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## The Legal and Institutional Framework for National Minorities in Slovakia

This study is part of a much more extensive research on the “Practices of Minority Protection in Central Europe” and it is based mainly on a detailed review of the Slovak legislation and of the existing literature on national minorities in this country. Firstly, I shall clarify what is a “national minority” in Slovakia. In addition to comparative statistical data, the study provides a concise presentation of the demographic trends and the territorial distribution of the officially recognized national minorities. A historical overview is essential for the understanding of the present context; therefore, the study follows in parallel fashion the situation of Hungarian, Roma and German minority groups from the end of World War I until today. Secondly, the study presents the Slovak legal and institutional framework in the fields of education, use of languages and political participation and it addresses some of the most sensitive minority related issues in the country. The conclusions emphasize the need for legislative changes in all three inter-connected fields analyzed, and explain the current trend of majority – minorities cooperation based on a consensus oriented political culture.

Keywords: Slovakia, national minorities, education, use of languages, political participation

### *Pravni in institucionalni okvir zaščite narodnih manjšin na Slovaškem*

Članek je del mnogo obsežnejše raziskave o »Praksah manjšinske zaščite v Srednji Evropi« in temelji zlasti na natančnem pregledu slovaške zakonodaje in obstoječe literature, posvečene narodnim manjšinam v tej državi. Najprej pojasni, kaj je “narodna manjšina” na Slovaškem. Poleg primerljivih statističnih podatkov članek ponuja jedrnat predstavitev demografskih gibanj in ozemeljske porazdelitve uradno priznanih narodnih manjšin. Zgodovinski pregled je bistven za razumevanje sedanjega položaja, zato članek vzporedno primerja položaje madžarske, romske in nemške manjšinske skupnosti od konca prve svetovne vojne do danes. Nadalje članek predstavlja slovaški pravni in institucionalni okvir zaščite na področju izobraževanja, rabe jezika in politične participacije in navaja tudi nekaj najbolj občutljivih, z manjšinami povezanih vprašanj v državi. V sklepu avtor poudarja potrebo po zakonodajnih spremembah na vseh treh med seboj povezanih in analiziranih področjih ter razloži sodobne trende večinsko – manjšinskega sodelovanja, ki temelji na politični kulturi, usmerjeni h konsenzu.

Ključne besede: Slovaška, narodne manjšine, izobraževanje, raba jezika, politična participacija

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## 1. Introduction

This article aims to offer an overview of the existing legal and institutional framework for national minorities in Slovakia and is based on a much more extensive research “Practices of Minority Protection in Central Europe.”<sup>1</sup> It is not my intention to explore sociological, anthropological or political science related aspects of majority – minorities relations. Moreover, the article is conceived as a country case-study, and therefore does not go into a comparative examination of national minority issues at regional level, in Central and Eastern Europe. My choice is dictated not only by the complexity of such an attempt vs. the required limited length of a paper to be published in a scientific journal, but also by the need for this type of research on this specific country. To my knowledge, very few comprehensive legal studies on minority issues in Slovakia have been published in English so far. While doing research on the region I came across English language articles that separately cover various topics (e.g., the use of minority languages, the political participation of minorities, and the situation of the Roma), but I found nothing approaching a wide-ranging and updated presentation of the Slovak legislation relevant for national minorities. I believe that such study, although rather descriptive, is of utmost importance because it should be the starting point for any comparative and analytical paper aiming to assess the effect of Slovak laws and institutions within the country, as well as their impact in a larger, regional perspective. For a correct understanding of the existing situation at central and sub-state levels, it is absolutely necessary to look at the general legal framework, its evolution in time and its foreseeable future changes. The same is true when analyzing particular aspects of domestic legislation dealing with national minorities. In the case of Slovakia the best well-known example in this sense is offered by the norms regulating the use of state language, which have triggered heated internal and international debates in the last years. I would argue that beside the obvious politicization of the topic, the conflicting opinions expressed by the main actors are based on their different approach in the assessment of the disputed legislation. On the one hand, it is submitted that the Fico government was stuck in a narrow, abstract and decontextualized interpretation of the legal text. The mantra of the Slovak authorities was that there is no anti-minority provision among the articles of the controversial 2009 law because it deals exclusively with the use of Slovak language. On the other hand, the point of view of the representatives of the Hungarian minority took into account a more nuanced analysis of the respective norms. They focused not only on the letter but also on the spirit of the law. Indeed, minority representatives pointed out the unclear provisions of the new legislation and insisted on its potential negative impact in practice, not only on the use of minority languages, but also in other

10 interconnected areas that are particularly important for national minorities, e.g. media, culture, economic participation. This study touches these topics as well although indirectly. It focuses mainly on the key legal issues related to education, use of languages and political participation. The first question to be clarified is who are the national minorities in Slovakia.

## 2. National Minorities in the Slovak Republic

The Slovak legislation does not contain a definition of what a “national minority” is. Article 34 of the Slovak Constitution refers to “national minorities and ethnic groups” but the difference between the two is not clear. It seems that in early 1990s when the Constitution was drafted, the Roma population was not considered a “national minority” but an “ethnic group”. This initial status has been changed in the ensuing years. According to Petőcz (2007/08, 740-741) the Roma people have been implicitly recognized as a “national minority” through the adoption by the government of the Statute of the Council of National Minorities and Ethnic Groups (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 (EChRML). However, even the Statute of the CNMEG does not refer to national minorities as such. It includes a list of cultural associations or civic organizations that are linked to 12 national minorities: Bulgarian, Croatian, Czech, German, Hungarian, Jewish, Moravian, Polish, Roma, Ruthenian, Russian and Ukrainian. 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 (Council of Europe 2004, 2). The government at that time acknowledged the fact that the protection of national minorities goes beyond 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 (Council of Europe 2005, 20) whose office 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” (Petőcz 2007/08, 753).

The last official census of 2001 shows that 763,601 Slovak citizens (14.2 per cent)

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 per cent of the total population. They are followed by the Roma (1.7 per cent), Czechs (0.8 per cent), Ruthenians (0.4 per cent), Ukrainians (0.2 per cent), and smaller minorities such as Germans (0.1 per cent), Jews, Croats, Poles, Moravians, Bulgarians, and Russians. Statistical data for the period 1991 – 2001 show an expected decrease of the Hungarian population and a slight increase of the number of people who officially declare their belonging to the Roma minority.

