
Department for Conference Services

At the request of the OSCE High Commissioner on National Minorities the attached letter dated 13 August 1996 to the Minister for Foreign Affairs of the Slovak Republic, Mr. Juraj Schenk, containing a number of recommendations, as well as the letter of reply from the present Minister for Foreign Affairs of the Slovak Republic, Mr. Pavol Hamzik, dated 21 October 1996, is being distributed to all OSCE delegations.

**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:
910/96/L

The Hague
13 August 1996

Dear Mr. Minister,

Allow me first of all to express the thanks of the experts accompanying me and of myself for the help your ministry has once again provided in such an effective manner in arranging a great number of meetings during our visit to your country on 22-24 May 1996. This greatly helped us in our task of acquiring relevant information regarding the minorities in Slovakia. This was the last visit under the special

arrangement between Slovakia and Hungary which provided for biannual visits of experts to study the situation of the Slovak minority in Hungary and of the Hungarian minority in Slovakia. Future visits to Hungary and Slovakia will be made by me without accompanying outside experts on the basis of article 11 C of my mandate as agreed upon by OSCE States in the 1992 Helsinki Document and in Chapter 3 of the decisions of the CSCE Stockholm Ministerial Council of 1992.

The report which the experts presented to me on the basis of their visit in May leads me once again to present to your Government, as well as to the Government of Hungary, a number of recommendations. But perhaps you will permit me first to react to the Aide Memoire you sent me regarding the Joint Declaration that was adopted at the Conference "Hungary and the Hungarian Abroad" which took place in Budapest on 4-5 July 1996. In making these comments, I have taken account of a later statement of the Hungarian Government which emphasises that no mention was made in the Joint Declaration of either territorial autonomy based on ethnic criteria or collective rights. Moreover, it is my understanding that article 10 of the Joint Declaration, which states that Hungarian communities abroad shall be entitled to receive a fixed percentage of the annual budget of Hungary, does not imply that Hungary will give financial support to Hungarian parties abroad. I have asked the Hungarian Government for some further clarifications in a letter containing some recommendations which I am sending today.

In my view, any discussion regarding minority questions in Slovakia or in Hungary has to be based on an analysis of the rights, and also the duties, of persons belonging to these minorities. As far as Slovakia is concerned, these rights have been laid down in articles 33 and 34 of the Slovak Constitution and in the various international instruments relevant for persons belonging to national minorities to which Slovakia is a party, especially the Framework Convention for the Protection of National Minorities, which is expected to come into force before the end of this year, and the norms and political commitments contained in the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 9 June 1990, and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN General Assembly resolution 47/135) which, according to article 15 para 4 sub b of the Treaty on Good Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary, shall be applied as legally binding, together with article 15 of that Treaty. It is also relevant to note that other international instruments to which Slovakia has acceded also contain articles of immediate relevance for persons belonging to national minorities. In this connection, the International Covenant on Civil and Political Rights, the European Convention on Human Rights and ILO Convention No. 111 which forbids any discrimination in employment or occupation i.a. because of the political opinion or the ethnicity of the person concerned. Finally it is important to recall that Slovakia has committed itself in article 11 of its Constitution to give precedence over national law to the international instruments on human rights and freedoms it has ratified when international treaties and agreements guarantee greater rights and freedoms.

On the other hand, persons belonging to national minorities have the duty, like all other citizens of the State, to obey the Laws of the States they are living in, though

they also have the freedom, like all other citizens, to use all legal means and instruments at their disposal to get them changed.

In the Preamble of the Treaty on Good Neighbourliness and Friendly Cooperation between Hungary and Slovakia, the two States have laid down a number of other important principles regarding the position of minorities living in their countries. They agree that they "feel responsibility for granting protection to and promoting preservation and deepening of the national or ethnic, cultural, religious, and linguistic identity of the minorities living within their respective territories", and they recognise that "persons belonging to national minorities form an integral part of the society and of the State of the Contracting Party on whose territory they live". I attach great importance to this paragraph, which, while stressing the duty of the State to protect and even to promote the preservation and the deepening of the identity of the minority, does reject the notion that the minority can only maintain its identity by isolating itself as much as possible from the society surrounding it. It is my firm belief that only on the basis of respect by the State for the identity of the minority on the one hand, and of the willingness of the minority to consider itself an integral part of the State they are living in on the other hand, can harmonious inter-ethnic relations develop.

