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# Written Comments by the Roundtable of Hungarians in Slovakia (RHS) on the Fifth Report submitted by the Slovak Republic on the implementation

# of the Framework Convention for the Protection of National Minorities (received 31 January 2019) for consideration by the Council of Europe’s

# Advisory Committee on the Framework Convention

**Somorja – Šamorín, 15 June 2019**

Questions and comments are welcome on the address [info@kerekasztal.org](mailto:info@kerekasztal.org).

The Roundtable of Hungarians in Slovakia (RHS) is an umbrella organization of non-governmental organizations active in the field of advocacy, culture, education, and linguistic rights of the Hungarian minority in Slovakia. The RHS represents the Hungarian community’s views vis-à-vis state bodies and the general public. It has developed and adopted its own proposals of laws on the use of minority languages, financing of minority cultures, and minority self-governments. It also submitted comments on governmental proposals related to these areas.

The RHS welcomes the Slovak Government’s Fifth Report on the Implementation of the Framework Convention for the Protection of National Minorities submitted to the Council of Europe’s Advisory Committee on the Framework Convention on 31 January 2019.

The RHS welcomes the opportunity to submit its comments on the Government’s report, and is ready to provide clarification and answers to any questions. We are looking forward to serve the Advisory Committee with comments and submissions in the future.

The following comments address issues raised in the Slovak Government’s report. They are structured according to the Articles of the Framework Convention. These comments are in no way comprehensive, and a lack of response to some of the Government’s statements should not indicate their acceptance or endorsements. For the sake of brevity, we concentrated on questions that we considered to be the most important, or where the most relevant recent developments have taken place.

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1. **Article 3 – Citizenship**
2. In its Fourth Opinion on the Slovak Republic (hereinafter *Fourth Opinion on Slovakia*), the Advisory Committee on the Framework Convention recommended that the Slovak authorities “apply a flexible case-by-case approach to any possible requests for the enjoyment of minority rights by non-citizens belonging to national minorities” (para. 11 of the Fourth Opinion on Slovakia). The Committee specified that an inclusive approach should reflect “for each right separately whether there is a legitimate ground to differentiate access based on citizenship” (para. 12), and noted that the 2010 amendment of the Citizenship Act abolished dual citizenship, which resulted in several persons belonging to minority communities losing their Slovak Citizenship (para. 12). The Committee noted the Ministry of Interior’s efforts to amend the Citizenship Act.
3. In the reported period, no progress has been made with regard to this recommendation. The Citizenship Act has not been amended. No amendment has been prepared by the Ministry of Interior. Hundreds of persons lost their Slovak citizenship in the meanwhile, even though they continue to live in Slovakia. According to the most recent count, until 24 May 2018, 2,348 persons lost their Slovak citizenship: 596 of them acquired Czech, 545 German, 346 Austrian, 242 British, 108 American, and 106 Hungarian citizenship.[[1]](#footnote-1)
4. The legal criteria for enjoying minority rights have also not been amended to accommodate non-citizens. The Law on the Use of Minority Languages continues to apply to citizens only. Persons living in Slovakia losing their Slovak citizenship continue to remain outside the personal scope of the law.
5. **Article 3 – Census**

*14. The Advisory Committee calls on the authorities to gather population statistics regularly and to engage with minority representatives in analysing the results, particularly where they are used as basis for the application of some minority rights.* (Fourth Opinion on Slovakia, AC FCNM)

1. The authorities have made no step to gather population statistics regularly on the number of members of minority communities in Slovakia. The only source of information about the size of minority communities is the census, scheduled for 2021. The number of persons belonging to specific minority communities is relevant for the enjoyment of minority rights: for example linguistic rights and state support to minority cultural activities are dependent on the size of communities on the local (communal) and national level. These laws are currently using problematic statistics from previous censuses.
2. The Government argues that the recommendation is partly implemented in the context of the preparation for the 2021 Census (para. 141 of their Report). Two of the major open questions in this regard are whether the census will permit registering multiple ethnic identities, and whether it will collect additional information about language use and knowledge of minority languages. The Government states that these questions are still not decided, they were developed as two variants, and are currently tested (para. 153). According to our information the question has been decided: the census will not collect information about multiple ethnic identities, and about knowledge of languages (other than those questions already collected in the previous census). It will thus not be possible to declare multiple ethnicity on the census, and the census will not reveal how many persons speak minority languages in Slovakia and to what degree they speak them.
3. Representatives of minority communities argued strongly in the working group preparing the census that declaration of multiple ethnic identities should be possible during the census. This is in line with how a lot of people experience their ethnicity: it is not binary, but complex, people can feel various affiliations. Without a possibility of registering multiple ethnicities, many would not declare any ethnicity (the number of such persons was 7% nationally in the last census, a very high figure), and many others would register as Slovaks. This would not provide an accurate picture about the size of minority communities in Slovakia.
4. Similarly, the data about “mother tongue” and “most used language” is not sufficiently revealing about the linguistic competencies of the population. There are several persons who speak fluently multiple languages (for example Romani-Hungarian-Slovak, or Romani-Ruthenian-Slovak), but if they can declare only one language on the census, their other minority language competencies are not registered for statistical purposes.
5. We would like to ask the Advisory Committee to recommend to the Slovak authorities that they make it possible to gather multiple ethnic affiliations in the next census, and they collect information about the knowledge of minority (and other) languages in the next census. This is an urgent matter, as the census will take place in 2021 and preparations for it will conclude soon. Additionally, the legislative framework should be amended to handle multiple ethnic and linguistic affiliations, which it currently does not. This is very important for the proper implementation of laws on minority rights, which are dependent on the size of minority communities on both the national and the local (municipal) level.
6. **Article 5 – Promotion of minority cultures**

*33. The Advisory Committee encourages the authorities to maintain their regular support to national minority cultural activities, to promote the effective participation of national minority representatives in relevant decision-making, and to continue efforts to facilitate speedy allocation and disbursement procedures.* (Fourth Opinion on Slovakia, AC FCNM)

1. The Government reports about the adoption of the Fund Act (Act No. 138/2017 Coll. on the Fund for the Promotion of the Culture of National Minorities) as implementing the recommendations on support to minority cultures. The Government specifies some of the Fund’s features in the introductory part of their report:

*34. In order to ensure the widest possible participation of minority representatives in the drafting of this key legislative measure, the Plenipotentiary for NM, in accordance with its Statutes, set up a Temporary Working Group for the drafting of the Fund Act for the period from 1 July 2016 to 30 September 2016….*

*35. The main role in the functioning of the Fund was performed by professional councils represented by the professional public, whose members are elected by national minority organizations in a democratic way. The new concept of supporting the cultural and scientific activities of national minorities living in Slovakia is based on the following main principles:*

* *the establishment of the Fund as the main financial instrument aimed exclusively at supporting the cultural and scientific activities of minorities,*
* *defining the tasks and objectives of the Fund's supportive activity and transparent rules on the use of its resources,*
* *securing independence and decision-making expertise in key fund bodies,*
* *defining the purpose of using funds and mechanisms to control their use,*
* *the definition of the financial resources of the Fund.*

*36. …With regard to determining the amount of the state contribution to the Fund at EUR 8 million, the requirement of a reasonable amount of material support is ensured with sufficient funding to develop the culture of national minorities.*

