

**CSCE SECRETARIAT**  
**Department for Conference Services**

CSCE Communication No. 36

Vienna, 14 November 1994

To the CSCE Delegations

Letter of the CSCE High Commissioner on National Minorities to the Minister for Foreign Affairs of the Slovak Republic as well as the Minister for Foreign Affairs of the Republic of Hungary

The attached letters of the CSCE High Commissioner on National Minorities to the Minister for Foreign Affairs of the Slovak Republic, Mr. Eduard Kukan, containing a number of recommendations, as well as the letter of reply, dated 28 October 1994, and to the Minister for Foreign Affairs of Hungary, Mr. László Kovács, containing some recommendations, as well as the letter of reply, dated 8 November 1994, are circulated at the request of the High Commissioner on National Minorities.

---

**C S C E**  
High Commissioner  
on National Minorities

His Excellency  
Mr Eduard KUKAN  
Minister for Foreign Affairs

of the Slovak Republic  
BRATISLAVA

Reference :  
No 2556/94/L

The Hague  
20 June 1994

Dear Mr Minister,

Please allow me to address you on some issues which I have had the privilege of discussing with the Slovak Government before. In writing the present letter, I have made use of the report submitted to me by a Team of experts after it had visited Slovakia in February of this year. The Team was established in 1993 upon the agreement of both the Hungarian and the Slovak Governments. Its task is to study, based on CSCE principles and commitments, both the situation of the Hungarian minority in Slovakia and the situation of the Slovak minority in Hungary in the light of the general policies towards minorities of each of the Governments concerned. The Team paid a first visit to Slovakia and Hungary in September 1993 and a second one in February of the present year. Two more visits are due to take place before the Summer of 1995.

Mr Minister, the Slovak Government's Policy Statement makes it clear that the Government sees it as one of its main tasks to ensure the rights of persons belonging to national minorities and that in this context it will strive for a social consensus. A crucial sentence reflects what I feel is essential to a constructive and fruitful approach of the minority issue, the Slovak Government declaring that it will implement "a mechanism of ongoing dialogue as a method promoting co-operation, seeking consensus in formulating and exercising the right of citizens constituting national minorities."

The creation and development of *instruments of dialogue* and the promotion of public discussion as part of the evolving structure of democratic institutions are an essential factor in a living democracy. As I have indicated in my previous recommendations, rumours and speculations can be prevented from causing frictions and disputes if there is sufficient openness in the procedures followed, if information about important plans and developments is made available to those affected and if their effective participation in discussions and decision-making is provided for.

I would therefore recommend that issues touching upon national minorities be openly discussed in a specialised organ with adequate minority representation and participation. The establishment and development of such a body should be discussed with members of all minorities. Perhaps the present Governmental Council on

Minorities and the Presidential Roundtable, which your predecessor and I already discussed in the exchange of letters mentioned above, could be transformed into such an organ. This organ should have real competencies with regard to legislation touching upon minority issues. I am thinking specifically of the competence to discuss legislative concepts before they are submitted to parliament, to suggest amendments to existing legislation, and also to advise on or even propose themes and concepts for new legislation. Such proposals would have to be taken into account by the Government and, as appropriate, be submitted to parliament for its consideration.

Mr Minister, the *administrative reform* of Slovakia is obviously of major importance to your country and will have a fundamental impact on its development in the coming years, affecting all Slovak citizens including those belonging to the Hungarian minority. In this context, it is important that the Government has undertaken to study the preconditions for Slovakia's accession to the European Charter of Local Self-Government.

In January of this year, the experts of the Council of Europe which the Slovak Government invited to provide it with expert advice on the administrative reform submitted a second series of recommendations. Among others, they have quite rightly pointed out that the ethnic aspect should also be taken into account as a major factor for the creation of regions in those parts of the country where the Hungarians constitute a majority of the population. In earlier conversations with the Slovak Government I was assured that, whatever option would be chosen, the rights of persons belonging to the Hungarian minority would not be curtailed. This assurance was a reflection of the undertaking entered into by the Slovak authorities on the accession of Slovakia to the Council of Europe that, whatever administrative divisions would be introduced in the Slovak Republic, they would respect the rights of national minorities.