As your Aide Memoire makes clear, your Government is especially critical of the paragraph in the Joint Declaration which states that "the establishment of self-government and autonomy, in accordance with existing European practice and the spirit of international norms, represent the core issue of the preservation of the identity, the survival and the development as a community of Hungarians abroad and of maintaining their presence in their homeland". I should like to make the following comments. In the first place, it is in my view important to keep in mind that there are various forms of autonomy. Apart from territorial autonomy, there are also concepts like cultural autonomy and educational autonomy. Secondly, it has to be kept in mind that no international instrument commits or obliges a State to the acceptance of territorial autonomy. However, paragraph 35 of the 1990 Copenhagen CSCE Human Dimension Document states that "the Participating States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the state concerned". The report of the 1991 Geneva CSCE Meeting of Experts on National Minorities, while stating that no single approach is necessarily generally applicable, lists a great number of possible approaches, including autonomy on a territorial basis, which, individually or in combination, could be helpful in improving the situation of national minorities. My third comment refers to the relationship between territorial integrity and territorial autonomy. Respect for territorial integrity is one of the leading principles of the OSCE. The mentioning, if only as a possible option, of territorial autonomy, makes it clear the territorial autonomy and territorial integrity have not been considered as mutually exclusive in the documents I have just quoted.

In your Aide Memoire you take the view that autonomy could be a direct instrument of the dissolution of the established democratic constitutional order of the Slovak Republic. This brings me back to the question of the amendments to the Penal Code

which were discussed on several occasions during the visit of the group of experts and myself to Slovakia last May.

In your letter of 25 April 1996, you assured me that "a person belonging to the Hungarian or any other minority who promotes and disseminates their demand for territorial autonomy cannot be subject to criminal prosecution." However, you added "this, of course, holds true as long as the person concerned does not organise a public rally with the aim of disrupting the constitutional order of the Republic or its territorial integrity". I have re-read these comments against the background of an amendment of the Slovak Penal Code (article 92 b sub 1) which was adopted by the Slovak Parliament on 26 March 1996 and then sent back for renewed consideration by the President. This article states: "anyone who with the intention of harming the constitutional order, the integrity of the territory or the defence of the Republic or undermining its independence organises public meetings will be liable to a term of imprisonment of between 6 months and 3 years or a fine". In the discussion on this article it has been stated by the Prime Minister that such an intention would have to be proved during the criminal procedure.

Please allow me to make the following comments, taking into account especially the often expressed wish of Hungarian parties in Slovakia for territorial autonomy. It is of course obvious that it would be a flagrant violation of the Constitution and of the Laws of the Republic if proponents of autonomy would not try to achieve their aim by seeking to win over a majority of the Slovak Parliament for such a formula but would simply proclaim it, or would try to achieve autonomy by using violence. At the same time, it would in my view not be in conformity with article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which Slovakia has acceded, to make organisation of a peaceful public meeting aimed at supporting territorial autonomy a punishable act. Article 11 of the Convention, as far as it is relevant in the context, makes it clear that the freedom of peaceful assembly can only be restricted by law when this is "necessary in a democratic society in the interests of national security..." It is difficult to see that a peaceful meeting supporting territorial autonomy (which the relevant OSCE documents, as I have demonstrated above, do not consider as incompatible with territorial integrity) could constitute such a threat to national security.

Perhaps it is not the intention of the Government to use this article to make the organisation of such meetings a punishable act. But in that case I would still hope that, in order to avoid misunderstandings, the article would be reformulated in a restrictive way. I also make a plea for such a reformulation because especially the term "harming the constitutional order" lends itself to many interpretations, even to the interpretation that a party proposing certain changes in the Constitution through a normal legislative process has the intention of harming the established democratic constitutional order.

I also permit myself to draw your attention to the version of article 98 of the Penal Code as adopted by the Slovak Parliament on 26 March 1996 which provides: "any citizen of the Slovak Republic or any person not having this status but being domiciled on the territory of the Republic who intentionally disseminates false information abroad which harms the interest of the Republic will be liable to a term of imprisonment of 2 years or a fine". I should like to make the following comments.

