmental Resolution No. 1182/2003 of 10 December 2003 the deadline was postponed to December 2004 and the responsibility was transferred to the Deputy Prime Minister for European Integration, Human Rights and Minorities which prepared a working version in early 2006. However, the draft law has never been submitted for consideration to the government and the present government “has declared several times that it did not consider the adoption of such law its priority.”

II. Historical Retrospection

The territory of the present time Slovakia was known as part of the Hungarian kingdom with the name Felvidék (Upper Country) from the 10th century until the end of the World War I. According with the Hungarian taxation census of 1495, around 413,500 people lived in the upper counties. It is estimated that approximately 45% were Slavs (Slovaks, Ruthenians, Poles), 38% were Hungarians and 17% Germans. The majority population of the ten most populous towns was German. Slovaks and Hungarians formed mostly the rural population but in time they established significant urban communities in the towns founded by ethnic Germans. Around the period of the first population census in Hungary (1784-1787) many former German ethnic areas were inhabited by a Slovak majority. In 1842 the total population of the counties in Upper Hungary exceeded 2.4 million, with the following ethnic distribution: 59.5 % Slovaks, 22.0 % Hungarians, 8.3 % Ruthenians, 6.7 % Germans and 3.6 % Jews.

After the establishment of the Austro-Hungarian empire, the Slovaks and the other ethnic groups living in the Upper Hungarian counties had suffered the consequences of

10 In alphabetical order: Bulgarian, Croatian, Czech, German, Hungarian, Jewish, Moravian, Polish, Roma, Ruthenian, Russian, Ukrainian.
12 Kálmán Petőcz, op. cit, note 9, 753
13 Károly Kocsis and Eszter Kocsis-Hodosi, op. cit, note 5, 40-42.
14 Ibid, 51-52.
“Magyarisation”\textsuperscript{15} policies. The number of Hungarian inhabitants on the territory of the present time Slovakia grew by 335,000 (+61.8 \%) between 1880-1910 also due to the Germans, Jewish and Slovaks who declared themselves ethnic Hungarians.\textsuperscript{16} The Austro-Hungarian regulations issued in the 19th century aimed to outlaw the nomadic life of the Roma people but even the settled Roma continued to live at the periphery of society.

At the end of the World War I, almost the entire area of Upper Hungary became part of the newly established Czechoslovak State. Minority rights were guaranteed by the protection clauses of the treaties of Trianon (1919)\textsuperscript{17} and Saint-Germain (1920)\textsuperscript{18}, as well as the 1920 Constitution and the Language Law which was adopted in the same time. The promised autonomy for Ruthenia (Transcarpathia)\textsuperscript{19} did not became reality despite the constitutional provision but, in accordance with the Language Law, the courts and the authorities were obliged to accept oral and written submission in the minority languages in the municipalities where at least 20\% of the population was German, Hungarian or Polish. The judgments and the official responses had to be given both in the state and the minority language. By 1926, in the court districts where Germans represented two thirds of the population, the cases were dealt exclusively in the German language.\textsuperscript{20} Specific regulations in the fields of education and culture had been adopted as well. For example, a law of April 1919 gave guarantees for the continuation of the education system of Germans and the legislation of July 1919 regarding public libraries provided that all towns with more than 400 inhabitants belonging to a national minority would have to build special minority libraries with public funds.\textsuperscript{21} It is worth mentioning also the participation of the ethnic German politicians\textsuperscript{22} in the Czechoslovak governments in the second half of the ‘20s. The Hungarian minority was represented by several political parties, and the Hungarian language was used, according to the law, in the areas where this ethnic group minority represented over 20\% of the inhabitants. Although

\textsuperscript{15} The terms Hungarian and Magyar are interchangeable and the form “Magyarisation” is usually preferred to “Hungarisation”.

\textsuperscript{16} Károly Kocsis and Eszter Kocsis-Hodosi, \textit{op. cit}, note 5, 55.

\textsuperscript{17} The Treaty of Peace between The Allied and Associated Powers and Hungary was signed at Trianon on 4 June 1920. The document is available online at <http://www.austlii.edu.au/au/other/dfat/treaties/1921/8.html>.

\textsuperscript{18} The Treaty of Peace between the Allied and Associated Powers and Austria was signed at St. Germain-en-Laye on 10 September 1919. The document is available online at <http://www.austlii.edu.au/au/other/dfat/treaties/1920/3.html>.

\textsuperscript{19} Art. 48 of the Trianon treaty and Art 53 of the Saint-Germain treaty.


\textsuperscript{21} Ibid, 59.

\textsuperscript{22} Five ethnic German politicians were members of the Czechoslovak governments in the period 1926-1938: e.g. Franz Spina from the Union of Farmers, Robert Mayer-Harting from the Christian Socialist People’s Party, Ludwig Czech from German Social Democratic Labor Party.
national minorities faced also problems and discrimination in the inter-war period, they “enjoyed unique opportunities to organize politically, economically and culturally, in comparison to minorities in the rest of Central and Eastern Europe.” As far as Roma minority is concerned, the situation was quite different. The inter-war Czechoslovak regulations and policies targeting the Roma followed the inefficient and discriminatory approach of the Austro-Hungarian governments. A single but striking example is the Law on Wandering Gypsies approved on 14 July 1927 which obliged the Roma to register themselves, allowed the authorities to check their identities in different ways, introduced Gypsy identification papers for people older than 14, limited the terms of itinerancy and the use of the itinerancy permit, prohibited the use of weapons and itinerancy in groups larger than one family, obliged the Roma to build camps only in places allocated for this purpose by municipal mayors, prohibited the stay of foreign Roma in the Czechoslovak Republic, allowed the entry of the Roma to be prohibited in certain places, introduced new rules pertaining to the health of people and animals, and allowed children younger than 18 years to be taken from their parents and placed in homes. (…) The law was modified according to the needs of various regions by the orders of district authorities. In the Spiš region, the law’s provisions were modified to prohibit entry by Roma into: 1. all municipalities in the area of the High Tatra mountains; 2. all spa health resorts.

Despite the relatively stable inter-ethnic relations in Czechoslovakia in the inter-war period, the “minority issue” was far from being resolved. In Slovakia, the Hungarian minority rejected from the beginning the Trianon treaty and claimed the revision of the borders and the annexation of the Southern part of the country and Transcarpathia to Hungary. The authorities responded with measures aiming at the Slovakization of the minority population. In the Czech lands, the relations between the majority and the so-called Sudeten Germans deteriorated progressively as the economic crisis hit hard the local economy. In first years of

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23 For example there were cases of denial of citizenship, discrimination in employment, problems with the use of languages etc.
27 The Sudeten Germans (Sudetendeutsche) were settled since XIII century on the territory of Bohemia and Moravia.
the 1930s, around 600,000 Sudeten Germans were unemployed meaning that at the height of the crisis some 40% of Sudeten German workers were affected. The unemployment rate of Czechs hardly exceeded more than 10% and this national/ethnic inequality became a serious political problem. Following the first Vienna Award of November 1938, Czechoslovakia lost more than 10,000 square km of Southern Slovakia and Transcarpathia to Hungary. It ceased to exist when the remaining Slovakia declared independence in March 1939 and became a client state of Nazi Germany. Over 70,000 Jews living on the territory of this state were deported during the World War II. Although Slovak Roma have suffered extensive discrimination, they were not exterminated and many of them settled after 1945 in the Czech lands. The Slovak law on state citizenship passed in September 1939 provided that the Jews could not hold state citizenship under any circumstances while the Roma people were accepted only if “it could be proven beyond a doubt that the Roma lived an orderly family life, had a permanent abode and a job in the municipality, and if, based on their upbringing, moral and political reliability, and public actions, they had achieved the level of regular citizenship”. In May 1940 entered into force the Decree no. 130/1940 Coll. regulating the labor obligation of the Jews and the Roma. The persons belonging to the Roma minority were sent first to the labor camps and in 1942 to concentration camps, especially the “East Slovak labor units” headquartered in the town of Hanušovce and Topľou. After 1945, the Czechoslovak Republic was re-established within the pre-war borders (with the exception of Trancarpathia which was annexed by Soviet Union). The state policies and the so-called Beneš Decrees deprived ethnic Germans and Hungarians of their civil rights and removed their economic foundations. They were accused for the disintegration of the state and for the war. According to Presidential Decree no. 33/1945, Czechoslovak citizens of German and Hungarian ethnic origins have been deprived of Czechoslovak citizenship. The decree exempted from loss of citizenship those citizens of German and Hungarian ethnicity

29 Farimah Daftary and Kinga Gál, op. cit, note 24, 10.
30 Zuzana Kollárová, op. cit, note 25, 37.
31 Ibid, 38.
32 e.g. Decree of the President of the Republic no. 5 of 19 May 1945 concerning the invalidity of some transactions involving property rights from the time of lack of freedom and concerning the National Administration of property assets of Germans, Hungarians, traitors and collaborators and of certain organizations and associations, Decree of the President of the Republic no. 12 of 21 June 1945 concerning the confiscation and expedited allotment of agricultural property of Germans, Hungarians, as well as traitors and enemies of the Czech and Slovak nation, Decree of the President of the Republic no. 28 of 20 July 1945 concerning the settlement of Czech, Slovak or other Slavic farmers on the agricultural land of Germans, Hungarians and other enemies of the state, Decree of the President of the Republic no. 33 of 2 August 1945 concerning modification of Czechoslovak citizenship of persons of German and Hungarian ethnicity.
who had joined in the fight for liberation or were victims of Nazi persecution. The legislation also established a possibility to apply for the re-granting of Czechoslovak citizenship (a policy called “Re-Slovakisation” in Slovakia) within six months after the decree entered into force. At the Potsdam Conference, on August 1945, the request of the Czechoslovak government for a unilateral deportation of Hungarians from the country was refused (mainly due to the pressure of the USA). An agreement on population exchange (based on parity) between Czechoslovakia and Hungary was signed under pressure from the Allied Control Commission on February 1946. According to this agreement the same number of ethnic Hungarians living in Slovakia could be forcefully deported as those Hungarian citizens living in Hungary who, declaring themselves to be Slovak, were tempted to resettle in Czechoslovakia by various social and economic promises. In an anti-Hungarian atmosphere, the Czechoslovak authorities deported 43,546 Hungarians from 393 settlements in Slovakia to Czech parts of the country between October 1946 and February 1947. This dispersion still was under way when the Allied States signed the peace treaty with Hungary (Paris, 10 February 1947.), restoring the pre-war state borders. The population exchange was a slow process that lasted from April 1947 until December 1948. With this measure 68,407 ethnic Hungarians were forced to abandon Slovakia for Hungary and about 6,000 left of their own free will. The re-Slovakisation policies included strong incentives for Hungarians who declared themselves to be ethnic Slovaks. They could regain their citizenship and property. The faith of the Germans was even worse. According to the data of the Czechoslovak Ministry of Interior, 2,165,135 ethnic Germans were expelled by the end of October 1946. Fearing further persecutions many of the 200,000-300,000 Germans that were still living in Czechoslovakia, left the country by the end of 1948. Following these events, the ethnic composition of Slovakia underwent a profound change between the censuses of 1941 and 1950. The Hungarian population halved and the German minority was reduced to few thousand people. Although the Communist regime that took the power in 1948 abandoned gradually the state policies adopted in the first years after the war, one cannot argue that national minorities enjoyed a good situation. The Hungarians and the other ethnic groups had the legal right to their own schools, media and cultural organizations, but these rights were typically not enforced.

33 Dagmar Kusa, “The Slovak question and the Slovak answer: Citizenship during the quest for national self-determination and after” in Rainer Bauböck, Bernhard Perchinig and Wiebke Sievers (eds), Citizenship Policies in the New Europe, Amsterdam University Press, 2009, 278 and 300.
34 Károly Kocsis and Eszter Kocsis-Hodosi, op. cit, note 5, 66-68.
Minority organizations that did exist were placed under strict party control. On the base of the Act no. 245/1948 on the Citizenship of Persons of Hungarian Ethnicity, members of the minority who were Czechoslovak citizens on 1 November 1938 and were not subject to the “voluntary exchange of population” between Slovakia and Hungary in 1946 received again the Czechoslovak citizenship. The Act no. 34/1953 on the Acquisition of Czechoslovak Citizenship by Particular Persons returned the Czechoslovak citizenship to ethnic Germans who were deprived of it by the Presidential Decree No. 33/1945 and who were permanent residents of the Czechoslovak Republic.

In March 1952, the Ministry of Interior issued the Directive on the reform of conditions for Gypsy people which laid down the measures necessary for the assimilation of the Roma: integrating them into the labor process, providing them with suitable housing, increasing the school attendance of Roma children, preventing discrimination in everyday life. One might reasonable argue that in the early ‘50s, the state deprived the Roma of the last remnants of their material culture and their last forms of subsistence by withdrawing the trade certificates (which had allowed them to practice a trade as self-employed people), canceling their musicians’ licenses, prohibiting them from performing wage labor for private farmers (in order to speed up the collectivization and socialization of the countryside), and prohibiting small crafts. Roma had to become unskilled laborers in physically demanding professions like construction and mining. A growing number of Roma children were transferred to “special schools” for the mentally handicapped. The Resolution on working with the Gypsy people of the Central Committee of the Communist Party of Czechoslovakia from April 1958 reinforced the assimilation approach of the authorities as regards the “ethnographic Gypsy group”, a terminology that shows the reluctance of the authorities to even recognize the existence of the Roma national minority.

The Prague Spring of 1968 was a key moment also for the national minorities living in Czechoslovakia. It yielded improvements in minority cultural and educational institutions and increased minority employment opportunities. The Constitutional Law no. 144/1968 recognized the Hungarian, German, Polish and Ukrainian minorities as state-forming nations that complemented the Czech and Slovak nations. These legal provisions were “outstanding, even by Western standards but they were never fully implemented due to the Warsaw Pact invasion and subsequent period of ‘normalization’ which affected minorities like the rest of

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36 Dagmar Kusa, op. cit, note 33, 298.
the population.” In November 1968, the Ministry of Interior approved the establishment of the Slovak Union of Gypsies – Roma as a cultural and social organization. However, its impact on mobilizing support for the emancipation of Roma was insignificant. When it comes to the situation of Roma during the Communist Czechoslovakia few will dispute the claim that

\[t\]he state spent several decades tinkering with the procedures and goals of assimilation and ‘integration’. Its solution to the ‘Gypsy issue’ deprived the Roma of free will, input and initiative, and disturbed their ethical and moral values and ways of family and ethnic life. It did not permit the Roma to achieve self-fulfillment, and prohibited any displays of different cultural standards. On the other hand, it failed to replace these banned cultural supports with adequate role models and values, and forced the Roma to accept state ideas on how to integrate into ‘the new society’ and eliminate ‘everything that is backward and Gypsy’. The result of the communist regime’s ‘solution’ to the issue was the total disintegration of the Roma ethnic group, which was pushed to the outskirts of society, and suffered massive socio-economic, cultural and ethnic damage that was exacerbated by hostility from the majority population.