1. The establishment of the Fund was indeed welcomed by the Roundtable of Hungarians in Slovakia, but at the same time it can be also considered a missed opportunity. It is especially regrettable that comments of representatives of minority communities were ignored during the law’s adoption. It is true that minority representatives were allowed to participate in the Temporary Working Group, but their substantive comments (other than minor technical-linguistic ones) were rejected without any justification. We cannot consider this an effective participation. In this regard, we would like to correct some of the Government’s claims in light of our comments on the legislation.
2. The Fund is not in fact independent of central government authorities. The Fund’s Director has very wide competences, and the Director is appointed by the Minister of Culture. The expert boards’ members are not “elected by national minority organisations in a democratic way”, although that was exactly what minority representatives suggested during the law’s negotiations. From the 5 members of the boards, 3 are indeed elected, but 2 are appointed by the Director. 2 persons on the Board are not a majority, but they have wide competencies to influence the boards’ decisions. The Director has full discretion in appointing members of the boards. Worryingly, the law does not even specify that experts appointed have to belong to or have experience with or expertise in the culture of the respective minorities to whose board they are appointed.
3. The law lays down the calculation of the proportion of funding allocated to the respective minorities. However, it does not specify the sum allocated to the Fund each year. Before the law’s adoption, the sum dedicated to minority culture from the state budget was a political decision and a hotly debated topic each year. Now the law specifies that the sum cannot be less than 8 million Euros, which is almost double than the sum in previous years. However, the law does not specify how this sum should rise in future years. Therefore, it again will be a matter for contested political decisions. During the negotiations we suggested that the law specifies a mechanism on how to determine the sum allocated to the Fund each year, for example by tying it to all funds spent by the state on culture (as a percentage of the latter), or alternatively, by tying it to the rise of GDP, or at least to inflation.
4. The law also has no provisions on using minority languages in the administration of the Fund. The Fund was presented as an institute of cultural autonomy for minorities, where they can decide on their own priorities. All the Fund’s staff in fact speak minority languages. It is therefore regrettable that all applications, with all documentations, all decisions and all reports must be prepared in the state language by the Fund and by all applicants for funding. The law is forcing members of minority communities to communicate with each other in Slovak.
5. The establishment of the Fund also did not solve the problem of multi-annual funding for organisations. Several organisations are organising similar activities each year, and they would like to prepare multi-annual projects, but the Fund can only support activities for a single year.
6. Lastly, the Fund is understaffed and inefficient. One of the main problems of the funding mechanism in previous years had been the delay in approving and disbursing funds. The problem was not solved by the establishment of the Fund. At the end of 2018, only a small proportion of the funds for Hungarian projects for that year was disbursed. However, the activities already took place and had to be paid by the organisations, and they also had to pay salaries and other costs. These delays endanger the continued operation of these organisations, and are a significant barrier to their effective planning and professionalization.
7. **Article 5 – The language of cultural events**

*32. The Advisory Committee welcomes the fact that amendments made to the State Language Act in 2011 abolish the requirement to provide full translations into the state language of cultural print matters such as catalogues or programmes of cultural events organised in national minority languages. It regrets, however, that the use of minority languages in related publications and advertisements still creates tension in some localities, mainly in southern Slovakia, and considers that government and minority representatives should engage in a constructive dialogue to find flexible and pragmatic solutions to the diverging interests of minority and majority populations within the established legal framework (see also comments on Article 10).* (Fourth Opinion on Slovakia, AC FCNM)

1. We submit that no progress has been made with regard to this recommendation. The law in force still discriminates against minority languages, and creates unrealistic demands on organizers of cultural events in minority languages.
2. One of the most unreasonable provisions of the State Language Act, §5(7), states that cultural and educational events have to take place in Slovak, except the cultural events of national minorities and visiting foreign artists, educational events oriented at learning a foreign language, and drama and literature presentations with a foreign text.
3. It is unclear what is a “cultural event of a national minority”. Most cultural events do not have a target group specified on the basis of ethnicity. In any case, if an event is not a minority cultural event, but oriented at a mixed audience, according to the law it cannot be held in a minority or other language, it must be held in Slovak. That reveals a bizarre logic: cultural events can be held in a minority language only if they are oriented only at minority members. If they want to attract Slovak audience as well, they have to be held in Slovak. The purpose of this provision is allegedly to foster cross-cultural communication. Its unstated assumption is that it is derogatory and insulting for Slovaks to listen to a minority language, which must be prevented at all costs. Slovaks should learn about and enjoy minority culture, but it should be presented to them in Slovak. That, however, is totally unrealistic in the case of Hungarian culture. Hungarians have fully developed cultural activities, often with guest artists from Hungary, which they like to enjoy in Hungarian. Therefore the law’s effect is the opposite than stated: Hungarian cultural events usually do not target a Slovak audience, even if it was possible, because the event would need to take place in Slovak. Some specific Hungarian cultural events are presented to Slovak audiences in Slovak. The result is a segregation in cultural activities.
4. The law does not contain an exception for minority educational activities, only if these are oriented at learning a foreign language. Therefore it is technically illegal to hold human rights seminars or other educational events in Hungarian or Roma. The logic is similar as above: it would be derogatory for Slovaks to participate in an educational event in a minority language. We are not aware of this provision being enforced, but it is worrying enough that it is in the books.
5. The third sentence of §5(7) specifies that even in minority cultural events, the accompanying narration of the program has to be presented in Slovak as well. This is true even if no Slovak-speaking person is present. This provision is strictly enforced, and Hungarian cultural events are in practice accompanied by bilingual narration, even if it is clear that no Slovak person is present. The participants often find this very derogatory. It also makes the event longer and more cumbersome.
6. According to §5(6), occasional cultural press documents issued in the languages of national minorities have to contain a translation of basic data in the State language. This essentially refers to leaflets and posters informing about minority cultural events. We see no reason why any information about these would have to be translated into Slovak. Events which are held in Hungarian are naturally intended only for a Hungarian-speaking audience, regardless of their ethnicity. It causes complications if Slovak persons not speaking Hungarian appear on such events, claiming that they were misled by the bilingual leaflet believing the event to be a bilingual one, and require the whole program to be translated. It is unclear why persons not speaking the event’s language have to be informed about it. If the event is held in Slovak or bilingually (in the case of musical events, for example), the information materials are naturally bilingual.
7. This provision is a step forward compared to the previous regulation, which required the whole document to be translated, but a very minor one. The previous regulation affected also parts of poems or other literary works contained in the leaflet, for which the Ministry of Culture threatened and started the infamous supervisory proceeding against the amateur drama association in Klasov – Kalász in 2010. Literary works on the leaflets do not have to be translated anymore, but the rest of the information has to be. This creates a financial burden for national minority organizations, as some information in Slovak still has to be translated and printed.
8. Cultural activities are private events organized by private organizations or individuals. Some are, but many are not supported by the state. In our opinion it is unacceptable that the law interferes with these activities by specifying what language they can be held in and what languages should be used in documents informing about them. Before the adoption of the State Language Act, cultural events had been organized in bilingual areas for decades, and the usual practice was to held them and inform about them in the language of the audience, which was often mixed and therefore bilingual. There has never been an allegation that this voluntary system did not work and it therefore needed to be changed. The interference in this system was completely unjustified, and seriously resisted by Hungarians, who feel that the state’s only purpose was to humiliate them by placing their language in a subordinated position. The effect has been a gradual segregation of cultural events, and increased frustration on the side of the minority communities.
9. **Article 6 – Promotion of tolerance**
10. Concerning the promotion of tolerance and mutual understanding between members of minorities and the majority population, the Government reports on specific cultural activities financed by subsidies from the fund on interethnic dialogue (para. 188 of their Report).
11. We would like to submit that promotion of tolerance is a much wider issue than what the Government addressed in its report. It is in fact a cross-cutting issue of all state activities: by showing respect to minority cultures, state bodies signal to citizens how minorities should be treated in the county. In this respect, there are several worrying signs to note.
12. The Constitution and State Language Act continue to give ethnic Slovaks and their language primacy in the country above minority communities and their languages. Apart from the impact of specific provisions on language use in specific areas, this also has the effect of signalling the otherness of minorities, their alien nature in Slovakia. This continues to manifest in actions of state bodies.
13. **Statements of Prime Minister Peter Pellegrini**
14. Examples are too numerous to note, therefore we concentrate only on the head of government, Prime Minister Peter Pellegrini. In November 2018, unknown persons changed a road sign in the municipality of Báč/Bacsfa by adding Hungarian equivalents to the Slovak municipality names. This was apparently an act of civil disobedience, calling attention to the unresolved issue of non-existent directional road signs in minority languages. The Prime Minister shared the picture of the road sign on his Facebook account, and denounced it as “provocation” and “spread of hatred”, and ordered the Minister of Transportation to remove the Hungarian names from the sign.[[2]](#footnote-2) He then repeated his statements a few days later.[[3]](#footnote-3)



The road sign in Bac/Bacsfa which draw the ire of Prime Minister Pellegrini, and his comment on facebook