Still, it remains a highly sensitive issue for those persons belonging to the Hungarian minority. Before a final decision is taken, it would in my view be desirable that this issue were to be made one of the subjects on which discussions and consultations should take place in the framework of the organ I discussed with you above. It is my feeling that many concerns could be removed if local self-governing authorities throughout Slovakia were given the right and the ability, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population. I would therefore hope that the process of devolution of powers will be implemented in the near future. Of course in order to be able to fulfil certain functions effectively a certain minimum size is sometimes required. I understand that there are plans to form joint administrative units in which municipalities would work together in the exercise of certain tasks such as in the field of education.

With regard to persons belonging to national minorities, their interests would in the first place seem best served by effective competencies for local authorities in the fields of education and culture. I note that the Government in its Policy Statement stated that particular attention will be paid to, *inter alia*, devolving authority from state administration to local government bodies and related financial flows (chapter on 'The State, Democracy, Law and Public Order'). Therefore, I think that the local self-government could be made responsible for running the primary and secondary

schools, the state retaining the overall responsibility for the basic elements of the curriculum. In order to be able to pay the accompanying expenses, these local self-governments should be provided, through appropriate state, local and regional finance legislation, with grants and/or adequate financial resources. The chapter on 'Education, Training and Science' in the Policy Statement would seem to open the door for such decisions.

As regards the regional self-governing authorities to be created, it is important that the electoral system should guarantee adequate representation of minorities on deliberative and executive bodies. This is a point which has also repeatedly been stressed by the experts of the Council of Europe.

In the education chapter of its policy statement the Government has declared that the right to choose the *language of teaching* will be ensured. I understand this clearly to mean that all those who are a minority, either in Slovakia as a whole or locally, should be able to receive education in their own language. The Government's statement that it would study the preconditions for Slovakia's accession to the European Charter of Regional or Minority Languages gains importance in this perspective. Obviously, the availability of sufficient teachers is a prerequisite for the exercise of the right to be taught in one's own language. A major concern was voiced by the representatives of the Hungarian minority with regard to the availability of Hungarian language teachers. In light of this, the organisation of the training of these teachers at the pedagogical institute at Nitra would seem to deserve special attention.

The Slovak Government has declared that conditions will be established to enable pupils of all nationalities to master the standard Slovak language. An important educational aim seems to be an overall improvement of the teaching of the Slovak language in the school system for the benefit of all pupils in Slovakia, part of which is the improvement of the command of the Slovak language by pupils belonging to national minorities including Hungarian pupils. In my view, there can be no doubt that command of the main language in a state is essential to all citizens of that state, and indeed I have heard no dissident voices in this respect. The best way forward seems to me the full development of the track of a general improvement of Slovak-language education from which the Hungarian pupils would also profit. Within that overall strategy, other possibilities could be explored, such as an increase in the amount of teaching in the Slovak language in Hungarian schools, without this resulting in a decrease in the teaching in or of the Hungarian mother tongue.

If such a policy would be systematically pursued, there would in my view be no need to proceed with the experiment of alternative schools. A central aim of the alternative schools would have been the improvement of the command of the Slovak language by pupils belonging to national minorities. But that objective can be achieved in the way described above.

Lastly, Mr Minister, the questions of *bilingual roadsigns* of towns and villages in Slovakia and that of Christian and *family names* were subjects of some of the recommendations by the Council of Europe which the Slovak Republic accepted as conditions for joining that organisation of democratic European states. These issues have been addressed by the new Government in a determined way. Nevertheless, so far there has been significant progress only with the latter, the Government draft law

on bilingual road signs having been narrowly defeated in parliament. I would hope that an acceptable solution to this problem, in conformity with the recommendations of the Council of Europe, will be found in the near future.

Mr Minister, I would be most grateful if you would let me know the views of your Government on the foregoing.

Yours sincerely,

[signature]  
Max van der Stoep  
CSCE High Commissioner  
on National Minorities

---

- unofficial translation -

His Excellency  
Mr. Max van der Stoep  
CSCE High Commissioner on National Minorities

Bratislava, October 28, 1994

Reference:

No.