In 1978 was established the Committee for the Legal Protection of the Hungarian Minority in Czechoslovakia. Miklós Duray, the spokesman of the Committee, who in 1983 faced a trial for "hostile acts against the state" became one of the main ethnic Hungarian political leaders in post-1989 Slovakia. In November 1989 was founded the Independent Hungarian Initiative which formed an alliance with the Slovak Public against Violence in the 1990 elections and took part in the first democratic Slovakian government. In early 1990, two other Hungarian political organizations were established (the Coexistence Political Movement and the Hungarian Christian Democratic Movement) and they formed a coalition in the 1990 and 1992 elections. In 1994, the three Hungarian parties entered in an electoral alliance and four years later they merged and formed together the Party of the Hungarian Coalition (MKP-

\[38\] Farimah Daftary and Kinga Gál, *op. cit*, note 24, 11.
\[39\] Anna Jurová, *op. cit*, note 37, 59.
\[40\] In Hungarian “Független Magyar Kezdeményezés – FMK” and in Slovak ”Maďarská nezávislá iniciativa – MNI”. In 1992 it was renamed Hungarian Civic Party (in Hungarian “Magyar Polgári Párt - MPP” and in Slovak “Maďarská občianska strana – MOS”).
\[41\] In Hungarian “Együttélés - Politikai Mozgalom” and in Slovak “Spolužitie - Politické hnutie”.
\[42\] In Hungarian “Magyar Kereszténydemokrata Mozgalom”. and in Slovak ”Maďarské Kresťanské Demokratické Hnutie".
After the change of the regime in 1989, the political goals of the ethnic Hungarian leaders have been partly aimed at cultural and educational autonomy and the creation of forms of territorial self-determination. The Hungarian minority focused on this issue and the first step consisted of political demands and practices aimed at the establishment of a Hungarian administrative region. The second step was characterized by efforts to increase the tasks and means of local self-government and the use of their political dominance at the local level to achieve a form of territorial self-determination. This demand, supported by all three Hungarian political parties before the setting-up of the MKP-SMK was made public for the first time at the so-called “Komárno/Komárom Meeting” in January 1994. The Hungarian demand for such a region has been rejected by both the Slovak government at that time and by all of the non-Hungarian political parties represented in Parliament.

Law no. 428/1990 on the Official Language of the Slovak Republic established the Slovak as the language of “mutual understanding and communication” with the aim to “support the development of the democracy and the culture of the Slovak nation and of the national minorities in the Slovak Republic in the spirit of understanding, of strengthening of national tolerance.” It did not grant official status to any other language except the Slovak, but it allowed for the use of Czech in official contacts. In addition, in the municipalities where minorities represented at least 20% of the population, it was possible to use minority languages in relation with the public authorities. However, the civil servants employed in these areas were not required to know and use the minority language; and all public documents were to be issued in the official language only. The law left a wide range of interpretation and in the next years fierce political disputes erupted over bilingual place name signs, first and last names in the minority language, bilingual certificates, etc.

The Constitution of Slovakia was passed by the National Council of the Slovak Republic on 1 September 1992. The preamble of the fundamental law has become the focus of a political struggle since then. The crux of the matter is an introductory phrase, which reads “We, the Slovak nation...,” thus making the Slovak Republic a national state of the Slovaks as defined by ethnicity. The Hungarian minority political representatives demand that the introductory phrase be replaced by another phrase that would express instead the civic principle of the state (for instance, “We, citizens of the Slovak Republic...”) or that the preamble be restructured in

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such a way that it would better accommodate that principle.\textsuperscript{45} The Constitution contains a chapter on the rights of national minorities and ethnic groups. According to Art. 34 (1) of the Constitution “[c]itizens of national minorities or ethnic groups in the Slovak Republic shall be guaranteed their full development, particularly the rights to promote their cultural heritage with other citizens of the same national minority or ethnic group, receive and disseminate information in their mother tongues, form associations, and create and maintain educational and cultural institutions.”\textsuperscript{46} The Constitution declares the Slovak as the official language\textsuperscript{47} and provides for the right of national minorities and ethnic groups the “to learn the official language”.\textsuperscript{48} The Slovak fundamental law guarantees the right of citizens belonging to national minorities and ethnic groups to be educated in their mother tongue,\textsuperscript{49} the right to use the minority language in official communications,\textsuperscript{50} and the right to participate in decision-making in matters affecting the national minorities and ethnic groups.\textsuperscript{51} The Constitution specifies that “[t]he exercise of rights by citizens of a national minority guaranteed by this Constitution may not threaten the sovereignty and territorial integrity of the Slovak Republic or discriminate against other citizens”.\textsuperscript{52}

The 1992 parliamentary elections brought to power a coalition of nationalist forces lead by Prime Minister Vladimir Mečiar. His party, the Movement for a Democratic Slovakia (hereinafter HZDS)\textsuperscript{53} and the extremist Slovak National Party (hereinafter SNS)\textsuperscript{54} of Ján Slota governed Slovakia from 1992 until March 1994 and from December 1994\textsuperscript{55} until 1998. The parties in this coalition differed according to the orientation of their proclaimed political ideas but developments in the years 1994 - 1998 demonstrated that they were not differing in the authoritarian understanding of politics, their adherence to the „majority-rule“ pattern of democracy, and especially to the evocation of ethnic fears.

\textsuperscript{45} Michal Vaščeka, \textit{op. cit}, note 2, 35.

\textsuperscript{46} The English translation of the Constitution is available online on the website of the Slovak government at \texttt{<http://www.government.gov.sk/9714/the-constitution-of-the-slovak-republic.php>}.  

\textsuperscript{47} Art. 6 of the Constitution.  

\textsuperscript{48} Art. 34 (2) of the Constitution.  

\textsuperscript{49} Art. 34 (2) (a) of the Constitution.  

\textsuperscript{50} Art. 34 (2) (b) of the Constitution.  

\textsuperscript{51} Art. 34 (2) (c) of the Constitution.  

\textsuperscript{52} Art. 34 (3) of the Constitution.  

\textsuperscript{53} In Slovak “Hnutie za demokratické Slovensko - HZDS”. In 2000, HZDS was renamed “Ľudová strana – Hnutie za demokratické Slovensko (People’s Party - Movement for a Democratic Slovakia). See \texttt{<http://www.hzds.sk>}.  

\textsuperscript{54} In Slovak “Slovenská národná strana – SNS”. See \texttt{<http://www.sns.sk>}.  

\textsuperscript{55} From March 1994 until December 1994 Slovakia was governed by a broad coalition of left wing, center and right-wing parties led by Jozef Moravčík. The Hungarian political representatives in the parliament supported this coalition openly. In this period two important laws for minorities were passed: one on names in birth registers and marriage certificates, and the other on the use of bilingual signs.
On 19 March 1995 the Prime Ministers of Hungary and Slovakia signed in Paris a bilateral treaty on good neighborly relations and friendly cooperation which contains also provisions regarding minority rights. It was a compromise that Mečiar accepted due to the increasing criticism of the international community regarding the situation of Hungarians in Slovakia. But this positive development was followed by a number of restrictive measures regarding the rights of minorities which targeted especially the Hungarians. In April 1995, the SNS proposed an amendment to the Criminal Code stipulating punishments for anyone engaging in actions seeking to subvert Slovakia’s territorial integrity and expanded the definition of criminal activity to include spreading false news endangering the security of the state. This amendment was rejected by parliament in February 1997. On 15 November 1995, the National Council of Slovakia adopted the Law no. 270/1995 on the State Language of the Slovak Republic (hereinafter “1995 State Language Law”) which abrogated the Law no. 428/1990 on the Official Language of the Slovak Republic. The new regulation imposed fines on those who used the Slovak language improperly in public communication. This meant in fact a restriction on the use of minority languages in official contacts. The discriminatory provisions of the 1995 State Language Law were challenged by the opposition parties and in 1997 the Slovak Constitutional Court declared them unconstitutional.\(^5^6\) In spite of internal and international protests, the Mečiar government simply ignored the ruling of the Court and the provisions remained unchanged until a new coalition came to power in 1998. The reform on public administration adopted in 1996 established disproportionately large districts in ethnically mixed Southern area where the Hungarian minority is concentrated. The amendment to the Law on municipal elections introducing the quotas for maximal representation of minority within a given district was adopted two years later but it was related to the SNS “anti-Hungarian package”.\(^5^7\) Of note are also other measures directed against the interest of minorities such as the elimination of the bilingual school report cards and the mismanagement of the funds allocated to the minority culture. Despite the objections of the opposition parties, the parliament has revised\(^5^8\) in May 1998 the Law no. 80/1990 on elections of the Slovak National Council. According to these criticized amendments introduced by the HDZS deputies, the electoral districts were reduced from four

\(^{56}\) For example, the Constitutional Court ruled that Art. 3 (5) of the 1995 Language Law which required that written communications addressed to the public administration to be in the state language, was contrary to the Slovak Constitution which guarantees the right to use the minority language in official communications. For details see the Constitutional Court Decision no.260/1997 of 26 August 1997.


to one, the responsibility for the broadcast media coverage of election was placed in the hands of the government appointed directors of Slovak Radio and Television and the electoral threshold for coalitions of parties was raised.\textsuperscript{59} As a consequence the alliance of the three Hungarian parties (and also the coalition of the five Slovak opposition parties) risked to not enter in the parliament. In order to avoid such scenario they were “forced” to merge and to establish the MKP-SMK which became a member of the government coalition led by Prime Minister Mikuláš Dzurinda in the period of 1998-2006. The decisions were taken within the so-called Coalition Council, i.e., an informal gathering of coalition party leaders and their deputies. In principle, decision making in the Coalition Council was based on consensus. Thus, from the point of view of the Hungarian minority, represented by MKP–SMK, this model bore very strong features of a shared-rule arrangement, or consociationalism. However, in practice, the \textit{de facto} veto right of the MKP–SMK ensured via the Coalition Council turned out to be an illusion because, in critical situations, Prime Minister Dzurinda usually managed to circumvent Hungarian protests related to specific sensitive legislation by finding \textit{ad hoc} alliances in parliament. The creation of the post of the Deputy Prime Minister for Human Rights and Minorities, subsequently occupied by a nominee of the MKP–SMK, could be seen as yet another feature of a shared-rule (consociational) arrangement. In reality, because the Deputy Prime Minister for Human Rights and Minorities is a member of the cabinet and without a portfolio, his competence and possibilities are rather limited. Effective policies related to national minorities have always been executed by various line ministries.\textsuperscript{60}

In June 1999, a Slovak citizen of German-Hungarian ethnic origin became the second president of the republic. Rudolf Schuster who defeated former Prime Minister Vladimir Mečiar in the presidential elections stressed in his inaugural speech the need for mutual trust between the majority and the national minorities living in the country.\textsuperscript{61} Already in November 1998 the coalition members agreed upon the necessity to adopt a law on the use of the minority languages. It was welcomed by the European Union, the Council of Europe and OSCE and sought by the MKP-SMK which imagined it as a detailed regulation

\textsuperscript{60} Kálmán Petöcz, \textit{op. cit}, note 9, 748
meant to correct the negative impact of the 1995 State Language Law. The Hungarian leaders hoped that the future law will cover not only the use of minority languages in official contacts, but also in education, culture, media etc. However, the draft law approved by the government in June 1999 did not take into consideration some of the main requests of the ethnic Hungarian politicians and therefore it was not endorsed by the MKP-SMK. The Hungarian minority party preferred to send to the parliament its own version of the draft law which failed to receive the necessary number of votes. On 10 July 1999 the Law no. 184/1999 on the Use of Minority Languages (hereinafter the Minority Languages Law) was adopted by a narrow majority of the Slovak parliament. The opposition (HZDS and SNS) boycotted the vote, while the MKP-SMK alone voted against as the Hungarians were not entirely satisfied with the law. The content of the Minority Languages Law shall be analyzed in details in the section regarding the “Use of Languages”.

Despite the political disputes between the Hungarian party and the other three partners in the ruling coalition of 1998-2006, the Dzurinda governments “managed to widen the institutional framework for solving the problems of minorities and corrected a number of deficiencies in the state’s minority policy. Changes included the reintroduction of bilingual school report cards and removal of the restrictions of the 1995 Law on the State Language regarding the use of minority languages in official contacts with state bodies. However, the most sensitive political problems – administrative reform and certain provisions in minority education – remained unsolved.” In 2004 was established in Komárno/Komárom the János Selye University with tuition in Hungarian language. It is a state financed higher education institution with three faculties.

The situation of Roma minority remained an issue of concern both at domestic and international level. A 2003 non-governmental report uncovered serious allegations about human rights violations including about 110 cases regarding illegal sterilization of Roma women. In addition, the reports mentions extensive racism and verbal and physical abuse towards Roma women in public hospitals, including the denial of patients’ access to their own medical records and segregation in the medical facilities. The report underlines that the

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62 For example, MKP-SMK proposed that the minority language be allowed in official contacts in municipalities where the minority constituted at least 10% of the population arguing that a 20% minimum threshold, as proposed in the government draft, was too high.
63 The Minority Languages Law is available online, in English, in the database Minority Rights Information System (MIRIS) at <http://www.eurac.edu/miris>.
64 Farimah Daftary and Kinga Gál, op. cit, note 24, 29-30.
65 Aneta Világi, op. cit, note 57, 133.
66 “Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom”, The Center for Reproductive Rights and Poradňa pre občianske a ľudské práva (Centre for Civil and Human Rights), 2003, 13-
Slovak authorities “failed to document and investigate reproductive rights violations, sanction those responsible or adopt policies designed to curb the practices that help perpetuate these abuses. Instead, the Slovak government and hospital administrators dismiss evidence of discriminatory treatment as either inconsequential or untrue.”67 On 1 of July 2004 entered into force the Law no. 365/2003 on Equal Treatment in Certain Areas and Protection against Discrimination (hereinafter “Antidiscrimination Law”). This regulation defines different types of discrimination (direct and indirect discrimination, harassment and victimization), the subjects of obligations and the role of the specialized body for combating discrimination, the Slovak National Center for Human Rights. The law prohibits inter alia discrimination on the grounds of racial, national and ethnic origin. All state authorities, legal entities and persons must comply with the principle of equal treatment as regards employment and similar legal relations, the access to public services and goods including housing, access to social assistance, access to education, and access to public healthcare. Initially the Antidiscrimination Law provided for the adoption of specific affirmative action measures aimed “to prevent for disadvantages linked to racial or ethnic origin“. The government challenged these provisions at the Constitutional Court which decided in October 2005 that such measures are unconstitutional. The Antidiscrimination Law was amended in 200868 and the dispute over the affirmative action re-emerged during the debates. In the end the provision was passed and the new article 8a refers to positive measures meant to combat “forms of social and economic disadvantages”. In February 2004, the government decided to cut 50% of the unemployment benefits and the measure triggered massive riots in Central and Eastern Slovakia where large Roma communities are living. In some Roma villages from these areas the unemployment was as high as 100%. After thousands of policemen and soldiers clashed with demonstrators the government decided to soften its new welfare law.69 In June 2008, the representatives of the Roma minority signed a “Declaration on the Standardization of the Language in the Slovak Republic”. The event was organized by the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities (hereinafter “Government Plenipotentiary”) with the aim to establish the necessary conditions for an effective education in Roma language, including the training of teachers. According to the Slovak government, the preparations for accrediting a new full-time course on “Romani

17. The report is published online at <http://reproductiverights.org/sites/crr.civicactions.net/files/documents/bo_slov_part1_0.pdf>.
67 Ibid, 17.
68 The 2008 amendment through Law no. 85/2008 broadened existed grounds of discrimination and expanded their application to both employment and supply of services.
Language and Culture” at Constantine the Philosopher University in Nitra (Institute of Roma Studies), in close co-operation with the Government Plenipotentiary, were in the final stage in summer 2009.\(^\text{70}\)

After the 2006 elections, the MKP-SMK was left in the opposition although it received around 12% of the votes. The governmental coalition led by the Prime Minister Robert Fico was formed by his party Direction – Social Democracy\(^\text{71}\) and the nationalist HZDS and SNS. It is undoubtedly true that the inter-ethnic relations in Slovakia have deteriorated significantly since then. The diplomatic relations of Bratislava and Budapest followed the same negative trend. We should consider for example the incidents of 2006 and 2008\(^\text{72}\) that have triggered harsh criticism on the Slovak government both from Hungarian minority and from Hungary.\(^\text{73}\)

It is worth mentioning also the problem regarding the use of Hungarian place names in the textbooks for schools with tuition in Hungarian. The dispute started in early 2008 when the Minister of Education Ján Mikolaj “instructed the publishing houses that in textbooks used in schools in which Hungarian is spoken, all geographic and topographic names related to the territory of the Slovak Republic should appear exclusively in the state language (i.e., in Slovak).”\(^\text{74}\) Following the vivid protests of Hungarian minority, in October 2008 the parliament amended the educational regulations in order to allow the bilingual toponymy in the textbooks for minority schools. However, in December 2008, this legislation was vetoed by the Slovak president. Hungarian minority leaders and Budapest have reacted promptly and amid heated debates the law was approved for a second time by the parliament in February 2009. It entered into force in April 2009 but the problem is not resolved yet because the Slovak nationalist parties SNS and HZDS announced their intention to challenge the law at Constitutional Court.\(^\text{75}\) Slovak-Hungarian relations heated up again few months later. On 30 June 2009, the parliament adopted a series of amendments to the 1995 State Language Law which according to the Hungarian minority representatives have a clearly negative impact on the minority linguistic rights. The Slovak government has a totally opposite view:


\(^{71}\) In Slovak “Smer – sociálna demokracia”. See <http://www.strana-smer.sk>.

