



## Report of NGO on State of Human and Minority Rights in Slovakia

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### 1, The state of Hungarian language use in Slovakia

The state of Hungarian language use in Slovakia is unsatisfactory. This dissatisfaction is expressed in the evaluation report of the Committee for National Minorities and Ethnic Groups for the Government Council of the Slovak Republic for Human Rights, National Minorities and Gender Equality, because of the following most common problems:

- restrictive interpretation of applying the law about the use of minority languages,
- implementation of measures restricting Hungarian language use.

As for the use of Hungarian language in Slovakia it would be necessary to take the following measures as soon as possible:

a) conducting thorough research and sociological research on the state of Hungarian language use in municipalities where at least 15% of the population declared to be of Hungarian nationality in the national census of 2011, which would give reliable information about whether the statutory obligations are fulfilled and to what extent are the opportunities for Hungarian language use defined by law exploited;

b) rectification of the situation in municipalities where problems were identified in the survey mentioned in the previous paragraph, without imposing sanctions;

c) conducting research and sociological research on the state of Hungarian language use in business, economic and social spheres, which would give reliable information about the extent to which the possibility of Hungarian language use is utilized as given by law, respectively whether law regulations meet the requirements of practice;

d) establishment of a national authority for professional and methodical care about the Hungarian language, which also establishes mandatory technical terminology used by public authorities in official communications and standardizes geographical designations in Hungarian;

e) providing language training for public officials about the use of Hungarian in official communication, so that such education is made available to employees without charge and during working hours;

f) establishing the technical standards of safety designs and inscriptions in minority languages;

g) harmonizing legislative amendments of labeling railway stations and bus stops so that it is possible to identify these facilities in minority languages. Designation in minority languages is recommended along with the name in the official language, on one board, with the same font size;

h) changing those passages of the law about the state language, particularly § 5 par. 1, point a) and b), which prevent direct transmission of programmes and broadcasting of interactive programmes in minority languages, as it is prescribed by the duty of subtitling or dubbing in the

state language followed by their immediate broadcast in the state language. As part of the changes to the relevant provisions of the Act the financial resources are to be provided to cover the costs arising from the translation, production and re-broadcast of these programmes;

i) meet § 5 par. 1 point g) of the Act 532/2010 Z. z., which prescribes the duty of ensuring broadcasting in minority languages in the time range corresponding to the national and ethnic composition of the population of the Slovak Republic;

j) monitoring the implementation of a survey on the occurrence of Hungarian language in the press, media and cultural life;

a) implementing an information campaign within the population encouraging the use of the mother tongue, and thus contributing to the linguistic and cultural diversity of the Slovak Republic.

**In the field of minority language use in Slovakia the highest priority is that the Slovak Republic adapts national legislation in such a way that the update of language rights is clear, unified and applicable in practice particularly regarding the revision of relevant legislation under the report of the European Commission for Democracy through Law (Venice Commission) of 15 October 2010.**

## **2, National minority education**

In general, it is a major drawback that information and training materials in the field of education are not available in Hungarian. Public authorities and institutions established by them in the field of education (Institute of Information and Prognoses of Education, Iuventa and others) publish their information and materials on their web sites and portals, and materials distributed to schools and school facilities are available only in Slovak. National projects implemented in the area of education do not count at all with the specific needs of the Hungarian minority.

