

E D I T O R I A L

MINORITY POLICY IN SLOVAKIA

JARMILA LAJČÁKOVÁ

Minority rights have been an integral part of Slovakia's legal system since the first Czechoslovak Republic; nevertheless, the quality of protection and implementation of minority rights remains low. Paradoxically, interest of both national and international organizations in scrutinizing government's minority policies has decreased significantly after Slovakia's accession to the European Union. *Monitoring Minority Policies in Slovakia*, a project by the Center for the Research of Ethnicity and Culture that also includes this critical quarterly has an ambition to fill the gap in independent domestic monitoring and evaluation of minority policies.

The project focuses not only on how particular public policy measures comply with constitutional and international minority rights standards but also on the justification of adopted policies. The justification approach provides us with the opportunity to evaluate the overall progress in the field of minority policies. We proceed from Will Kymlicka's thesis who observed that progress in minority policies in Western democracies was achieved when minorities were no longer viewed as a danger to the majority and consequently to the peace and stability; instead, their claims were viewed as a matter of justice and equality. Evaluation of minorities' demands, including access to national education, public financing of churches and religious communities or participation in decision-making on matters affecting respective communities, are judged by the reference to equality. Such an approach may be detected in the incumbent administration's program manifesto released in August 2010 and especially in an amendment to the law on minority languages that was drafted under the auspices of Deputy Prime Minister for Human Rights, National Minorities and Gender Equality Rudolf Chmel.

Unfortunately, development trends in minority policies between December 2010 and March 2011 that are scrutinized in this issue of our

CRIMINALIZATION OF THE ROMA IS A DANGEROUS RETURN TO THE PAST

CVEK

The first relatively significant development in the field of minority policy in 2011 was the introduction of a new system targeted on areas with a heightened crime rate. The Minister of Interior Affairs Daniel Lipšic introduced the plan amidst a crowd of armed police officers in Romani settlement of Jarovnice. The new approach focuses (primarily) on marginalized Romani communities and its basic goal is to significantly increase the number of field police officers, particularly in order to protect non-Romani inhabitants. It is based on an analysis of so-called Romani criminality; which includes also a map of criminality rate prepared by Minister Lipšic's advisor for Romani criminality. This suggests that "this type of crime" has already been officially coined in Slovakia.

WON'T WE LEARN FROM THE HISTORY?

Students of Romani history will hardly be surprised by this approach. Part and parcel of every plan aimed at "civilizing" the Roma was measures based in a deeply rooted prejudice that there is causality between ethnicity and criminality. For instance, a top priority in tackling the so-called "Roma issue" by the first Czechoslovak Republic (1918 – 1938) was combating Romani criminality, despite dire socio-economic status of the Romani population. In its order of February 23, 1924, the Ministry of Interior ordered the police to create "a precise registry" of all Roma residing in the country. The registry was put together with the use of force and included detailed personal data that were in 1925 complemented by fingerprints. The basic purpose of the registry was to assist in persecutions that in the most extreme form led to show trials of Romani offenders (for further details, please see Emília Horváthová: *Cigáni na Slovensku* [Gypsies in Slovakia], Bratislava: Vydavateľstvo Slovenskej Akadémie Vied, 1964, p. 157). The most tragic period of Romani history – the Romani holocaust – was based on a scientific theory that "characteristics of Gypsies include inborn propensity to antisocial behaviour and criminality; this trait of their race is impossible to uproot" (for further details, please see Arne B. Mann: "Najstrašnejšia kapitola: tragické osudy počas druhej svetovej vojny. Aby na ne väčšinové obyvateľstvo nezabudlo" [Tragic Fates of World War II: The Most Dreadful Chapter the Majority Population Must Not Forget], *Mosty*, March 26, 2011, p. 8).

"It is highly disturbing that even modern and democratic Slovakia that views human rights as the moral foundation of its political community shamelessly accepts policies constructed on a concept of Romani criminality."

CRIMINALIZATION OF ROMA IS DISCRIMINATION

It is highly disturbing that even modern and democratic Slovakia that views human rights as the moral foundation of its political community shamelessly accepts policies constructed on a concept of Romani criminality. The Slovak Constitution guarantees that no one shall be discriminated against on the grounds of their belonging to a national minority or ethnic group. In using the very notion of Romani criminality, the government actually stigmatizes the entire minority as criminal and thus discriminates against its members. Unjust treatment of the Roma and reproduction of the stereotype of Romani criminality based on personal characteristics that have nothing to do with individuals' abilities and actions coarsely infringes on human dignity and may become very dangerous as history teaches us.

OPPORTUNITIES FOR DIGNIFIED LIFE INSTEAD OF MORE COPS

On the other hand, policies that respect human dignity should allow individuals and/or population groups to feel self-esteem and self-respect regardless of personal characteristics such as ethnicity. Government is obliged to adopt measures aimed at guaranteeing real opportunities to lead a dignified life; with respect to the Roma, this means eliminating poverty and improving access

quarterly suggest that government's dominant approach continues to view minorities as a threat. The policies pursued by the Interior Ministry are the most striking example: the Roma are perceived as criminals and foreigners are associated with terrorism. The Citizenship Act and the ongoing public debate on its potential amendments seem to support the myth of Hungarians as potential enemies of the state while protection of ethnic Slovaks against alleged *magyarization* is provided in the significantly illiberal State Language Act. According to Kymlicka, this approach to perception of minorities may hardly be construed as progress; on the contrary, distant as well as relatively recent history of Eastern Europe shows that such an approach may directly lead to violent conflicts.

The analyses of various issues related to minority policies currently pursued in Slovakia such as combating so-called Romani criminality, discharging the *Strategy on Foreigners' Integration*, amending Citizenship Act and State Language Act or drafting bills on aliens' residence and the use of minority languages indicate that viewing minorities as a threat may lead to two types of measures.