\(^{72}\) i.e. the alleged attack of Slovak skinheads against an ethnic Hungarian student in August 2006 and the disproportionate use of force by the Slovak police against the Hungarian supporters at a football match in November 2008. The incident prompted Hungarian nationalists to burn the Slovak flag in front of the country's embassy in Budapest.


\(^{74}\) Kálmán Petőcz, op. cit, note 9, 734.

\(^{75}\) For details on the problem of Hungarian toponymy in the textbooks see Kálmán Petőcz, op. cit, note 9, 734 - 737.
Neither the current Act on the state language nor its amendment narrow down or interfere in any manner with the rights of persons belonging to national minorities guaranteed under relevant legal provisions. Just the opposite: the proposed legislation expands the scope of rights of persons belonging to national minorities by introducing certain new statutory rights in the economic and social field that, since the adoption of the European Charter of Regional or Minority Languages, have not yet been incorporated into the Slovak legislation. This means that in connection with the alignment of legislation in this area, certain changes have been proposed to benefit the persons belonging to national minorities.\(^{76}\)

The new regulation regarding the use of Slovak (hereinafter the “2009 State Language Law”) entered into force in September 2009. It contains sanctions for those who do not use Slovak language in all forms of non-private communication. Persons, legal entities and organizations may receive fines up to 5,000 Euros if they do not respect the law which stipulates that both oral and written communication must be in Slovak while a version in a second language, which is word by word identical to the Slovak, may follow, but, if printed, only with smaller characters. There are also exceptions. For example, the regional broadcasting in a minority language is allowed and in the municipalities where minorities live in a significant number, the medical staff and their patients may speak in the minority language.\(^{77}\) The OSCE High Commissioner for National Minorities, Knut Vollebaek, declared that “[i]he adopted amendments to the State Language Law pursue a legitimate aim, namely, to strengthen the position of the State language, and, overall, are in line with international standards. Some parts of the law, however, are ambiguous and may be misinterpreted, leading to a negative impact on the rights of persons belonging to national minorities.\(^{78}\) On 1 of July 2009, the Hungarian language daily Új Szó received an official letter from the Ministry of Culture announcing that the newspaper was obliged by the new law to publish all place names in Slovak and only additionally in Hungarian. The author of the law, Minister of Culture Marek Maďarič, explained a day later that it was a mistake, a misreading of the law by the bureaucrats.\(^{79}\) The prime minister Robert Fico answered to the harsh criticism coming from Budapest on 5 of July 2009 at the celebration of Saints Cyril and Methodius who brought the Slavonic alphabet on the territory of Slovakia. In his speech, Mr. Fico underlined that the

\(^{76}\) Third Report submitted by the Slovak Republic, see note 70, 25.

\(^{77}\) The provisions of the law shall be analyzed in more details in the section on the “Use of languages”.


"[p]rotection of the Slovak state language must be the first pillar of every Slovak government's programme. It is namely the way to defend oneself from the dangerous irredentism that has been breathed from over the Danube (River) ever more strongly." On 21 August 2009 Slovak authorities did not allow the Hungarian president Laszlo Solyom to enter the country for an unofficial visit to Komárno/Komárom where he was invited by a civil organization to unveil a statue of Saint Stephen, the first Hungarian king. Few days later, on 26 August 2009, two Molotov cocktails were thrown at the Slovak embassy in Budapest. On 1 September 2009, around 10,000 Hungarian protesters demonstrated against the law in the town of Dunajska Streda/Dunaszerdahely. In mid September the prime ministers of Slovakia and Hungary have agreed on a set of measures to defuse the row which was poisoning the bilateral relations. 2010 is an electoral year in both countries and the nationalist rhetoric returned soon. In March 2010 the Slovak president Ivan Gašparovič vetoed a controversial Patriotic Act proposed by SNS and approved by the parliament. For him the problem was not the content of the law but the inappropriate timing for the implementation. However, on 4 May 2010 Mr. Gašparovič signed an amendment to the State Symbols Act proposed by the ruling coalition parties. According to the new rules which will come into effect in September 2010, the Slovak flag, the words of the Slovak national anthem and the preamble to the Slovak Constitution must be displayed in every school classroom. Moreover, “patriotic education” should become a part of the curricula at each level of the school system. The flag and preamble should also be placed in rooms in which sessions of local and regional elected bodies take place. The national anthem must be played or sung before every local and regional elected body, government and national parliament session. On 26 May 2010, the newly elected Hungarian parliament dominated by right wing parties has passed with an overwhelming majority a controversial regulation allowing ethnic Hungarians from diaspora to get the citizenship without the requirement of the residence in Hungary, if they have Hungarian ancestry and speak Hungarian. Slovakia considers Hungary's measure a security threat and reacted immediately by amending its own citizenship law in the same day. Anyone who will receive the passport of another country is going to lose the Slovak citizenship. The Hungarian measure is due to come into effect in 2011, while the Slovak law will come into force in July. The Slovak parliamentary election are to be held on 12 June 2010. Meanwhile the relations between the two states are at the lowest point for many years. It remains to be

seen how the two EU neighboring countries will manage to solve this crisis within the framework of the European institutions.

### III. Current legal framework

#### 1. European context

Slovakia became a member of the Council of Europe on 30 June 1993. The country signed the Framework Convention for Protection of National Minorities (hereinafter FCNM) on 1 February 1995 and ratified it on 14 September 1995. Moreover, Slovakia signed the EChRML on 20 February 2001 and ratified it on 5 September 2001. Slovakia commits itself to promote cross-border cooperation between people and authorities from the territories that share the same language and to apply or conclude bilateral and multilateral agreements in order to foster contacts between speakers of the same language in the fields of culture, education and information.

The Europe Agreement with Slovakia was signed in October 1993 and it entered into force on 1 February 1995. Slovakia's official request for accession to the European Union was presented on 27 June 1995. Two years later, the European Commission issued its Opinion on Slovakia's membership application and the evaluation was not positive:

> The Slovak authorities had given commitments to the European Union and the OSCE’s High Commissioner for national minorities that it would adopt a new law on the use of minority languages. It should also be noted that Article 34(2) of the Slovak Constitution expressly states that minorities may use their own language for official communications and that the arrangements for exercising that right should be laid down by law. Nevertheless, Slovakia has not yet passed comprehensive legislation on this point and has gone back on the commitments it gave earlier. It is true that other texts govern the use of minority languages in specific fields (public life, courts, radio and television, public schools and road signs) but these do not cover all situations and there is still no overall text. This ambiguous situation is further aggravated by certain government decisions concerning the Hungarian minority such as reductions in the subsidies granted to Hungarian cultural associations and the cessation of bilingual school reports in

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82 The following nine "regional or minority languages" enjoy the protection of Part III of the EChRML: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Roma, Ruthenian and Ukrainian.

83 Art. 14 EChRML. Point (a) applies to all nine languages and point (b) covers only the Czech, German, Hungarian, Polish, and Ukrainian languages.
Hungarian schools (a teacher not respecting this rule can be dismissed). The gypsies or Roma, whose numbers grew in Slovakia after partition, continue to suffer considerable discrimination in daily life and are quite frequently the target of violence from skinheads against which they receive only inadequate protection from the police.\(^{84}\)

The conclusion was that Slovakia did not fulfill the political conditions of the so-called Copenhagen criteria. In its 1999 Regular Report on Slovakia’s progress towards accession, the EU Commission noted significant developments in the field of minority rights: the Hungarian party was in the government, a law on the use of minority languages entered into force, the legislation on education had been amended in order to reintroduce bilingual school certificates in areas with large national minorities. The Commission concluded that Slovakia fulfilled the Copenhagen political criteria thanks to all these measures introduced since the change of the governmental coalition following the 1998 elections. However particular attention should be paid to improving the situation of Roma minority.\(^{85}\) The Slovak government adopted in 1999-2000 a two-stage Strategy for Roma: the approval of the Strategy for the Solution of the Problems of the Roma National Minority (Resolution no. 821 of September 1999) and the elaboration of the governmental Strategy for Addressing Problems of the Roma National Minority into a Package of Concrete Measures for year 2000 (Resolution no. 294 of May 2000). The Strategy for Roma was accompanied by an Action Plan to combat discrimination, racism and intolerance. In December 1999, the European Council on the Helsinki summit decided to invite Slovakia for negotiations on EU accession. In the 2001 Regular Report, the Commission found that Slovakia had made considerable progress in deepening the stability of her institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. The accession negotiations with Slovakia began in March 2000 and were formally concluded at the Copenhagen European Council in December 2002. The Slovak republic signed the EU Accession Treaty on 16 of April 2003 and became a member of the European Union on 1 of May 2004. Few will dispute the claim that the EU pressure on minority rights played a crucial role in positive developments that started in the late 90s. The recommendations of the Council of Europe and of the High Commissioner on National Minorities gained more weights after the EU accession began but their importance should not be neglected as they have shaped and made possible

\(^{84}\) EU Commission’s Opinion on Slovakia’s Application for Membership of the European Union, DOC/97/20, Brussels, 15 July 1997, 22.

the EU policy. However, it was the specific socio-cultural characteristics of the Hungarian minority in Slovakia that helped this particular minority make use of EU pressure to launch its agenda within the domestic political context. Roma and the other small minorities had no influence in shaping the relevant domestic policies.

Slovakia and Hungary signed their Treaty on Good Neighborliness and Friendly Co-operation (hereinafter the “Slovak-Hungarian Treaty”) in March 1995 in Paris. The document was praised by the international community as a major step forward in the bilateral relations. On the other hand, it was obvious to all that both sides needed this compromise in order to fulfill their Euro-Atlantic integration goals and therefore the pragmatic approach prevailed over the resentments. Article 15 of the Slovak-Hungarian Treaty details the rights of the Hungarian minority in Slovakia and those of the Slovak minority in Hungary. It states that the persons belonging to minorities have the right to effectively participate at the national and, where appropriate, at the regional level in the decisions that affect the minorities. They have the right to freely use orally and in writing their native-language in private and public life. They are further entitled to internal law and order and, in accordance with the international obligations assumed by both parties, to use their native language in official contacts, including public administration and court proceedings. In the framework of the state education and instruction system, they have the right of discrimination-free access to the public mass media and to their own mass media. The parties pledge to create the conditions necessary for the minorities to preserve their material and architectural relics and memorials that embody their cultural heritage, history, and traditions. The Council of Europe Recommendation No.1201 (1993) is mentioned in the Slovak-Hungarian Treaty but the Slovak government specified in a declaration attached that it has never accepted and has not enshrined in the Treaty any formulation that would be based on the recognition of the principle of collective rights for the minorities and that would admit the creation of autonomous structures on [the] ethnic principle. It insists that it has agreed to mention the Recommendation of the

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86 Jakob Skovgaard, „Towards a European Norm? The framing of the Hungarian Minority in Romania and Slovakia by the Council of Europe, the EU and the OSCE”, European University Institute Working Papers, SPS 2007/07, 7.
87 Aneta Világi, op. cit, note 57, 149.
88 The Slovak-Hungarian treaty was ratified by the Hungarian Parliament on 13 June 1995 and by Slovak National Council on 26 March 1996.
Parliamentary Assembly of the Council of Europe No. 1201 (1993) exclusively with the inclusion of the restricting clause, “respecting individual human and civil rights, including the rights of persons belonging to national minorities”.90

The 1995 Slovak-Hungarian Treaty stipulates that the Prime Ministers of the two countries shall meet at least once a year to discuss further possibilities for the development of bilateral relations. The Ministers of Foreign Affairs shall also meet at least once a year to review the implementation of the treaty. Article 15(6) is the legal basis for the setting up a Joint Intergovernmental Commission on minority issues entitled to make recommendations to the two governments. But the two parties had a different interpretation of the provisions. Hungary insisted on the representation of the respective minorities in the Joint Commission. Slovakia regarded this body as an intergovernmental commission, and, as the Hungarian minority was not represented in the Slovak government, it refused the participation of the minority in the commission. Finally, on 24 November 1998, the Foreign Ministers of Hungary and Slovakia signed the Protocol that founded the Hungarian-Slovak Joint Commission on minority issues. The parties agreed upon the involvement of representatives of both minorities in the Joint Commission and its first meeting took place on 8 February 1999 in Budapest. Until summer 2009, the Joint Commission held eight meetings.91

The Slovak-Hungarian relations were affected in 2001 when the Hungarian parliament has adopted the controversial so-called Hungarian Status Law92 which extended social benefits in the spheres of health, education, transportation and employment to ethnic Hungarians living in Hungary’s neighboring countries, with the exception of Austria. Slovakia and Romania protested against the law which has been criticized also by the European Union and had to be amended in 2003, before Hungary’s accession to the EU in order to remove any discrimination on ethnic grounds among EU citizens. The Slovak-Hungarian row was finally resolved through the signature on 12 December 2003 of the Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Mutual Support for National Minorities in the Fields of Education and Culture. The agreement identifies two specific cultural foundations that are allowed to distribute financial aid to cultural and educational institutions only and it establishes a principle of reciprocity with the distribution of funds being controlled annually by a Slovak-Hungarian commission

91 Third Report submitted by the Slovak Republic, see note 71, 9.
of experts.\footnote{Dagmar Kusa, \textit{op. cit}, note 33, 290.}

It is worth noting that also Slovakia adopted even earlier specific regulations regarding its kin-minority. Act no. 70/1997 on Expatriate Slovaks gave the holders of a Slovak Expatriate Card (\textit{Preukaz zahraničného Slováka}) issued by the Ministry of Foreign Affairs the right to reside for a long period on the territory of the Slovak Republic and the opportunity of applying for permanent residence in Slovakia. They have also the possibility to apply for studies at any Slovak university or to apply for a job without having permanent residence in Slovakia or the employment authorization required by other foreign nationals.\footnote{Arts. 5 and 6 of the Act No. 70/1997 Coll. on Expatriate Slovaks and Changing and Complementing Some Laws. For details see Dagmar Kusa, \textit{op. cit}, note 33, 293.} It is submitted that Hungarian Status Law had influenced the Slovak legislation in this field. Act No. 474/2005 on Slovaks Living Abroad have amended the 1997 legislation and have established a specialized body responsible for carrying out the official state policy towards the kin minority. The Office for Slovaks Living Abroad issues the Certificate of Slovak Living Abroad (\textit{Osvedčenie Slováka žijúceho v zahraničí}) which replaces the previous Expatriate Card and offers financial support to individuals and institutions for activities in areas like culture, education and media with the aim to develop the Slovak identity, culture, language, or cultural heritage in their countries.\footnote{Rt. 5 of Act No. 474/2005 Coll. on Slovaks Living Abroad and on Amendments and Additions to Certain Laws. For details see Dagmar Kusa, \textit{op. cit}, note 33, 293} The biggest Slovak community abroad lives in the United States and only small Slovak minorities are scattered in the countries neighboring their kin state therefore the Slovak Status Law had far lesser political implications than its Hungarian counterpart. The Slovak-Hungarian relations were at odds again in 2004 due to the referendum organized by Budapest on a proposal to grant Hungarian citizenship to members of its kin minorities who held a Hungarian ID card on the base of the 2001 Status Law.\footnote{For details see Mária. M. Kovács and Judith Tóth, \textquoteleft Kin-state responsibility and ethnic citizenship: The Hungarian case\textquoteright in Rainer Bauböck, Bernhard Perchining and Wiebke Sievers (eds), \textit{Citizenship Policies in the New Europe}, Amsterdam University Press, 2009, 158 – 161.} Eventually the referendum failed because of the low number of people who went to vote but the issues remained on the political agenda Hungarian politicians and it came up once more some years later with the same negative impact on the bilateral relations. Already in summer 2009 the Slovak-Hungarian relations are tensioned again due to controversial amendments to the State Language discussed in the previous section. The Slovak media announced in July 2009 that the Slovak-Hungarian Joint Commission on minority issues was expected to meet in Budapest in order to find solutions for the problems related to the new provisions of the State
Language Law. According to the Slovak Minister of Foreign Affairs Miroslav Lajcak, this is the appropriate platform for tackling bilateral issues between Slovakia and Hungary and the two countries should work out problems between themselves rather than embroil European Union institutions in them.  