First, the concept "false information" is in my view difficult to apply without endangering the freedom of the media, also because the additional requirement of harm to the interest of the Republic will scarcely reduce its scope. It is a well known fact that the same events can be interpreted in quite different or even opposite ways by journalists who have not the slightest intention to mislead their public. According to his or her political views, one might for instance consider a certain governmental measure as a blessing for the country, while another might express fears for its disastrous effects. My second objection is that it is difficult to reconcile the article with article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Article 10, where relevant in this context, states that the right to freedom of expression (which includes freedom to impart information and ideas without interference by public authority and regardless of frontiers) could only be restricted by law when necessary in a democratic society in the interest of national security. Possible harmful effects of "false information abroad" can in my view not be considered as a threat to national security.

Finally, my attention was drawn to the remarks in your Aide Memoire regarding the articles of the respective international instruments granting the right to persons belonging to national minorities to establish free and peaceful contacts. The Aide Memoire states: "These articles are related to the contacts with 'persons lawfully staying in other states' and not to the contacts with the governmental authorities of another country." My comments are the following: Paragraph 32,4 of the CSCE Copenhagen Document states that persons belonging to national minorities have the right "to establish and maintain independent contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin, cultural heritage or religious beliefs", while article 17.1 of the Framework Convention provides: "the Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other states, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage". In my view the only restriction regarding contacts across borders can be found in the Framework Convention which, in referring to "persons lawfully residing in other states" clearly intends to exclude contact with persons who reside illegally in a country. No restriction is put in either of the two instruments, or in any other international instruments, on contacts with governmental authorities across the border. Indeed, such contacts are also guaranteed by the generally applicable human rights to freedom of expression (with some permissible restrictions on content as noted above) and to freedom of movement.

Please permit me now, Mr. Minister, to turn to a number of questions directly related to the Hungarian minority in Slovakia. In my view Prime Minister Meciar made an important statement regarding the intentions of the Government when he stressed in a meeting with me on 23 May 1996 that Slovakia was interested in the formation of electoral districts in which the Hungarian ethnic minority would be dominant, so that, as he put it, "its appropriate proportional representation in Parliament would be assured".

You have yourself, Mr. Minister, indicated in your letter of 23 April last, that, regarding the constitutional right of citizens belonging to national minorities or ethnic groups to use a minority language in official communications, a new law is now being

prepared and that there is no reason for the fear that the percentage of population necessary for the exercise of the right to use the minority language in official communications will be increased. The concern I expressed in my letter of 26 February 1996 was, however, not only that the new law would increase the percentage mentioned under Law 428/1990 on the Official Language of the Slovak Republic which has now been abolished, but especially that the percentage requirement would be abolished on the one hand, while on the other hand the obligation would be introduced to add a translation in the State language to a communication in the minority language. As communicated in my letter of 26 February 1996, it is the view of three constitutional experts I consulted on this question that such a formula would not be compatible with article 34 para 2 sub b of the Constitution of Slovakia.

I have understanding for the reluctance to repeat in a law on minority languages what has already been laid down in separate laws. In order to avoid any confusion on this question, it would, however, in my view be desirable to publish a complete list of all the laws and regulations (or relevant articles of these legal instruments) which contain provisions regarding the linguistic rights of minorities.

As regards the Law on the State Language which has now entered into force, I note that article 9 gives the Ministry of Culture the task to oversee compliance with responsibilities emanating from this Law. I would recommend that a report be submitted annually by this Ministry to the Parliament regarding its activities in this field.

Regarding educational questions, the Minister of Education, Mrs. E. Slavkowska, has once again assured me that the system of alternative education she favours will not be forced upon parents and that the freedom of parental choice will be respected. She also emphasized that, contrary to some reports, she would consider as discriminatory the introduction of the requirement that teachers of the Slovak language in Hungarian language schools would have to be Slovaks or of the requirement that Hungarian teachers of the Slovak language would have to undergo a language test.

Regarding various other educational issues, I should like to make the following recommendations:

1. The Framework Convention for the Protection of National Minorities states i.a. in article 15 that the Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in public affairs, in particular those affecting them, while the Explanatory Report mentions (in para. 80) "decentralised or local forms of government" as one of the methods to implement this concept. However, in the field of education in Slovakia, there is presently such a high degree of centralisation that there is scarcely an opportunity for persons belonging to national minorities to participate in decisions regarding educational matters. I would recommend, therefore, to give more responsibilities for the running of schools to municipalities in the framework of the transformation of the public administration presently being prepared. One of the most important steps in this connection would be the transfer of the funds which the State presently provides to schools to the municipalities.