On one hand, there are policies aimed at ousting ethnic, national or religious diversity from Slovakia's political community. This may be documented by an amendment to Citizenship Act that outlawed dual citizenship, measures designed to make borders impenetrable for migrants or local cases of edging out the Roma from municipalities' territory (e.g. efforts by the mayor of Spišský Štiavnik).

An alternative to excluding minorities from the political community is their forced assimilation. Assimilation requires that individuals surrender their distinct identity in return for being included in a larger community. This approach is manifested by amending State Language Act or introducing restrictive language proficiency criteria for naturalization purposes.

Both types of policies ultimately lead to national, linguistic and cultural homogeneity. This way, minority policy in Slovakia is moving either toward exclusion and marginalization of minorities or toward their assimilation. These two trends currently delimit the pitch for protection and implementation of minority rights in Slovakia. It is fair to make a qualified guess that the amendment to the law on the use of minority languages will only be acceptable to the limit at which it does not "threaten" the ethnic majority.

In addition, public policy makers who *bona fide* attempt to create conditions for dignified life of the most marginalized group, namely the Roma, are likely to face the toughest barrier, as Tomáš Hrustič in his article on municipal elections observes. Last year's municipal elections, which for most minority communities is the only way to secure participation in decision-making that affects them, were accompanied by constant mockery and questioning of one particular minority's capacity for autonomous governance. At the same time, they illustrated Slovakia's deepest problem – racism – which is the main reason why interior minister's policies and measures primarily aimed at physical protection of the "white" are gaining public support.

Despite this pessimistic outlook, we believe that there are many politicians and government officials who are genuinely interested in shaping and pursuing just minority policies. Besides monitoring and evaluating these policies, our project shall also focus on activities aimed at enhancing their capacity to promote fair and inclusive minority policies. In a series of workshops, we shall discuss alternative institutional solutions and reasons why some of the existing approaches are failing. Our goal is to create a regular platform for collaboration between governmental and non-governmental (academic) sectors that would in the long run contribute to shaping policies that guarantee conditions for full-fledged and dignified life for all, including members of minority groups. ■

to education, employment and health care for inhabitants of marginalized Romani settlements. Most of them live in conditions comparable to those of people in underdeveloped countries and totally incomparable to those of their neighbours. These measures have not been implemented in a complex and systemic manner by any administration in Slovakia's modern history; yet, they represent the only truly effective means capable of eliminating from Romani settlements phenomena such as usury, domestic violence or pilferage that is often existentially motivated. Increasing the number of cops in Romani settlements will not help eradicate these problems in the long term. On the contrary, it is likely to encourage the Roma's distrust in government, which may increase tensions within society and escalate mutual conflicts.

A SILENT TOLERANCE OF DISCRIMINATORY POLICY...

It is alarming that none of the public figures and authorities entrusted with protection and implementation of human rights (e.g. deputy prime minister for human rights, national minorities and gender equality, public defender of rights or the Slovak National Human Rights Centre) publicly and emphatically condemned the interior minister's recent policy. The fact that the prime minister remained silent as well is ever sadder, especially given her long history of involvement in this area. Of course, condemning discriminatory or demeaning policies is not likely to score political points; nevertheless, respect for human rights must be guaranteed for all, i.e. not only for "ordinary citizens" but also (and primarily) for those who live on the edge of society and differ from the majority's notion of "normality". ■

GLOSSES

UNABLE TO LEARN OUR LESSONS

BARBORA MAŤAŠOVÁ

While not all may agree, democracy is one of the best "inventions" to date to help mankind achieve at least some freedom and justice. Certainly, the freedom of speech is also an invaluable instrument, only this one works as a two-way street. The point is that every speech has a way of provoking reactions, which is why everybody should wisely exercise the freedom of speech and cautiously avoid abusing it.

Hearing on news that a young man publicly and shamelessly expressed sympathies with the fascist ideology should make people ashamed for certain parts of human history. But if that manifestation is accompanied with a statement like "Gas the Gypsies" or "Dead Gypsy, Good Gypsy", the very thought of history repeating itself should provoke dismay. The most basic education standard of every man should include a simple knowledge of not repeating the past mistakes and ability to learn one's lessons. Is our society truly so full of hate, envy, stupidity and prejudice that would make its history repeat itself under the pretext of "meting out justice"? As social beings, we are probably unable to get rid of all prejudices; nevertheless, since we are also the only creatures with the ability of abstract thought and compassion we should be able to prevent our children from repeating their parents' or grandparents' blunders. Witnessing twelve or thirteen year-old boys spray a kiosk with Nazi symbols, we can bitterly conclude that we have failed in our task.

If we are unable to behave better than history teaches us, we should at least be able not to repeat past unacceptable mistakes. We could start by explaining to our progeny the meaning of these "harmless" symbols and the evil they caused in the past. On a second thought, though, if history teaches us anything, it is that most people – and not only supporters of Slovenská pospolitost' – are unable to learn from their mistakes. Perhaps Google should place the picture of a donkey under search results for "homo sapiens".

HOW (NOT) TO RESOLVE SLOVAK CITIZENSHIP ACT

JARMILA LAJČÁKOVÁ

The public debate on dual citizenship for Slovakia's ethnic Hungarians sparked in May 2010 and continued also in 2011. In May 2010, Hungary changed its citizenship law allowing an easier access to the Hungarian citizenship for foreign nationals of Hungarian origin who speak Hungarian. From now on, applicants for Hungarian citizenship should see the application process accelerated and, most importantly, they do not have to have permanent residence in Hungary. In reaction to the legislative changes adopted by Hungary, Slovakia amended its own Citizenship Act. Slovakia's amendment represents a sad historic landmark as it prevents Slovak citizens from obtaining dual or multiple

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citizenships. According to the currently valid law, Slovak citizenship is revoked on the day when a Slovak citizen obtains foreign citizenship based on explicit and voluntary display of free will. The loss of Slovak citizenship also implies the loss of civil service employment that is reserved only for the citizens. In February 2011, the incumbent ruling coalition that includes Most-Híd,

a party that represents ethnic Hungarians in Slovakia, unsuccessfully attempted to change the problematic legislation by a deputy-initiated amendment.