His reaction came after some members of the European parliament criticized harshly the Slovak restrictive legal provisions on linguistic rights. Mr. Lajcak declared himself “surprised by the present blatantly misleading campaign against the amended State Language Act, a campaign where a good measure of truth and commonsense are drowned out by historicising and ‘hystericising’ malicious, and sometimes even ridiculous, propaganda” and argued that “the amendment only addresses issues pertaining to the use of the state language, and that it in no way restricts the use of minority languages in Slovakia. Where the text touches on the use of minority languages, it does so only in order to liberalise their use even more, that is, to broaden or simplify it.” Nevertheless, at that time the Minister of Foreign Affairs considered the Slovak-Hungarian cooperation very good in many aspects and praised the bilateral agreement which provides a sound mechanism to resolve any mutual issues that the parties shall use whenever it deems necessary, ideally as soon as the first doubts or problems have emerged. Mr. Lajcak admitted that “[i]n the case of the amendment to Slovakia’s State Language Act, the mechanism was not used in time” and confirmed that Slovak authorities are “absolutely open to any expert examination of the amendment and its comparison with international and national practice in any EU member state.” It is submitted that the consultation mechanism established on the base of 1995 treaty was ignored again in 2010 and the already frosty relations between Slovakia and Hungary seem to reach a new low at the end of May after the Hungarian parliament approved the controversial legislation allowing ethnic Hungarians from diaspora to obtain easily Hungarian citizenship and the harsh reaction of Slovak authorities.

The bilateral relations between Slovakia and Germany are based on the of Treaty on good-neighborliness and friendly cooperation signed on 27 February 1992 by the Federal Republic of Germany and the Czech and Slovak Federal Republic. After the separation of the Czech and Slovak Federal Republic, Slovakia remained a party to the treaty in the framework of the Stability Pact. As regards minority rights, Article 20 of the treaty declares that both parties

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98 E.g. MEPs Michael Gahler (EPP) and György Schöpflin (EPP). For details see “German MEP slams Slovak language law”, EurActiv, 10 July 2009 and “The Slovak language law is discriminatory and restrictive”, EUobserver, 10 July 2009.
will “fulfill as legal obligations the political commitments laid down in CSCE documents, and especially those laid down in the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE of 29 June 1990.”

Roma minority has no kin-state to rely on for support so in the European context the international organization and NGOs play the main role in this regard. On 24 April 2009, the European Court of Human Rights announced its decision in the case, *K.H. and Others v. Slovakia.*

The Court found that Slovakia has violated Article 8 (right to respect for private and family life) and Article 6 (access to court) of the European Convention on Human Rights for denying the full access to medical records of eight Roma women who suspected that they have been sterilized while treated in local hospitals. The applicants were represented by lawyers from the Centre for Civil and Human Rights (Poradná pre občianske a ľudské práva) an NGO based in Košice which conducts advocacy, strategic litigation and educational activities to combat discrimination against Roma in Slovakia.

2. **Culture**

According to Art. 34 (1) of the Slovak Constitution, citizens belonging to national minorities have guaranteed “their full development, particularly the rights to promote their cultural heritage with other citizens of the same national minority or ethic group, (…) form associations, and create and maintain educational and cultural institutions.” The right to form associations is basically a special form of the more general right of free association granted to all citizens of Slovakia. The creation and maintenance of educational and cultural institutions largely falls under the right to associate, or the right to establish non-profit organizations (such as foundations, non-investment funds, not-for-profit organizations carrying out community services, etc.). There is no law regulating the right to minority culture but the state budget allocates financial resources for the culture activities of minorities through the Ministry of Culture.

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100 According to the press release of the Court, the applicants are eight female Slovak nationals of Roma ethnic origin. They were treated in two hospitals in eastern Slovakia during their pregnancies and deliveries, following which none of them could conceive a child again despite their repeated attempts. The applicants suspected that the reason for their infertility might be that a sterilization procedure was performed on them during their caesarean delivery by medical personnel in the hospitals concerned. In order to obtain a medical analysis of the reasons for their infertility and possible treatment, the applicants authorized their lawyers to review and photocopy their medical records as potential evidence in future civil proceedings for damages. The medical staff either refused their requests or told them that they would have to copy the voluminous files by hand in order to avoid their abuse. Attempts to find redress through the Slovak courts failed.
Since 1996, minority culture in Slovakia has been funded in three ways:

1. Through specific transfers from the Culture Ministry’s budget for projects supporting the development of national minority culture, including cultural activities, and publishing periodical and non-periodical press.

2. Through funding for minority cultural organizations as state-subsidized organizations at the regional level.

3. Through funding for activities to develop minority culture within the framework of subsidized organizations under the jurisdiction of regional authorities (museums, galleries, libraries, centers of continuing education).

A committee of experts at the Department for Minority Culture, appointed by the Culture Minister, assesses how Culture Ministry budget money for special purposes is allocated. The members of this committee, which also acts as an advisory body for the Culture Minister, include representatives of all national minorities and ethnic groups living in Slovakia. Each minority has one vote on the committee. One of the committee’s jobs is to establish subcommittees. Subcommittees established on an ethnic basis propose funds to be allocated to selected projects; they also evaluate minority culture projects according to the following criteria: quality, and the importance and significance of the culture activity for the members of the minority and for maintaining their identity. Final funding proposals are prepared by the Culture Ministry and approved by the Culture Minister.101

A law on the financing of national minority culture was foreseen by the 2003 Government Plan of Legislative Tasks. The Ministry of Culture was supposed to submit a draft to the government by December 2003 but the deadline was postponed due to the fact that this specific piece of legislation was connected to the draft law on national minorities. In its 2006 Manifesto, the government of the Slovak Republic committed itself to draft a comprehensive law on culture financing (including national minorities and disadvantaged groups). It is still on the to-do list of the Ministry of Culture. The money from the Fund of Minority Cultures of the Slovak Government are distributed among the 12 officially recognized national minorities. During the second Dzurinda government, the Ministry of Culture developed a system that gives the national minorities the chance to decide on cultural related financial issues.

First, the total amount of money available was divided by a committee consisting of the representatives of 12 minorities according to their real size; the amounts for the smallest minorities were adequately raised (the principle of positive discrimination was applied in relation to them). Then each committee, consisting of members of a concrete minority, decided on its own matters. The composition of the committee of the Hungarian minority—which has the largest number of cultural associations and organizations—was agreed upon after informal consultations between these organizations. The formal decisions were in the hand of the Minister of Culture; however, he almost never questioned the competence of the respective committees. 102

However, one may reasonably argue that the system works properly only if the minister himself/herself has a minority friendly approach. The Minister of Culture in the in the present government is a politician from the nationalist SNS and, according to Petőcz, in several cases he did not sign the proposals submitted by the committees. Moreover, it should be underlined that the amount of money allocated in the state budget for minority cultures is not fixed as a certain percentage of the overall cultural budget. In other words the amount of money for minority culture depends every year on the political will.103

Law no. 384/1997 on Theatrical Activities specifies in Art. 1 (2) that it cover also the theatres performing works in languages other than state language and other specialized theatres. Law no. 416/2001 on the transfer of certain competencies from state administration authorities to municipalities and higher-tier territorial units (i.e. self-governing regions) has amended the Law no. 384/1997 and transferred all minority theatres under the competence of regional self-governments. Therefore their main financial resources are coming from the regional level. Art. 3 (3) (c) of Law no. 384/1997 as amended by Law no. 416/2001 stipulates that the competencies of self-governing regions include “supporting cultural activities of national minorities living in their territory and the administration of minority cultural institutions; the region shall be responsible for the operation of professional minority theatres.” They shall ensure the functioning of Alexander Duchnovič Theater in Prešov (Ruthenian), Jókai Theater in Komárno/Komárom (Hungarian), Romathan Theater in Košice (Roma) and Thalia Theater

102 Kálmán Petőcz, op. cit, nota 9, 752.
103 For example in 2008, “although the cultural budget was increased considerably, the allocation for minority cultures was preserved at the same level (about 90 million SKK, which is approximately 3 million Euro).” Kálmán Petőcz, op. cit, nota 9, 752.
in Košice (Hungarian). Officially recognised theatres co-ordinated by the regional self-governments can be closed down or merged only with the approval of the Ministry of Culture. Minority theatres can apply in addition for financial support from the grant system of the Ministry of Culture.\textsuperscript{104} Law no. 61/2000 on adult education and cultural activities declares at Art. 2 (2) (b) that “adult education and cultural activities raise the universal cultural and educational levels of persons through intensifying a person’s relationship with their own country, the cultural identity of the nation, national minorities and ethnic groups, and care for the environment”. Art 14 (3) of Law no. 183/2000 on the libraries stipulates that in the course of generation of collections of the public libraries shall be taken into consideration the fact that the population of the community includes members of a national minority. According to Law no. 206/2009 on museums and galleries and the protection of objects of cultural heritage value, the Slovak National Museum has a legal responsibility to be engaged in minority culture.\textsuperscript{105} It coordinates also the Museum of Hungarian Culture in Slovakia, a public institution established in 2001 and funded by the state. The Museum of Hungarian Culture has a nation-wide competence and specialises in the presentation of the history and intellectual and material culture of the Hungarian minority living in Slovakia. It administers the Kálmán Mikszáth Memorial House in Sklabina, as well as the Madách Castle in Dolná Strehoľová. The Museum of Jewish, German, Ukrainian, Croatian and Ruthenian Culture is also co-ordinated by the Slovak National Museum.

Slovakia signed an cooperation agreement with Hungary in the field of heritage protection in November 2001. According to Art. 13 of the Law no. 49/2001 on the protection of monuments and historic sites each self-governing region shall ensure suitable conditions within its territory for the protection of monuments and historic sites, deliver opinions on proposals for the declaration and repealing of the declaration of historic sites, and co-operate with state administration authorities in the field of the protection of monuments and historic sites in the conservation, renovation and use of cultural heritage monuments and historic sites.

The processes of transformation and displacement of cultural organizations were converged in the form of the Law no. 302/2001 regarding the autonomy of regional entities. On 1 of April 2002, the administration of 153 cultural institutes was passed on to regions and municipalities.\textsuperscript{106}

\textsuperscript{104} Second Report submitted by the Slovak Republic, see note 11, 23.
\textsuperscript{105} Art. 7 (5) Act No. 206/2009 on museums and galleries and the protection of objects of cultural heritage value
Law no. 201/2007 amended the Czechoslovak Law no. 308/1991 on Religious Freedom and the Status of the Churches and Religious Societies and abrogates the Law no. 192/1992 of the Slovak National Council on registration of churches and religious societies. The law was criticized by the civil society because the registration requirements have become stricter as the amendment stipulates that an application for registration must be supported by at least 20,000 members and not only supporters. Moreover, the Slovak General Prosecutor challenged the law at the Constitutional Court due to the alleged lack of compliance with the freedom of association and assembly of citizens and the requirement to provide names, addresses and identity card numbers of the members of the religious communities (which represents basically an obligation to declare their religious affiliation without guarantees against abuses).

In the ratification instrument of EChRML, Slovakia pledges, inter alia, to encourage types of expression and initiatives specific to regional or minority languages, to foster access in other languages to works produced in these minority languages and vice versa, to ensure that the staff of the bodies responsible for organizing and supporting cultural activities have a good knowledge of minority languages and to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages. Basically, the entire Article 12 of the EChRML which deals with cultural activities and facilities (e.g., libraries, cultural centres, museums, theatres and cinemas) is applicable to the nine minority languages that enjoy the protection laid down in Part III of the EChRML. The only provision that was not selected by Slovakia is the one regarding the obligation to promote and finance translation and research on administrative, economic, technical and legal terminology in these minority languages.

3. Media

Slovak Constitution guarantees in Art. 34 (1) the right of citizens belonging to national minorities receive and disseminate information in their mother tongue. In addition these rights

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107 Also the Law no. 256/1992 on the protection of personal data prohibits in Art. 8 the process of personal data revealing racial or ethnic origin, political opinions, religious faith or belief, membership in political parties or political movements, trade unions membership and data concerning health or sex life.
108 Art. 12 (1) (a) – (g), (2) and (3) EChRML.
109 See note 83.
110 Art. 12 (1) (f) EChRML.
of national minority members are stipulated in special laws in the field of printed and electronic media.

Law no. 308/2000 on Broadcasting and Retransmission specifies that a programme “which presents culture, with emphasis on the Slovak national culture and the culture of national minorities and ethnic groups, their life and opinions” is a programme in the public interest aimed at the satisfaction of the informational and cultural needs of listeners or viewers on the territory covered by the signal of the broadcaster.\footnote{Art. 3 (h) (5) of Law no. 308/2000 on Broadcasting and Retransmission.} The broadcasters have the duty to ensure the use of the state language and the languages of national minorities in the broadcasting of programmes and other elements of the programme service,\footnote{Art. 16 (g) of Law no. 308/2000 on Broadcasting and Retransmission.} in accordance with the special provisions laid down in the Art. 5 of the State Language Law no. 270/1995 (with subsequent amendments) and Art. 2 of the Minority Languages Law no. 184/1999.