Your Excellency,

Considering the positive outcome of the work of your expert team on national minorities and the current developments in the legislation of the Slovak Republic, and remembering our July discussions at your Office in The Hague, I hereby present the position of the Slovak Republic on your suggestions concerning some issues related to the national minority policy of the Slovak Republic.

The issues you have raised include the need to enhance effectiveness of a productive dialogue between the Government and the national minorities through setting up a specialised organ with adequate minority representation and participation, the proposed reform of territorial and administrative organisation of the SR, some questions related to the right for education in minority language and, finally, you also

mention the use of bilingual names of towns and communities and surnames of the citizens of the Slovak Republic belonging to national minorities.

I shall briefly discuss each of the above topics and inform you on its current status.

As regards your proposal for setting up a specialized organ with adequate minority representation and participation, let me express the firm conviction of the Government of the Slovak Republic and my personal conviction that it is very important to secure effective participation of national minorities in the discussion and decisions aimed at finding a constructive solution to a number of pending questions in the field of ethnic relations and in the life of the society in general. In the Slovak Republic this purpose is served, in particular, by the **Governmental Council of the Slovak Republic for National Minorities**, composed of specialists from the ministries concerned and - more importantly - representatives of all national minorities living on the territory of the Slovak Republic. The Hungarian minority has three representatives in this body.

Let me bring to your attention the **Statute of the Governmental Council of the Slovak Republic for National Minorities** which shows that the mission of the Council fully corresponds with your ideas concerning the functions such a body should fulfil. Article 1 of the Statute defines the Council as the advisory, initiative-taking and coordinating body of the Government of the Slovak Republic, and Article 2 describes the main tasks of this body as follows:

- a) it takes part in the drafting of government measures designed to guarantee the application of all rights of persons belonging to national minorities, and to secure equal living conditions for all the citizens living on the territory of the Slovak Republic without distinction of ethnic origin;
- b) it draws up, debates and submits the Government comprehensive reports on minority situation, on basic problems and needs related to the exercise of minority rights, and proposes possible solutions;
- c) it comments on the draft bills and other generally binding regulations and measures related to minority problems before they are submitted to the Government;
- c) it discusses and submits proposals and recommendations for the solution of key issues and for the satisfaction of economic, social and cultural needs of the minorities to the Government, central bodies, relevant local-level public authorities and municipalities;
- e) it commissions the preparation of research reports, analyses and expert studies on the national minority issues by relevant institutions.

The right to effective participation in public life and in matters which have direct bearing on the minorities is exercised, in the case of the Hungarian minority, through their adequate representation in the National Council of the Slovak Republic and in the self-governing bodies of ethnically mixed communities and towns, in which the

proportion of representatives of this minority often highly exceeds their proportion in the population of the municipality concerned. In addition to the Governmental Council for national Minorities there are also specialized advisory and decision-making bodies such as the Commission for Minority press, Commission for Minority Book Culture and others whose members also include representatives of national minorities. Through these commissions, minority representatives take part in the dialogue on and in the decision about subsidy allocation to minority culture in its practical manifestations.

Naturally, the dialogue between the Government and the national minorities could take a number of forms, just as there is a variety of forms of minority participation in public life, and an improvement is always possible. However, let me assure you that the Slovak Government perceives the dialogue and participation as inevitable corollaries to the development of an open civic society, capable of preserving and promoting multiethnicity as one of its values.

Concerning the reform of local government, the Slovak Government has discussed possible solutions also with the Council of Europe experts whose recommendations have been largely accepted. The delegation of CE experts noted this fact with satisfaction during their second visit to Slovakia on 17 and 18 January 1994. Obviously, the next proposal of territorial and administrative organisation of the Slovak Republic will also be discussed within the Governmental Council for National Minorities. The Government of the Slovak Republic reaffirms that - where the rights of persons belonging to national minorities are concerned - their scope will not be affected by local government reform and that the ethnic aspect will be accounted for to the extent required in order to ensure optimal functioning of larger self-governing units with an appropriate social and economic balance, and in order to strengthen territorial and state integrity of the country and the civic character of the society.