THE HUNGARIAN CITIZENSHIP LAW IS NOT GOOD, BUT IT IS ACCEPTABLE

Hungary's new Dual Citizenship Act is based on the *Jus sanguinis* (i.e. the right of blood when citizenship is not determined by place of birth but by ancestor's or adopter's citizenship). The Hungarian approach is not a singular in Europe. For instance, Italy's Citizenship Act makes all members of Italian diasporas with at least one ancestor who was an Italian citizen after March 17, 1967, eligible to apply for Italian citizenship. According to the law, Italian citizenship is granted to a Canadian who never visited Italy in his life, has no “emotional or other ties” to the country and does not speak a word Italian. Consequently, even these Italian citizens are granted suffrage and may take part in all kinds of elections from the place of their residence via mail.

The Hungarian law is far from ideal, particularly for its apparently nationalistic motives. Also, it is not welcome given Hungary's tense political relations with neighbouring countries, in particularly Slovakia and the relatively good status of ethnic Hungarians living there. Its adoption should have been preceded by a series of bilateral negotiations and subsequent agreements with countries with sizeable Hungarian minorities. Nevertheless, I believe that it is acceptable as a form of symbolic policy that recognizes ethnic Hungarians' affiliation to their motherland. It has positive practical implications particularly for those ethnic Hungarians who live in countries that are not member states of the European Union (EU).

A DANGEROUS SLOVAK REACTION

On the other hand, Slovakia's reaction to the Hungarian law is not acceptable. Most importantly, it is questionable whether the problematic amendment of May 2010 is constitutional. Article 5 of the Slovak Constitution requires that no one shall be deprived of Slovak citizenship against her or his will. Can an application for foreign citizenship be viewed as an expression of a free will to waive Slovak citizenship? Also, the amendment may be qualified as retroactive. The law punishes not only those who obtained foreign citizenship after it took effect (July 17, 2010) but also those who applied for it before this date. These applicants hardly manifested free will to waive Slovak citizenship by applying for foreign.

In early 2011, several amendments seeking to alleviate the law's undesirable effects were submitted to the Parliament. MP Róbert Fico (Smer-SD), who was the prime minister, while the problematic amendment was adopted, proposed to “soften” the law. Fico proposed that those who obtained foreign citizenship of a country where they had permanent, temporary or otherwise registered residence for at least six months should not be deprived of Slovak citizenship. Fico's proposal would remedy the situation of those Slovak citizens, who were the most frequent victims of the newly changed law, i.e. Slovak applicants for citizenships of countries, where they have permanent residence (for example Australian or Canada) Fico's proposal did not muster sufficient support to be passed into the second reading of the Parliament.

MP Gábor Gál (Most-Híd) along with other government deputies submitted a proposal that sought to restore the legal status from before July 17, 2010. It included several declaratory clauses that circumscribed the concept of citizenship, defining it as a permanent bond that provides living conditions for all citizens regardless of race, nationality or religion. At the same time, it guarantees human, civil, cultural and economic rights and provides their protection abroad. On the other hand, it binds Slovak citizens to abide by the constitution and other laws. Gál's proposal wouldn't recognize the effects of granting foreign citizenship to Slovak

citizens, provided it had been granted contrary to international law, customs or generally accepted principles, defining citizenship primarily as based on stronger bonds between state and individuals, for instance their preferred place of residence. While it is debatable whether these declarations have any other than symbolic meaning, the proposed amendment was a decent reaction to Hungary's Dual Citizenship Act as it did not make ethnic Hungarians living in Slovakia potential enemies of the state.

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Unfortunately, Gál was forced to withdraw his proposal after MP Igor Matovič (of Ordinary People, elected off the SaS ticket) suggested amending it in a way that would make Fico's unsuccessful proposal even stricter. Matovič proposed to double the period suggested by Fico during which an applicant for foreign citizenship must reside abroad from six to twelve months. Matovič's amendment was passed in the second reading, thanks in part to votes of the remaining three members of Ordinary People as well as MP Radoslav Procházka (KDH) and in part to thirteen MPs for ruling parties who abstained. In protest, Gál withdrew his proposal from parliament's deliberations.

A guarantee of Slovak citizenship for members of national minorities is basic condition of their full-fledged life in Slovakia. The Slovak citizenship is also a pre-condition for recognition of minority rights. The Treaty of Versailles and the Treaty of Trianon of 1919 conditioned Germany's and Hungary's respective acknowledgment of newly-created Czechoslovakia by granting Czechoslovak citizenship along with guaranteeing minority rights and protection against discrimination to members of sizeable German and Hungarian minorities that emerged as the result of redrawing the region's geopolitical map. Fico's amendment of May 2010 was very effective primarily in helping Hungarian Prime Minister Viktor Orbán to make ethnic Hungarians in neighbouring countries hostage to his efforts to usurp absolute political power at home.

I believe that Slovakia's most desirable reaction should have been ignoring Hungary's Dual Citizenship Act as opposed to making stricter its own Citizenship Act. Also, it remains unclear why Slovakia should be afraid of its ethnic Hungarians being granted the right to vote in Hungarian elections along with their Hungarian citizenship. Instead, this should be the source of anxiety for citizens of Hungary as their future fate would be co-decided by people who are not members of their political community and do not have to bear the consequences of their political preferences.