Law no. 619/2003 on Slovak Radio and Law no.16/2004 on Slovak Television provide that the programmes of the national radio and television shall create conditions for social agreement in public affairs in order to strengthen mutual understanding, tolerance and support for solidarity in a diverse society and shall develop the cultural identity of the population of the Slovak Republic regardless of their sex, race, skin color, language, age, faith and religion, political or other opinions, national or social origin, nationality or ethnic group, property, gender or other status by reflecting a diversity of opinions and political, religious, philosophical or artistic directions. The radio and television programmes should be based on principles of democracy and humanism and should provide impartial, up-to-date, information on happenings in the Slovak Republic and abroad with overall balance of a variety of views permitting freedom in the formation of opinions.\footnote{Art. 3 (3) (a) – (d) of Law no. 619/2003 on Slovak Radio and Art. 3 (3) (a) – (d) of Law no. 16/2004 on Slovak Television.} The content of the regional broadcasting of every Slovak Radio and Television regional studio must be balanced in its coverage of the territory for which the studio is responsible. One of the main activities of the Slovak Radio and Television is the broadcasting of the programmes in the language of national minorities and ethnic groups living on the territory of the Slovak Republic that are balanced in their content and regional coverage. Slovak Television shall establish independent organizational units to provide for the production and broadcasting of programmes for national minorities and ethnic groups and shall provide space for the activities of registered churches and
religious societies in broadcasting.\textsuperscript{114} The Council of Slovak Radio and the Council of Slovak Television are formed of 15 members each who are elected by the parliament from candidates who are proposed to it by the relevant parliamentary committee. The candidates for membership of the two Councils are proposed to the relevant parliamentary committee by members of parliament or the other bodies which are active in the fields of media, culture, science, education, the development and protection of spiritual values, human rights and the environment, which represent or stand for the interests of national minorities or ethnic groups, other minorities, or registered churches and religious societies.\textsuperscript{115}

The Audiovisual Law no. 343/2007\textsuperscript{116} does not contain specific provision regarding national minorities. The rule is that all audiovisual works distributed by transmission with an original language other than Slovak shall be broadcasted with dubbing in Slovak language, or in the original language with Slovak subtitles. This does not apply to “audiovisual works whose original language meets the criteria for basic intelligibility from the viewpoint of the state language.”\textsuperscript{117} On the base of the Audiovisual Law, the Minister of Culture issued the Decree no. 589/2007 on a single labeling system for audiovisual works, audio recordings of artistic performances, multimedia works, programmes and other components of programme services. Its Art. 1 (1) provides that audiovisual works, multimedia works and programmes or other components of a television programme service shall be classified as inappropriate and restricted for minors under the age of 18, if containing presentation of any demonstrations of intolerance or hatred, xenophobia, racism, religious discrimination and intolerance, violence against ethnic or other minorities.

The News Agency of the Slovak Republic shall search and process information from the Slovak Republic on national minorities and ethnic groups living in the country, on the activity of registered churches and religious communities, as well as “on cultural activities, putting the accent on the national culture and culture of national minorities and ethnic groups and on the protection of cultural heritage.”\textsuperscript{118} According to Art 3 (8) of the Law no. 385/2008 on the News Agency, the institution shall be balanced, plural and objective and it shall respect the right to information in a democratic society regardless of age, sex, race, color, faith and religion, political or other opinions, national or social origin, membership of a national

\textsuperscript{114} Art. 5 (1) (d) (e) (g) of Law no. 619/2003 on Slovak Radio and Art. 5 (1) (e), (f), (h) of Law no. 16/2004 on Slovak Television.

\textsuperscript{115} Art. 9 of both Law no. 619/2003 on Slovak Radio and Law no. 16/2004 on Slovak Television.

\textsuperscript{116} Law no. 343/2007 on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multimedia Works and Sound Recordings of Artistic Performances including Amendments and Supplements to some other Laws.

\textsuperscript{117} Art. 17 (5) of the Audiovisual Law no. 343/2007.

\textsuperscript{118} Art. 3 (3) (c), (d) and (e) of Law no. 385/2008 on the News Agency of the Slovak Republic.
minority or ethnical group, state of health, property, gender or other position. Candidates for members of the Board of Directors of the News Agency shall be submitted to the Slovak National Council by members of parliament or legal entities operating in the area of media, culture, audio-vision, science, education, information technologies, development and protection of spiritual values, human rights, representing professional associations, national minorities or ethnical groups or registered churches and religious communities.\textsuperscript{119}

The Law no. 167/2008 on periodicals and agency news service and the amendment and supplementing of certain acts (hereinafter the Press Law) has been harshly criticized both at domestic and international level. The main problem is that the law established a sweeping "right of reply" by individuals to articles published in newspapers or magazines. The OSCE media representative came to the conclusion that the government's bill contained provisions that "seriously restrict editorial autonomy" because the right of reply of the Slovak kind "would grant politicians limitless access to publicity."\textsuperscript{120} Indeed, according to the Press Law “[i]f a periodical or agency news service contains a statement of fact that impinges on the honor, dignity or privacy of a natural person, or the name or good reputation of a legal entity, from which the person or entity can be precisely identified, the person or entity has the right to demand publication of a reply. The publishers of periodicals and press agencies must publish the reply free of charge; right of correction is not affected hereby.”\textsuperscript{121} The right to reply is defined in such broad manner that somebody may request to respond even when the statements published in the article are true. According to the Press Law the publisher of a periodical must ensure that every issue of the periodical contains “the name of the regional or other language edition of the periodical and a notice that it is a regional or other language edition of the periodical, if the periodical is issued in a modified form according to the territory in which it is distributed or the language in which it is issued.”\textsuperscript{122} The periodicals are recorded in a register kept by the Ministry of Culture. The application for registration in the register shall contain \textit{inter alia} the name of the periodical, the name of the regional or other language edition of the periodical (if the periodical is published in a modified form according to the territory in which it is distributed or the language in which it is published), the date of the first issue of the periodical, the territory within which the periodical is distributed and the language in which the periodical is published.\textsuperscript{123}

\textsuperscript{119} Art 9 (2) of Law no. 385/2008 on the News Agency of the Slovak Republic.
\textsuperscript{121} Art. 8 of the Press Law no. 167/2008.
\textsuperscript{122} Art. 6 (2) (b) of the Press Law no. 167/2008.
\textsuperscript{123} Art. 11 (4) (a) – (e) of the Press Law no. 167/2008.
When ratified the EChRML, Slovakia undertook to make adequate provision so that broadcasters offer programmes in the nine minority languages and to encourage and/or facilitate the broadcasting of radio and television programmes in these languages on a regular basis. Moreover the state shall encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the minority languages as well as the production and distribution of audio and audiovisual works.124 Slovakia guarantees the direct reception of radio and television broadcasts from neighboring countries in a minority language and ensures that no restrictions will be placed on the freedom of expression and free circulation of information in the minority languages press, under the conditions prescribed by law.125 The interest of minority language speakers shall be represented or taken into consideration within the official bodies responsible for guaranteeing the freedom and pluralism of the media.126 The state undertakes to cover the additional costs of the Hungarian language media, wherever the law provides for financial assistance in general for the media127 while in the case of the other eight minority languages, the existing measures for financial assistance shall be applicable to audiovisual productions.128 Slovakia did not pledge to support the training of journalists and other staff for media using minority languages.129

V. Education

The Slovak Constitution stipulates that citizens belonging to national minorities have the right to be educated in their mother tongue (in addition to the right to learn the official language) and the right to establish and maintain their own educational and cultural institutions.130 According to Law no. 596/2003 on State Administration and Self-Governance in the Educational System, primary schools are established and administered by towns and municipalities and secondary schools are established and administered by self-governing regions. This law assigns a series of tasks to territorial self-government authorities and the local state administration authorities. A municipality or a self-governing region shall control compliance with generally binding legal regulations in matters of upbringing and education in the schools that it established. Moreover, the municipality or the self-governing region shall issue organisational instructions for the directors of these schools and shall provide expertise

124 Art. 11(1) (a) iii, (b) ii, (c) ii, (d), (e) i and (f) i, EChRML.
125 Art. 11(2), EChRML.
126 Art. 11(3), EChRML.
127 Art. 11(1) (f) i, EChRML
128 Art. 11(1) (f) ii, EChRML
129 Art. 11(1) (g), EChRML
130 Art. 34 (1) and (2) (a) of the Constitution.
and advice for schools and directors. The regional education office shall *inter alia* provide professional advice on the organisation of upbringing and education to municipalities and self-governing regions and to the founders and directors of private and church–affiliated schools. The financial matters are regulated mainly by Law no. 597/2003 on the financing of primary schools, secondary schools and school establishments. The financing of education system depends on the approved state budget for the relevant calendar year. Ministry of Education shall provide for and distribute funding from the state budget through the regional education offices. Other funds are coming from the budget of the municipality and of the higher-tier territorial unit.

The 2004 Antidiscrimination Law (as amended in 2008) allows for temporary positive measures in favor of members of disadvantaged groups in the field of education. Its aim is to ensure the equal access in practice through targeted preparatory programs or through the dissemination of information about these programs or the opportunities to apply for places in the education system.

In May 2008, the National Council of the Slovak Republic adopted the Law no. 245/2008 on education and instruction (hereinafter the “School Law”). Among the principles that represent the basis of the Slovak education system are the prohibition of all forms of discrimination and, in particular, segregation and preparation for responsible life in a free society in a spirit of understanding and tolerance, equality between men and women, friendship between peoples, national and ethnic groups and religious tolerance. A child or student has the right to education in the state language and mother tongue under the scope of this law. Pedagogical documentation in schools and school facilities is kept in the state language. According to this present law, schools providing education and instruction in national minority languages keep bilingual pedagogical documentation, i.e. in the state language and in the national minority language. Pupils belonging to national minorities and ethnic groups have the right to learn the state language and the right to education in their mother tongue under the conditions laid down in this law. In the primary and secondary schools with tuition in a minority language, the teaching of the subject Slovak language and literature shall be

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131 Principles of the government of the Slovak Republic relating to Act of the National Council of the Slovak Republic No. 270/1995 Coll. on the state language of the Slovak Republic as amended, 14.
132 Ibid.
133 Art. 8a (1) of the Antidiscrimination Law no. 365/2004.
134 Art. 3 (d) of School Law no. 245/2008.
135 Art. 3 (j) of School Law no. 245/2008.
136 Art. 144 (1) (d) of School Law no. 245/2008.
137 Art. 11 (2) of School Law no. 245/2008.
ensured to the extent that it is needed for its learning.\textsuperscript{138} Pupils belonging to national minorities are guaranteed education and instruction in:

a) schools and classes providing education and instruction in the language of the relevant national minority,

b) schools and classes in which one of the subjects is the language of a national minority, while the remaining subjects are taught in the state language; in these schools and classes, certain subjects – especially art education, music education or physical education – can be taught in the language of a national minority,

c) school facilities providing education in the language of a national minority.\textsuperscript{139}

The language used for examination shall be the one used for teaching the respective subject.\textsuperscript{140} In the textbooks used in the minority language schools, the geographical names, which are inveterate and practiced in the minority language shall be bilingual, first in the language of the minority and then in brackets or slash in the state language in a way that was used in the textbooks approved in 2002 and 2006. At the end of the textbooks shall be given a summary of geographical names in the minority language and the state language. The cartographic works are done in the state language.\textsuperscript{141} The diploma and certificates issued by schools with tuition in a minority language shall be written in the state language and the language of the respective national minority.\textsuperscript{142} The students shall take the baccalaureate exams in the languages in which the subjects were taught.\textsuperscript{143} The parents or legal representatives of the child have the right to choose the his/her school according to the child's interests and hobbies, his religion, belief, nationality and ethnicity.\textsuperscript{144} A pupil or a student who considers himself/herself wronged in his/her rights or lawfully protected interests by failure to apply the principle of equal treatment may pursue his/her claim by judicial process according to the Antidiscrimination Law no. 365/2004.\textsuperscript{145} The school inspectors shall use the state language in the official contacts and shall be able to understand the minority language when necessary for his work.\textsuperscript{146}

\textsuperscript{138} Art. 12 (3) of School Law no. 245/2008.
\textsuperscript{139} Art. 12 (5) of School Law no. 245/2008.
\textsuperscript{140} Art. 12 (9) of School Law no. 245/2008.
\textsuperscript{141} Art. 13 (2) of School Law no. 245/2008. However, there seem to be problems regarding the implementation of this provision. For details on the problem of Hungarian toponymy in the textbooks see Kálmán Petőcz, \textit{op. cit}, note 9, 734 - 737.
\textsuperscript{142} Art. 18 (3) of School Law no. 245/2008.
\textsuperscript{143} Art. 76 (9) of School Law no. 245/2008.
\textsuperscript{144} Art. 144 (5) of School Law no. 245/2008.
\textsuperscript{145} Art. 145 (3) of School Law no. 245/2008.
\textsuperscript{146} Art. 13a (3) of Law. 596/2003 on state administration in education and school self-government as amended by School Law no. 245/2008.
In order to ensure the education and instruction of the children from socially disadvantaged environment and pupils from socially disadvantaged environment, schools shall create special conditions meaning education according to individual study programmes, adjusting organization of education and instruction, adjusting the environment for the provision of education and instruction, use of specific methods and forms of education and instruction. Ministry of Education may grant allowances for pupils from socially disadvantaged environment, i.e. pupils coming from the families whose average monthly income during the last six consecutive months did not exceed the subsistence minimum under specific legislation.\(^\text{147}\)

Roma pupils are still over-represented in the special schools for children with disabilities. Recent reports indicate that “they are 28 times more likely to be placed in such schools than their non-Roma counterparts, that up to 50% of Roma children are erroneously placed in Special Elementary Schools or classes and that approximately 10% could be immediately reassigned to mainstream education.”\(^\text{148}\) In August 2008, the Ministry of Education issued the Decree no. 322/2008 on Special Schools. The regulation outlines the procedure for placing children in Special Elementary Schools on the base of the “Concept of Education and Training of Roma Children and Pupils, including the Development of Secondary and Tertiary Education” that was adopted earlier by Slovak authorities.

One of the stated objectives of this concept is to lower the percentage of Roma children attending Special Elementary Schools by, among others, maintaining and developing the “zero year” for children who are deemed not to have the requisite abilities for entering the first grade of elementary school. The authorities have indicated that the concept includes the preparation of socially and culturally independent tests on the educational abilities of six and seven year-old children. The concept also provides that these tests are to be performed solely by pedagogical and psychological advisors.\(^\text{149}\)

The Slovak government considers that

\[^{t}\]he continued relatively high number of Roma pupils in special schools for pupils with mental disabilities was mainly the result of the use of standard tests for assessing school maturity and intelligence potential that did not take account of the child’s environment. The newly developed specific tests (outputs from the

\(^{147}\) Art. 107 of School Law no. 245/2008.
\(^{149}\) Ibid.
Phare 2001 project – School Aptitude Test for Socially Disadvantaged Children and RR Screening – a battery of tests for ruling out mental retardation in 6 to 10-year old children from socially disadvantaged environment) that have been used in practice since 2004 are expected to eliminate this shortcoming. Another reason for a higher number of children with mental disabilities in the Roma population is the closed character of their communities, as a result of which they show a higher incidence of predispositions causing an unfavorable health status of children, including mental disabilities.\textsuperscript{150}

Law no. 131/2002 on institutions of higher education (hereinafter Higher Education Law) does not contain specific regulations on national minorities but it regulates the organization and functioning of private higher education institutions. Law no. 465/2003 established the University of János Sellye in Komárno/Komárom, with Faculties of Economy, Pedagogy and Reformed Theology. According to the law, the languages of instruction at the university include Hungarian, Slovak and other languages. Education in the Hungarian language is offered also by the following higher education institutions: Faculty of Philosophy at Comenius University in Bratislava; Faculty of Philology at Matej Bel University in Banská Bystrica and Faculty of Pedagogy at Constantine the Philosopher University in Nitra – Faculty of Central European Studies. The Roma language can be studied at the Institute of Roma Studies at the Constantine the Philosopher University in Nitra. Since 2001 it is part of the newly established Faculty of Social Affairs at this university. In cooperation with other faculties, it provides study for future teachers for first four grades of elementary schools focused on Roma culture together with social work focused on Roma community. The German language can be studied as the language of specialization at Constantine the Philosopher University in Nitra, Comenius University in Bratislava, Prešov University in Prešov and Catholic University in Ružomberok.