**Table 1**

Hungarian, Roma and German population of Slovakia in 1991 - 2001

|             | Census                    |            |      |        |     |         |     |
|-------------|---------------------------|------------|------|--------|-----|---------|-----|
|             | Total population Slovakia | Hungarians |      | Roma   |     | Germans |     |
|             |                           | No.        | %    | No.    | %   | No.     | %   |
| <b>1991</b> | 5,274,335                 | 567,296    | 10.8 | 75,802 | 1.4 | 5,414   | 0.1 |
| <b>2001</b> | 5,379,455                 | 520,528    | 9.7  | 89,920 | 1.7 | 5,405   | 0.1 |

Source: Statistical Office of the Slovak Republic (2001).

\* The 1991 census was organized within the framework of the Czechoslovak federation.

The main reasons for the decreasing number of Hungarians are the low birth rate among the members of this minority group and the immigration of young Hungarians to their “kin-state” and other Western countries. Although Roma is the only national minority for which the 2001 census registered a population increase, it is generally accepted that the official data are not accurate and that, in reality, the number of Roma is bigger. However, there is no consensus among the experts regarding the size of this minority. The estimates range between 370,000 (Vašečka 2006, 8) to 520,000 persons (Harda 2006, 38) which represent more than 9% of the total population of the country. Vaňo and Haviarová (2003, 307) argue in their comprehensive study on the Roma in Slovakia that currently 370,000-390,000 Slovak citizens belong to this minority group. It is undisputed that during the 1991 and 2001 censuses, many Roma declared Slovak or Hungarian ethnicity, depending on the region where they were living. Rejection of 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. The lack of

**12** reliable data impedes the attempt to present a clear demographic picture of Roma population. If the estimates above are correct, around 22% of the population of Slovakia belongs to national minorities.

From a historical perspective it is worth noting that the two world wars had a profound impact on the demographic evolution of the minority groups in the territory of Slovakia. The most obvious cases are the Hungarians and the Germans.

**Table 2**  
 The decrease of Hungarian and German population in Slovakia, 1919 – 1991

|             | Census           |            |      |         |     |
|-------------|------------------|------------|------|---------|-----|
|             | Total population | Hungarians |      | Germans |     |
|             |                  | No.        | %    | No.     | %   |
| <b>1919</b> | 2,935,139        | 681,375    | 23.2 | 145,139 | 4.9 |
| <b>1930</b> | 3,254,189        | 585,434    | 17.6 | 154,821 | 4.5 |
| <b>1941</b> | 3,536,319        | 761,434    | 21.5 | 143,209 | 4.0 |
| <b>1950</b> | 3,442,317        | 354,532    | 10.3 | 5,179   | 0.1 |
| <b>1970</b> | 4,537,290        | 552,006    | 12.2 | 4,760   | 0.1 |
| <b>1980</b> | 4,987,853        | 559,801    | 11.2 | 5,121   | 0.1 |
| <b>1981</b> | 5,274,335        | 567,296    | 10.8 | 5,414   | 0.1 |

Source: Kocsis & Kocsis-Hodosi (2001, 56).

In terms of territorial distribution of national minorities, the overwhelming majority of Hungarians in Slovakia (92.2 per cent) live in South Slovakia along the 550 kilometers 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 per cent, and within this figure, 435 localities where this ratio exceeds 50 per cent. In Košice and Bratislava there are over 10,000 Hungarians, making up about 4 to 6 per cent of the population. The Roma minority is concentrated primarily in Eastern Slovakia. According to last census data, 85.5 per cent of Roma live in the following three regions: Prešov, Košice and Banská Bystrica. In addition there are significant Roma communities in other regions e.g. Nitra, Trnava, Žilina, Trenčín and Bratislava. 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 live mainly in the Spiš region and in the historical mining towns (Council of Europe 2008, 13).

Slovakia became a member of the Council of Europe on 30 June 1993. The country signed the Framework Convention for Protection of National Minorities (FCNM) on 1 February 1995 and ratified it on 14 September 1995. Moreover, Slovakia signed the European Charter for Regional or Minority Languages on 20 February 2001 and ratified it on 5 September 2001.

### 3. A historical overview

At the end of the World War I, almost the entire territory of what was known before as Upper Hungary became part of the newly established Czechoslovakia. Minority rights were guaranteed by the protection clauses of the treaties of St. Germain-en-Laye (1919) and Trianon (1920), as well as the Czechoslovak Constitution (1920) and Language Law which was adopted in the same time. Article 48 of the Trianon treaty and Article 53 of the St. Germain-en-Laye treaty contain specific clauses regarding the autonomy of an area known as Ruthenia or Transcarpathia. Such autonomy status remained a dead letter despite its inclusion among the constitutional provisions. In accordance with the Language Law, the courts and the authorities had the obligation to accept oral and written submission in the minority languages in the municipalities where at least 20 per cent of the population was German, Hungarian or Polish. The judgments and the official responses had to be provided 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 (Brügel 1973, 60). Specific regulations in the fields of education and culture had been adopted as well. For example, a law of April 1919 contained guarantees for the continuation of the education system of Germans, and legislation of July 1919 regarding public libraries provided that all towns with more than 400 inhabitants belonging to a national minority would have to establish special minority libraries with public funds (Brügel 1973, 59). It is worth mentioning also that five ethnic German politicians were members of the Czechoslovak governments in the period 1926-1938. Before World War II, the Hungarian minority was represented by several political parties, and generally the Hungarian language was used, according to the law, in the areas where Hungarians represented over 20% of the inhabitants. Despite some problems regarding the denial of citizenship, discrimination in employment and the use of mother tongue in relation with public authorities, national minorities in Czechoslovakia “enjoyed unique

14 opportunities to organize politically, economically and culturally, in comparison to minorities in the rest of Central and Eastern Europe” (Daftary & Gál 2000, 10). The situation of the Roma minority was rather different. The Czechoslovak regulations and policies targeting the Roma population between the First and the Second World War followed an inefficient and discriminatory approach. A single but striking example is the Law on Wandering Gypsies of July 1927 which, according to Kollárová (2003, 36-37),