In this context, we point to the Conclusion of the second meeting of the Working Group on the issue of inclusive education established under the Government Council for Human Rights, National Minorities and Gender Equality on 14 June 2011, particularly to paragraph 10 which states that "as for educational standards, in the education of minority children it is necessary to consider and respect their culture and other specifics to a greater extent. Distinctive cultural elements and specificities of national minorities should be taken into account more fully in the preparation and continuing education of teachers and professional staff for national minority schools (schools with the minority language as the language or subject of instruction), in the development of textbooks, with special regard to social sciences, the disciplines of humanities and the methodology of teaching Slovak and learning about Slovak culture. Special attention is devoted to the upbringing and education of children with a mother tongue other than Slovak and a particular (e.g. health related) handicap. The possibility of mother-tongue education in their case at the moment nearly does not exist. (The principle of considering cultural specificities should be applied here, as far as possible – given their relatively small population and large geographic dispersion –, and if they so wish, this principle would be appropriate to apply for the education of new minorities and foreigners.) "

It is very unsettling that national minority education for public policy represents only infrastructure which means the schools themselves. However, these institutions are often cut off from society-wide events in the field of education precisely because equal access to opportunities is not secured. For example, while students of schools with Slovak language as a language of instruction have the opportunity to choose from a variety of extracurricular activities offered by the national agency Iuventa in their mother tongue, for the students of schools with Hungarian language this is not offered, as if they want to engage in these activities they must use Slovak. Implementers of these activities (e.g. Iuventa) argue for the current state by saying "but they know Slovak anyway".

Although since the eighties there has not been conducted any relevant research in the field of national minority education, which we consider to be a huge deficiency, it is undoubtedly true that schools with Hungarian as the language of instruction are less developed than schools with Slovak as the language of instruction.

### 3, Support for minority cultures

The representatives of the Hungarian national minority pointed out in the assessment report of the Committee for National Minorities and Ethnic Groups of the Government Council of the Slovak Republic for Human Rights, National Minorities and Gender Equality that the following measures need to be taken:

a) adopting **changes in the supplementary programme titled Culture of National Minorities** to increase transparency in the redistribution of financial resources and ensure the constitutional rights of minorities to participate;

b) adopting a **comprehensive law** that would reform the system of supporting minority cultures in Slovakia, while the basis for drawing up the bill is to be the material acknowledged by the Committee at its third session, on 14 November 2011;

Changes according to point a) cover mainly extending the scope of the Committee in support of national minority cultures, and that in the following three aspects:

1) **proposal for the appointment and dismissal of members of committees for the evaluation of applications for subsidy grants under the responsibility of a representative** (later as "evaluation committee") – According to the amendment of the Decree by the Government Office no. 21/2011 Z. z. performed by Decree no. 281/2012 Z. z., the power to appoint and remove members of evaluation committees is transferred from the Deputy Prime Minister for Human Rights and National Minorities to the head of the Government Office, while the proposal is submitted by the representative or the competent minister. It is necessary to amend the statute of the Committee and evaluation committees so that members of evaluation committees were possible to appoint and remove only with the consent of the Committee.

2) **identification of sub-programmes and funding priorities in the supplementary programme CNM** – It is necessary to amend the statute of the Committee so that the call for applications for grants was mandatory to discuss prior to its disclosure while the Committee has to agree with its most important elements.

3) **approval of the recommendations of evaluation committees** – Recommendations of evaluation committees under current legislation can be changed by the representative and the head of the Government Office. Failure to take expert recommendation should only be exceptional, and it is therefore necessary to amend the statute of the Committee, of evaluation committees and the directives of the Government Office so that any changes from the recommendations of the evaluation committees were possible only after due justification and with the consent of the Committee.

The adoption of a comprehensive law according to point b) is justified by the fact that Slovak law regulates this area poorly. Law no. 524/2010 Z. z. about the granting of subsidies by the Government Office of the Slovak Republic cannot be regarded as a special law regulating the protection and promotion of the preservation and development of minority cultures, as it does not represent a framework for managing the protection and promotion of the preservation and development of minority cultures. The proposed law has to

a) modify the **available amount of financial resources** to protect and promote the preservation and development of minority cultures,

b) address the **long-term support of national organizations**,

c) contain provisions on how to protect and support the preservation and development of minority cultures **by other entities** than the Government Office of the Slovak Republic,

d) address the role of **professional art institutions** of national minorities.