As regards the institutional framework, it should be mentioned that the Ministry of Education has a division for schools with instruction in the minority language and education of Roma communities. The Ministry of Education’s Council of Experts on Education and Instruction of the Roma has been functioning since 2005. Another advisory body called the Council for National Minority Education has been established by the Ministry in 2006. Its aim is to assist the Ministry of Education in performing its specific tasks laid down in the 2006 Manifesto of the Slovak government. The Concept of Education and Instruction of National Minorities

\textsuperscript{150} Third Report submitted by the Slovak Republic, see note 71, 53.
was adopted through Government Resolution no. 1100/2007. Regarding the Roma minority the government has approved Resolution no. 206/2008 on the Concept of education and Instruction of Roma Children and Pupils Including the Development of Secondary and Tertiary Education. A series of decrees of the Ministry of Education deals in details with the organization and function of the Slovak schools. \footnote{151}{Ministry of Education Decree no. 137/2005 on school inspection, Ministry of Education Decree no. 306/2008 on kindergartens, Ministry of Education Decree no. 314/2008 on secondary schools and on the list of subjects that require the verification of special abilities, skills or talents, Ministry of Education Decree no. 320/2008 on primary schools, Ministry of Education Decree no. 322/2008 on special schools, Ministry of Education Decree no. 325/2008 on school facilities for educational counseling and prevention and Ministry of Education Decree no. 649/2008 on the purpose of the allowance for pupils from socially disadvantaged environment.}

According to the law on the ratification of the EChRML, Hungarian language enjoys the maximum protection and promotion in the field of education. Slovak authorities shall make available education in Hungarian at kindergarten, primary, secondary, vocational school and university levels as well as adult and continuing education courses. \footnote{152}{Art. 8 (1) (a) i, (b) i, (c) i, (d) i, (e) i and (f) i, EChRML.}

In the case of Ruthenian and Ukrainian language, Slovakia pledges to make available a substantial part of the pre-school, primary, secondary and vocational education. Moreover, the state shall provide facilities for the study of these minority languages as university and higher education subjects and shall offers these languages as subjects for adult and continuing education. \footnote{153}{Art. 8 (1) (a) ii, (b) ii, (c) ii, (d) ii, (e) ii and (f) ii, EChRML.}

For Bulgarian, Croatian, Czech, German, Polish and Roma the level of protection and promotion in education field is lower: in pre-school education, the authorities shall take action when there is demand in a sufficient number according to Slovak legislation, while in primary, secondary and vocational schools, these minority languages shall be taught as an integral part of the curriculum. In addition, it should be possible to study these minority languages as university and adult (continuing) education subjects. \footnote{154}{Art. 8 (1) (a) iii, (b) iii, (c) iii, (d) iii, (e) ii and (f) ii, EChRML.}

For all nine minority languages covered by Part III of EChRML, the state shall make the necessary arrangements in order to ensure the teaching of the history and culture, to provide the basic and further training of the teachers and to set up a supervisory body responsible for monitoring the implementation of the minority rights measures in the field of education. \footnote{155}{Art. 8 (1) (g), (h) and (i), EChRML.}

5. Use of Language

Art. 34 (2) (b) of the Slovak Constitution stipulates that citizens belonging to national minorities have the right to use a minority language in official communications and Art. 27
guarantees the right of petition. Everybody has the right to address governmental authorities and public administration in individual and public matters with petitions, proposals, and complaints either individually or in association with other persons.

Law no. 300/1993 on names and surnames (with subsequent amendments) lays down that citizen of the Slovak Republic acquires the common surname of his/her parents or, if the parents have different surnames, the surname of one of them agreed upon at the time of concluding their marriage or, if the parents are not married and have different surnames, the surname agreed upon by both parents.\textsuperscript{156} The surname used by the citizens of the Slovak Republic in their communication with the authorities is the surname acquired in accordance with the Act, with the previously applicable legislation, or by entering into a marriage, using the spelling and the order in which the surname was entered in the register of births or the register of marriages.\textsuperscript{157} The law allows the change of the foreign language name into its Slovak equivalent or vice versa without any restriction or request of permission from the authorities.\textsuperscript{158} Also from the provisions of the Law no. 154/1994 on registry offices (with the subsequent amendments) it results that female citizens of the Slovak Republic belonging to national minorities have the right to use their surname in official communication in the form in which it was entered in the birth register or the marriage register by the registry office, without the Slovak grammatical suffix indicating the gender.\textsuperscript{159} Moreover, a citizen belonging to a national minority whose name was recorded in the birth register, before 31 December 1993, in the Slovak equivalent instead of his/her mother tongue spelling have the right to request that his/her name is registered in his/her language using the Latin alphabet.\textsuperscript{160} In such case, the citizen may ask to be issued an excerpt from the register bearing his/her original name if the person was issued a registry excerpt of a later date with the Slovak equivalent of his/her name. The registry office is obliged to comply with such request.\textsuperscript{161}

According to the Law no. 191/1994 on designation of municipalities in the languages of national minorities the authorities have the obligation to display separate road signs in the minority language in those municipalities where at least 20% of the population belong to a national minority. This law “does not concern the official recognition of names of municipalities and parts thereof in minority languages either, it merely regulates the use of

\textsuperscript{156} Art. 1 (1) and Art. 4 (1) of Law no. 300/1993 on names and surnames.
\textsuperscript{157} Art. 5 of Law no. 300/1993 on names and surnames.
\textsuperscript{158} Art. 7 (1) (a) of Law no. 300/1993 on names and surnames.
\textsuperscript{159} Art. 16 of Law no. 154/1994 on registry offices.
\textsuperscript{160} Art. 19 (3) of Law no. 154/1994 on registry offices as amended by Law no. 14/2006.
\textsuperscript{161} Art. 19 (3) of Law no. 154/1994 on registry offices as amended by Law no. 14/2006.
traffic signs indicating the beginning and the end of the municipality. (...) [I]t would be an official recognition of these names if they could also be used on buildings that are the seat of public administration bodies, railway stations, bus stops, harbours, hospitals, etc".\textsuperscript{162} In official relations, in public documents, stamps of municipalities, cartographic works and postal communications, the names of the municipalities shall be written exclusively in the state language.\textsuperscript{163} This law contains an annex listing settlements to be designated also in a minority language and according to Art. 2 and 3 the inhabitants of a municipality may decide in a local referendum the change of the designation of their municipality listed in the annex or they may determine the designation of their municipality if it is not listed in the annex. Such referendum is valid only if more than 50% of the local population with voting right participate. The decision is adopted if 80% of the voters support the initiative.\textsuperscript{164} Art. 3 (3) of Law no. 191/1994 excludes the application of these norms on local referendum regarding the designation of municipalities if their name was changed in the period 1867 - 1918 or 1938 – 1945. Such settlements may have received an official Slovak names derived from the name of a prominent Slovak personality (e.g. Bernolákovo\textsuperscript{165}, Gabčíkovo\textsuperscript{166}, Štúrovo\textsuperscript{167}, Sládkovičovo\textsuperscript{168}) which have nothing in common with their historical minority language name. In 2007, the Committee of Experts on the application of EChRML declared that “while understanding the sensitivities which lie behind the legislation, does not know whether the limitation contained in Art. 3 (3) of the 1994 Act prevents traditional Hungarian place-names from being used as a matter of fact”\textsuperscript{169} and encouraged the Slovak authorities to clarify this issue. Two years later the Committee of Experts noted that “[i]n a statement pursuant to Article 16 (2) of the Charter, the Gramma Language Office informed the Committee of Experts that about 100 traditional and correct forms of place-names in Hungarian are prevented from being officially used because of impossibility to adopt or use Hungarian

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\textsuperscript{163} Art. 1 and 2 of Law no. 191/1994 on designation of municipalities in the languages of national minorities.

\textsuperscript{164} According to Gyuricsek, these provisions can be considered discriminatory because Law no. 369/1990 on the municipal establishment contains different rules for local referendum. It stipulates in Art. 11a (5) that voting results shall be valid when at least a simple majority of entitled voters participated in the referendum and a simple majority voted in favour. According to Art. 11a ( 1) (a) this provision shall also apply to the referendum concerning the change of the name of the municipality.

\textsuperscript{165} Anton Bernolák was a Slovak priest and linguist in the 18-19th century.

\textsuperscript{166} Jozef Gabčík was a Slovak hero of World War II.

\textsuperscript{167} Ľudovít Štúr was a leader of the Slovak national movement in the 19th century.

\textsuperscript{168} Andrej Sládkovič was a Slovak poet of 19th century.

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place-names which were used between 1867 and 1918 and between 1938 and 1945. Traditional Hungarian place-names apparently cannot be used either with respect to places that were renamed after a Slovak person in 1948.\textsuperscript{170} The Committee of Experts requested Slovak authorities to comment on this issue in the next periodical report.

The 1995 State Language Law specifies that Slovak has priority over other languages applied on the whole territory of the Slovak Republic\textsuperscript{171} and that this law does not regulate the usage of languages of national minorities and ethnic groups.\textsuperscript{172} The rule is that the state language is used in all official contacts, in the education system, in mass-media, cultural events and public meetings, in the armed forces, in judicial and administrative proceedings, in the economic activities and health care. The exceptions regard the use of minority languages in the certificates issued by schools in which the education has been carried out in the language of the minorities,\textsuperscript{173} in the textbooks used in the minority schools,\textsuperscript{174} in the broadcasted programmes and cultural events for/of national minorities\textsuperscript{175} and in contacts with administrative and judicial authorities.\textsuperscript{176} The penalties for failing to comply with the rules regarding the use of the state language that have been abrogated in 1999 by the Minority Languages Law have been reintroduced by the 2009 State Language Law which requires that both oral and written non-private communication are in Slovak language. The controversy over the exact meaning and interpretation of this legislation\textsuperscript{177} still persists although in December 2009 the Slovak government made public the explanatory principles for a unitary interpretation of the 2009 State Language Law provisions.\textsuperscript{178} The opponents of the law underline that it allows an intrusion of the state in the language use in private contacts and that financial sanctions may create a mechanism of “language police” and a system of “language denunciations”.

According to the 1999 Minority Languages Law, members of a national minority that in the most recent population census represented more than 20% of a given municipality’s

\begin{footnotesize}
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\item\textsuperscript{170} Second monitoring cycle Report of the Committee of Expert on the application of European Charter for Regional or Minority Languages, ECRML (2009) 8, Strasbourg, 18 November 2009, 36.
\item\textsuperscript{171} Art. 1 (2) of the State Language Law no. 270/1995.
\item\textsuperscript{172} Art. 1 (4) of the State Language Law no. 270/1995.
\item\textsuperscript{173} Art. 3 (3) of the State Language Law no. 270/1995.
\item\textsuperscript{174} Art. 4 (4) of the State Language Law no. 270/1995.
\item\textsuperscript{175} Art. 5 (1) and (7) of the State Language Law no. 270/1995.
\item\textsuperscript{176} Art. 7 (2) of the State Language Law no. 270/1995.
\item\textsuperscript{177} For example the Slovak authorities argue that these regulations affects only public and not private contacts but Art. 1 (5) specifies that the law applies not only to state and municipal authorities, but also to "legal persons, self-employed natural persons and private individuals".
\item\textsuperscript{178} “Principles of the government of the Slovak Republic relating to Act of the National Council of the Slovak Republic No. 270/1995 Coll. on the state language of the Slovak Republic, as amended” was approved by Resolution of the Government of the Slovak Republic no. 993/2009 of 16 December 2009.
\end{enumerate}
\end{footnotesize}
inhabitants, have the right to use their mother tongue in communications with official bodies. This includes the right to submit written documents in the language of a national minority, and the right to receive an answer from a state body in both the official state language and the language of a national minority (except for public documents). The members of the national minority are also entitled to receive the rulings of administrative bodies in their mother tongue in addition to the state language. In case of doubt the wording of the version issued in the state language shall prevail. Public institutions’ signs and administrative forms shall be made available also in the language of the national minority. In municipalities where a given national minority represents more than 20% of inhabitants, street signs may be displayed in the language of the respective minority and the local council may hold proceedings in the language of the national minority if all people present agree. Important information (on binding regulations, warning, health care notice etc) shall be displayed also in the minority language. Public authorities and their employees shall use the state language in official contacts, and may use the minority language under the conditions established by the law. Public authorities and their employees are not required to have command of the minority language. The Slovak Government Regulation No. 221/1999 contains a list of 656 villages where minorities amount to at least 20 percent of local population. This list also contains 57 villages where the Roma minority meets the above-mentioned limit. The Law no. 211/2000 on the Free Access to Information obliges the state agencies, municipalities, as well as legal entities and natural persons that have been given the power by law to make decisions on the rights and responsibilities of natural persons or legal entities in the area of public administration to disclose information also in the languages of national minorities in the municipalities where the Minority Languages Law is applicable.

The existing domestic standards concerning the use of minority languages in relation to administrative authorities and public services are reflected in the law for ratification of EChRL. The selected provisions shall be applied in the territorial-administrative units where persons speaking one of the nine minority languages represent at least 20% of the population. Slovak administrative authorities and public services shall ensure that the employees who are in contact with the public use the respective minority languages in

179 Art. 2 (3) of the Minority Languages Law no. 184/1999.
180 Art. 2 (4) of the Minority Languages Law no. 184/1999.
181 Art. 2 (5) and (6) of the Minority Languages Law no. 184/1999.
182 Art. 3 (1) and Art 4 (1) of the Minority Languages Law no. 184/1999.
183 Art. 4 (2) and (3) of the Minority Languages Law no. 184/1999.
184 Art. 7 (1) of Minority Languages Law no. 184/1999.
185 Art. 6 (5) of Law no. 211/2000 on the Free Access to Information.
relations with the persons who submit oral or written applications and/or documents in the minority language. The applicant shall receive the answer in the respective language. The state shall allow the use of Hungarian language within the framework of the regional and local authority. Slovakia shall allow and/or encourage the publication by regional and local administrative authorities of their official documents also in the nine minority languages. Moreover, the local authorities are allowed or encouraged to use the minority languages in debates in local councils and to use and adopt their traditional and correct forms of place names. Furthermore, with regard to the public services provided by the authorities or other persons acting on their behalf Slovakia undertakes to allow the users of the minority languages to submit requests and to receive a reply in these languages. In order to implement the above measures, Slovakia shall ensure translation or interpretation as may be required and shall appoint the civil servants in the territorial-administrative units where they can make use of their minority language knowledge. Last but not least, every person concerned has the right to use or adopt a family name in the minority language.

The 1999 Minority Languages Law does not cover the use of minority languages in the judicial sphere. Art. 47 (3) and (4) of the Constitution stipulates that all parties in judicial proceeding shall be treated equally under the law and that a person who claims not to know the language used in the proceedings shall have the right to an interpreter. Following the constitutional principle, Art. 2 (20) of the Code of Criminal Procedure reads as follow: “If a defendant, his/her legal representative, a victim, an interested party or a witness declare that they do not speak or understand the language of the proceedings, they shall be entitled to an interpreter or a translator.” Moreover, according to Art. 28 of the Code of Criminal Procedure

(1) If there is a need for interpretation of the content of a statement or if the person referred to in Art. 2 (20) declares that he/she does not speak or understand the language of the proceedings, an interpreter shall be assigned by a measure.