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 the inter-wars Czechoslovakia, the “minority issue” was far from being resolved. In Slovakia, the Hungarian minority rejected the Trianon treaty from the beginning and claimed a 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 (Kocsis & Kocsis-Hodosi 2001, 61-61). In the Czech lands, the relations between the majority and the so-called Sudeten Germans deteriorated progressively as the economic crisis hit the local economy hard. In the early 1930s, around 600,000 Sudeten Germans were unemployed meaning that at the height of the crisis some 40 per cent of the ethnic German workers were affected. The unemployment rate of Czechs hardly exceeded more than 10% and this national/ethnic inequality became a serious political problem (Suppan 2006, 15-16). 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 part of Slovakia declared independence in March 1939 and became a client state of Nazi Germany. The Slovak legislation on state citizenship approved in September 1939 stipulated that 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” (Kollárová 2003, 37). In May 1940 Decree no. 130/1940 Coll. regulating the labor obligation of the Jews and the Roma entered into force. 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” (Kollárová 2003, 38).

After World War II, the Czechoslovak Republic was re-established but it lost Transcarpathia, which was annexed by the Soviet Union. Ethnic Germans and Hungarians faced a collective guilt for the war and the disintegration of the state. The so-called Beneš Decrees deprived them of their civil rights and removed their economic foundations. According to Presidential Decree no. 33/1945, Czechoslovak citizens of German and Hungarian ethnic origins lost their citizenship. The decree exempted those citizens of German and Hungarian ethnicity who had joined the Czechs and Slovaks in the fight for liberation or were victims of Nazi persecution. The legislation also established the 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 (Kusa 2009, 278, 300). Presidential Decree no. 12/1945 concerned “the confiscation and expedited allotment of agricultural property of Germans, Hungarians, as well as traitors and enemies of the Czech and Slovak nation” while Presidential Decree no. 28/1945 regulated “the settlement of Czech, Slovak or other Slavic farmers on the agricultural land of Germans, Hungarians and other enemies of the state”.

At the Potsdam Conference, on August 1945, the request of the Czechoslovak government for an unilateral deportation of Hungarians from the country was refused (mainly due to pressure from the USA). An agreement on population exchange (based on parity) between Czechoslovakia and Hungary was signed on February 1946 under pressure from the Allied Control Commission (Vigh 2002, 179). The victorious Allied states signed the peace treaty with Hungary in Paris on 10 February 1947 but the population exchange was a slow process that lasted from April 1947 until December 1948. According to Kocsis & Kocsis-Hodosi (2001, 66-68), 68,407 ethnic Hungarians were forced to abandon Slovakia for Hungary and about 6.000 left of their own free will. The post-war situation of the German minority 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 (Pykel 2004, 20). 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. As a result of 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

16 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 favorable 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. Minority organizations were placed under strict party control. Act no. 245/1948 on the Citizenship of Persons of Hungarian Ethnicity restored Czechoslovak citizenship to those who were citizens of Czechoslovakia on 1 November 1938 and who were not subject to the “voluntary exchange of population” between Slovakia and Hungary in 1946. Act no. 34/1953 on the Acquisition of Czechoslovak Citizenship by Particular Persons restored Czechoslovak citizenship to ethnic Germans who lost it as a consequence of the Presidential Decree no. 33/1945 and who were permanent residents of the Czechoslovak Republic (Kusa 2009, 298). 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 minority (Jurová 2003, 51). It can be argued that in the early 1950s, 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, cancelling 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 of 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 (Jurová 2003, 49-52).

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. Constitutional Law no. 144/1968 recognized the Hungarian, German, Polish and Ukrainian minorities and granted them rights that 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 the population” (Daftary & Gál 2000, 11). 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 the Roma was insignificant. Jurová (2003, 59) points out that during the communist period

[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 November 1989 the Independent Hungarian Initiative was founded. It participated in the 1990 elections and took part in the first democratic Slovakian government. Two other Hungarian political organizations were established in early 1990. The Coexistence Political Movement and the Hungarian Christian Democratic Movement 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-SMK).

Law no. 428/1990 on the Official Language of the Slovak Republic established Slovak as the language of "mutual understanding and communication" in order 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 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 relations 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 ensuing years fierce political disputes erupted over bilingual toponymy signs, names in minority languages, bilingual certificates, etc. (Daftary & Gál 2000, 20-21).

The Constitution of Slovakia was passed by the National Council of the Slovak Republic on 1 September 1992. Since then the preamble of the fundamental law has been the centre of a political dispute. 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 the replacement of these words with another expression that would convey the civic principle of the state, e.g. “We, citizens of the Slovak Republic...” (Vašečka 2006, 35). The Constitution contains a chapter on the rights of national minorities and ethnic groups. According to Article 34 (1), “[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.” The Constitution declares Slovak to be the official language (Article 6) and stipulates that national minorities and ethnic groups have the right “to learn the official language.” In addition, the Slovak fundamental law guarantees the right of citizens belonging to national minorities and ethnic groups to be educated in their mother tongue, the right to use the minority language in official communications and the right to participate in decision-making in matters affecting the national minorities and ethnic groups (Article 34, paragraph 2). 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” (Article 34, paragraph 3).

The 1992 parliamentary elections brought to power a coalition of nationalist forces led by the Prime Minister Vladimir Mečiar. His party, the Movement for a Democratic Slovakia (HZDS) and the extremist Slovak National Party (SNS) chaired by Ján Slota governed Slovakia from 1992 until March 1994 and from December 1994 until 1998.<sup>2</sup>

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 Mr. Mečiar accepted due to the increasing criticism by the international community regarding the situation of the Hungarians in Slovakia. However, this positive development was followed by a number of restrictive measures regarding the rights of national minorities. On 15 November 1995, the National Council of Slovakia adopted Law no. 270/1995 on the State Language of the Slovak Republic (“State Language Law of 1995”) which abrogated Law no. 428/1990 on the Official Language of the Slovak Republic. The new regulation imposed fines on those who did not use the Slovak language in public communication in a proper way. This meant in fact a restriction on the use of minority languages in official

contacts. The discriminatory provisions of the State Language Law of 1995 were challenged by the opposition parties and in 1997 the Slovak Constitutional Court declared them unconstitutional. For example, the Court ruled that Article 3 (5) of the State Language Law of 1995 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 (Decision no. 260/1997). 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 the Southern part of the country where the Hungarian minority is concentrated. Despite the objections of the opposition parties, in May 1998 parliament revised Law no. 80/1990 on elections to the Slovak National Council. According to these criticized amendments introduced by the HDZS deputies, the electoral districts were reduced from four 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 (Deegan-Krause 2006, 56-57). As a consequence, the alliance of the three Hungarian parties faced the risk of not obtaining seats in parliament. In order to avoid this kind of 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. Petőcz (2007/08, 748) notes, that 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 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 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.