The emotionally charged debate on dual citizenship for ethnic Hungarians seemed to omit the fact that Slovakia's Citizenship Act ranked among the strictest citizenship standards in Europe already before May 2010. In 2007, the previous Fico administration amended it without any public debate whatsoever, increasing the period of permanent residence required for naturalization from previously valid five to eight years. At the same time, it introduced a condition of good command of Slovak language and Slovak realities that created, among others, a fertile environment for corruption due to its lack of clarity. Last but not least, it sent a signal that Slovakia viewed applicants' substantial degree of cultural and language assimilation as an important condition for granting full-fledged citizenship.

Slovakia's Citizenship Act is problematic mostly because it is based on the myth that some of its citizens by virtue of their national or ethnic difference pose a threat to Slovakia. Foreigners are associated with terrorism and construed as a physical threat to the Slovaks. Their chances to obtain Slovak citizenship are minimal, and only if they agree to assimilation and blending with the "majority". Ethnic Hungarians are generally perceived as a threat to the country's sovereignty and integrity as many believe they would automatically become enemies of the state after obtaining Hungarian citizenship. In other words, their legitimate demands will never be taken seriously on grounds of equality and non-discrimination but solely as long as they "comply" with the notion that they represent a threat. This short-sighted logic may in time make ethnic Hungarians or members of other minorities actually resort to violence. ■

GLOSSES

NEW ROMA VILLAGE?!

DOMINIKA HRINÍKOVÁ

Chairwoman of local council in the village of Spišský Štiavnik Mária Kleinová proposed to relocate local residents of Romani origin into a new self-governing municipality, Monika Sinuová informed via the Roma Press Agency website on February 21, 2011. The Roma Press Agency learned about the proposal from Martin Benko, chairman of the local council in the neighbouring village of Hranovnica who said Kleinová had informed him about the scheme and suggested that Hranovnica collaborates with Spišský Štiavnik. Benko opposed the initiative.

Chairwoman Kleinová's proposal invites questions regarding its conformity with the Constitution of the Slovak Republic. The said document declares that Slovakia is a democratic state that acknowledges the rights of national minorities and ethnic groups. It is beyond all understanding how can such an initiative come from a person that is the highest executive authority of a municipality and is supposed to act in the best interest of all of its residents. The scheme is an obvious attempt to segregate the municipality's Romani inhabitants from non-Romani ones. Apparently, Ms. Kleinová finds it easier to 'deport' members of the 'problematic ethnic group' away from the area of her jurisdiction rather than strive for mutually enriching coexistence with them.

THE BILL ON BORDER CONTROL AND ALIEN RESIDENCE SEEKS TO LOWER THE CURTAIN AGAIN

ZUZANA BARGEROVÁ

In February 2011, the Ministry of Interior submitted to interdepartmental debate procedure a new bill on border control and alien residence that had been drafted by the Border Control and Alien Registration Office.¹ The bill caused quite a furore for Slovak standards, provoking a vivid debate among involved professionals, academic community and several ministerial departments. It is understandable, for the bill is not just another bill. It is an important tool of government's migration policy as it governs a number of areas that are fundamental to regulating foreign migration and decisively affects whether and to what extent shall migration of third-country nationals change the face and economy of Slovakia in the future.

The bill's initiators decided to merge the agenda of controlling and protecting the country's borders² and the agenda of regulating aliens' entry and residence on its territory into a single legal rule. It was assumed that the latter agenda would be made more civil through creating a separate body called Immigration and Naturalization Office. The intention to merge the two agendas pretty much rules out such an institutional solution, which is why it may be perceived rather as a step backward.

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The explanatory report that accompanied the bill conveys the Interior Ministry's official position on foreign migration, explicitly observing that the Slovak Republic "remains a transit country for various immigration streams of legal as well as illegal migrants whose final destinations are economically more stable and attractive countries of the Schengen Area".

The new bill is relatively extensive compared to the currently valid law on alien residence.³ According to its initiators, its principal objective is to improve mechanisms of regulating migration and integration of foreigners, to merge the agenda of controlling and protecting the country's borders with the agenda of aliens' entry and residence into a single piece of legislation and to implement two European Union (EU) directives, namely the directive on EU blue cards⁴ and the directive that stipulates minimum standards on sanctions and measures against employers of third-country nationals who dwell on EU member states' territory without authorization.⁵

The explanatory report also observes that the law seeks to define and introduce to application practice new institutions and concepts that are "indispensable to effective protection of society against increased immigra-

- 1 Specific comments on the bill made by CVEK are available at: http://cvek.sk/uploaded/files/CVEK_pripomienky_zakon_pobyt_cudzincov.pdf
- 2 The agenda is currently governed by the law No. 477/2003 on Protection of State Border that Alters and Amends Certain Laws.
- 3 Law No. 48/2002 on Alien Residence that Alters and Amends Certain Laws.
- 4 Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.
- 5 Directive 2009/52/EC of the European Parliament and of the Council of June 18 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

tion, unauthorized crossing the external border and unauthorized dwelling of aliens on the territory of not only the Slovak Republic but of the entire Schengen Area, participate in creating the space of freedom, security and justice by adopting effective measures aimed at regulation of legal and illegal immigration of third-country nationals.” The bill’s content and the

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explanatory report’s wording both indicate that the initiator is fully aware of the law’s potential and importance in the field of controlling migration. It introduces a variety of new legal institutions (e.g. a blue card for highly qualified migrants) and stricter conditions for granting permanent residence.

The total number of third-country nationals with permanent residence on Slovakia’s territory is incomparably lower than in neighbouring countries.⁶ The total number of third-country nationals currently represents approximately 0.4% of

6 Based on official statistics of the Border Control and Alien Registration Office available at: www.minv.sk/?rocniky

Slovakia’s total population; furthermore, the explanatory report itself observes that the Slovak Republic remains primarily a transit country. Therefore, the reasons why the bill envisages such strict protective measures against “increased immigration” remain unclear.