(2) If the person referred to in Art 2 (20) chooses a language for which no interpreter has been entered on the list of interpreters or if the matter bears no delay and no registered interpreter can be reached, the law enforcement agency or

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186 Art.10 (1) (a) ii for Hungarian and (a) iii/iv for the other languages, EChRML.
187 Art.10 (2) (a) only for Hungarian and (b) (c) (d) (f) (g) for all nine minority languages, EChRML.
188 Art.10 (3) (b) only for Hungarian and Art. 10 (3) (c), (4) (a) (c), (5) for all nine minority languages, EChRML.
189 Law no. 301/2005 on Criminal Procedure.
the court shall appoint an interpreter for the official language of the state which that person understands.

(3) If there is a need to translate the record of a statement or other document, a translator shall be assigned. The provision of paragraph 2 shall apply *mutatis mutandi*.

Art. 18 of the Civil Procedure Code stipulates that “[i]n civil proceedings, the parties shall have an equal status. They have the right to use their mother tongue or the official language of the state, understood by them, before the court. The court shall have the obligation to ensure for them equal possibilities for the exercise of their rights”. The additional costs resulting from the use of the mother tongue by the party are borne by the state. The above mentioned regulations apply also to the proceedings before the administrative courts. According to Art. 11 of Law no. 564/2001 on the Public Defender of Rights any person can appeal to the Ombudsman using his/her mother language and costs of interpretation shall be borne by the state.

According to the EChRML ratification instrument, Slovakia guarantees that in criminal proceedings, the accused has the right to use his/her mother tongue and the courts shall not consider inadmissible requests and evidence, written or oral, solely because they are formulated in one of these nine minority languages. The same is valid for the litigant in civil and administrative procedures, where the use of interpreters or translators shall not involve extra expenses for the person concerned. Slovakia pledges only in the case of Hungarian language not to deny the validity of the legal documents drawn up with the state solely because they are drafted in the minority language. Finally, the state undertakes to make available in Hungarian, Ruthenian and Ukrainian the most important national laws, particularly those which concern the users of these languages.

6. *Economic Participation*

The Constitution of Slovakia does not contain special provisions regarding the economic participation of national minorities but general clauses valid for all citizens of the republic. According to the Slovak Constitution, every person shall have the right to choose freely his or
her profession and to receive appropriate training, as well as the right to earn his or her living through entrepreneurial activities.\textsuperscript{196} The law shall provide for the security from arbitrary dismissal and discrimination at work\textsuperscript{197} and any person suffering material hardship, shall have the right to such assistance as may be necessary to secure his or her fundamental standard of life.\textsuperscript{198} According to Art. 12 (2) the fundamental rights shall be guaranteed in the Slovak Republic to every person regardless of sex, race, color, language, faith, religion, political affiliation or conviction, national or social origin, nationality or ethnic origin, property, birth or any other status, and no person shall be denied their legal rights, discriminated against or favored on any of these grounds. This provision may suggest that positive discrimination is forbidden\textsuperscript{199} but the Antidiscrimination Law no. 365/2004 (as amended in 2008) allows for the introduction of temporary positive measures for the elimination of various forms of social and economic disadvantages based on age or disability\textsuperscript{200} if there is a demonstrable inequality, the objective of such measures is to reduce or eliminate this inequality and they are appropriate and necessary to achieve that goal.\textsuperscript{201} Such positive measures consist in promoting the equal access to employment, education, culture, healthcare and services for members of disadvantaged groups especially through targeted preparatory programs for members of the disadvantaged groups, or through the dissemination of information about these programs or the opportunities to apply for jobs or places in the education system.\textsuperscript{202} The positive measures can be taken only in the areas referred to in the Antidiscrimination Law and they may last only until the removal of the inequality which led to their adoption. The state authorities shall stop the implementation of these measures when the objective was achieved. The authorities have the duty to continuously monitor, evaluate and publish the temporary positive measures in order to assess if they continue to be justified and to submit reports on these issues to the Slovak National Center for Human Rights.\textsuperscript{203} The body carries on independent enquires into allegation of discrimination, ensures legal assistance for the victims of discrimination and publishes reports and recommendations concerning discrimination related issues.\textsuperscript{204}

\textsuperscript{196} Art. 35 (1) of the Constitution.
\textsuperscript{197} Art. 36 (b) of the Constitution.
\textsuperscript{198} Art. 39 (2) of the Constitution.
\textsuperscript{199} On the other hand, the Constitution also allows some exceptions to this rule, such as in Article 38 (1) according to which “women, minors, and disabled people shall enjoy more extensive health protection and special working conditions”, or Article 41 (2) according to which “pregnant women shall be entitled to special treatment, terms of employment, and working conditions”.
\textsuperscript{200} It is worth noting that the national, ethnic or racial criteria are not mentioned.
\textsuperscript{201} Art. 8a (1) and (2) of the Antidiscrimination Law no. 365/2004
\textsuperscript{202} Art. 8a (1) (a) and (b) of the Antidiscrimination Law no. 365/2004
\textsuperscript{203} Art. 8a (3) and (4) of the Antidiscrimination Law no. 365/2004
\textsuperscript{204} Third Report submitted by the Slovak Republic, see note 71, 14-15.
One of the fundamental principles of Law no. 311/2001 on Labor Code\textsuperscript{205} is that natural persons have the right to work and the right to free choice of employment, to fair and satisfactory working conditions, and to protection against unemployment. They are entitled to these rights without any restriction and direct or indirect discrimination on the grounds of gender, marital or family status, race, color of skin, language, age, unfavorable health condition or disability, belief or religion, political or other conviction, trade union involvement, national or social origin, national or ethnic affiliation, property, birth or other status, except for cases stipulated by law or if there is a tangible reason connected with the performance of work, such as aptitudes or requirements for and the nature of the work that the employee is to perform.\textsuperscript{206} Another principle is that the employers may collect personal data on employees only where these relate to the qualifications and professional experience of employees and data that may be significant for the work that employees are expected to perform.\textsuperscript{207} The whole Art. 13 of the Labor Law regards the prohibition of discrimination. The employer is obliged to deal with employees in accordance with principle of equal treatment stipulated for the area of labor-law relations by the Antidiscrimination Law. In accordance with principle of equal treatment, the discrimination shall be prohibited also from reasons of marital status, family status, color of skin, language, political or other conviction, trade union activity, national or social origin, property, lineage or other status.\textsuperscript{208} The employee has the right to submit a complaint to the employer in connection with the infringement of rights and obligations stated above and the employer has the obligation to respond to such a complaint without undue delay, perform retrieval, abstain from such conduct and eliminate the consequences thereof. An employee who considers that his/her rights or interests protected by law were aggrieved by failure to comply with the principle of equal treatment may have recourse to a court and claim of legal protection stipulated by the Antidiscrimination Law.\textsuperscript{209} According to the Art. 11 (2) of the Antidiscrimination Law (as amended in 2008), the defendant has the obligation to demonstrate that there was no violation of the equal treatment principle, if the facts submitted to the court by the plaintiff give rise to a reasonable assumption that a violation of the principle of equal treatment has indeed occurred.

\textsuperscript{205} Law no. 311/2001 (with the subsequent amendments). Law no. 311/2001 entered into force on 1 of April 2002.
\textsuperscript{206} Art. 1 of Law no. 311/2001 on Labor Code.
\textsuperscript{207} Art. 11 of Law no. 311/2001 as introduced by Law no. 348/2007.
\textsuperscript{208} Art. 13 (1) and (2) of Law no. 311/2001 on Labor Code.
\textsuperscript{209} Art. 13 (4) and (5) and Art. 41 (8) and (9) of Law no. 311/2001 on Labor Code.
Law no. 312/2001 on the civil service guarantees the equality of all citizens when entering and performing civil service, regardless of sex, race, color of skin, language, faith or religion, political or other opinions, national or social origin, nationality or ethnic origin, property or other position.\(^{210}\) One of the requirements for admission to the civil service is the command of the state language. The selection procedure for staffing of a vacant civil service employment post in the relevant sector of the civil service shall verify the skills and professional knowledge and shall be conducted without any discrimination based on race, color, religion, national or social or ethnic origin.\(^{211}\) The Slovak government considers that the Law no. 312/2001 on the civil service does not prevent natural persons to apply to public authorities in the minority and regional language.\(^{212}\)

Law no. 5/2004 on the employment service (with subsequent amendments) does not deal specifically with persons belonging to national minorities but it contains a general provision regarding the right to access to employment.\(^{213}\) The same law specifies that it is forbidden for employer to make public job offers which include age restrictions and discrimination on inter alia race, color, language, faith and religion, national or social origin, membership of a nationality or ethnic group. Moreover, the criteria for the selection of an employee must guarantee the equality of opportunities for all candidates and the employer shall not require from the employee information on inter alia nationality, race or ethnic origin, religion.\(^{214}\)

According to the Art. 8 (2) of the State Language Law, the written legal procedures in the labor relations shall be made in the Slovak language. However, the government argues that it is possible to use minority languages in such context because the Labor Code does not contain any provision that forbids or exclude the possibility to have, for example, a working contract made also in a minority language when the parties so agree.\(^{215}\)

According to them Slovak government, the 2009 amendments of the State Language Act “expands the scope of rights of persons belonging to national minorities by introducing certain new statutory rights in the economic and social field that, since the adoption of the European Charter of Regional or Minority Languages, have not yet been incorporated into the Slovak legislation.”\(^{216}\)

\(^{210}\) Art. 3 (2) of Law no. 312/2001 on the civil service.
\(^{211}\) Art. 14 (1) (g) and 15 (2) of Law no. 312/2001 on the civil service.
\(^{212}\) Second Cycle State Report on the Implementation of the European Charter, see note 9, 140.
\(^{213}\) Art. 14 of Law no. 5/2004 on the employment service (with subsequent amendments).
\(^{214}\) Art. 62 (2) and (3) of Law no. 5/2004 on the employment service (with subsequent amendments).
\(^{215}\) Second Cycle State Report on the Implementation of the European Charter, see note 9, 139.
\(^{216}\) Third Report submitted by the Slovak Republic, see note 70, 25.
In the ratification instrument of EChRML, Slovakia undertook to eliminate any legal provision prohibiting or limiting without justifiable reasons the use of the nine minority languages in documents relating to economic or social life, to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use the minority languages and to oppose practices designed to discourage the use of minority languages in connection with economic or social activities. 217 Additionally, in the areas where national minorities are living, the state shall ensure that the social care facilities (hospitals, retirement homes and hostels) offer the possibility of receiving and treating in their own language persons using one of the nine minority language covered by Part III of the convention. 218

7. Political Participation

The Slovak Constitution guarantees the right of the members of national minorities to participate in the decision-making process regarding matters affecting their interests, 219 the freedom to association and the right to vote. Citizens shall have the right to participate in the administration of public affairs directly or by freely elected representatives. 220 However, [n]either of the laws regulating how decision making bodies function (i.e. the parliament, regional and local self-administration bodies and different levels of executive power) contain any specific provisions that would guarantee minority representatives participation, or even having a say, in the decision making processes. 221

Law no. 83/1990 on associations of citizens (with the subsequent amendments) provides the legal base for the establishment of non-governmental and non-political organization of national minorities. Moreover, this law forbids the setting up of any association that deny or restrict the rights of other citizens on the basis of inter alia nationality, race, religion and associations that incite hatred or hostility based upon the aforementioned grounds, or promotes violence or violates the existing legislative framework. 222 All organizations and associations must be registered at the Ministry of Interior which have the competence to refuse the registration if the statute indicates that a certain organization or association pursues

217 Art. 13 (1) (a) (b) (c), EChRML.
218 Art. 13 (2) (c), EChRML.
219 Art. 34 (2) (c) of the Constitution
220 Art. 29 and 30 of the Constitution
222 Art. 4 (a) of the Law no. 83/1990 on associations of citizens.
the above mentioned prohibited objectives, or intends to use prohibited means. For the same reasons, the Ministry of Interior can decide about the dissolution of registered associations. Both the refusal to register and the decision for dissolution can be appealed to the Supreme Court.

Law no. 85/2005 on political parties and political movements (hereafter “Political Parties Law”) provides the legal framework for the establishment of political actors. A political party comes into existence upon the registration carried out by the registry of political parties at the Ministry of Interior. The application should include the party statute and a list signed by 10,000 citizens. The Ministry of Interior may reject the registration if the statute is deemed unconstitutional or it does not respect the domestic legislation or international obligations of Slovakia. A registered party can be dissolved only by the Supreme Court (upon proposal by the Public Prosecutor) if its activity violates the law.

At the moment there are various registered parties that represent the interest of national minorities. The Party of Hungarian Coalition (MKP-SMK) is the main political organization of Hungarian minority in Slovakia. In 2009 a faction of MKP-SMK split and formed a multi-ethnic party called Most/Híd which aims to represent not only Hungarians from Slovakia but all citizens of the country regardless their ethnicity. Most/Híd is a “party of cooperation between Hungarians and Hungarians, Hungarians and Slovaks and between any other national minority” in a “multiethnic, multilingual and multicultural state.” There are several Roma minority parties but their impact on the political scene is very limited.

i. Representation in the government and its advisory bodies

The specialized department of the government responsible for issues regarding national minorities and ethnic groups is the Directorate General of Human Rights and Minorities.

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223 e.g. two associations established by members of Hungarian minority (Nomos Regionalizmus and Harmonia) and an extremist Slovak organization called Slovak Togetherness were dissolved by the Ministry of Interior in the period 2007-2009. The first two were dissolved on the account of unconstitutional aims to establish in Slovakia a form of territorial autonomy for Hungarian minority. The third organization was dissolved because it instigated hatred and intolerance on national, racial, religious grounds. For details see “Slovakia dissolves Harmonia AT for alleged pushing for autonomy”, CTK, Bratislava, 22 June 2009.

224 In 2006, the Supreme Court dissolved the extreme right wing party “Slovenská pospolitost – National Party” which pledged to change the political system from democracy to a kind of fascism following the model of the Slovak Republic during World War II.

225 The name of the party means “Bridge” in Slovak and Hungarian.

226 E.g. Roma Coalition Party (SRK); Roma Initiative in Slovakia (RIS); Union of Roma citizen initiatives in the Slovak Republic (Ú-ROI); Party of Social Democratic Roma in Slovakia (SSDR); Roma Party in Slovakia (SRoS); Party for the integration of Roma in Slovakia (SIR); Party of the democratic unity of Roma (SDJR); Minority Party (SM).
which reports directly to the Deputy Prime Minister for Knowledge–Based Society, European Affairs, Human Rights and Minorities.\textsuperscript{228} Its organizational office - the Directorate General of Human Rights and Minorities\textsuperscript{229} - also functions as the secretariat of the Government Council for National Minorities and Ethnic Groups (CNMEG). The Council is an advisory and coordinating body of the government of the Slovak Republic for the area of national policy and for the implementation of the European Charter for Regional or Minority Languages.\textsuperscript{230} The CNMEG is composed of the representatives of the 12 officially recognized national minorities. They are appointed on a parity principle (so each national minority has one representative) and are nominated by national minority association and organizations. The CNMEG is chaired by the Deputy Prime Minister for Knowledge Society, European Affairs, Human Rights and Minorities and the vice-chairman is the Minister of Culture. According to the Slovak authorities, the right to vote in the CNMEG is reserved only for the representatives of national minorities and no issue concerning a particular national minority or ethnic group may be considered unless the representative of the minority concerned is present. The civil servants from central state administration authorities and experts on minority issues that are invited to the meetings of the CNMEG do not have the voting right.\textsuperscript{231} The system is especially criticized by Hungarians because of the unbalanced representatively (i.e. each minority is represented by one member regardless its size) and the inefficiency (i.e. CNMEG resolutions have no really impact as they are not binding).