Already in November 1998 the coalition members agreed upon the necessity of adopting 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 meant to correct the

negative impact of the State Language Law of 1995. 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<sup>3</sup> 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 Law no. 184/1999 on the Use of Minority Languages (Minority Languages Law of 1999) was adopted by a narrow majority in the Slovak parliament. The opposition (HZDS and SNS) boycotted the vote, while the MKP-SMK alone voted against it, because the ethnic Hungarian politicians were not entirely satisfied with the content (Daftary & Gál 2000, 29-30) of the Minority Languages Law of 1999; this is analyzed in details in the section regarding the “Use of Languages”.

According to Világi (2007, 133), 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.” János Selye University, a state financed higher education institution with tuition in Hungarian language, was established in Komárno/Komárom in 2004 but it has only three faculties.

The situation of the Roma minority remained an issue of concern both at domestic and international levels. The report *Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom* (Center for Reproductive Rights 2003, 13-17) contains serious allegations about more than 100 cases of illegal sterilization of Roma women in Slovakia. In addition, the report exposes many cases of 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 authors of the report emphasize that the 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.” Law no. 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination (Antidiscrimination Law) entered into force on 1 July 2004. It defines direct and indirect discrimination, harassment

and victimization, the subjects of obligations and the role of the specialized body for combating discrimination, namely the Slovak National Center for Human Rights. This 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, access to public services and goods including housing, access to social assistance, education and 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 2008 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 (EurActiv 2004). In June 2008, the representatives of the Roma minority signed a “Declaration on the Standardization of the Language in the Slovak Republic” (Council of Europe 2009b, 44). The event was organized by the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities (Government Plenipotentiary) with the aim of establishing the necessary conditions for an effective education in the Roma language, including the training of teachers. According to the Slovak government, the preparations for accrediting a new full-time course on “Romani 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 (Council of Europe 2009b, 45).

After the 2006 elections, the MKP-SMK was left in 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 (SMER) and the nationalist HZDS and SNS. Inter-ethnic relations in Slovakia deteriorated significantly in the ensuing years and diplomatic relations between Bratislava and Budapest followed the same negative trend. A dispute regarding the use of Hungarian place names in the textbooks for schools with tuition in Hungarian started in early 2008 when, according to Petőcz (2007/08, 734), 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).” Following the forceful protests of Hungarian minority, in October 2008 the parliament amended the educational regulations in order to allow 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 disputed provisions have been challenged as unconstitutional.<sup>4</sup> Slovak-Hungarian relations heated up again few months later. On 30 June 2009, the Slovak parliament adopted a series of amendments to the State Language Law of 1995. The new regulations (“State Language Law of 2009”) entered into force in September 2009 and according to the Hungarian minority representatives they have a clearly negative impact on minority linguistic rights. The Slovak government expressed a totally opposite view (Council of Europe 2009b, 25):

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.

The OSCE High Commissioner for National Minorities, Knut Vollebaek, declared that “[t]he adopted amendments to the State Language Law [of 1995] 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” (OSCE 2010, 3). 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 (Stanková 2009). 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 emphasized that the “[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” (TASR News 2009) 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 king of Hungary. 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 2009, the prime ministers of Slovakia and Hungary met and agreed upon a set of measures to defuse the row which was poisoning their bilateral relations. However, 2010 is an electoral year in both countries and the nationalist rhetoric was soon renewed. 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 its implementation. 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 shall 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 (TASR News 2010). 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 citizenship without the requirement of 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 obtain the passport of another country will lose the Slovak citizenship. The Hungarian measure is due to come into effect in 2011, while the Slovak law entered into force in July 2010.

When the Slovak parliamentary elections took place in mid June 2010 the relations between the two states seemed to be at the lowest point for many years. As expected, both majority and minority politicians played the so-called “ethnic card” in the electoral campaign, a strategy that mobilized their hardcore electorate in the past but also worsened inter-ethnic relations. The outcome of the vote showed a remarkable change of the situation. One of the surprises of the elections was the catastrophic results of the Slovak nationalist parties SNS and HZDS and the Hungarian minority party MKP-SMK. The SNS only barely

received the number of votes necessary to pass the 5 per cent threshold required for parliamentary representation. The HZDS and MKP-SMK performed even worse as they obtained no seats in the National Council. One of the unexpected winners of the elections was the newly established multi-ethnic party called Most-Híd (meaning “Bridge” in Slovak and Hungarian languages). In 2009, a more moderate faction of MKP-SMK split and formed Most-Híd which aims to represent not only Hungarians from Slovakia but all citizens of the country regardless their ethnicity. According to its statute, 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” (Most-Híd, 2010). In the 2010 elections the party of prime minister Fico (SMER) obtained more seats in the parliament but it lost power. A new government was formed by a coalition of centre-right opposition parties: Slovak Democratic and Christian Union – Democratic Party (SDKÚ-DS), Christian Democratic Movement (KDH), Freedom and Solidarity (SaS) and Most-Híd. In July 2010, Ms. Iveta Radičová, the leader of SDKÚ-DS, became the first female prime minister of Slovakia and Mr. Rudolf Chmel, the vice-president of Most-Híd, was nominated Deputy Prime Minister for Human Rights and Minorities. According to the amendments of the Competence Act that have been approved by the new government in August 2010, among the new competencies of the Deputy Prime Minister for Human Rights and Minorities are the promotion of culture of national minorities and the preparation (together with Ministry of Education) of education policies for national minorities. Mr. Chmel will direct and coordinate the tasks related to human rights, ethnic minorities, equal treatment and gender equality. For these areas he performs also tasks related to the reallocation of the funds. All documents on issues regarding ethnic minorities have to be approved by the Deputy Prime Minister for Human Rights and Minorities. The amendments of the Competence Act shall enter into force on 1 of November 2010.