While the goals declared in the explanatory report are legitimate, the bill’s content and language invite a suspicion that the initiator’s principal motivation was minimizing immigration of third-country nationals, which it views as “undesirable” and risky phenomenon. In this respect, Slovakia missed out on an opportunity to adopt a modern tool of immigration and integration policy.

Regardless of the country’s demographic development or potential economic interests, it is obvious that the Slovak Republic merely tolerates the phenomenon of immigration while remaining reluctant to examine the benefits of migration and honestly declare its interest to benefit from it or at least take into account the needs of its labour market and respect a free decision of migrants to settle on its territory and find a new home here. Unfortunately, the Slovak Republic continues to lack an official migration doctrine that would provide the platform for specifically defined tools. The Ministry of Interior is currently drafting a document titled Strategy of Migration Policy that might become the cornerstone of such a policy in the future. ■

MAY THE STATE DICTATE US THE USE OF LANGUAGE?

JARMILA LAJČÁKOVÁ

The attempts to define spheres where particular languages should be used continued to be the focus of political debates and legislative changes also in late 2010 and early 2011. The incumbent ruling coalition drafted an amendment to State Language Act in an attempt to mitigate its restrictive tone introduced by the most recent amendment adopted in 2009 by the Róbert Fico administration. Toward the end of 2010, Deputy Prime Minister for Human Rights, National Minorities and Gender Equality Rudolf Chmel officially presented the initial draft of an amendment to the law on the use of minority languages.

DO WE NEED THE ACT ON THE STATE LANGUAGE?

State Language Act stipulates an *obligation* to use Slovak language in a broadly defined public sphere and to some degree in the private sphere as well. The law decrees the use of Slovak in the so-called official contact, including areas such as keeping public agendas of churches and religious associations, which may be qualified as infringing upon religious freedoms. The law also decrees the use of Slovak in the field of geographic names in education system and other areas of public contact, for instance in television and radio broadcasting, print media and during cultural events. State language must also be used in “remaining areas” of public contact, including keeping financial and technical documentation of private organizations and statutes of societies and associations, advertising or marking consumer goods. The law goes as far as regulating situations that have nothing to do with the public sphere, for instance communication between patients and doctors. The only point of concern is whether this communication takes place in a municipality where the use of a minority language is allowed or not; in other words, mutual understanding between the doctor and the patient is irrelevant. While this kind of regulation defies common sense, I believe it is merely one of many areas and aspects of the law that cry for amending.

The principal question is whether government should be entitled to dictate the use of particular languages in concrete situations to its citizens. Or better yet, does Slovakia need such a law at all? State Language Act “protects” the language of the majority. Does a language that is spoken every day by most inhabitants of Slovakia need to be protected? Suppose there were no minorities living on Slovakia’s territory. Would it be necessary to protect Slovak language against any-

body then? Apparently not. Therefore, I happen to believe that the law is meant to protect the Slovaks against minorities, particularly ethnic Hungarians and alleged “magyarization”, despite the fact that the total number of people declaring Hungarian origin decreases with each population census.

As far as its practical implications go, State Language Act does not protect members of the majority; on the contrary, I believe it rather harasses them by dictating to them the language of communication. Much more problematic is that it practically facilitates assimilation of minorities. The ability of minorities to preserve their language identity is lower compared to the majority that is stronger in terms of number as well as economically, politically and socially. The assimilation pressure created by State Language Act significantly reduces minorities’ ability to preserve their respective mother tongues. For instance, minority schools are *required* to keep school documentation (in an unspecified extent) in the state language while they may merely *opt* to keep it in a minority language. Since this relatively aggressive bilingualization imposed by State Language Act is time consuming and financially costly, it is quite realistic to expect that some minority schools will simply give up in time and become bilingual and subsequently Slovak schools.

So far, the incumbent ruling coalition has not found the courage to abolish State Language Act. Instead, it made a rather half-hearted attempt to mitigate its negative effects through an amendment passed by parliament on December 9, 2010. The amendment moderately narrowed down the list of areas where the use of the state language had been mandatory, leaving out, for instance, transport, post and telecommunications, communication within fire brigades and reducing the extent of keeping school documentation by minority schools.

In many aspects, the amendment amounted to a fiasco as it failed to remedy a great number of truly fundamental problems. Most important-

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ly, it did not stipulate that State Language Act shall not be used to curb national minorities' language rights. Also, it did not reduce the unnecessary burden of preserving minority languages as it left intact the requirement to subtitle broadcasts for national minorities or rephrase them in the state language. Television and radio broadcasting in minority languages is substantially more expensive, which is a serious obstacle particularly for smaller private media. Last but not least, the amendment did not abolish fines for violating this otherwise completely pointless law. President Ivan Gašparovič refused to sign the passed bill into a law, criticizing that the amendment left imposition of fines at executive organs' discretion and arguing that fines should be imposed whenever violation of the law is established; this argument is so absurd that it is hardly worth a commentary. Parliament did not agree with the president's observations and repeatedly passed the amendment in February 2011.

WILL THE AMENDMENT OF THE ACT ON THE USE OF MINORITY LANGUAGES PROTECT MINORITIES FROM THE STATE LANGUAGE ACT?

Since members of national minorities find it significantly more difficult to preserve their native languages, international law binds national governments to encourage their use by legislative means, i.e. guarantee by law the

"Reducing the 20% limit would amount to a historic landmark as national minorities have unsuccessfully struggled to reduce it since the first Czechoslovak Republic."

right and *possibilities* to use minority languages; on the other hand, international law does not require national governments to impose on their citizens the obligation to use the official or state language. The law on the use of minority languages passed in 1999 was unsatisfactory in many

respects. For instance, it failed to enact the right to use one's mother tongue in criminal proceedings. At the same time, State Language Act along with other legal standards significantly curbed the use of minority languages.