1. A week later, activists of the Bilingual South-Slovakia Movement prepared a video in the village of Veľký Biel/Magyarbél, in which they showed that the sign showing the name of the village in Hungarian, and also the Hungarian signs of the neighbouring town of Senec/Szenc, had been vandalized by unknown persons.[[4]](#footnote-4) The authorities had been aware of the problem for weeks, but they took no action. In fact the activists alerted the Prime Minister’s attention to the vandalism, but he saw no reason to address it or take action. So the activists themselves cleaned the Hungarian signs in Veľký Biel/Magyarbél.[[5]](#footnote-5)



The vandalized Hungarian sign of Senec/Szenc, which received no reaction from the authorities for weeks

1. This episode shows the authorities’ attitude towards the Hungarian language. For decades, the state has been rejecting to erect bilingual road signs, and when these are prepared by unknown activists, the Prime Minister denounces them as provocation and act of hatred, orders their removal without addressing the question of bilingual road signs. This could be hardly considered promotion of tolerance towards minority languages, even if a state supports some festivals with this theme.
2. This attitude towards the Hungarian language and culture then permeates all layers of Slovak society, from state bodies to ordinary citizens, and creates an atmosphere of intolerance. Examples of this are frequent, and they rarely reach the interests of media. One emblematic example was reported by the restaurant Mamma Mia. In 2015, they were present with a strand on a fair in Bratislava. They were ordered by the local municipal police to take down their “Hungarian” flag because other participants were complaining about it. The restaurant’s employee explained that the flag was Italian, as they were an Italian restaurant (the Italian and Hungarian flags are very similar). The police nevertheless recommended that they take down the flag.[[6]](#footnote-6)
3. Another incident was reported by a resident of Šamorín/Somorja, which is a town with a majority of Hungarian-speakers. She asked to be served in Hungarian in the local branch of the Hungarian OTP bank. She noticed a clerk who she knew spoke Hungarian, and politely asked to be served by her. The manager came, and shouted at her that she had no right to be served in Hungarian, as this is a country of Slovaks. Since she did not back down, the police was called on her for obstructing the bank’s business and she was made to leave. She submitted an official complaint (annex 1). The proceedings are pending.
4. In this context we would also like to refer specifically to the activities of the Language Police, described in paras. 87-99 below on page 20 of this report.
5. **Attacks on football club DAC**
6. The Government reports that crimes of extremism are effectively investigated by specialists within NAKA (the Police’s Anti-Terrorist Unit), created in on 1 February 2017 (para. 195 of their Report). However, recent events suggest that instead of fighting extremism, NAKA can become a tool of harassment and intimidation of minority communities.
7. A specific area of state attacks on Hungarian culture concerns the football club DAC Dunajská Streda. It is considered a “Hungarian” club in Slovakia because it is based in the seat of the district with the largest proportion of Hungarians, and its fans are mostly Hungarian speakers. Slovak laws prohibit the display of other than Slovak national symbols in sport events, which affects DAC fans particularly, since many of their symbols contain the Hungarian national colours. These symbols are often confiscated at sport events by the police.
8. In November 2017, the fans choreographed the Hungarian national colours in one of the stadium stands, for which the club received a fine of 4500 Euros.[[7]](#footnote-7)



The fans wearing colours of the Hungarian flag for which DAC was fined

1. A particularly serious incident took place on 20 November 2018. 150 members of NAKA took part in a raid on the homes of 17 members of one of the DAC fan clubs. The fans were detained and apprehended in Bratislava for questioning on charges of extremism.[[8]](#footnote-8) NAKA’s press release mentioned that the fans displayed Nazi symbols and supported extremist views. However, the fans were soon released without any charges, since it turned out that they in fact committed none of the offences NAKA claimed. Later, one fan gave an interview, in which he explained that during the questioning he was asked about his participation in a demonstration against the State Language Act in 2009 organized by the political party SMK-MKP, his views on the Treaty of Trianon (1920) which set the current border between Slovakia and Hungary, whom he would support in a Slovakia–Hungary international football match, and similar questions.[[9]](#footnote-9)
2. The incident alarmed Hungarians in Slovakia, since it was seen as an act of intimidation. Many football hooligans in Slovakia certainly have extremist sympathies, and they are represented among DAC fans as well. If the fans had been targeted for extremism, it would not cause particular concern, many Hungarians would in fact welcome it. However, it turned out that the fans could not even be officially charged because they did not in fact commit any acts of extremism. The only explanation is that they were targeted by NAKA for their legitimate sympathies towards Hungarian national symbols, which NAKA considered extremist. Or the action was a mere act of intimidation against DAC fans. Be that as it may, the fact remains that 150 members of NAKA’s anti-terrorist unit raided the homes of 17 football fans for no apparent reason, and the Public Prosecutor’s office considered the action illegal and ordered the release of the fans without charging them.[[10]](#footnote-10) No actions were taken against NAKA, no apologies or indemnification for moral damages were offered to the fans.
3. As a last measure against the football club DAC, on 27 March 2019 the Slovak Parliament adopted an amendment to Law no. 63/1993 Col. l. on the State Symbols of the Slovak Republic. The amendment prohibits the playing and singing of national anthems of other countries unless an official delegation is present.[[11]](#footnote-11) It also introduced a sanction of 7000 Euros for the organizers of events where the provision is violated. As explained by its author, Slovak National Party MP Dušan Tittel, the law was motivated to prevent DAC fans singing the Hungarian anthem on football matches. However, it applies not only to football matches, but to all cultural and historical events even of a local importance. The Hungarian anthem is not only the national anthem of Hungary, it is an anthem of all persons of Hungarian ethnicity, and it is also an official liturgical song of both the Roman Catholic Church and the Reformed Church. It is played and sung on important cultural events of the Hungarian minority in Slovakia, including in church.
4. The law caused a public outcry from the Hungarian community. On 5 May, several hundred persons demonstrated in front of the Slovak Parliament.[[12]](#footnote-12) The law was repealed soon. However, its adoption showed how fragile the current situation of relative peacefulness is, if the majority of members of parliament is irritated by the Hungarian anthem, and is prepared to prohibit its singing even though this would violate the Constitution’s provisions on freedom of speech.
5. **Teaching materials on the culture of national minorities**
6. We note that there is no teaching material for Slovak students on the culture of national minorities. In the reported period, the National Institute for Education (hereinafter “NIE”) was preparing a teaching material for upper stage primary school grades entitled “Národnostné menšiny – zoznámme sa” (National Minorities – Let’s Meet), whose objective was to introduce pupils belonging to the majority population to the culture of national minorities. However, we have to note with regret that its publication was cancelled. The NIE consulted the Slovak nationalist organisation Matica slovenská on the publication, which expressed strong disagreement with the publication of the teaching material. According to Matica slovenská, there is no need for students to learn about national minorities living in the country, because this gives them the apparently false image that Slovakia is a multilingual country which helps minorities to articulate their demands. Rather, students should learn more about the state-constituting Slovak nation.[[13]](#footnote-13) The NIE first announced that the teaching material will not be printed but would be available to teachers in electronic form, but not to students.[[14]](#footnote-14) Later it was announced that the material would not be available.[[15]](#footnote-15) Its publication is currently postponed, and it is clear it will not be published in its current form. Students in primary schools have still no textbooks or materials to learn about the minority communities living in Slovakia.
7. At the same time, regular textbooks continue to have a demeaning attitude towards minorities, especially Hungarians. Their presence in the textbooks is minimal, and if they appear, for example in history textbooks, they appear in a negative context, as foreign invaders.[[16]](#footnote-16) The history textbook ahistorically presents the history of “Slovakia” even in medieval times. See more on the subject in the part below on the teaching of history and culture of Hungarians in schools, paras. 167-171.
8. **Article 7 – Charters of associations**
9. The State Language Act, in § 8, paragraphs 3, requires charters of associations to be written in Slovak. Other language versions can be prepared as translations, but public authorities only accept the Slovak version. This is in fact a restriction on the use of minority languages, because it restricts the purpose and scope of the use of these languages in these areas. Charters must be prepared in Slovak, and this is the version parties will use in relations with the authorities. This undermines the instrumental purpose of these documents: they regulate legal relationships, which can be enforced before public bodies. The minority language versions of these documents cannot fulfil this purpose. They could only be useful as translation of the Slovak versions for those who do not understand them – which is hardly the case for Slovak citizens.
10. It should also be understood that for decades, all official documents in Slovakia have been prepared in Slovak, and minority language versions were not even allowed under the law. It is an established practice to prepare them in Slovak. If the minority language version is still not accepted by public authorities, why would anyone prepare them in Hungarian? In light of this, it cannot be maintained that the use of minority languages is not restricted. In any case it is discouraged.
11. The Government argues that it has an objective reason for making a distinction between the Slovak and minority language versions, which is communication with public authorities. It is nowhere explained why public authorities could not deal with documents in minority languages. The Government implicitly admits that no effort has in fact been made for that other than Slovak versions of documents could be handled by public authorities.
12. **Article 9 – Regional media in minority languages**