In August 2010 the Deputy Prime Minister for Human Rights and Minorities announced the intention of the Slovak government to amend the threshold required for the use of minority languages in official communications that is stipulated by the Minority Languages Law of 1999. According to Mr. Chmel, Slovakia will follow the recommendation of the Council of Europe’s Committee of Ministers on the application of the European Charter for Regional or Minority Languages and the existing 20 per cent threshold shall be reduced at 10 per cent. The Deputy Prime Minister for Human Rights and Minorities acknowledged that even a measure of this kind does not solve the problem in the case of the smallest minority groups like Bulgarian or Polish. But the government seems to be determined to find alternative solutions as regards the public use of lesser

spoken minority languages. One of the legislative priorities of the Deputy Prime Minister is the abrogation of the sanctions stipulated by the State Language Law of 2009. Amendments to the law shall be prepared in cooperation with the Ministry of Culture. Moreover, according to his new competencies, the Deputy Prime Minister plans to draft by the end of 2010 a law on the protection and promotion of national minorities' culture.<sup>5</sup>

## 4. The Legal Protection of National Minorities in the Fields of Education, Use of Languages and Political Participation

The Slovak Republic became a member of the European Union on 1 May 2004 and it is obvious to all that the EU conditions on minority rights played a crucial role in the positive developments of domestic policies and legislation in the late 1990s. The recommendations of the Council of Europe and of the High Commissioner on National Minorities gained more weight after the EU accession began but their importance should not be neglected as they have shaped and made EU policy possible (Skovgaard 2007, 7). However, as Világi (2007, 149) argues, "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." The Roma and the other small minorities had no influence in shaping the relevant domestic policies in relevant fields like education, use of languages and political participation.

### 4.1. Education

Article 34 (1) and (2)(a) of the Slovak Constitution stipulate 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. 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 and advice for schools and directors. The regional education office shall, *inter alia*, provide professional advice on the organisation of education to municipalities and self-governing regions and to the founders and directors of private and church-affiliated schools. 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. The Ministry of Education shall provide for and distribute funding from the state budget through the regional education offices. Other funds come from the budget of the municipality and of the higher-tier territorial unit (Principles of the government of the Slovak Republic 2009, 14).

The 2004 Antidiscrimination Law (as amended in 2008) allows for temporary positive measures in the field of education for members of disadvantaged groups. According to Article 8a (1), their aim is to ensure 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 Law no. 245/2008 on education and instruction (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 (Article 3 point d) 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 (Article 3 point j). According to Article 144 (1) (d), children have the right to education in the state language and the mother tongue, under the conditions laid down in this law. Pedagogical documentation in schools and school facilities is kept in the state language but Article 11 (2) allows schools providing education and instruction in national minority languages to keep bilingual pedagogical documentation, i.e., in the state language and in the national minority language. Pupils belonging to national minorities have the right to learn the state language and the right to education in their mother tongue and in primary and secondary schools with tuition in a minority language, and the teaching of the Slovak language and literature shall be ensured, as specified in Article 12 (3). Furthermore, according to Article 12 (5), 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.

Article 12 (9) stipulates that the language used for examination shall be the one used for teaching the respective subject and Article 18 (3) guarantees that diplomas 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. The School Law was amended in October 2008 in order to allow the use of minority language geographical names in the textbooks used in the minority language schools. However, we should remember that the issue remains unresolved because the amendment was challenged on 11 June 2010 as unconstitutional by the representatives of the Slovak nationalist parties SNS and HZDS. The parents or legal representatives of the child have the right to choose his/her school according to the child's interests and hobbies, religion, belief, nationality and ethnicity (Article 144 (5)) and a pupil or a student who considers himself/herself wronged in his/her rights or lawfully protected interests by any failure to apply the principle of equal treatment may pursue his/her claim by judicial proceedings according to the Antidiscrimination Law (Article 145 (3)).

In order to ensure the education and instruction of children and pupils from socially disadvantaged environments, schools shall create special conditions; this entails education according to individual study programmes, adjusting the organization of education and instruction, adjusting the environment for the provision of education and instruction, and the use of specific methods and forms of education and instruction. The Ministry of Education may grant allowances for pupils from socially disadvantaged environment, i.e., pupils coming from families whose average monthly income during the previous six consecutive months did not exceed the subsistence minimum under specific legislation (Article 107).

Roma pupils are still over-represented in the special schools for children with disabilities. The European Commission Against Racism and Intolerance (ECRI) points out 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" (Council of Europe 2009a, 18). In August 2008, the Ministry of Education issued Decree no. 322/2008 on Special Schools. The regulation outlines the procedure for placing children in Special Elementary Schools on the base of the so-called Concept of Education and

Training of Roma Children and Pupils, including the Development of Secondary and Tertiary Education that was adopted in April 2008 by Slovak authorities. As stated by the European Commission Against Racism and Intolerance (Council of Europe 2009a, 18)

[o]ne 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.

On the other hand, the Slovak government (in Council of Europe 2009b, 53) argues 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 the child's environment. The newly developed specific tests (outputs from the 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.

Law no. 131/2002 on institutions of higher education (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 Hungarian language University of János Selye in Komárno/Komárom, with Faculties of Economy, Pedagogy and Reformed Theology. Education in Hungarian 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 the Roma culture together with social work focused on the 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 and Catholic University in Ružomberok.

As regards the institutional framework, it should be mentioned that the Ministry of Education has a department for schools with instruction in minority languages and education of the Roma. 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 was 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 was adopted through Government Resolution no. 1100/2007. In the case of the Roma minority, the government 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 detail with the organization and function of the Slovak schools: 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 environments.

According to the law on the ratification of the EChRML, the 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. 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. 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. 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 minority rights measures in the field of education.