In a way, the amendment to the law on the use of minority languages introduced by Deputy Prime Minister Rudolf Chmel in November 2010 and submitted to interdepartmental debate procedure in February 2011 is some form of protection against State Language Act. The amendment even copycats State Language Act in terms of stipulating sanctions for violating it. It defines languages of national minorities as languages traditionally used by citizens whose mother tongue is other than Slovak. In line with Slovakia's commitments ensuing from international law, the draft should further strengthen national minorities' language rights and make their exercise more effective; for instance, it allows members of national minorities to appeal public authorities in minority languages, not only in writing but also in electronic or oral form.

The amendment also seeks to eliminate the so-called territorial linguistic reservations that are incompatible with international law. The law allows the use of minority languages in official contact also in municipalities where the share of inhabitants belonging to national minorities is below the required limit of 20%, provided that employees of the public authority in question and other parties to the proceedings approve of it. The percentage of local population that allows members of national minorities to use minority languages in official contact was perhaps the most vividly debated issue of the entire amendment. Chmel's original proposal from November 2010 sought to reduce the previously valid 20% limit to 10%. Based on the political compromise among ruling parties, the limit was increased to 15%; the draft seeking to enact this limit was submitted to interdepartmental debate procedure in February 2011 and subsequently approved by the cabinet.

If the parliament approves the reduced population limit, it will help to preserve language identities of national minorities, particularly smaller ones that are not territorially concentrated. Reducing the 20% limit would amount to a historic landmark as national minorities have unsuccessfully struggled to reduce it since the first Czechoslovak Republic (1918 – 1938). Still, questions regarding the law's effectiveness shall remain unless lawmakers make it clear that it takes precedence over State Language Act and/or eliminate this restrictive law from Slovakia's legal system altogether. ■

STRATEGY OF INTEGRATION OF FOREIGNERS IN THE SLOVAK REPUBLIC: UNCLEAR GOALS, UNCLEAR RESULTS

ALENA CHUDŽÍKOVÁ

In February 2011, the Ministry of Labour, Social Affairs and Family concluded an interdepartmental debate on the *Summary Report on the Fulfilment of Measures of the Concept of Foreigner Integration in the Slovak Republic for 2010*. The document summed up reports on the fulfilment of respective measures submitted by departments of transportation, education, health care, interior, and labour and social affairs. Regional self-governments, the Union of Towns and Cities of Slovakia and the Statistical Office of the Slovak Republic also contributed to the report.

The *Concept of Foreigner Integration in the Slovak Republic* is the only policy document to spell out strategic, legislative, organizational and practical integration measures. The document provides the basic framework for coordinating actions by relevant integration actors. While a brief look at the Summary Report would indicate that integration of immigrants in Slovakia is a flawless process, a closer look reveals a different perspective. The Concept sets many goals that should be achieved gradually. But creating conditions for decent life of immigrants is obviously not a priority in our society. Materializing the Concept is problematic for three major reasons.

UNCLEAR GOALS OF "INTEGRATION"

Most importantly, many relevant institutions are not sure what integration means. The document defines integration, and thus the goal of integration policy, as "approximation of the legal status of long-term and legally residing nationals from third countries in the Slovak Republic to the legal status of Slovak citizens."¹ At the same time, Slovakia claims to adhere

"... for many relevant institutions it remains unclear what integration means"

to the integration model that assumes mutual adjustment, not only on the part of immigrants but also on the part of the receiving society. Unfortunately, the proclaimed ways of fulfilling some of the measures do not have much in common with immigrants' integration. A sad example is the exhibition 'Morocco' that was hoped to increase immigrants' civic participation in one self-governing region. Especially regional self-governments openly dissociate themselves from the Concept and perceive it as a document that is not legally binding for them. Apparently they do not understand that integration of foreigners takes place on the local level, i.e. in towns and municipalities. It seems as if immigration and integration were merely abstract concepts with no people behind them.

INADEQUATE PROPORTION OF INTEGRATION MEASURES PERFORMED BY THE NON-GOVERNMENTAL SECTOR

Secondly, government's role in implementing the integration policy is disproportionately substituted by the third sector. Some measures stipulated by the Strategy (e.g. immigrants' education, labour or social counselling, etc.) are performed almost exclusively by non-governmental organizations. For instance, the Concept spelled out a measure of supporting municipali-

1 Ministerstvo práce, sociálnych vecí a rodiny, 2009. Konceptia integrácie cudzincov v Slovenskej republike. [Online] Dostupné na <<http://www.employment.gov.sk/index.php?SMC=1&id=17423>> [Stiahnuté 14.marca 2011]

ties through implementation of social inclusion and integration programs in the field of housing. The labour and interior ministries were designated as institutions responsible for this measure's implementation; however,

"...many activities' discontinuity and insufficient sustainability is a problem as there are no stable guarantees of financial resources"

unprepared or unsuccessful in implementing these programs; quite the contrary. Yet, discontinuity and insufficient sustainability of many activities is a problem as financial resources are not guaranteed, which may easily lead to a situation when a single organization with a single lawyer provides legal advice to all asylum seekers in western Slovakia.

THE DEGREE OF MIGRANTS' INTEGRATION REMAINS IMPOSSIBLE TO MEASURE

Last but not least, there is no relevant feedback regarding foreigners' integration. Statistical data that would provide information on how successful immigrants are in accessing the labour market or adequate housing is virtually non-existent. Do immigrants use their qualification effectively? Do they work longer hours than members of the host popu-

the report on its implementation supplied by the said ministries refers exclusively to NGO programs supported from the European Refugee Fund and the European Integration Fund.