*47. The Advisory Committee welcomes that the legislative framework related to the use of minority languages in the broadcast media has been amended. While radio and TV broadcasters are generally still obliged to ensure a Slovak language version of all programmes either through sub-titling or through re-broadcasting, exceptions apply to regional or local broadcasting for national minority communities according to Article 5 of the State Language Act. In addition, amendments to the Broadcasting and Retransmission Act effective as of January 2014 exempt broadcasts in any of the official EU languages from the sub-titling or re-transmission requirement, if the Council for Broadcasting and Retransmission considers that sufficient Slovak language broadcasting is available in the given area. The Advisory Committee understands that up until September 2014, no application by a private broadcaster for such a licence to broadcast exclusively in an EU language had been received by the Council. Representatives from the Hungarian minority consider that a system where they may broadcast some of their programmes in Hungarian and some in Slovak language would most adequately correspond to the needs of the population, particularly in areas where Hungarian speakers constitute the majority.* (Fourth Opinion on Slovakia, AC FCNM)

1. The Advisory Committee’s Opinion contains an incorrect summary of the Slovak legislative framework applying to regional TV broadcasters. Article 5 of the State Language Act contains no exception for “regional or local broadcasting for national minority communities”. It only contains exceptions for the Slovak public radio and TV channels (RTVS), and the later mentioned broadcasters in EU languages. Concerning the latter exception, it is not applicable to the existing 17 regional TV channels broadcasting partly in Hungarian. The amendment introducing this exception (Act No. 373/2013 Col. l.), created a special category of broadcasters, and did not affect in any way the situation of regional broadcasters.
2. We would like to refer to the explanatory report of the said Act No. 373/2013 Col. l., amending and supplementing Act No. 308/2000 Col. l. on Broadcasting and Retransmission (annex 2). On page 1, the explanatory report explains that the law was adopted because the European Commission notified Slovakia about a possible infringement of EU Law. In order to avoid such infringement, the law (amending the Law on Broadcasting and Retransmission) allows broadcasters from one EU state wishing to settle in another EU state (Slovakia) to broadcast for citizens of other EU states settled in Slovakia. Therefore, the purpose of the law is to allow broadcasting in Hungarian for citizens of Hungary living in Slovakia. In the Slovak original:

*Po preskúmaní právnej úpravy obsiahnutej v zákone o štátnom jazyku Komisia upozornila na potrebu zabezpečiť v oblasti poskytovania rozhlasových a televíznych služieb dôsledné uplatňovanie článku 56 Zmluvy o fungovaní EÚ, ktorý garantuje slobodu neobmedzeného poskytovania služieb pre príslušníkov členských štátov EÚ, ktorí sa usadili na území iného členského štátu EÚ. Predkladaný návrh mení súčasnú právnu úpravu používania jazykov v oblasti rozhlasového a televízneho vysielania vo vzťahu k súkromným vysielateľom (vysielateľom vysielajúcim na základe licencie udelenej radou) tak, že súčasný rozsah výnimiek z povinného používania štátneho (slovenského) jazyka vo vysielaní sa rozširuje o novú výnimku, ktorá sa bude vzťahovať na vysielateľov vysielajúcich v jednom alebo viacerých úradných jazykoch EÚ (inom ako slovenskom jazyku), ktorí chcú poskytovať svoju programovú službu občanom iného členského štátu EÚ usadeným na území Slovenskej republiky.*

1. Also, point 22 of the Explanatory report makes it clear that broadcasting in other EU languages is of country-wide nature, and a license will be granted only if regional and local broadcasting is covered in Slovak. There is no intention to promote regional and local broadcasting in minority languages. In the Slovak original:

*K bodu 22:*

*Aby bol v dostatočnej miere zabezpečený prístup slovenských občanov k informáciám v štátnom jazyku, bude rada v prípade žiadosti o vysielanie v jednom alebo viacerých úradných jazykoch EÚ, inom ako slovenský jazyk, posudzovať aj to, či na území, ktoré by malo byť týmto vysielaním pokryté, existuje dostatočná ponuka vysielania v slovenskom jazyku. Bude sa to týkať regionálneho a lokálneho vysielania, ktoré je svojim charakterom a zameraním iné ako celoplošné vysielanie. Toto vysielanie sa spravidla zameriava na informácie o živote miestnej komunity, ktoré sú pre jej obyvateľov významné, no z celoslovenského hľadiska nie sú až tak zaujímavé, aby im celoplošní vysielatelia mohli venovať dostatok pozornosti, resp. na to ani nemajú priestor (napr. informácie zo zasadnutia obecného alebo mestského zastupiteľstva). Práve z tohto dôvodu považujeme za potrebné zabezpečiť, aby sa informácie tohto druhu dostávali k divákom predovšetkým v štátnom jazyku. Ak je právo na prístup k informáciám týmto spôsobom dostatočne zabezpečené, môže byť dané územie pokryté aj vysielaním v inom úradným jazyku EÚ.*