We further point to the **third report of the Advisory Committee on the Framework Convention for the Protection of National Minorities adopted on 27 May 2010 in Strasbourg**, which also points to the need for the adoption of the Law on the protection and promotion of the preservation and development of national minority culture in Slovakia. The report states: "Despite the financial support provided by the Slovak authorities to organizations of national minorities to preserve and promote their culture and identity, the extent of this support seems insufficient to meet their real needs." The Advisory Committee in its recommendations encouraged the Slovak authorities to create a legislative framework concerning the protection of national minorities, the funding of their cultural activities and the use of minority languages in order to ensure transparency and legal certainty in various fields of interest for people belonging to national minorities.

#### **4, The dual or multiple citizenship**

Before 2010 Slovakia fully recognized the dual or multiple citizenship, however in June 2010 it radically changed its attitude toward this legal institution. The reason for it was that Hungary had amended its own citizenship law in a way that allowed ethnic Hungarians living in Slovakia to obtain Hungarian citizenship without having a registered residence in Hungary. In the midst of the Slovak parliamentary election campaign and an atmosphere full of emotions, the Hungarian law was declared as an issue of national security by the Fico government. Thus, the latter submitted a bill that stripped every Slovak national of its Slovak citizenship in case he or she obtained foreign citizenship. This ad hoc type political "revenge" raised serious moral and legal questions. As for the moral side of the issue: between 1997 and 2005 Slovakia's legal system contained provisions equivalent to the criticized Hungarian law, which allowed foreign nationals of Slovak ethnicity to obtain Slovak citizenship even in the case of those not having registered residence in Slovakia. Approximately 10 thousand ethnic Slovak foreign nationals have obtained Slovak citizenship this way. In terms of the legal doubts: the Slovak constitution provides that no one shall be stripped of citizenship without his or her consent. As a reaction to the Slovak law 44 concerned MPs of the National Council of the Slovak Republic filed a constitutional complaint to the Slovak Constitutional Court in September 2011, which was classified as admissible in July 2012. Since the amendment of the Slovak citizenship law has not been followed by the "adjustment" of other related laws, serious practical difficulties have occurred as regards the health insurance of the affected persons, but also in terms of Slovakia's international commitment to avoid statelessness. The concerned law may also be problematic in the view of its compliance with EU laws. In September 2012 the Petition Committee of the European Parliament received a complaint from two persons that have been stripped of their Slovak citizenship. Their complaint has been classified as eligible to proceed further in February 2013. Until May 2013 some 433 persons have lost their Slovak citizenship due to the amendment of law in 2010.

#### **5, The Benes decrees**

The Benes decrees, as a series of laws approved by the Czechoslovak exile government and the first post-war government, contain 13 decrees that deprived Czechoslovakia's ethnic Hungarians and Germans of their citizenship and property on the basis of collective guilt. The



decrees also created a legal basis for the expulsion of approx. 100 thousand ethnic Hungarians and their deportation to labour camps. The issue of the Benes decrees is still a living political topic in Slovakia. The decrees based on collective guilty are – formally – still in force, and according to the Slovak parliament's last declaration (2007) on the issue: they are an "unalienable part" of the Slovak legal system. In the meantime, there have been several attempts to resolve the issue on international fora (EU), the domestic settlement seems to be more desirable, as the whole issue is predominantly of symbolic character. Thus, the main concern of the ethnic Hungarians in Slovakia refers to the missing symbolic settlement of the issue, which is even more substantiated by the fact that the Jews and ethnic Germans persecuted by the (Czecho)Slovak state have already received material and/or symbolic compensation. Despite the recent sparse intention of the Slovak political elite to settle the issue of the Benes decrees, this is outlined only in the frames of a mutual declaration issued by the Slovak and the Hungarian parliaments. Many, however, worry that this interstate option would misrepresent the substance of the issue, namely: the settlement of the issue of 13 Benes decrees concerns exclusively the (Czecho)Slovak state and its own (former) citizens.

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