This is not to say that NGOs are

lation for the same salary? Can they afford appropriate housing for fair prices? We simply don't know. We do know how many foreigners arrive from which countries but their further life in Slovakia seems to be of no interest to anyone unless problems occur. It is therefore practically impossible to assess fulfilment of the integration policy objective defined as approximating foreigners' legal status to that of Slovak citizens. Developing a methodology to monitor integration indicators was set as an important measure that was to be fulfilled within a year since the Concept was adopted, i.e. by May 2010.

To sum it all up, the goals and means of foreigners' integration in Slovakia remain unclear. Most importantly, the country lacks systematic mainstreaming of integration that would be coordinated by one institution with a clear vision of objectives and methods of their attainment. The lack of communication and coordination on the part of respective institutions that often don't even know they are actors of integration directly causes the lack of understanding on the part of the host society and prevents full-fledged participation of foreigners on its life. Unfortunately, it seems that Slovak political representation is not as sensitive to its own failures as it is to the failures of the "others".

"We know how many foreigners arrive from which countries but their further life in Slovakia seems to be of no interest to anyone unless problems occur."

THE SO-CALLED ROMA ISSUE AND MUNICIPAL ELECTIONS IN 2010

TOMÁŠ HRUSTIČ

While the Slovak Constitution guarantees the right of national minorities' members to take part in decision-making processes concerning their own communities, this inalienable right is not practically implemented, the sole exception being the Slovak Government's Council for National Minorities. The philosophy lying at the heart of this right is that government should create favourable conditions for minorities' members to help themselves effectively as opposed to being mere subjects of the majority's policies. The most effective way of guaranteeing minorities' participation in decision-making over their affairs is general elections on the local, regional or national level. Given the existing decentralization of administering public affairs, the key level of electoral process is the municipal one, particularly with respect to marginalized Romani communities. Any change that might help improve these communities' living standard existentially depends on the performance of local and municipal self-governments.

It is important to perceive participation of the Roma not only from the viewpoint of minority rights and tackling the so-called Roma issue but also in terms of building a pluralistic society that allows all its members to participate in administering public affairs. Local and municipal councils comprise competent as well as incompetent representatives; in other words, municipalities are governed by people who aim to serve their constituencies but also people whose basic motivation is to ensure the greatest possible comfort for themselves and their families.

According to estimates, more than 330 Romani candidates got elected to local and municipal councils in the most recent municipal elections in November 2010, a solid 50% increase compared to 220 Romani candidates elected in 2006. Overall, 121 of these candidates were elected off the ticket of one of three Romani political parties; however, most elected Romani candidates ran on tickets of majority political parties or as independent candidates. This might indicate two rather positive trends: first, Romani candidates have an increasing potential to be incorporated into traditional political parties' structures on the local level; second, their affiliation is determined by their political allegiances or personal ties with representatives of traditional political parties' local structures. The overall number of Romani candidates elected to the posts of local and municipal councils' chairpersons increased as well.

Compared to 19 such Romani candidates elected in 2006, the most recent municipal elections brought victory to 28 Romani men and – for the first time in the country's history – one Romani woman.

BUYING ROMANI VOTES

At this place, I shall abstain from evaluating whether the most recent municipal elections may improve participation of the Roma in tackling the problems that plague most marginalized Romani communities; nevertheless, I believe that results of the 2010 municipal elections represent a gradual improvement of political participation of the Roma. In this context, I would like to address two controversial issues that stirred public indignation at Romani candidates during and immediately following the 2010 municipal elections: first, it was reasonable suspicions of buying votes in Romani settlements; second, it was public allegations presented in various media suggesting that several elected Romani members and chairpersons of local and municipal councils are incompetent to hold their posts.

Buying votes in Romani settlements is a lingering malady that directly jeopardizes the democratic institution of free elections. True, many members and chairpersons of local and municipal councils were apparently elected thanks to manipulating voters and buying their ballots in return for various incentives; on the other hand, this phenomenon may be observed in communities with concentrated poverty the world over. Since concentrated poverty in Slovakia may be found especially in Romani settlements, it is rather logical that inhabitants of Romani settlements are the primary (but not exclusive) sources of ballot trafficking.

In this context, it is peculiar that public indignation was aimed against the Romani voters who sold their ballots for a fair amount of money (in some municipalities, the 'price' of one ballot was as high as €20) in a rather logical attempt to keep their children from hunger for at least some time whereas it should have turned against the principal culprits, i.e. politicians who blatantly exploit catastrophic poverty of the Roma. Even more peculiar is that the public did not seem nearly as outraged at hundreds of Petržalka residents who sold their votes in return for toasters or other electric appliances in mayoral elections four years

earlier;¹ in this particular case the principal target of criticism was the candidate who had resorted to such practices. After the most recent municipal elections, however, non-Romani residents of several Slovak towns (e.g. Levoča) hatefully blamed local Roma who sold their ballots while ignoring the candidates who bought them.

EDUCATION OF NEWLY ELECTED MAYORS AND LOCAL MP'S

Shortly after the 2010 municipal elections, some journalists sparked a rather vivid public debate about low education status of some elected Romani members and chairpersons of local councils. Some respected commentators (e.g. Marián Leško of the *Sme* daily)² even called for setting minimum education requirements for chairpersons of local and municipal councils; these views were publicly criticized by Radoslav Procházka, Chairman of Parliamentary Constitutional Committee.³ Another peculiarity about the debate was that elected representatives' low education status was portrayed as primarily a Romani problem.

Out of 29 Romani chairpersons of local and municipal councils elected in 2010, 13 were actually re-elected; most of them received votes from their municipalities' non-Romani residents who were apparently satis-

"Most of the re-elected Romani chairperson received votes from non-Romani residents."