1. This was the intention behind the law’s adoption. It is nevertheless true that the law itself does not state that the broadcaster or its audience must be citizens of other EU states, so therefore a domestic broadcaster can also apply for such a licence. However, the conditions in the law for granting a license for broadcasting in an EU language are restrictive enough that only a few country-wide broadcasters get such a license. Currently there is only one broadcaster with a license to broadcast in Hungarian.
2. With another change in the regulation, the state made sure that even if a minority-language broadcaster applied for a license to broadcast in Hungarian only, it could be rejected. From 1 January 2014, a new provision, §47(2) was inserted to the Act on Broadcasting and Retransmission (No. 308/2000 Col. l.), according to which in allocating licenses for regional and local broadcasting in an EU language, the National Broadcasting Council “is obligated to consider and take into account whether there is sufficient offer of regional or local broadcasting of programs in the state language in the area covered by this broadcasting”.[[17]](#footnote-17)
3. The law thus makes it possible to reject a request for license, which fulfils all other criteria (those remained unchanged in §47(1)), purely on the basis that there is an insufficient offer of Slovak broadcasting in the region. Besides the fact that this criterion is purely arbitrary, it is also completely absurd. The vast majority of local and regional televisions are broadcasting through cable networks. There is no shortage of slots on cable;[[18]](#footnote-18) the state can issue any number of licenses it wants. By denying a license to a Hungarian broadcaster, the state does not solve any problems, this does not increase the number of Slovak broadcasters in the region as a result. The provision thus only makes sure that indeed no minority broadcaster from Slovakia is able to make use of the exception created due to EU pressure.
4. This discussion of law 373/2013 Col. conceals that this amendment did not correct the main problems in the law on Broadcasting regarding the language of broadcasting. It introduced a new category of broadcasters as an exception from the rule. It does not apply to the existing 17 regional TV broadcasters who wish to broadcast at least partly in Hungarian. They are still required to translate or subtitle all their broadcasting to Slovak, with the costs covered from their own budgets. This significantly hinders their ability to broadcast some types of programs, especially live programs. These broadcasters are not country-wide, they serve specific regions, which are bilingual to different degrees. They are therefore not interested in broadcasting solely in Hungarian (which the newly introduced licence would theoretically allow them to do), but in Hungarian and Slovak according to their programmatic needs. This is still impossible for them, as broadcasting in Hungarian (without translations and subtitles) is only allowed in the special category, for the single broadcaster Régió TV.
5. The Law on Broadcasting does not promote Hungarian or other minority-language broadcasting in any way, not even in a subtitled or translated form. Requiring or promoting broadcasting at least partly in Hungarian is simply not part of the law or the licensing criteria, not even in areas settled by a majority of Hungarian-speakers. The state takes no steps to encourage or facilitate regional broadcasting in Hungarian, but hinders the broadcasting of those companies which wish to broadcast also in Hungarian. It allowed Régió TV to broadcast in Hungarian, without providing any support to it, but this is of no help to the other regional broadcasters.
6. The Government argued in the past that the newly established Fund for the Support of Minority Culture allows for covering translation and subtitling costs (page 61 of the Government’s fifth report under the Charter). However, that is incorrect. §15 of the law on the establishment of the Fund lists the activities which the Fund can support. Subtitling TV broadcasting is not among them. Nor is the support of regular TV broadcasting. The Fund has not been used to cover subtitling costs. The Fund could theoretically be used to cover some of the subtitling costs in case of new TV productions, for example a new movie or program prepared with the Fund’s support. However, this is a small part of the translation costs of regional TV broadcasters. They need to subtitle all their programs, and these general permanents costs cannot be covered by the Fund.
7. Summing up our position concerning the language obligations imposed on minority TV stations, we consider that there is no justification in a democratic society for interfering with private broadcasters‘rights in such a manner. By imposing an obligation to make all their programs available in Slovak, the state essentially requires private TVs to fulfil the state function of informing citizens, on their own costs. In the current world, however, regional TVs are hardly the only or even an important source of information. Several alternatives exist, notable the state-run RTVS, newspapers, the internet and the activities of state and municipal bodies. Slovak-speakers are already at a huge advantage in these areas, as all these bodies produce information in Slovak, but to a much lesser extent, if at all, in Hungarian. It would be unthinkable, for example, for a state-run public administration body to issue a press release in Hungarian.
8. The legal requirement is absolute: it requires translating or subtitling programs which are of no interest at all to Slovak-speaking audiences, such as Hungarian cultural programs. Regional and local broadcasters are much more aware of their audience’s needs and interests, are at a much better place to estimate which programs to prepare in which language(s), and it is in their business interest to please their audience, including Slovak speakers. The state is, however, making it impossible for them to perform this task effectively.
9. The regulation is also severely discriminatory. There is no obligation to translate any part of broadcasting to minority languages in minority-populated regions, nor licensing requirements to ensure that there is sufficient minority-language broadcasting in regions where that could be relevant. Broadcasting purely in Slovak in a village populated only by Hungarians is legal, and even cheaper, because no translation costs are incurred. Minority-language broadcasters are thus put to a competitive disadvantage compared to Slovak broadcasters.
10. We think this state of affairs is untenable, as it is threatening the development and even the existence of minority broadcasting in Slovakia. Instead of hindering it, the state’s obligation should be to support minority broadcasting. Slovakia, however, has made no steps even to lift the restrictive legislation. The critique from the EU, and the Venice Commission’s report, which criticized harshly the existing language requirements,[[19]](#footnote-19) has only resulted in cynical resistance and introducing legal criteria ensuring that the minority broadcasters’ situation does not improve. We therefore ask the Advisory Committee to make clear that such an attitude and legal regulation is violating the Framework Convention, and should be changed as utmost priority.
11. **Article 9 – Public Broadcasting**
12. According to 5§ g) of Law no. 532/2010 Col. l. on the Slovak Radio and Television (RTVS), RTVS must broadcast in minority languages proportionately to the country’s demographic composition. The reality is far from this in the case of Hungarian language. According to the RTVS’s own report, in 2015, TV broadcasted 106 minutes weekly in Hungarian (55 minutes of new programmes and 51 minutes of repeats), 105,07 in 2016, and 104,62 minutes in 2017.[[20]](#footnote-20) This makes up 0,63% of all broadcasting time of the public TV, very far below the proportion of Hungarian speakers in the country. From this, the proportion of new programmes was just slightly above 50%.
13. **Article 10 – General comments on the language laws**

*5. Significant steps have been taken to encourage an appropriate balance between the aims of promoting the state language and of protecting of the right to use minority languages, by amending the relevant legislation.* (Fourth Opinion on Slovakia, AC FCNM)

*229. The FCNM Advisory Committee has taken into account the previous explanations of the MoC SR concerning the application of the State Language Act, and on their basis it has no objections to the State Language Act already in its fourth evaluation report but, on the contrary, positively evaluates the legislative regulation of the use of the state language and languages of national minorities in the Slovak Republic and does not formulate any new recommendations in relation to this regulation.* (Government’s Report)

*230. The Slovak Republic continues to apply a non-discriminatory approach to the linguistic rights of members of national minorities and care of the state language in the Slovak Republic does not in any way prevent the exercise of these rights. The current legislative framework on language rights of members of national minorities represents comprehensive legislation characterized by a reasonable balance between promoting the state language and the right to use minority languages as determined by the FCNM.* (Government’s Report)