2. Article 13 of the Framework Convention states: "Within the framework of their educational systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments". I would recommend that, if requests for the creation of such establishments are sent to the Ministry of Education, the Ministry will not put forward any other conditions than those mentioned in para. 72 of the Explanatory Report of the Framework Convention (conformity with the requirements of the educational system in general, particularly the regulations relating to compulsory schooling; acceptance of the same forms of supervision as those to which other establishments are subjected, particularly regarding teaching standards) and will leave the school freedom to choose the language of instruction, provided that the learning of the Slovak language will be a compulsory subject in the curriculum.

3. Article 12 of the Framework Convention states i.a. that Parties shall provide adequate opportunities for teacher training and access to textbooks. Regarding teacher training, I would recommend, in the light of repeatedly expressed concerns on this subject, a new investigation, with the participation of representatives of the Union of Hungarian Teachers, into the question whether Nitra Pedagogical University can train a sufficient number of Hungarian teachers, taking into account that many of the present teachers will reach the age of retirement in the next few years. Regarding access to textbooks, I express the hope that the Slovak Government will adhere to the comment regarding article 12 in the Explanatory Report in the Framework Convention which states in para. 71 that "the words 'access to textbooks' are understood as including the publication of textbooks and their purchase in other countries".

4. In the last two years a considerable number of persons have been dismissed from the posts they were occupying in the educational sector, while the number of persons of Hungarian ethnicity amongst them seems to have been considerably higher than one would expect considering the percentage of Hungarians in the total population of the country. I would welcome an explanation of this phenomenon. Moreover, I express the hope that paragraph 5.11 of the 1990 CSCE Copenhagen Document (stipulating that "administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available") will be strictly adhered to.

Finally I come to a question regarding cultural policy. At my request, the Ministry of Culture provided me with information about the financing of minority cultural activities in the years 1995 and 1996 (the period up to 13 June 1996). According to these data, Hungarian cultural organisations submitted 107 projects in the first half of 1996, only 14 of which were given financial support, amounting to 3,023, 000 SK for the 14 projects together. The other minorities (Roma, Czech, Moravian, Ruthenian, Ukrainian, Polish, Bulgarian, German, Croatian and Jewish) submitted 273 projects in the first half of 1996, 204 of which were admitted; the financial support for these projects together amounted to 14,736,600 SK. These figures prompt me to make the following comments. While only slightly more than 13 % of the projects submitted by Hungarian cultural organisations were approved, 74.7% of the projects submitted by other minorities were approved. Moreover, while persons of Hungarian nationality constitute, according to the census of 1991, 10.7% of the total population, and all the other minorities taken together about 3.6%, the other minorities received in the first half of 1996 nearly five times as much in subsidies than the Hungarian cultural

organisations. No indication has been given in the documentation I received that this considerable imbalance will be restored in the second half of 1996. The motivation given for the refusal of applications was that they were not in conformity with the principles and criteria of the Fund Pro Slovakia.

My comments are the following. First, it is well-known that cultural organisations have to rely quite often on substantial governmental subsidies in order to survive. Reductions of such subsidies can in my view not be made without careful analysis of the question whether such a step can still be considered to be in conformity with article 5 or the Framework Convention which states i.a.: "the Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture ..." and paragraph 33 of the 1990 CSCE Copenhagen Document which, as far as it is relevant in this connection, states that the participating States will protect the cultural identity of national minorities on their territory and create conditions for the promotion of that identity.