\textsuperscript{228} The Deputy Prime Minister for Human Rights, National Minorities and Regional Development became after the 2002 elections the Deputy Prime Minister for European Integration, Human Rights and Minorities. At the moment it is called Deputy Prime Minister for Knowledge–Based Society, European Affairs, Human Rights and Minorities.

\textsuperscript{229} Directorate General of Human Rights and Minorities is divided into Directorate of Human Rights and Minorities and the Directorate of Project Co-ordination.

\textsuperscript{230} According to its Statute, the CNMEG has mainly the competence for:

a) preparing proposals of Government measures aimed at ensuring protection and exercise of the rights of persons belonging to national minorities and ethnic groups;

b) preparing, discussing and presenting summary reports to the Government relating to the situation and conditions of persons belonging to national minorities and ethnic groups, preservation of their identity, especially the development of their authentic culture and education in mother tongue; in this respect, the Council proposes and recommends solutions to the Government;

c) drawing up opinions on generally binding legal regulations that concern the citizens belonging to national minorities and ethnic groups before they are submitted to the Government for deliberation;

d) proposing elaboration of scientific analyses, studies and expert assessments on national minorities and ethnic groups by institutions and experts,

e) discussing and proposing re-allocation of financial resources earmarked for national minorities and ethnic groups in the state budget act.

\textsuperscript{231} Third Report submitted by the Slovak Republic, see note 71, 6.
Other governmental structures that have competences in the field of national minorities and ethnic groups function within the Ministry of Culture and Ministry of Education. The “Section for Minority and Regional Cultures” at the Ministry of Culture ensures the execution of state administration in the area of culture of national minorities and of disadvantaged groups of the population. An advisory body for the Deputy Prime Minister for Knowledge Society, European Affairs, Human Rights and Minorities is the “Commission for the Support of the Culture of National Minorities and Ethnic Groups”. In conformity with the relevant decrees of the Government Office, this Commission assesses the provision of subsidies for financing publishing activities, activities of theatres and folk art ensembles, activities of cultural and religious institutions, special-interest activities, sports and cultural activities, and educational projects of persons belonging to national minorities and ethnic groups.

The advisory body to the Government on Roma issues is the Plenipotentiary Office for Roma Communities which was established in 1999. Its aim is to address the problems of Slovak Roma by implementing the necessary measures for the improvement of the situation of this national minority. The Head of the Plenipotentiary Office is appointed by the government on a proposal from the Deputy Prime Minister. One advisory body of the Plenipotentiary Office is the “Grant Commission for Social and Cultural Needs of the Roma Community and for Addressing the Problems of the Roma Community” which assesses the applications for subsidies and projects relating to social and cultural needs of the Roma community and for addressing problems of the Roma community. All these institutions deal with minority issues but there is no legal act regulating the employment of persons belonging to any national minority in the office of the government, in the ministries, at lower levels of public administration or in any other public institutions established by law. There are no statistical data available on the ratio of Slovak and non-Slovak employees in public administration.

ii. Representation in the parliament

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232 Ibid, 7. The Ministry of Education “has a division for schools providing instruction in minority languages and for education of Roma communities.”
233 Ibid, 7 and 24.
Slovakia has no specific legal provision regarding the representation of national minorities in the parliament. Law no. 333/2004 on elections to the National Council of the Slovak Republic with the subsequent amendments (hereinafter the “Parliamentary Electoral Law”) lays down the conditions for participation in the general elections. A party or a coalition has to submit a list of not more than 150 candidates no later than 90 days before the day of elections. The final list of candidates shall be registered by the Central Election Commission no later than 70 days before the day of the elections. A decision of the Central Election Commission not to register a list of candidates of a political party can be challenged before the Supreme Court.

It is an electoral system of proportional representation with a threshold for political parties of 5% of the total number of valid votes cast. The threshold stands at 7% for coalitions of two or three political parties and at 10% for coalitions of at least four political parties. With the present system, only the large Hungarian minority manage to achieve parliamentary representation. The 5% threshold seems to be particularly unfavourable for the Roma minority.

The parliamentary Committee on Human Rights, National Minorities and the Status of Women examines draft acts, international treaties and government programmes from the point of view of their compliance with human rights and the rights of persons belonging to national minorities enshrined in the Constitution and arising from the international commitments of the Slovak Republic.

Twenty-one political parties and political movements have participated in the 2006 parliamentary elections. Six of them managed to obtain mandates in the National Council: As in 2002 elections, MKP – SMK has obtained 20 mandates. In the period 1998 – 2006, MKP – SMK has been a member of the governmental coalitions but after 2006 elections it was left in the opposition.

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236 Art. 18 (1) and (5) of the Parliamentary Electoral Law no. 333/2004.
237 Art. 20 (1) and (4) of the Parliamentary Electoral Law no. 333/2004.
238 Unless no political party or coalition has passed the threshold in which case the threshold will be lowered by 1% for each of these parties/coalitions. Art. 42 (2) and (4) of the Parliamentary Electoral Law no. 333/2004.
239 Third Report submitted by the Slovak Republic, see note 71, 7.
240 For details regarding the results of the parliament elections in Slovakia see the Annex.
241 In the Dzurinda government formed after the 2002 elections, MKP – SMK had four Ministers (Deputy Prime Minister for European Integration and Minority Rights, Minister of Environment, Minister of Construction and Regional Development and Minister of Agriculture) and six State Secretaries (Ministry of Finance, Ministry of Education, Ministry of Economy, Ministry of Culture, Ministry of Foreign Affairs and Ministry of Construction and Regional Development) in the Slovak government. Following the 1998 elections, the MKP – SMK had three ministers (Deputy Prime Minister for Human Rights, Minorities and Regional Development, Minister of Environmental Protection and Minister of Construction and Public Works) and four State Secretaries (Ministry of Finance, Ministry of Education; Ministry of Social and Labor Affairs and Ministry of Agriculture).
iii. Representation at regional and local level

Law no. 302/2001 on Self-Government of Upper-tier Territorial Units has established eight self-governing regions.\textsuperscript{242} The Slovak territory has been divided in such a way that in none of these upper-tier territorial administrative units Hungarians are in majority. Only in two regions (Nitra and Trnava) they amount for more than 20\% of the population. Law no. 303/2001 on Elections to the Bodies of Self-Government Regions and on Amendment to the Code of Civil Procedure (hereinafter “Regional Elections Law”) contrary to the parliamentary elections, has introduced the majority rule. A candidate for regional elections can be nominated only in one electoral constituency.\textsuperscript{243} The candidates with the highest number of valid votes in the relevant constituency are elected in the council of the self-government region. The candidate who received absolute majority of votes is elected chairman of the regional government.\textsuperscript{244} In the 2001 elections, a self-administration body with majority Hungarian representation was established in the Nitra region. A candidate running for the coalition of five political parties and political movements, which included also the MKP – SMK became the chairman of one self-governing region. Sixty candidates of the MKP – SMK were elected to regional councils.\textsuperscript{245} In the 2005 regional elections MKP- SMK obtained only 53 seats in regional councils and also in the Nitra region the results were less satisfactory than in the previous elections. Members of no other national minority gained seats in regional councils. No national minority candidate was elected chairman of a self-governing region. Representatives of the Roma community did not succeed in getting into any regional self-administration body until 2009 regional elections when one candidate of Roma Coalition Party (SRK) obtained a mandate in the elected body of Prešov region.\textsuperscript{246}

Because of the two-round system of elections, there is no chance for a Hungarian representative to be elected chairman of any regional self-administration body. In 2009, the preparations for the next elections clearly showed that the introduction of election districts having one or more mandates within regions (subject to the decision of regional self-administration bodies) conceal a serious danger for the Hungarian representation. The election districts in Nitra and Bratislava regions

\textsuperscript{242} From 2002 to 2004 some of the state administration competencies was gradually devolved to these self-governing units and municipalities through Law no. 416/2001 on the transfer of some competencies from state administration bodies to municipalities and higher-tier territorial units (i.e. self-governing regions).

\textsuperscript{243} Art. 14 (8) of the Regional Elections Law no. 303/2001.

\textsuperscript{244} Art. 41 (1) and (4) of the Regional Elections Law no. 303/2001.

\textsuperscript{245} Second Report submitted by the Slovak Republic, see note 11, 50.


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have been set-up in a way which decreases the chances of Hungarian representatives being elected.247

Local elections are regulated by Law no. 364/1990 (with subsequent amendments) on Municipal Elections and the representatives of the local self-administration bodies and mayors are elected the same way as on the regional level. Municipalities with less than 1,000 inhabitants can decide not to establish election districts. In regards to mayors, each municipality constitutes one election district. In the 2002 municipal elections, the representatives of national minorities obtained 238 positions of the mayors of municipalities and 2138 candidates of national minorities were elected in the municipal councils:248 In the 2006 municipal elections the MKP - SMK won 215 mandates of mayors and 1952 seats in the municipal councils. The Roma Initiative of Slovakia gained 36 seats in municipal councils and 6 seats of mayors.249

Annex 1

Results of the parliamentary elections in Slovakia

Table 1. Parliamentary elections of 2006

<table>
<thead>
<tr>
<th>Party/political movement</th>
<th>No. of seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smer-Social Democracy (Smer-SD)</td>
<td>50</td>
</tr>
<tr>
<td>Slovak Democratic and Christian Union - Democratic Party (SDKU-DS)</td>
<td>31</td>
</tr>
<tr>
<td>Slovak National Party (SNS)</td>
<td>20</td>
</tr>
<tr>
<td>Hungarian Coalition Party (MKP - SMK)</td>
<td>20</td>
</tr>
<tr>
<td>People’s Party – Movement for a Democratic Slovakia (LS-HZDS)</td>
<td>15</td>
</tr>
<tr>
<td>Christian Democratic Movement (KDH)</td>
<td>14</td>
</tr>
</tbody>
</table>

Table 2. Parliamentary elections of 2002

<table>
<thead>
<tr>
<th>Party/Coalition</th>
<th>No. of seats</th>
</tr>
</thead>
</table>

248 Second Report submitted by the Slovak Republic, see note 11, 49. For details see the Annex 2.
249 Third Report submitted by the Slovak Republic, see note 71, 57.
<table>
<thead>
<tr>
<th>Party/Coalition</th>
<th>No. of seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Movement for Democratic Slovakia (HZDS)</td>
<td>36</td>
</tr>
<tr>
<td>Slovak Democratic and Christian Union (SDKU)</td>
<td>28</td>
</tr>
<tr>
<td>Smer</td>
<td>25</td>
</tr>
<tr>
<td>Party of Hungarian Coalition (MKP - SMK)</td>
<td>20</td>
</tr>
<tr>
<td>Christian Democratic Movement (KDH)</td>
<td>15</td>
</tr>
<tr>
<td>Alliance of a New Citizen (ANO)</td>
<td>15</td>
</tr>
<tr>
<td>Communist Party of Slovakia (KSS)</td>
<td>11</td>
</tr>
</tbody>
</table>

Table 3. Parliamentary elections of 1998

<table>
<thead>
<tr>
<th>Party/Coalition</th>
<th>No. of seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Movement for Democratic Slovakia (HZDS)</td>
<td>43</td>
</tr>
<tr>
<td>Slovak Democratic Coalition (SDK)</td>
<td>42</td>
</tr>
<tr>
<td>Party of Slovak Left (SDL)</td>
<td>23</td>
</tr>
<tr>
<td>Party of Hungarian Coalition (MKP - SMK)</td>
<td>15</td>
</tr>
<tr>
<td>Slovak National Party (SNS)</td>
<td>14</td>
</tr>
<tr>
<td>Party of Civic Understanding (SOP)</td>
<td>13</td>
</tr>
</tbody>
</table>

Table 3. Parliamentary elections of 1994

<table>
<thead>
<tr>
<th>Party/Coalition</th>
<th>No. of seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Movement for Democratic Slovakia/Peasant Party of Slovakia (HZDS/RSS)</td>
<td>61</td>
</tr>
<tr>
<td>Common choice (Spoločná voľba)</td>
<td>18</td>
</tr>
<tr>
<td>Hungarian Coalition (MK)</td>
<td>17</td>
</tr>
<tr>
<td>Christian Democratic Movement (KDH)</td>
<td>17</td>
</tr>
<tr>
<td>Democratic Union (DU)</td>
<td>15</td>
</tr>
<tr>
<td>Association of Workers of Slovakia (ZRS)</td>
<td>13</td>
</tr>
</tbody>
</table>
Table 4. Parliamentary elections of 1992

<table>
<thead>
<tr>
<th>Party/Coalition</th>
<th>No. of seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Movement for Democratic Slovakia (HZDS)</td>
<td>74</td>
</tr>
<tr>
<td>Party of Democratic Left (SDL)</td>
<td>29</td>
</tr>
<tr>
<td>Christian Democratic Movement (KDH)</td>
<td>18</td>
</tr>
<tr>
<td>Slovak National Party (SNS)</td>
<td>15</td>
</tr>
<tr>
<td>Hungarian Christian Democratic Movement – Coexistence (MKDH)</td>
<td>14</td>
</tr>
</tbody>
</table>

Table 5. Parliamentary elections of 1990

<table>
<thead>
<tr>
<th>Party/Coalition</th>
<th>No. of seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Against Violence / Hungarian Independent Initiative (VPN/MNI)</td>
<td>48</td>
</tr>
<tr>
<td>Christian Democratic Movement (KDH)</td>
<td>31</td>
</tr>
<tr>
<td>Slovak National Party (SNS)</td>
<td>22</td>
</tr>
<tr>
<td>Communist Party of Slovakia (KSS)</td>
<td>22</td>
</tr>
<tr>
<td>Hungarian Christian Democratic Movement – Coexistence (MKDH)</td>
<td>14</td>
</tr>
<tr>
<td>Democratic Party (DS)</td>
<td>7</td>
</tr>
<tr>
<td>Green Party (SZ)</td>
<td>6</td>
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</tbody>
</table>

Annex 2

Results of the national minority parties in the 2002 local elections in Slovakia

<table>
<thead>
<tr>
<th>Party/Coalition</th>
<th>No. of mayors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party of Hungarian Coalition (MKP - SMK)</td>
<td>233</td>
</tr>
<tr>
<td>Roma Civic Initiative</td>
<td>3</td>
</tr>
<tr>
<td>Party/Coalition</td>
<td>No. of municipal councilors</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Party of Hungarian Coalition (MKP - SMK)</td>
<td>2050</td>
</tr>
<tr>
<td>Roma Civic Initiative</td>
<td>66</td>
</tr>
<tr>
<td>Roma Coalition Party</td>
<td>10</td>
</tr>
<tr>
<td>Roma Citizen’s Union</td>
<td>5</td>
</tr>
<tr>
<td>Party of Slovak Roma</td>
<td>2</td>
</tr>
<tr>
<td>Party of Hungarian Socialists</td>
<td>2</td>
</tr>
<tr>
<td>Hungarian Federalist Party</td>
<td>2</td>
</tr>
<tr>
<td>Political Movement of Roma in Slovakia</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2138</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Party/Coalition</th>
<th>No. of municipal councilors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party of Hungarian Socialists</td>
<td>1</td>
</tr>
<tr>
<td>Roma Coalition Party</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>238</strong></td>
</tr>
</tbody>
</table>