1. Before turning to specific issues regarding linguistic rights, we would like to address one major general concern: the legislation does nothing to promote and facilitate the use of languages of national minorities.
2. According to the Constitution and the State Language Act, the Slovak language is the state language and it enjoys primacy over other languages. Slovak can be used by any citizen in all spheres of life on the whole territory of the country. The possibility to use a minority language is much more limited.
3. It is important to understand that since World War II, Slovakia has been governed as a unilingual country. Everybody had to learn Slovak, and the public administration’s working language has been Slovak. Minority languages were not used in official communication, they could only be used informally in oral communication between persons who knew about each other’s linguistic skills. Hungarian has not been taught in Slovak-language schools, nor was learning it encouraged in any other way. Slovaks therefore rarely spoke it, and the Slovak language has become a default language of communication between Hungarians and Slovaks, and between persons who do not know each other.
4. The adoption of the State Language Act in 1995 did not have to ensure that Slovak could be used in official communication. That had already been a reality. Its main purpose was to suppress communication in Hungarian between Hungarians themselves, and reduce the possibility that Slovaks would encounter Hungarian signs and speech. This was underlined with an anti-Hungarian rhetoric, degrading the Hungarian language and portraying it as a threat to the Slovak nation and the integrity of the state.
5. These repressive laws, and the rhetoric surrounding it, are still in force today. While Slovak can be used as a matter of right, with a corresponding obligation on state bodies and their employees to communicate in it, there is no obligation on the bodies or persons a citizen communicates with to know and use Hungarian. The citizen’s “right” is therefore an empty one: the state body has a “right” not to communicate in Hungarian with him or her. Essentially, the “right” to use a minority language simply means that, in some instances, the use of the language is *not prohibited*, but the state makes no effort to ensure that in fact it can be made use of. A stark contrast with Slovak, the use of which is an enforceable right. Even this non-prohibition of minority languages is much narrower in scope than the right to use Slovak. The regulation is fragmented and incomprehensible, making it difficult for citizens to access it. The Government itself acknowledges this fragmentation in their report (para 145: “Given the considerable fragmentation of legal regulations on the rights and status of national minorities, it will be necessary to prepare and adopt comprehensive and coherent legislation.”).
6. No amendment has changed significantly the existing legal landscape since 1995, and the ones in 2011 were no exception. For the comprehensive right to use Slovak, a corresponding but weaker and often empty “right” to use a minority language was created in some areas, without a corresponding obligation on state bodies to use the minority language or create the conditions for its use. This did not improve the legal landscape, and had affected the practice even less.
7. Minority languages would need meaningful support from the state to achieve a status corresponding to their demographic presence. The role of legislation should be to codify such support in a clear, accessible way. Legislation on the use of minority languages should not simply declare when a citizen “can” (in practice: is not prohibited to) use a minority language. Rather, it should regulate state bodies’ obligations to ensure that citizens can in fact make use of their language rights. None of that has taken place in the reported period. On the contrary, the language laws are still full of restrictive provisions, for which other bodies have criticised Slovakia as well.[[21]](#footnote-21) It is therefore impossible to talk about a “balance” between promotion of the state language and protection of minority languages in Slovakia.
8. Because of the lack of recommendations regarding linguistic rights contained in the Advisory Committee’s Fourth Opinion on Slovakia, the Government in its current Fifth Report does not provide details about the state of linguistic rights. Therefore, in the following parts, we will supplement the information from the current report with references to the Government’s Fifth Report under the European Charter on Regional and Minority Languages (hereinafter *European Charter*), submitted to the Committee of Experts on the Charter on 28 August 2018. The Report under the Charter is more detailed, as the Committee of Experts’ previous recommendations were more detailed. Also, we consider it important that standards under the Framework Convention and the Charter do not diverge, but harmonize in areas where these two instruments overlap, such as linguistic rights under Article 10 and 11 of the Framework Convention.
9. In its report under the Charter, the Government on several places reports on the use of minority languages by different state bodies, based on data collected by the Office of the Plenipotentiary for National Minorities. Two important general issues should be noted about these data. First, they are based on self-declaration of state bodies. That is a questionable method of monitoring compliance with legislation, which undermines their reliability. The answers are in some cases puzzling. For example, forms used in public administration are prepared centrally, by central administration bodies, and they do not exist in bilingual versions. This is given as a reason by some local bodies as to why they provide forms to citizens only in the state language. Yet to the same question, some of the similar local bodies would report that they provide all forms bilingually. One might wonder how that is possible if these forms simply do not exist bilingually. Similarly, if bodies report that they do not receive requests, complaints and demands from citizens to communicate in minority languages, one might ask how they know this if they have no system of reporting these requests, as no legislation obliges them to do so? If a citizen addresses an officer in Hungarian, but receives a reply only in Slovak, and they continue the communication in Slovak, how would the body’s administration know that such a request was made and was denied? It is not reported, it is not recorded, it stays between the citizen and the employee of the public administration body.
10. Second, and more importantly, the data on the use of minority languages do not show the achievements of the state and the legislation to promote the use of minority languages. They are merely descriptions of the current linguistic landscape of Slovakia. There are no obligations to promote or facilitate the use of minority languages in the law, therefore state bodies are not obliged to ensure that citizens have a right to use their languages. In those instances, when the law does provide a clear obligation, such as putting up signs informing about danger, the data collected shows several shortcomings, which should result in some action to improve the situation. However, no such actions are mentioned in the report. The state fails to do its basic duty, such as ensuring that signs and forms which should be obligatorily available in minority languages, do in fact exist. Not to mention areas where it is not obligatory.
11. We therefore consider it the main shortcoming of the language legislation, apart from its fragmented, self-contradictory and incomprehensible nature, that it does very little to in fact promote and facilitate the use of minority languages. It *does not prohibit* the use of minority languages in certain areas, but that is a different issue. It makes it compulsory to have all information, signs and proceedings available in Slovak in the whole territory of the country. It does nothing similar for minority languages, even in municipalities inhabited by a large majority of minority language speakers, where the implementation of such provisions would be easy.
12. **Therefore, we ask the Advisory Committee to conclude that the use of minority languages is not a result of the legislation on language use, and should not be imputed to the Government’s actions. Further, we would like to ask the Advisory Committee** **to call upon the Slovak Government to bring its legislation on language use in compliance with the Framework Convention with the following steps: i) overcome the existing fragmentation of legislation on language use by joining the State Language Act and the Law on the Use of Minority Languages into one coherent Law on Official Languages of the Slovak Republic; ii) eliminate all restrictions on the right to use minority languages; iii) change legal rules which permit the use of minority languages in certain circumstances to ones containing obligations on state bodies to promote minority languages in certain circumstances, iv) implement these provisions with specific steps and the necessary resources. This framework could ensure that the state is taking steps to actually implement the obligations following from the Framework Convention.**
13. **Article 10 – Personal scope**

*53. The Advisory Committee encourages the authorities to pursue a flexible and pragmatic approach with regard to the application of the rights contained in the Minority Language Act and not to**exclusively rely on statistics. Close consultations with representatives of all national minorities should be maintained to regularly establish the existing demands and needs pertaining to the use of national minority languages.* (Fourth Opinion on Slovakia, AC FCNM)

1. The Government’s report states that the Law on the Use of Minority Languages applies to municipalities where the proportion of residents declaring a minority ethnicity reaches a certain threshold. It reports that it will have new figures on the proportion of minorities after the 2021 census. We would like to underline three issues not addressed by the Government.
2. To establish the number of speakers of a certain language, it might be more appropriate to consider the number of persons with a certain mother tongue. According to the 2011 census, there were 508,714 persons with Hungarian mother tongue in Slovakia. However, this number has no legal relevance, it is not taken into account by legislation or policy in any way. The number of persons whose primary language of communication is Hungarian is even higher, yet this is nowhere reflected in the official policy. This should be contrasted with, for example, the Government’s approach to the Roma, where the Government argues that for many Roma, their primary language of communication is not Roma but Slovak or Hungarian. The Government does not make any explicit conclusions from this, but suggests that Roma speakers are in fact far fewer than the number of Roma as such, which explains the lower use of the Roma language in the official sphere. It then begs for a question why the number of persons whose “primary language of communication” is Hungarian (and many of whom declare Slovak, Roma, or no ethnicity) is not taken into account for the purposes of support to the Hungarian language. It seems that the Government is always using the number which is disadvantageous for minorities: official census data in the case of Hungarians, and primary language of communication in the case of Roma.
3. Also, contrary to the proposals of Hungarian civil society, it was not possible to declare multiple ethnicity on the census. Many persons with double or triple affiliations were thus forced to choose only one of them. The census could have also established what languages residents speak and on what level. Instead, the census asked only about the most frequently used language, which is a very unclear and uninformative question. Most Hungarians use both Hungarian and Slovak frequently, but in different areas: for example one at home, the other at work. There is no point in comparing these two different spheres and deciding which is more important. Two languages, however, could not be declared on the census. It is worrying that the state will use the same approach for the 2021 census as well. It would be a missed opportunity to learn more precise data about the identity and language use of the population.
4. Because of the large number of persons with unidentified ethnicity on the census, it is hard to tell how many Hungarians there actually are in the country. According to detailed sociological studies based on local census data, persons with Hungarian ethnicity currently number 511 thousand in the country, 60 thousand of whom are of Roma origin.[[22]](#footnote-22) The number of persons with Hungarian mother tongue is slightly higher, estimated around 550 thousand. However, the Government made no effort to take into account the number of persons with undeclared ethnicity. They could have allocated these to the existing communities according to the sociological studies, or proportionally to all communities. Instead, legislation and policy (for example for the purposes of language use or support for culture) only take into account the number of persons who have declared a minority ethnicity. Therefore, for official purposes all persons of undeclared ethnicity are counted as part of the Slovak majority.[[23]](#footnote-23)
5. It should also be mentioned that the Government took no action and has no policy to stop the decline in the number of Hungarian-speakers in Slovakia. According to last three censuses, the number of Hungarians in Slovakia fell sharply. In 2011, the Hungarian minority officially numbers 458 467 persons. That is a loss of 62 061 persons compared to 2001, and 108 829 compared to 1991. In 20 years, the Hungarian community’s population lost 19 per cent of its members, and its proportion on the whole population fell from 10,8 per cent to 8,5 per cent. That is a radical drop, which has alarmed many Hungarians, politicians, citizens and civil society alike. Although census figures should not be taken out of their context, the tendency is clear.
6. There is nothing “natural” in this alarming tendency. According to sociological studies, more than half of the loss can be attributed to assimilation: persons declaring a Hungarian ethnicity in the past chose at one point to declare themselves as Slovak. This is common especially among Hungarian children studying in Slovak-language schools: by the time they reach adulthood, 95 per cent of even those whose both parents are Hungarian, become Slovak. The proportion is higher among pupils studying in Slovak-language schools and raised in mixed marriages. On overall, irrespective of the school they study in, 80 per cent of children born in mixed marriages grow up as Slovaks, even though many of these families live in areas where Hungarians are the majority. The “natural” outcome would be 50 per cent. That is, if the state guaranteed equal chances for freely choosing a Slovak and Hungarian ethnicity, without disadvantage.
7. A systemic policy of the last two decades has been to advantage Slovaks rhetorically, in legislation, in education, in the political and the economic sphere. Different governments had different attitudes towards the issue, but even those in which Hungarian parties participated, failed to abolish the restrictive laws and improve the social, economic and linguistic conditions of Hungarians.
8. Declaring one’s identity is a personal choice. The conditions in which this choice is made, however, are heavily influenced by the state. The decrease in the number of Hungarians is a testimony to the conditions Slovakia has created for declaring a Hungarian ethnicity. We consider this an overarching question of this report, and the issue of most fundamental concern to Hungarians in Slovakia. Assimilation has a potential to further limit their opportunity to exercise their culture and language, leading to further lowering their numbers in a vicious circle, eventually destroying the community.
9. **As a specific step under this Article, we would like to ask the Advisory Committee to recommend to the Slovak Government to allow residents declare multiple ethnic affiliations in the 2021 census. Preparations for the 2021 census are ongoing. The question of multiple affiliations has not yet been decided, but according to our information, the Government does not support the idea, while minority communities and the Plenipotentiary’s Office are supporting it.**
10. **Article 10 – Territorial scope**