## 4.2. 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 in Article 1 (1) and Article 4 (1) that a 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. Article 5 specifies that the surname used by the citizens of the Slovak Republic in their communication with the authorities is the surname acquired in accordance with the present law, 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. Article 7 (1)(a) 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. Also from the provisions of Article 16 of Law no. 154/1994 on registry offices (with subsequent amendments) it follows 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. Moreover, according to Article 19 (3) of Law no. 154/1994, 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. 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.

According to Law no. 191/1994 on the designation of municipalities in the languages of national minorities, the state authorities have the obligation to display separate road signs in the minority language in those municipalities where at least 20% of the population belongs to a national minority. However, as Gyuricsek (2003) noted, 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 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”. According to Article 1 and 2 of the Law no. 191/1994, 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. 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 on a 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 participates. The decision is adopted if 80% of the voters support the initiative. Gyuricsek (2003) argues that these provisions can be considered discriminatory because Law no. 369/1990 on the municipal establishment contains different rules for local referenda. It stipulates in Article 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 Article 11a (1) (a) this provision shall also apply to the referendum concerning the change of the name of the municipality. It should be emphasized that Article 3 (3) of Law no. 191/1994 excludes the application of the norms on local referenda 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 (from Anton Bernolák, Slovak priest and linguist in the 18-19<sup>th</sup> century), Gabčíkovo (from Jozef Gabčík, Slovak hero of World War II), Štúrovo (from Ľudovít Štúr, leader of the Slovak national movement in the 19<sup>th</sup> century), Sládkovičovo (from Andrej Sládkovič, Slovak poet of 19<sup>th</sup> century). These names have nothing in common with the historical minority language names of these municipalities. In 2007, the Committee of Experts on the application of EChRML declared that “while understanding the sensitivities which lie behind the legislation, [the Committee] 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” (Council of Europe 2007, 48) 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 Grammar 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 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” (Council of Europe 2009c, 36). The Slovak authorities were requested by the Committee of Experts to comment on this issue in the next periodical report.

Article 1 (2) and (4) of the State Language Law of 1995 specifies that Slovak has priority over other languages applied on the whole territory of the Slovak Republic and that this law does not regulate the usage of languages of national minorities and ethnic groups. 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. Exceptions apply to 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 (Article 3 (3)), in textbooks used in the minority schools (Article 4 (4)), in broadcast programmes and cultural events for/of national minorities (Article 5 (1) and (7)) and in contacts with administrative and judicial authorities (Article 7 (2)). 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 State Language Law of 2009. It stipulates fines 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 provision according to which 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. The legislator accepted some exceptions. For example, regional broadcasting in a minority language is allowed and in the municipalities where minorities live in a significant number, medical staff and their patients may speak in the minority language. The controversy over the exact meaning and interpretation of this legislation<sup>6</sup> still persists although in December 2009 the Slovak government made public the explanatory principles for a unitary interpretation of the these norms. The opponents of State Language Law of 2009 emphasize that it allows the intrusion of the state in language use in private contacts and that financial sanctions may create a mechanism of “language police” and a system of “language denunciations”.

The Minority Languages Law of 1999 guarantees that persons belonging to a national minority which in the most recent population census amounts for at least 20% of a given municipality's inhabitants, have the right to use their mother tongue in communications with official bodies. According to Article 2 (3), they have 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). Article 2 (4) specifies that 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. Furthermore, paragraphs 5 and 6 of the same article lay down that public institutions' signs and administrative forms shall be made available also in the language of the national minority. Article 3 (1) and Article 4 (1) stipulate that in municipalities where a given national minority represents more than 20% of the 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. Although important information (on binding regulations, warnings, health care notices, etc.) shall be displayed also in the minority language (Article 4 (2) and (3)), public authorities and their employees are not required to have command of the minority language (Article 7 (1)). 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 Minority Languages Law of 1999. 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 threshold. Article 6 (5) of Law no. 211/2000 on the Free Access to Information obliges 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 of 1999 is applicable.

The existing domestic standards concerning the use of minority languages in relation to administrative authorities and public services are mirrored by the law on ratification of EChRML. 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. Some of the clauses ensuring a stronger protection have been selected only for the Hungarian language. The Slovak administrative authorities and public services shall ensure that those employees who are in contact with the public use the respective minority

languages when dealing with individuals 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 Minority Languages Law of 1999 does not cover the use of minority languages in the judicial sphere. Paragraphs 3 and 4 of Article 47 of the Constitution stipulate 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, Article 2 (20) of the Criminal Procedure Code reads as follows: "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 Article 28 of the Criminal Procedure Code

- (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 allows no delay and no registered interpreter can be found, the law enforcement agency or 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 mutandis*.

Article 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." Article 141 (2) of this Code specifies that 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 (Council of Europe 2008, 51). According to Article 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 the 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.

### 4.3. Political Participation

Article 34 (2)(c) of the Slovak Constitution guarantees the right of the members of national minorities to participate in the decision-making process regarding matters affecting their interests, the freedom to association and the right to vote. Article 20 and 30 guarantee the right of the citizens to participate in the administration of public affairs directly or by freely elected representatives. However, as Petőcz and Tóth (2009, 31) argue,

[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.

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, Article 4 (a) of 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. All organizations and associations must be registered at the Ministry of Interior which has the

competence to refuse the registration if the statute indicates that a certain organization or association pursues 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. 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 (CTK News, 2009). The third organization was dissolved because it instigated hatred and intolerance on national, racial and religious grounds.

Law no. 85/2005 on political parties and political movements (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. In 2006, the Supreme Court dissolved the extreme right wing party "Slovenská pospolitos – 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.

At the moment there are various registered parties that represent the interest of national minorities. The Party of Hungarian Coalition (MKP-SMK) was the main political organization of Hungarian minority in Slovakia in the last decade but its role decreased dramatically since it lost parliamentary representation after the 2010 elections. The new protagonist of the political scene is the multi-ethnic party Most-Híd which aims to represent not only Hungarians from Slovakia but all citizens of the country regardless their ethnicity. There are several Roma minority parties in Slovakia: 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 (SRóS), Party for the Integration of Roma in Slovakia (SIR), Party of the Democratic Unity of Roma (SDJR), Minority Party (SM). However, the impact of all these parties on the political scene is very limited.