I am pleased to inform you, Excellency, that the Government of the Slovak Republic approved in July 1994 the document entitled "Strategy of Local Government Reform"; this document lays down the need to create conditions for the decentralisation of competencies, their shifting from local public authorities to local self-governing authorities, so that the overall process of the transfer of competencies can take place gradually starting in January 1996. The reform shall also include the creation of higher-level territorial units according to the above principle. I would like to assure you that your suggestions, based on the position of CE experts and their specific recommendations, will be duly taken into account in the development of such a model of public administration and local and regional self-government in the Slovak Republic that will be in complete compliance with socioeconomic, natural, geographic and geopolitical characteristics of the country.

In the next section of your letter you have mentioned, Excellency, some questions related to the Hungarian minority schools in Slovakia. More specifically, you have mentioned the concerns of the Hungarian minority representatives concerning the availability of Hungarian language teachers and you discuss the possibilities of

improving Slovak language teaching at the Hungarian minority schools in connection with the so-called alternative schools. Let me present some facts. You may know that besides the Department of Hungarian language and Literature at the Faculty of Philosophy, Comenius University in Bratislava, teachers for schools using Hungarian as language of instruction are educated, in particular, at three faculties of the University of Education in Nitra: Faculty of Education, Faculty of Sciences, and Faculty of Humanities. All the above faculties have the so-called Hungarian Department for Hungarian Minority Students. Teaching at these departments is bilingual. Total enrolment of full-time students at these departments in the school year 1993/94 was 531, while another 151 students studied part-time. Naturally, more Hungarian students study at other departments of the above faculties. This puts the total enrolment of Hungarian students at the University of Education in the school year 1993/94 at 834. On the average, 120 students of Hungarian extraction graduate from the University of Education in Nitra annually. It is important to note that, according to the statistics of the Ministry of Education and Science, during the last decade the number of education students trained for teaching at elementary and secondary schools with Hungarian as language of instruction has had an upward trend. This fact is also reflected in the indicator of teacher-pupil ratio. The total of 2,918 teachers taught at the Hungarian elementary schools in the school year 1993/94, representing - given the enrolment of 46,960 pupils - 16 pupils per one teacher; incidentally, this represents 22 pupils per classroom. For comparison, the situation at Slovak elementary schools is as follows: there are 18 pupils per one teacher and average number of pupils in a classroom is 24. Thus, if the representatives of the Hungarian minority show certain concerns as regards the availability of Hungarian language teachers, this does not necessarily mean - as the above figures indicate - that there is not a sufficient number of students or graduates at the University of Education, or that the organisation of their training is inadequate. Let me inform you that an **Institute for Education and Culture of National Minorities** started to function at the University of Education in Nitra in the school year 1994/1995 as the core of its future **Faculty of National Minority Cultures** ( as the preliminary date for its establishment has been set the school year 1996/1997). In addition to teaching activities (training of teachers for minority schools and cultural workers), the above institution is also expected to conduct research (of history and cultures of national minorities).

I have noticed, Your Excellency, that in connection with the so-called "alternative instruction" you have also mentioned a possibility of improving the knowledge of the official language by an increase in the amount of teaching in the Slovak language in Hungarian schools even though, on the whole, you prefer a strategy oriented to improvement of Slovak-language education. I personally believe that this is a highly specialized question and that it should be dealt with by experts who should decide which is the most effective approach for attaining the objective - i.e. a higher level of bilingualism among persons belonging to the Hungarian minority (because this is not a problem among members of other minorities) - and agree on the specific form of alternative teaching. For, several empirical surveys have indicated that persons belonging to the Hungarian minority are **monolingual**, possessing a varying degree of command of the official language; this is certainly a handicap from the aspect of their career opportunities. Moreover, this "onesided language orientation" entails the risk of the creation of a more or less isolated linguistic enclave with all negative implications



it can have for majority-minority relations. It is my personal view and that of the Government of the Slovak Republic that the concept of the so-called alternative teaching is in full compliance not only with the integration objectives of the Slovak minority policy, but also with the spirit and letter of both the European Charter of Regional or Minority Languages and the Framework Convention of the Council of Europe for the Protection of National Minorities. It is, however, extremely important to realize that the so-called alternative teaching does not infringe on the right to education in one's mother tongue. The reason why it is called "alternative" is that it **offers broader possibilities of choosing one of the three forms of instruction:** Slovak language education (approx. 25% of Hungarian minority children take up this type of school), Hungarian language education (approx. 75 % of Hungarian minority children) and bilingual. It is up to the parents to freely choose one of the above possibilities (this may also apply to Slovak parents living in ethnically mixed areas).