*51. The Advisory Committee further notes with interest that Article 2(1) reduces the threshold for the applicability of the right to use a minority language in official contacts to 15%, as shown in two consecutive population censuses. This reduction will thus become effective only as of 2021 at the earliest, when the next population census is scheduled. In the meantime, Article 7c(2) of the Act refers to a Government Regulation that lists all municipalities where citizens belonging to a national minority form at least 20% of the population, as per the results of the 2001 census.* (Fourth Opinion on Slovakia, AC FCNM)

1. We would like to clarify one mistake in the Advisory Committee’s Fourth Opinion. The current list of municipalities where minority languages can be used is not based on the 2001 census, but on the 1991 census, as also confirmed by the Government (para. 234 of their Report). A new list was indeed adopted in 2011 by Governmental Decree no. 534/2011 Col. l. However, this list contains the same municipalities than the previous list, Governmental Decree no. 221/1999 Col. l. The names of some of the municipalities in minority languages have changed, but otherwise the list is based on the result of the 1991 census, and does not reflect demographic changes from the 2001 and the 2011 census.
2. Especially Ruthenian and Roma villages are negatively affected by this approach – many of them showed an increase of their minority population since 1991, but are not on the list of bilingual municipalities. For Hungarian municipalities, the results are mixed. Several of them have fallen below the 20% threshold (22 below 15 per cent, 13 are between 20-15 per cent), but are still on the list. 1 municipality has risen above the 20 per cent threshold, and two others above the 15 per cent threshold, but are not on the list. Four other municipalities, which did not exist in 1991 because they were created later by seceding from towns, have more than 20 per cent Hungarians, but are not on the list. Such a rigid application of census results from 20 years ago could hardly be described as “flexible”.
3. Concerning the threshold, the Government does not address the recommendation to determine in what areas are minority language speakers traditionally present in sufficient numbers for the purposes of the Framework Convention.
4. With regard to lowering the threshold from 20% to 15% from 2021, we would like to point out this will still be an inflexible standard. It does not take into account historical presence, or presence in large absolute numbers in bigger towns and cities. It does not take into account proportions on district and regional levels. Hungarians constitute more than 20% currently in two regions (Nitra, Trnava) and several districts, but if the seats of those regions and districts are in a municipality where Hungarians do not constitute 20%, they cannot use their language in dealing with regional and district authorities (this is the case in all regions and in districts Veľký Krtíš/Nagykürtös, Lučenec/Losonc, Revúca/Nagyrőce, Košice-okolie/Kassa-környék, and Trebišov/Tőketerebes, and soon will be in Šaľa/Vágsellye, Senec/Szenc and Rožňava/Rozsnyó as well, where the proportion of Hungarians fell below 20% lately).
5. Also, it has to be noted that the current system is inflexible from another perspective: what matters is not the legal definition of a bilingual municipality, but the list of bilingual municipalities issued by a government decree. The list is based on the definition, but has several mistakes, and it is based on earlier census data without taking into account demographic changes. Some Hungarian municipalities which have fallen below the 20% threshold are still on the list (e.g. Šaľa/Vágsellye, Senec/Szenc, Rožňava/Rozsnyó), some which have risen above the 20% threshold are not on the list (e.g. Belín/Bellény, together with several Rusyn and Roma municipalities), and some were left off because they have become independent municipalities after 1991 (such as Obid/Ebed, with a 80% Hungarian population, also Malá Mača/Kismácséd, Potônske Lúky/Patonyrét, Štitáre/Alsócsitár).
6. Therefore, what the Government claims about the legal provisions coming into effect after 2021 is not in fact relevant. A new list of municipalities will have to be drawn up and issued by a government decree. Minority languages can be used only in municipalities which will be on the list, regardless of whether they meet the legal definition.

*235. In connection with the city districts of the capital city of Bratislava, Jarovce and Čunovo, in which there is a large number of citizens of the Slovak Republic belonging to the Croatian national minority, it should be noted that the status of municipalities is regulated by the Act of the Slovak National Council No. 369/1990 Coll. on general establishment as amended (hereinafter referred to as the "Act on General Establishment"). In accordance with this law, the municipality and its district have its name. The name of the municipality and its district is given in the state language. The labelling of a municipality in another language is governed by a Act on the Use of Languages of National Minorities.* (Government’s Report)

1. We would like to clarify the Government’s above statements. The Government is essentially admitting that districts (or other parts) of municipalities cannot have a name or designation in minority languages. As the Government says, the name of the municipality and its district is given in the state language. The Act on the Use of Languages of National Minorities provides for labelling of a municipality, but not of its districts, in minority languages. Therefore no districts of any municipalities can be labelled with a Hungarian or other minority sign. This affects not only the mentioned districts of Bratislava, but all municipality districts in the country. A municipality with a Hungarian ethnic majority can be labelled with a Hungarian sign (e.g. Tomášov/Fél), but its district, which also has Hungarian majority, cannot be, and it only has a Slovak sign (Malý Madaras).
2. **Article 10 – Sanctions and activities of the Language Police**

*50. The possibility of imposing fines for not appropriately using the state language, according to Article 9a of the State Language Act, only applies to public administration bodies when issuing information intended for the general public or alerting to danger.* (Fourth Opinion on Slovakia, AC FCNM)