### 4.3.1. 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, which reports directly to the Deputy Prime Minister for Human Rights and Minorities. Its organizational office - the Directorate General of Human Rights and Minorities - also functions as the secretariat of the Government Council for National Minorities and Ethnic Groups (CNMEG), which 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. The CNMEG is composed of the representatives of the 12 officially recognized national minorities. They are appointed on a parity principle (so that each national minority has one representative) and are nominated by national minority associations and organizations. The CNMEG is chaired by the Deputy Prime Minister for 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 (Council of Europe 2009b, 6). The system is especially criticized by Hungarians because of its unbalanced representativeness (i.e., each minority is represented by one member regardless its size) and its inefficiency (i.e., CNMEG resolutions have no really impact as they are not binding).

Other governmental structures that have competencies in the field of national minorities and ethnic groups function within the Ministry of Culture and Ministry of Education. The Ministry of Education "has a division for schools providing instruction in minority languages and for the education of Roma communities." 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 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

38 groups (Council of Europe 2009b, 7 and 24).

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 the 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 following a proposal from the Deputy Prime Minister. One advisory body of the Plenipotentiary Office is the “Grant Commission for the Social and Cultural Needs of the Roma Community and for Addressing the Problems of the Roma Community” which assesses applications for subsidies and projects relating to these needs and for addressing these problems (Council of Europe 2009b, 24). Petőcz and Tóth (2009, 32) note, that all these institutions deal with minority issues but

[t]here 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.

#### 4.3.2. Representation in Parliament

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 (Parliamentary Electoral Law) lays down the conditions for participation in the general elections. According to Article 18 (1) and (5), 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 (Article 20 (1) and (4)). 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. If no political party or coalition has passed the threshold it is lowered by 1% for each of these parties/coalitions (Article 42 (2) and (4)). With the present system, only the large Hungarian minority manages to achieve parliamentary representation. The 5% threshold seems to be particularly unfavourable for the Roma minority.

As stated by the Slovak authorities (in Council of Europe 2009b, 7), 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.

In the period 1998 – 2006, MKP – SMK has been a member of the governmental coalitions and in the 2002 and 2006 elections it obtained 20 parliamentary seats. In the 2010 elections the MKP – SMK paid the price for its perceived incapacity to bring improvements to inter-ethnic relations and for its contribution to the radicalization of the political discourse following the disputes surrounding the 2009 amendments of the law on the use of the Slovak language and the early 2010 tensions between Bratislava and Budapest on the issue of dual citizenship. MKP – SMK lost its parliamentary representation and the leadership as the political force representing the interests of Hungarian minority in favour of the newly established multiethnic party Most-Híd. The latter obtained 14 seats in the National Council with a programme focusing not only on minority issues but also on matters of general concern like regional development, elimination of corruption, taxes and health care.

#### 4.3.3. Representation at Regional and Local Level

Law no. 302/2001 on Self-Government of Upper-tier Territorial Units has established eight self-governing regions.<sup>7</sup> The Slovak territory has been divided in such a way that in none of these upper-tier territorial administrative units are Hungarians in majority. Only in two regions (Nitra and Trnava) this minority represents 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 (Regional Elections Law) has contrary to the parliamentary elections introduced the majority rule. Article 14 (8) stipulates that a candidate for regional elections can be nominated only in one electoral constituency. According to Article 41 (1) and (4) 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 receives an absolute majority of votes is elected chairman of the regional government. 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 (Council of Europe 2005, 50). In the 2005 regional elections MKP - SMK obtained only 53 seats in regional councils and also in

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the Nitra region the results were less satisfactory than in the previous elections. Members of no other national minority obtained 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 the 2009 regional elections when one candidate of Roma Coalition Party (SRK) obtained a seat in the elected body of Prešov region (ROMEIA/RPA 2009). Based on the elections' results, Petőcz and Tóth (2009, 32) criticize the system, arguing that

[b]ecause 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 electoral districts having one or more seats within regions (subject to the decision of regional self-administration bodies) conceal a serious danger for Hungarian representation. The election districts in Nitra and Bratislava regions have been set-up in a way which decreases the chances of Hungarian representatives being elected.

Local elections are regulated by Law no. 346/1990 on Municipal Elections. The representatives of the local self-administration bodies and mayors are elected the same way as at the regional level. Municipalities with less than 1,000 inhabitants can decide not to establish electoral districts. As for mayors, each municipality constitutes one election district. In the 2002 municipal elections, the representatives of national minorities obtained 238 positions as mayors of municipalities and 2138 candidates of national minorities were elected to the municipal councils (Council of Europe 2005, 49). In the 2006 municipal elections the MKP - SMK won 215 positions as mayors and 1952 seats on the municipal councils. The Roma Initiative of Slovakia obtained 36 seats on municipal councils and 6 seats as mayors (Council of Europe 2009b, 57).

## 5. Conclusions

In Slovakia a sole set of norms applies to all national minorities regardless their size and territorial distribution. In practice such a system has an uneven impact on the two categories of national minorities: the large and territorially compact Hungarian minority and the small and/or territorially dispersed other minorities. The large Roma minority represents a separate case due to its specific situation. Major issues of concern for all national minorities are inter-connected with cultural, social, political and economical factors such as education, social cohesion, the development of human capital for a multilingual global market, participation in public life, etc.