Secondly, the discrepancy in the support provided to the Hungarian minority compared with the support given to other minorities makes one wonder whether such a policy is compatible with article 4 of the Framework Convention which states that any discrimination based on belonging to a national minority shall be prohibited. There is in my view even more reason to raise this question because of the surprisingly large difference in approval rates of projects submitted by Hungarian cultural organisations compared with those submitted by the other minorities, notwithstanding the fact that the same principles and criteria are being used. In my letter to you of 26 February 1996 I made a plea for a greater transparency of the system of allocation of public funds especially by not only making allocations public, but also indicating the motives which have led to a positive or a negative decision. In your reply of 23 April 1996 you state - correctly - that the information on the amount of funds allocated is available to all those interested. But you also added a hopeful note by stating that my suggestion concerning a greater transparency of the system of allocation of public funds may become subject to considerations leading to the improvement of this system. I take the liberty to appeal to your Government to take a number of immediate steps in this direction. In my view the following changes would be desirable. First of all Pro Slovakia could send to interested organisations the text of the principles and guidelines which it uses in judging applications. Secondly it could introduce a system under which, in case of a rejection, it would indicate which aspects of the application have led to a negative decision, and under which conditions the revision of such a negative decision could be undertaken. Finally I would hope that consultations will be opened with the Hungarian cultural organisations in order to seek ways for a distribution of funds during the second half of 1996 which could restore some balance in the distribution of funds between various national minorities. As far as the total amount of funds available for supporting minority cultural organisations is concerned, I recall your letter of 20 October 1995 in which you gave the assurance that measures related to the strengthening of the culture of Slovaks living in ethnically mixed territories will not be implemented by using financial resources dedicated to the development of minority cultures. I would recommend that such a policy will also not be financed by reducing the funds available for supporting the culture of the national minorities living in Slovakia.

These were the recommendations I wanted to submit to you, Mr. Minister, I look forward with great interest to the reply of your Government.

Your sincerely,

[signature]

Max van der Stoep
OSCE High Commissioner
on National Minorities

**MINISTER OF FOREIGN AFFAIRS
OF THE SLOVAK REPUBLIC
Pavol Hamzík**

Bratislava October 21, 1996
Ref.: 201.169/96-KAMI

Dear High Commissioner,

Allow me to take position with respect to the issues that you have mentioned in your letter of 13 August 1996. Your views and recommendations concern Aide Memoire, by which the Slovak Republic reacted to the "Joint Declaration" adopted on 5 July 1996 at the conference "Hungary and Hungarian Abroad", you have again returned to the amendment of the Penal law, you have mentioned the Law on State Language, use of minority languages in official contacts, educational system for national minorities, cultural policy towards national minorities and your attention has also been paid to the declaration of the Premier V. Meciar, concerning such formation of constituencies that would guarantee the Hungarian minority representatives and adequate representation in the Parliament.

With respect to the conference "Hungary and Hungarians Abroad" and the "Joint Declaration" that was adopted at this conference and signed by official representatives of the Republic of Hungary, Slovakia has expressed its essential and constant position towards this even in the Aide Memoire mentioned above, but also in the Position of the Ministry of Foreign Affairs of the Slovak Republic regarding Aide Memoire of the Ministry of Foreign Affairs of the Republic of Hungary of 31 July 1996. I assume therefore that it would not be reasonable to repeat the ideas expressed in the said documents. However, I fully identify, Your Excellency, with your opinion that any discussion regarding minority questions in Slovakia or in Hungary has to be based on analysis of the rights, and also other duties, of persons belonging to these minorities, with your specification of the referential framework for this analysis, as well as with the opinion that Slovakia and Hungary, in the preamble of the basic treaty, rejected

the notion that the minority can only maintain its identity by isolating itself as much as possible from the society surrounding it. I share your firm belief that only on the basis of respect by the State for the identity of the minority on one hand, and of the willingness of the minority to consider itself an integral part of the State they are living in on the other hand, can harmonious inter-ethnic relations develop.