- 1 For further details, please see http://spravy.pravda.sk/v-petrzalke-sa-kupovali-hlasy-volicov-dxu-/sk_domace.asp?c=A061202_190801_sk_domace_p12
- 2 The fact that a majority (i.e. democratic) decision causes detriment to persons that did not do anything to deserve it is a negative externality that cannot be tolerated just because it is the result of a democratic vote; available at: <http://komentare.sme.sk/c/5707631/kto-je-nesposobily-na-starostu.html#ixzz1GSnMtTgT>
- 3 Equality in access to fundamental rights is sine qua non of a legitimate state and any society that abandons this principle in the name of effectiveness shall deservedly degenerate into tyranny; available at: <http://radoslavprochazka.blog.sme.sk/c/252389/Negramotni-do-plinu.html#ixzz1GSnmv2I>

fied with their performance. There is no reason to believe that newly-elected Romani chairpersons of local and municipal councils should not be up to their task; leaving aside the obvious fact that a university diploma is no guarantee of effective and transparent leadership, many of them study at universities part-time, undergo special training and have ample experience with implementation of various projects.

Some have also accused Romani chairpersons of local and municipal councils of embezzling public funds and leading their municipalities to the verge of bankruptcy. Needless to say, a number of municipalities in Slovakia are facing similar problems, whether they are administered by Slovaks, ethnic Hungarians or Ruthenians. Nobody has ever seemed to worry about education status of non-Romani chairpersons of local and municipal councils, although it is very likely that many of them lack adequate qualifications.

Discussing minimum education requirements for elected representatives is by all means legitimate. I just happen to believe that the most recent debate on buying Romani voters' ballots or education status of elected Romani representatives is largely affected by the fact that the so-called Roma issue is often accompanied with attributes such as "unsolvable", "calamitous" etc.; these concepts subsequently receive a negative media image that penetrates all layers of society and eventually gets reflected in political participation of the Roma. That explains why the public indignation over buying Romani voters' ballots was *a priori* aimed against the Roma without knowing the situation. Similarly, the debate on elected representatives' education status was limited to Romani representatives, apparently because it was triggered by the assumption that Romani members and chairpersons of local and municipal councils are unable to serve their communities.

One way or another, it seems that Slovakia still has a long way to go before it can boast more municipalities like Veľký Grob whose residents do not pay any mind to the newly-elected mayor's Romani ethnicity.⁴ ■

- 4 Forty-seven year-old Viliam Rigo was elected mayor in a village that is home to just several dozens of Roma. "I am not some kind of geek who would be elected just because he is a Roma," Rigo said. "On the contrary, that is certainly not a success booster in Slovakia"; available at: <http://www.sme.sk/c/5665478/dedinu-ziskal-rom-kulturista.html#ixzz1GSsz0ZUC>

GLOSSES

FOLLOW OUR EXAMPLE

ALENA CHUDŽÍKOVÁ

Minister of Interior Daniel Lipšic announced that Slovakia had offered assistance to Malta to help it cope with the excessive inflow of asylum seekers arriving from north-African countries. According to the minister, the assistance should be substantial as opposed to a 'symbolic gesture'. The minister argued that other EU member states should follow Slovakia's example in the field of asylum policy. Interestingly enough, other EU member states have criticized Slovakia in the long term for the consistently low number of asylums granted.¹

The decision to accept ten asylum seekers from Malta along with its official justification perfectly illustrates current parameters of Slovakia's asylum policy. It also unmask the country's overall attitude to minorities and foreigners as security concern becomes an increasingly weighty criterion. The minister reasoned that "they will be mostly educated families that pose no security risk for Slovakia."¹

On one hand, Interior Ministry applies the solidarity principle as the argument to accept asylum seekers and criticizes other EU member states in this respect. On the other hand, however, it disapproves of Italy's plan to issue temporary visa allowing asylum seekers to travel anywhere in the Schengen Area. Obviously, the solidarity principle does not apply to asylum seekers in Italy. According to the minister, Italy's asylum seekers are not refugees but "economic migrants from Tunisia ... a problem of a limited area" that does not concern other member states. As if Italy was the country of destination for all asylum seekers from North Africa. The minister's claim that they are economic migrants is equally unfounded.

Both Malta and Italy are struggling to cope with high numbers of asylum seekers coming from turbulent regions of North Africa, but according to our interior minister Malta deserves solidarity of the rest of Europe whereas Italy fails to meet some mysterious criteria. Is it correct to show compassion selectively and accept only those asylum seekers who hold a university diploma and live an orderly family life?

- 1 <http://www.sme.sk/c/5846863/lipšic-prijat-10-azylantov-z-malty-nie-je-len-gesto.html#ixzz1JlluwvCK>

MINORITY POLICY IN SLOVAKIA

Critical Quarterly

Center for the Research of Ethnicity and Culture

Klariská 14, 811 03 Bratislava
tel.: (+421 2) 54 63 06 77
e-mail: info@cvek.sk, www.cvek.sk

Editor in chief: Jarmila Lajčáková
Assistant chief editor: Alena Chudžíková

Jarmila Lajčáková and Alena Chudžíková are Research Fellows of the Center for the Research of Ethnicity and Culture

Zuzana Bargerová is an Integration Consultant and operates at the Center for the Research of Ethnicity and Culture and the Human Rights League.

Tomáš Hrustič coordinates the Roma Political Participation Programme at NDI Slovakia.

Barbora Maťašová and Dominika Hriníková study at the Faculty of Social and Economic Sciences Comenius University and are interns at CVEK.

Translated by Daniel Borský

Media Partner: SITA

Minority Policy in Slovakia is a part of the CVEK's project *Monitoring Minority Policy in Slovakia* supported by the Think Tank Fund of the Open Society Foundation.



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2011