Your Excellency, let me inform you about three important laws that the Slovak parliament passed since September 1993 and that broaden the use of minority languages: the law on names and surnames, the law on registries, and - in July 1994 - the law on bilingual names of municipalities. Together with the above laws the Slovak legal system currently contains 35 legal norms directly or indirectly related to the national minorities or containing provisions on the specific rights of persons belonging to national minorities, or on the obligations of institutions with respect to national minorities. I want to assure you that the Government of the Slovak Republic sincerely pursues the objective of continuing to upgrade Slovak minority legislation on the basis of experience gained as a result of its gradual enforcement.

Let me assure you, Your Excellency, that cooperation with your Office and with you personally serves as an invaluable source of information and inspiration for the Government of the Slovak Republic in its minority-related policy making. In our understanding, this cooperation is also the expression of our sincere desire to honour commitments given by our membership in the CSCE and to continue in their implementation.

Sincerely

Eduard Kukan

Minister of Foreign Affairs

Slovak Republic

---

**C S C E**  
High Commissioner  
on National Minorities

His Excellency  
Mr Laszlo KOVACS  
Minister for Foreign Affairs  
of the Republic of Hungary  
BUDAPEST  
Republic of Hungary

Reference :  
No 2582/94/L

The Hague  
18 July 1994

Dear Mr Minister,

Please allow me to address you on some issues which I have had the privilege of discussing before with your predecessor. As you know, I have been involved with the situation of the Slovak minority in Hungary which has led to an exchange of letters at the end of 1993 and the beginning of 1994 with your predecessor.

In writing the present letter, I have made use of the report submitted to me by a Team of experts after it had visited Hungary in February of this year. The Team was established in 1993 upon the agreement of both the Hungarian and the Slovak Governments. Its task is to study, based on CSCE principles and commitments, both the situation of the Hungarian minority in Slovakia and the situation of the Slovak minority in Hungary in the light of the general policies towards minorities of each of the Governments concerned. The Team paid a first visit to Slovakia and Hungary in September 1993 and a second one in February of the present year. Two more visits are due to take place before the Summer of 1995.

With regard to the earlier recommendations I made, I was pleased to learn that the Act on national and ethnic minorities has been translated into the languages of all the thirteen minorities in Hungary, that a booklet with a detailed explanation of the Act is being prepared, and that a special financial effort will be made to ensure the implementation of the Act. Such an effort on a continuous basis would indeed seem to be necessary to make the Act effective in practice.

Mr Minister, there are three other issues which I would like to mention in this letter, which derive from the 1993 Act on the rights of national and ethnic minorities. Firstly, in almost all the conversations the Team of experts had the issue of the representation of minorities in Hungarian parliament was mentioned, an issue which had not yet been resolved as a proposal by the Government on that issue had

been narrowly defeated. This situation was deplored by all the Team's interlocutors, including those parliamentarians who had voted against the proposal. The Team was assured that the reasons for the negative votes were not at all linked to the fact that minorities as such were involved, and all considered that an acceptable solution would have to be found as soon as possible. These strongly prevailing views lead me to be convinced that the matter could be settled satisfactorily in the near future. I would very much appreciate being informed about relevant developments in this regard.

A second issue that was raised with many interlocutors was the minorities' self-government as provided for in Chapter IV of the Act on the rights of national and ethnic minorities. I would be very interested to learn the assessment of the Hungarian Government concerning the practical implementation of the relevant provisions of the Act. I do realise that the upcoming local elections will be only a first phase in the setting up of the minorities' self- government.

