

High Commissioner on National Minorities

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From: Max van der Stoel
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The Hague - The Netherlands

To: His Excellency
Mr. Mikulaš Dzurinda
Prime Minister of Slovakia

Fax: 00.42.1.7.392.795

Dear Mr Prime Minister,

As I stated in my letter of congratulations to you of 30 October 1998, I am looking forward to an early and fruitful dialogue with your government aimed at resolving the differences of views which had arisen between the previous government and my office regarding a number of questions relating to national minorities. In order to facilitate the preparation of such a dialogue, permit me to list these questions in the remarks which follow.

Before doing so, however, I should like to express my great appreciation for the fact that parliament, on the proposal of your government and following the ruling on this subject of the Constitutional Court of 15 October 1998, has acted so quickly to abolish the new Law on Local Elections which was adopted by parliament in its previous composition in June of this year and to adopt again, apart from some technical changes, the text of the old law. As I wrote to the previous Foreign Minister on 29 May 1998, the new law violated a number of international principles and specific standards concerning free elections and individual human rights.

As to the list of items I would hope to discuss with your government, I should like to mention in the first place the question of the use of minority languages in official communications. Section 12 of the Law on the State Language of the Slovak Republic has declared null and void the Slovak National Council Law no. 428/1990 on the official language of the Slovak Republic. This meant i.a. that section 6 paragraph 2 of that law ("of persons belonging to a national minority constitute at least 20% of the population of a town or village, they have the right to use their language in such towns or villages in official communications") was no longer valid. At the same time, Section 3 paragraph 5 of the Act of the National Council of the Slovak Republic no. 270/1995 on the State Language of the Slovak Republic in association with the provisions contained in Section 12 of the aforesaid Act is not in harmony with Article 34 paragraph 2(6) of the Constitution of the Slovak Republic to the extent that it

applies to those citizens of the Slovak Republic who belong to national minorities or ethnic groups". My suggestion to introduce legislation on the subject was not heeded by the previous government. I express the hope that the question can be discussed again with representatives of your government.

As far as the Law on the State Language in general is concerned, I would suggest a discussion on the question whether a number of its provisions are compatible with international standards accepted by Slovakia.

It also seems to me that it would be desirable to draft a law on minority languages as a counterpart to the Law on the State Language. I am aware that several existing laws contain provisions regarding minority languages. I therefore suggest that references to these provisions will be included in such a law.

Another subject to which I should like to draw your attention is the question of school certificates. As you are aware, these certificates were always issued in both the state language and the minority language until an administrative decision ended this practice. I express the hope that your government will decide to return to the old practice. While, according to the Law on the State Language, the certificates have to be issued in the state language, there is to my knowledge no provision prohibiting its issuance in a minority language as well.

Regarding minority languages, I also express the hope that government and parliament will agree to the accession of Slovakia to the European Charter for Regional or Minority Languages.

As you may know, a joint team of experts of the Council of Europe, the OSCE and European Commission twice had meetings with governmental experts in Bratislava in the course of this year. Though no major progress was made, a practical result was that a useful inventory has been made of the several of the problem I have mentioned above. I express the hope, therefore, that you will agree to the same formula regarding the future dialogue on these issues.

Finally, I should like to draw your attention to the question of cultural subsidies for national minorities. On 2 July 1996, decree no. 193/1996 which regulated the distribution of cultural subsidies was annulled. The new system gave the Ministry of Culture the right to decide on applications for subsidies. The way this system functions is far from transparent; in fact, there have been clear indications of arbitrariness in the decision-making process. I hope very much to discuss these issues, together with some other questions regarding minority cultural institutions, with the Minister of Culture.

These, Mr Prime Minister, were the points I wanted to bring to your attention. I am looking forward with great interest to your reply.

Yours sincerely,

Max van der Stoep

Predseda vlády Slovenskej republiky

His Excellency
Max van der Stoep
OSCE High Commissioner on National Minorities
The Hague - The Netherlands

Bratislava, 12 November 1998

Excellency,

Allow me first to express my high appreciation of your letter from 4 November 1998 and assure you that the Government of the Slovak Republic has a firm interest to solve any open questions on the issue of national minorities, as soon as possible.

Concerning the abolition of the amended law on local elections I would like to inform you that the Government of the Slovak Republic decided to postpone the elections for a later date - 18 and 19 December 1998 - they will be implemented under the provision of the original law from 1990.

The basis for the new approach to the solution of issues related to national minorities are included in the Program Thesis from 27 October 1998 of the SDK-SDL-SMK-SOP coalition. Please, let me inform me about those of them which reflect the pertinent subject:

Chapter I - State, Constitution, Legislation

The government will evaluate the level of the guaranteed rights of national minorities in relation to international obligations, to which the Slovak Republic is bound. Based on this analysis the decision about the preparation of a constitutional law on the position of national minorities will be taken.

The government will adopt laws to implement basic rights and liberties, including the rights of national minorities, wherever it is foreseen in the Constitution of the Slovak Republic.

A new concept for the solution of problems of the Roma minority has to be worked out.

Chapter XII - Education

Reestablishment of methodical centers for schools with education in Hungarian or their languages of other national minorities .

Establishment of a Section for education in minority language in the Ministry of Education.

Return to bilingual school certificate and pedagogic documentation.

The government will guarantee the improvement of the education level of citizens belonging to national minorities on the level of the state average and will solve the preparation of teachers for schools educating in minority languages, priests, employees in the sphere of minority culture by establishing an appropriate institutional level within the existing universities.

To guarantee the conditions for a normal functioning of the minority school system.

Chapter XIII - Culture

Enhancing the further development of the culture of national minorities and Slovaks living abroad.

A new system of financing national minorities, fixing the share in the budget of the Ministry of Culture dedicated to financing minority cultures.

Adjusting the funding of the theatres of the Hungarian and the Roma minorities up to the level of other theatres.

Establishing the Section of minority cultures in the Ministry of Culture

The adoption of a law on the use of minority languages.

To create the conditions for broadcasting in minority languages in the Slovak TV and Slovak Radio according to Art. 9 of the Framework Agreement.

Chapter XV - Foreign Affairs

Solve some questions concerning minorities in line with the international obligations of the Slovak Republic excluding any type of territorial autonomy.

Adopt the European Charter for Regional or Minority Languages.

Excelsency, I hope, that the above quoted commitments of the governing coalition will give you a clear picture of the new approach towards national

minorities in Slovakia, as a result of the Change, for which the majority of our citizens voted in the recent elections. I would highly appreciate further consultations on this very important issue to Slovakia. We regard the rapid solution of the open questions concerning national minorities in our country as our contribution to build an inclusive type of society and thus extend the zone of peace and stability in Central Europe, which is an important element of the European integration process in this part of our continent.

With best regards,

Mikuláš Dzurinda