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

And especially in this connection I feel urged to point out the fact that the Slovak Republic, on one hand, has provided its compatriots of Hungarian origin with guarantees of their rights in the greatest possible extent and on the highest level possible. However, on the part of political representatives of the Hungarian minority, it lacks just the very willingness to consider itself an Integral part of the State they are living in. You yourself, Your Excellency, mention in your letter the often expressed wish of Hungarian parties in Slovakia for territorial autonomy. I think that there is not a more convincing proof of the mentality of ethnic separatism of these parties representatives than particularly this wish. The proposal very well known to you of creating self-government regions in south Slovakia that is unambiguously based upon ethnic principle and as such it is probably motivated by the endeavour of a great isolation from the Slovak state-political, cultural and social life as possible on local and regional levels. It is true that the Joint Declaration does not specify what kind of autonomy it aims at. This, unfortunately, changes nothing on the fact that the consent of the Republic of Hungary with this document was understood by the representatives of the Hungarian minority in Slovakia as official support of their separatist tendencies - including the one you mention yourself. of course, I do not intend to dramatise this fact, however, I am convinced that this phenomenon should certainly not be underestimated. I mention this mainly in connection with your remark on existence of other forms of autonomy and the statement related to it that no international instrument commits or obliges a State to the acceptance of territorial autonomy. I should like to add that this does not concern only the territorial autonomy, but an autonomy in general. It is therefore a matter of sovereign resolution by the State to decide upon such non-standard solution of minority issues in the way and in the manner that it finds appropriate, or to simply principally reject such solution. Slovakia considers the existing international system of national minorities protection to be sufficient for preservation and development of identity of persons belonging to national minorities and has no intention to adopt any such measures that would exceed the framework of this system.

Your Excellency, as far as the Penal Law amendment is concerned, allow me to disperse your concern by a repeated assurance that neither sharing the conviction of the territorial autonomy being a suitable solution for Hungarian question's solution in Slovakia, nor organising a peaceful public gathering to support this conviction, is an offence in the democratic Slovak Republic. Such conclusion does not follow from the Paragraphs 92b and 98 of the above amendment, indeed. The less the legitimate

endeavour of the deputies of Hungarian origin to change the constitutional order within the parliament could be considered to be harming this constitutional order. The only exception consists in supporting and promoting violence or movements aiming at oppression of rights and freedoms of citizens, such as fascism, communism, spreading national, racial, class or religious hatred. I am convinced that the said paragraphs determine the characteristics of the facts of a case to a sufficient extent so that it is possible to unambiguously identify whether or not an offence under the Penal Law amendment occurred or whether it was and exercise of the unquestionable right to freedom of expression. However, I should like to point out the fact, that the draft amendment of the Penal law is still in the legislative process that has not been finished yet. By the decision of the President of 4 April 1996, the draft of the said amendment was returned to repeated discussion by the Parliament and it was included in the agenda of the currently proceeding session of the National Council of the Slovak Republic. In this stage of the legislative process therefore the Ministry, which submitted the draft, can influence neither the working of individual provisions of the draft amendment nor their deletion, as the case may be. The said interventions are, of course, possible on the part of the deputies of the Parliament.

Let us now move to the remark of the Prime Minister of Slovak Republic regarding the character of constituencies. The Prime Minister mentioned this question in connection to the preparation of a new law on elections for the National Council of the Slovak Republic and in connection with the process of public administration's reform in its course. With respect to the time available, the legislation providing for this matter has to be prepared so that the whole reform of public administration results also in the preparation of elections in 1998. The election legislation, i.e., not only the law on election for the National Council of the Slovak Republic, but also the laws on elections for self-government bodies on local and regional levels, must obviously follow up the new organisation of public administration. As the process of public administration's reform, after constituting eight counties and new districts as the state administration units, will continue by completion of the self-government bodies' system formation at local and regional levels and by redistribution of powers between the state and the self-government, it is not reasonable to expect that the materials, the aim of which is the above mentioned change of election regulations, would be prepared this year. However - and in this I should like. Your Excellency, to reassure you - in the preparation of these laws, the Slovak Republic will inevitably take into consideration the position of persons belonging to national minorities so that their constitutionally guaranteed rights, including the right of participation, are fully observed.

I shall only briefly touch upon the Law on State Language of the Slovak Republic and upon the use of minority languages in official contacts. The Ministry of Culture of the Slovak Republic expressed its consent with your recommendation to annually submit to the Parliament a report on its activities in the area of adherence to this law, as well as with publishing a complete list of laws and regulations, or their relevant articles, concerning the language rights of persons belonging to national minorities. By the way, these legal norms were enumerated in the letter of my predecessor, J. Schenk, of 23 April 1996 and concretely cited in the "Information on Implementation of the Framework Agreement of the Council of Europe on the Protection of National Minorities in the Internal State Order of the Slovak Republic" published by the daily "Slovenská republika" in four languages mutations, including Hungarian.