In the field of education the Slovak legislation offers to all persons belonging to national minorities the possibility of choosing between various types of schools (e.g., monolingual and bilingual). However there are certain conditions to be fulfilled and in practice a certain minority is not able to enjoy monolingual education but only bilingual instruction. It is not the law that “forces” a minority to opt for a certain type of education but a combination of factors on the ground (minority size, territorial concentration, lack of qualified teachers, etc.). Only persons belonging to the Hungarian minority can study in their mother tongue from kindergarten until university. It should be emphasized that a limited number of specializations are available in Hungarian at university level. The Slovak legislation allows for minority education if there is a “substantial number of pupils belonging to national minorities”. A general expression of this kind may be used in order to permit a certain flexibility in the implementation of the law, e.g., each municipality decides if the number of minority pupils is “substantial” enough in order to establish a certain type of minority education. However, minorities run the risk that in practice these general terms of the law are not interpreted in their favour. The Ministry of education has the last word on some important aspects of education (e.g. number of schools) and the relations between the central and sub-national levels of government are not always easy. It is submitted that the Slovak legal framework in the field of education ensures, in general, the necessary conditions for the preservation of national, cultural and linguistic identity of national minorities. Nevertheless, the existing norms do not provide always satisfactory solutions for small minorities, as was also acknowledged recently by the Deputy Prime Minister for Human Rights and Minorities. From a functional point of view, the bi/multilingualism is largely welcomed in Slovakia as a valuable asset for individual and society in general. On the other hand, the existing educational regulations fail to contribute to the development of a certain dialogue of cultures within the process of socialization between the majority population and minorities. Pupils belonging to the majority who are living in municipalities with rather large minority population do not study the local minority language in the mainstream schools. The minority languages (except German) are not even optional subjects in the public schools with tuition in the state language. It is obvious that the existing Slovak legal and institutional framework in the field of education may be improved in order to better fulfill its role of promoting cultural diversity in a multicultural and multilingual society. The social inclusion of the Roma minority remains a matter of serious concern and although the Slovak education system adopted since 1990 certain specific measures in this field, they lack coherence and coordination and their overall impact is questionable. Slovakia has domestic regulations prohibiting discrimination and school segregation but their implementation is clearly unsatisfactory. In my opinion, a part of the problem is the lack of coordinated and reliable information at the central, regional

and local levels about Roma segregation in schools.

The use of minority languages remains a highly politicized issue in Slovakia. The harsh domestic and international debates that followed the approval of the controversial State Language Law of 2009 demonstrate the negative impact of a piece of legislation that serves a political aim without a social and cultural need. It is not surprising that after the change of the government following the June 2010 elections, one of the first measures announced by the new Deputy Prime Minister for Human Rights and Minorities was the intention to amend the contested provisions of the State Language Law of 2009. The new Slovak government also announced its intention to review the existing 20 per cent threshold stipulated by the Minority Languages Law of 1999 as a requirement for the right to use a minority language in communications with public authorities. Hopefully, these minority-friendly measures will be followed by legal changes that will allow a larger minority representation in the decision making bodies.

The existing Slovak laws relevant for political participation of national minorities do not contain specific provisions that guarantee their representation. Especially the small minorities and the Roma are clearly affected. So far, the large Hungarian minority managed to obtain the necessary number of votes for parliamentary representation but the 5% threshold represents an obstacle for the others. The situation looks similar in the case of elected regional self-administration bodies. The Slovak territory has been divided in self-governing regions in such a way that in none of them are Hungarians in the majority. The results of the elections show that with the present system, minority representation in regional and municipal councils is rather limited.

As long as Slovak nationalist parties were partners in the coalition ruling the country, the public sphere was dominated by a political culture of confrontation, "us" vs. "them". The political discourse was poisoned by nationalist rhetoric and, in general, the moderate voices denouncing the artificially created ethnic tensions received less attention from the mass-media than extremist opinions. There was little room for the development of a consensus-building political environment but public polls showed always a different reality on the ground. Inter-ethnic relations were perceived as problematic mostly in the mono-ethnic majority areas and not in the ethnically mixed territorial-administrative units. Before 2010, the politicization of the minority issues, especially during electoral campaigns, was an effective tool for the nationalist politicians (both Slovak and Hungarian) for the mobilization of their ethnic groups. Creating and maintaining a conflicting climate was their main strategy on political agenda. It was not a coincidence that only few days before the elections of June 2010, HZDS and

SNS representatives challenged as unconstitutional the norms regarding the bilingual geographical names in school textbooks. Although immediately after this legislation was passed in 2009, the leaders of these parties announced their intention to address the issue to the Constitutional Court, they waited more than one year, until the end of the electoral campaign. HZDS and SNS played all on the so called “maďarská karta” (Hungarian card) or on the “Roma problem” but in the end their tedious and sometimes outrageous anti-minority discourse proved to be a boomerang that came back and damaged them during the 2010 elections. On the other hand, the MKP – SMK was abandoned by the Hungarian minority electorate because it seemed stuck in the old logic of confrontation and was unable to offer viable solutions for the future. The electoral results of Most-Híd, a multi-ethnic party established only one year before the elections, is a positive sign for a future political culture of consensus, an approach based on cooperation between majority and minorities.

## 44 Notes

<sup>1</sup> The project “Practices of Minority Protection in Central Europe” aims to identify best practices of minority protection, while at the same time studying, under which conditions such practices can function and under which circumstances the application of certain measures is not recommendable. This project funded by the Zukunftsfonds der Republik Österreich covers Austria, Italy, Slovenia, Hungary, Slovakia and Romania and it is implemented by a consortium lead by the Competence Centre for South East Europe at the University of Graz (Austria). The partner institutions are the Institute for Minority Rights of the European Academy of Bolzano (Italy) and the Institute for Ethnic Studies (Slovenia). The projects uses the qualitative research methodology and has two components: a legal-theoretical part of cross-area legal country-studies including a comparative legal analysis and an empirical part of cross-country studies, that analyze, using an interdisciplinary approach, the implementation of the legal regulations as well as their impact and effect in the following key areas: Culture, Media, Education, Language, Economic participation, Political participation. For more details see <http://www.eurac.edu/mimi> (visited in July 2010).

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> On 11 June 2010, the leaders of Slovak nationalist parties SNS and HZDS have challenged at the Constitutional Court all regulations regarding the bilingual geographical names in school textbooks. The Court's judgment is expected later this year. For details (in Slovak language) see the information published on the website of the Slovak Constitutional Court at [http://www.concourt.sk/rozhod.do?id\\_submenu=c&urlpage=akt\\_cin](http://www.concourt.sk/rozhod.do?id_submenu=c&urlpage=akt_cin) (visited in July 2010).

<sup>5</sup> For details (in Slovak) see <http://www.sme.sk/c/5505436/chmel-prehodnoti-20-percentnu-hranicu-pre-pouzivanie-jazykov-mensin.html> (visited in July 2010).

<sup>6</sup> 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”.

<sup>7</sup> 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).

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