Mr Minister, my last point concerns the Minority Ombudsman as foreseen in Section 20, paragraph (2) of the Act. I express the hope that, in accordance with the relevant provisions, such a post will be established in the near future. I would be grateful to be kept informed of developments in this regard.

I am looking forward to receiving your views on these matters.

Yours sincerely,

[signature]  
Max van der Stoel  
CSCE High Commissioner  
on National Minorities

---

MINISTER  
FOR FOREIGN AFFAIRS

REPUBLIC OF HUNGARY

His Excellency  
Max van der Stoel  
CSCE High Commissioner  
on National Minorities  
The Hague

Budapest, 8 November 1994

Dear Mr. High Commissioner,

Our intention during your visit to Hungary in August was to give you a comprehensive picture of the Hungarian government's policy on minorities. Following on from our conversation at that time, an opportunity now presents itself of responding effectually to the questions you raise.

On the subject of parliamentary representation of the national minorities, I have to say that the Romany minority was the only one from which parties stood in the parliamentary elections. However, they received minimal numbers of votes, which meant that they did not enter Parliament. Although members of various minority group gained seats in Parliament on party lists, the minority leaders do not regard these as representing the minorities as such.

In the absence of minority organizations capable of entering Parliament, this situation will only be resolved by the local - government elections and by the election of national self-governing bodies of the minorities, which will constitute organizations capable of delegation.

According, to the latest proposals, the members for delegation to Parliament would be elected by the broadest forum of such a national self-governing body, its General Assembly of Local Deputies.

Under the Constitution of the Republic of Hungary, the members of Parliament have to be elected directly, whereas the delegation method, which can be considered the only possibility at present is an indirect one. So in order to implement it the Constitution will have to be amended, which is a lengthy process that cannot be completed before the end of 1995. This means that direct parliamentary representation of minorities can be expected to begin only with the next general elections, due in 1998.

For the interim period, we are planning a compensating solution. There will appear in the next few days a government proposal for establishing a Minority Interest Mediation Council, consisting of representatives of political parties, representatives of affected government organizations, and independent experts. Also under consideration is the convening of a committee alongside the Parliamentary Committee on Human Rights and Minority and Religious Affairs, whose members would be delegated by the national self-governing bodies of the minorities and take part in the work of Parliament as non-voting observers. This question is currently before the

conciliation forum of the governing coalition parties.

Turning to the question of forming the minority self-governing bodies in practice, I must say that for several historical reasons the scattered settlement pattern of the minorities and their relatively small numbers we had to devise a logically clear, but extremely complex procedure, which has taken no little time to apply. An influencing factor was the fact that most members of the minorities are also in a minority in the community in which they live, often amounting to only five or ten per cent of the population, or even less.

The minorities will now be able to elect their own separate councils and self-governing bodies at the same time as the local-government elections are being held. This can take place in two ways, by direct and indirect voting.

In the case of indirect voting, that candidates announce that they wish to run a minority candidate in the general local-government elections. If the majority of the local elected body are elected from the same minority, they will dominate the decision-making. If at least 30 % enter as candidates of one minority, the minority representatives can form a separate self-governing body, which will deal primarily with minority affairs.

There will be direct election where the minority citizens do not wish to run minority candidates for the local-government authority of the community, or the number of minority representatives is too small for a minority self-governing body to form, but they nonetheless wish to form an elected body to represent their interests. In this case, a separate election can be held, as a result of which a direct local minority self-governing body will form alongside the community's local-government authority.

The local minority self-governing bodies formed in this way will have two important functions:

- 1) to influence and monitor local matters affecting the minority, and
- 2) to appoint electoral delegates to a national assembly, which will establish a national self-governing body of the minority.

I am still unable, High Commissioner, to give you precise details of the financing of the minority self-governing bodies, since the 1995 budget has yet to be passed by Parliament, and a decision on the question of a minority ombudsman has not yet been reached. Nonetheless, I hope to be able to report to you on reassuring solutions to both these questions in the near future.

Please accept my expressions of the highest esteem.

Yours sincerely

[signature]  
(László Kovács)