As for the opinion that was presented to you during your visit on 8 - 10 January 1996 by one of the governmental representatives that the draft law on use of minority languages should include the obligation to enclose a translation to the state language with a text in the minority language in official contacts, I can only state that the solution of this issue is in preparation and we still do not have a concrete draft wording for this legal norm, or the relevant article, that would specify the right to use the minority language in official contacts to a greater detail. However, I personally share the opinion of the three experts for constitutional law mentioned by yourself that such a formula would not be compatible with article 34 para 2 sub b of the Constitution of Slovakia and, at the same time, I should like to assure you that I communicated this opinion to the relevant ministries.

Allow me now, Your Excellency, to communicate to you the position of the Ministry of Education of the Slovak Republic regarding your questions or recommendations that you have aimed at the area of education and that you have expressed in points 1 to 4.

1. As I have mentioned above, the transformation of public administration has not been finished yet. In relation to the educational system, the situation is as follows: By coming into force of the Act of the National Council of the Slovak Republic No. 222/1996 Z.z. on organisation of local state administration and on change and supplementing of certain laws, also amended was the Act No. 542/1990 Zb. on State Administration in the Educational System and in Educational Self-Administration as amended by subsequent supplements, through which the School Administrations were cancelled and Divisions of Education, Youth and Physical Culture were established within the structure of country and district offices. The county and district offices have powers, through the said Divisions of Education, to organise and control schools and school establishments. The question of transfer of powers in this field, or of the measure of these powers, to the local or regional self-administration bodies, can be considered only in the next stage of the public administration's reform.

2. The Ministry of Education of the Slovak Republic fully respects and creates the conditions for the exercise of the right of persons belonging to national minorities to education in their mother tongue according to article 34, para 2, sub a of the Constitution of the Slovak Republic and according to the Act No. 29/1984 on the System of Primary and Secondary Schools as amended by subsequent adjustments and supplements (para 3). As long as all conditions in establishing of a school or a school facility are met following from the Edict of the Ministry of Education of the Slovak Republic No. 280/1994 Z.z. on private schools, regardless of the teaching language, the school will be included in the educational network.

3. As for the education of teachers, the Ministry of Education of the Slovak Republic has no right, in accordance with Act No. 172/1990 on

Universities and Colleges, to interfere with the law and within its limitations are made by the academic self-administration bodies. "With respect to the "access to textbooks", the Ministry of Education points out that according to Act No. 29/1984 on the System of Primary and Secondary Schools, in addition to textbooks and teaching texts, which are recommended, approved and financed by the Ministry, "also other textbooks and teaching texts can be used" (para 40, sub 1) as supplementary materials.

4. The response of the Ministry of Education to your last remark is as follows: Provisions of the Labour Code as well as those of the Act No. 542/1990 on State Administration in Educational System and in School Self-Administration are not differentiated, but they apply equally to all citizens of the Slovak Republic regardless of pertinence to national minorities or ethnic groups. In the said cases, the proceedings were also in accordance with the Edict of the Ministry of Education of the Slovak Republic No. 41/1996 Z.z. on professional and pedagogic ability of educational workers.

Your Excellency, in conclusion, I should like to inform you on the assurance of the Minister of Culture that your recommendations will be utilised in further work of the Ministry. In relation to your reference to the Article 5 of the Framework Agreement and the Paragraph 33 of the OSCE Copenhagen Document, however, I should like to add, referring to the explanation of the operation of financing the national minorities' culture by my predecessor in his letter of 20 October 1995, one, even if not exhausting note. The culture of national minorities is variable and according to its internal potential, the given national minority manifests it in various manners. In addition to the activities of cultural associations, periodical and non-periodical minority press, there are also professional minority theatres and companies, museums, district libraries and regional cultural centres. Therefore the conditions for the development of minority culture need to be considered comprehensively. The fact is that in relation to the said institutions, the founder of which is the Ministry of Culture, an important increase in funding necessary for their activity occurred in 1995. And this situation has changed neither in 1996. As for the grant system of funding the activities of institutions, the founder of which is not the Ministry of Culture (cultural associations, periodical and non-periodical press), it is quite possible that, based upon the obtained experience, the system will be reconsidered with the view of its improvement. The more likely it is that the Ministry of Culture promised to consider your recommendations and to utilise them to the extent necessary for this purpose.

Yours sincerely,

[signature]