

## OSCE

High Commissioner  
on National Minorities

His Excellency  
Mr Juraj Schenk  
Minister for Foreign Affairs  
of the Slovak Republic  
Stromová 1  
833 36 BRATISLAVA  
Slovak Republic

Reference:  
No 1169/95/L

The Hague,  
13 November 1995

Dear Mr Minister,

Thank you for your letter of 20 October regarding the recommendations I sent to you on 24 August. As you mentioned in your reply, my comments and recommendations regarding the law on the State Language of the Slovak Republic related to a preliminary draft. Since then a revised draft has been submitted to Parliament. I have noted that in this draft some of my recommendations have been taken into account.

Perhaps you will allow me to make a few remarks on the bill now presented to Parliament, which you might wish to pass on to the Ministry of Culture as the initiator of the bill. I hope they can be considered before the second reading of the bill.

1. My first comment relates to the political commitments and legal obligations of the Slovak Republic in the field of human rights, including the rights of persons belonging to national minorities. You have stressed in your letter - and I welcome this - that "all international commitments, both legal and political, which the Slovak Republic has, are an obvious component part of all considerations and measures on

the part of the State in minority relations." In my view, it would, in the light of this statement, be logical to include a reference to this policy line in the text of the bill, even more so because the existing law on the official language contains (Article 1, paragraph 2) a reference to "international obligations in the field of human rights." However, there is no such reference in the text as presented to Parliament. I hope therefore that the Government will, during the parliamentary discussion of the bill, propose to add a new paragraph 4 to Article 1 which would read as follows : "The law is to be applied in conformity with the international obligations and commitments of the Slovak Republic in the field of human rights."

2. Inevitably the question arises whether the new law on the State Language of the Slovak Republic will affect earlier laws regarding the rights of national minorities. The text of the bill tries to clarify this by footnotes indicating that various earlier laws relating to this subject remain in force. In this respect I have noted that in comparison to earlier drafts the bill as presented to Parliament contains an increased number of such references. Against this background, it would in my view be more simple and effective to include a paragraph in the first Article of the bill which makes it clear that existing laws regarding national minorities will not be affected by the new law.

3. Article 12 of the bill states that law 428/1990 on the official language of the Slovak Republic is null and void. This has i.a. as a consequence that section 6, paragraph 2, of that law ("if 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 and villages in official communications") is no longer valid. On the other hand, Article 34.2 sub b of the Constitution of the Slovak Republic refers to "the right to use a minority language in official communications." However, this right is granted "under provisions fixed by law." If the bill is adopted, no such law would exist anymore. I would, therefore, recommend that the Government will propose during the parliamentary discussions of the bill to incorporate the text of Article 6, paragraph 2, in the new law.

4. The references to existing legislation which have been added to Article 4, paragraph 1, of the bill, do in my view make it clear that the right of persons belonging to national minorities to be taught in their mother tongue will remain unaffected. However, Article 4, paragraph 2, of the bill, requiring teachers in all schools of the Slovak Republic with the exception of foreign teachers to know and use the State Language orally and in writing, can create confusion. Perhaps the intention of this Article is to oblige teachers to have an adequate knowledge of the Slovak language. But the Article can also be interpreted as requiring teachers in the minority language schools to use the Slovak language during the lessons. A clearer formulation of this Article is in my view desirable.

I hope, Mr Minister, that these suggestions will be of some use to your Government. Let me assure you that I have also taken careful note of the comments on other

subjects you touched in your letter. I have sent a copy of your letter to the experts who assisted me in order to make sure that they are fully aware of the views you have expressed.

Yours sincerely,

[signature]

Max van der Stoep  
OSCE High Commissioner  
on National Minorities

---

**Minister of Foreign Affairs  
of the Slovak Republic**

Bratislava December 18, 1995  
Ref. :201.987/95-KAMI

Dear High Commissioner,

I was pleased to meet with you at the Budapest Ministerial Council and to have an opportunity to discuss some contemporary national minority issues. I would also like to thank you for your letter dated on November 13, 1995 with your comments and recommendations on the draft law on the state language in the Slovak Republic. As the draft law was already discussed in the Slovak Parliament I forwarded your letter to its Chairman Mr. Gašparovič immediately.

Respect to our meeting in Budapest, I hope, I explained the Slovak Government intention in this matter. I would like to assure you that the Act on the State language will not affect the rights of national minorities to use freely their mother language in private as well as in public. The use of the national minority languages will be set down by a special law. The introductory work on it has already started in the Ministry of Culture.

I hope the next visit by you and the Team of Experts planned in January 1996, to which I am looking forward, will be successful and give you satisfying information on the position of the Hungarian national minority living in Slovakia.

Accept, dear High Commissioner, the assurances of my highest consideration.

Yours sincerely

[signature]  
Juraj Schenk

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