1. We would like to clarify a mistake in the Advisory Committee’s Fourth Opinion. It is not true that fines only apply to public administration bodies when issuing information intended for the general public or alerting to danger. The Opinion does not take into account that fines for violating the requirements of the State Language Act can be issued also based on the procedural rules of other laws, such as the Law on Advertising (No. 147/2001 Col. l.) and the Law on Broadcasting (No. 308/2000 Col. l.). In our previous report, we listed several examples where private persons were fined or threatened to be fined for violating provisions of the State Language Act.
2. From this reporting period, although not referenced in the Government’s Report, we would like to record the state’s activities with regard to enforcing the State Language Act. The Ministry of Culture continues to operate a unit enforcing the State Language Act, commonly referred to as the “Language Police”. (We note that government officials often deny the existence of the “Language Police”, because that is not the unit’s official name;[[24]](#footnote-24) nevertheless, the unit is referred to as such by the public due to its activities).[[25]](#footnote-25) This unit visits municipalities and orders them to comply with the State Language Act, often in ways going beyond the State Language Act, and certainly in contradiction with the requirements of the Framework Convention. The Language Police does not publicize its findings, and there is no legal remedy available against them, since they are not formulated as decisions. Only when a municipality decides not to comply with the order, then the Ministry initiates a legal procedure to impose a fine, which results in a formal decision – but it rarely comes to this in practice. Typically, the Language Police orders the municipalities, and they comply. This ensures that the Language Police’s legal opinion is not reviewed by a court, and the public affected by their activities (apart from the concerned municipality office) typically does not even know that the Language Police was involved. They only notice the changes in the language practice of municipalities further restricting the use of Hungarian, without knowing the reasons.
3. While the Language Police’s activities are not publicized, in the reported period several municipalities reported these to the media. They felt that they are harassed by the Language Police for no good reason, and given orders which are clearly above the demands even of the State Language Act. Some municipalities reported that they are periodically visited by the Language Police. A few examples of their activities follow.
4. The municipality of Gabčíkovo/Bős organized a local referendum in 2015 about the placement of an asylum centre, which it advertised bilingually. An unknown person reported them to the Ministry of Culture, which started investigating the municipality. The Ministry confirmed that the name Bős cannot be used on the advertisement, as the municipality’s official name is Gabčíkovo, and only this name can be used on all documents related to the local referendum.[[26]](#footnote-26)
5. In August 2016, the Language Police visited Gabčíkovo/Bős again. They ordered the municipality to remove the Hungarian name of the municipality from the information sign on the local ferry, since in their opinion this was not a legal use of the municipality’s Hungarian name. They also ordered to use the names of municipal councillors according to the rules of Slovak grammar (in first name, last name order) on the municipality’s website. They also declared that all announcements on the municipality office’s premises and boards must be bilingual, including the announcements of the local Hungarian-language boy scouts club, which is a private association.[[27]](#footnote-27) They also ordered changing the inscription on two local monuments, and they ordered local announcements to be in Slovak first, then in Hungarian.
6. Also in 2016, the Language Police visited Iža/Izsa, where they ordered the change of the inscription on a plaque, celebrating the renovation of the local museum. The sign on the plaque was otherwise quadrilingual, but had one sentence only in Hungarian, which the Ministry ordered to change.[[28]](#footnote-28)
7. Also in 2016, the Language Police ordered the mayor of Vydrany/Nemeshodos to increase the proportion of Slovak text in the local newspaper.[[29]](#footnote-29)
8. In 2017, the Ministry of Culture ordered the District Office in Komárno/Komárom to change the sign on their building. According to the Ministry, the Hungarian language version should use the town’s name in Slovak (Komárno), as the Hungarian name (Komárom) is not an official municipality name.[[30]](#footnote-30)
9. The same year, the Ministry of Culture ordered several public institutions to take down signs which used municipality names in the Hungarian language (in Komárno/Komárom, Senec/Szenc, Šaľa/Vágsellye), because according to the Ministry the list of municipalities where minority languages can be used is invalid under the law. In the Ministry’s opinion, a new list will have to be issued after the census of 2021.[[31]](#footnote-31)
10. On 30 August 2017, the Ministry of Culture ordered the municipality of Holice/Egyházgelle (annex 3) to use the municipality’s official Slovak name instead of its Hungarian one in all its information systems, including contracts, project descriptions, and addresses. It also ordered the village newspaper to be translated to Slovak.
11. On 20 September 2017, the Ministry of Culture ordered the village of Marcelová/Marcelháza (annex 4) to translate all articles in the village newspaper to Slovak.
12. The Ministry of Culture also monitored the language of public advertisements. It ordered advertising companies to take down electoral billboards of candidates for not complying with the State Language Act. This happened during the 2017 regional elections to candidates of SMK-MKP in the Štúrovo/Párkány district (reason: smaller font of the Slovak text compared to the Hungarian one);[[32]](#footnote-32) during the 2017 regional elections to candidate of Most-Híd in the Košice/Kassa region (reason: smaller font of the Slovak text compared to the Hungarian text);[[33]](#footnote-33) and the billboard of the Most–Híd party in Lučenec/Losonc during the 2016 parliamentary elections (reason: wrong order of the Hungarian and Slovak text).[[34]](#footnote-34) In May 2016, the Ministry of Culture also ordered advertising companies not to put up billboards of Hungarian-language cultural events in Rimavská Sobota/Rimaszombat, where not all information was translated to Slovak.[[35]](#footnote-35) In these cases, the advertiser is not involved in the procedure at all, the Ministry of Culture is communicating directly with the advertising company. Therefore the advertiser has no legal remedy against the Ministry’s decisions.



Billboard of the 2016 “Junius Feszt” (June Fest) in Rimavská Sobota/Rimaszombat, which was taken down   
for not complying with the State Language Act

1. The activities of the Language Police are a worrying and troublesome feature of the state’s activities in the field of language policy. They do not receive public scrutiny in the national press, most Slovaks do not even know about their existence. However, affected Hungarian speakers are often frustrated by the Language Police’s unreasonable demands. The orders it gives reflect a very different understanding of the State Language Act than what the Government reports to the Committee of Experts. **We would like to ask the Advisory Committee to strongly demand that the Government changes the activities of the Language Police by subjecting it to public scrutiny. Ideally, the Government should abolish the Language Police as it is a tool of harassment of minority communities. At the least, the Language Police should be subject to rules of administrative procedure, its orders should have a form of a decision, so that affected municipalities, advertisers and all other concerned natural or legal persons could appeal them or initiate a court review against them.**
2. **Article 10 – The use of minority languages before administrative authorities**
3. **Communication in minority languages – Senec/Szenc**
4. Enforcement of the law with regard to communication in minority languages is practically non-existent. The Government claimed in the past as a way of example that the District Office in Senec/Szenc informs about the possibility to communicate in a national minority language on its website (page 51 of the Government’s fifth report under the Charter). The website is available here: <https://www.minv.sk/?okresny-urad-senec>. It does not mention at all the possibility of using the Hungarian language in communication with the office. It also does not mention which employees speak Hungarian, or which forms and documents are available in Hungarian. The part about information for citizens contains a lot of explanation about what the office does, but it does not mention anything about minority languages or the Hungarian language in particular: <https://www.minv.sk/?klientske-centrum-3>. The Government’s statement is thus incorrect.
5. If the state made at least a minor effort by clearly indicating to citizens that it is possible to communicate in Hungarian at the District Office, and in which proceedings and with which employees it is possible, communication in Hungarian would be more extensive even in a place like Senec/Szenc, where Hungarians now constitute less than 20% of the population. With some very small organizational effort, such as translating forms to bilingual ones and ensuring that at least one Hungarian speaking employee is always on duty, it would be possible to significantly expand the use of Hungarian. This would still be below equality and the demographic possibilities of the region, which would require some active human resource policy by hiring or training employees who speak Hungarian. But the state does neither of these. Communication in Hungarian is taking place outside the domain of state interest, it is a private matter for customers and employees. The state does not encourage it, it does not even take notice of it.
6. **Publicizing the possibility to use minority languages**
7. Bilingual municipalities have an obligation to publicly inform their customers that they can use a minority language in dealing with the authorities. The enforcement of this provision is severely deficient. In its current report, the Government does not comment on this issue. However, it reported recently under the European Charter of Regional and Minority Languages that   
   *Municipalities’ obligations with respect to the use of languages of national minorities in official communication also include the obligation to publicise information about the possibility to use a national minority language in official oral and written communication in a visible place. The share of municipalities complying with this obligation was 49%.* (page 53 of the Government’s fifth report under the Charter)
8. The Government claims that 49% of the obliged municipalities inform about the possibility to use Hungarian through signs in a visible place. We would like to make two comments. First, the figure of 49% is questionable. There is no standard about how the signs should look, and what information they have to provide. Local authorities need to create them on their own. Such signs are very rare. The Government did not provide the list of the municipalities which allegedly have them, therefore it is not possible for us to disprove the number by checking some of them. However, according to our estimate based on the municipalities we did check, approximately 15 percent of the municipalities have such signs. The 49% is the result of incorrect self-reporting by the municipalities. The municipalities know that the sign is a legal requirement, therefore they simply report it as fulfilled rather than admit that they are breaking the law.
9. Second, even if the Government’s figure was correct, it means that 51% of the municipalities did not have such signs, contrary to their legal obligations. There was no action taken by the Government to implement this legal requirement. No proceeding was started against the offending municipalities, and no support was given to them. What would be required at least is a pre-prepared standard of how the form should look like, what information it should contain. In Slovakia, every sign used in official communication has a standard defined by central authorities, usually laid down in some regulation. No such standard was created for this sign, or for other signs and documents to be used in communication in minority languages. The state made simply no steps to implement this legislation in this regard, several years after its adoption. There is no monitoring mechanism in place related to this issue and no sanction for not complying with this legal provision either. We suggest to call upon the government on the one hand to promote the use of minority languages, on the other hand it should keep track of the compliance with it. If these steps are not sufficient, it should also introduce sanctions.
10. **Employees’ linguistic competencies**

*55. The Advisory Committee calls on the authorities to intensify their efforts to ensure that a sufficient number of municipal employees is adequately trained and able to respond to requests in minority languages, in particular Romani, and that the use of minority languages is actively encouraged in official communication where applicable.* (Fourth Opinion on Slovakia, AC FCNM)

*251. According to the Methodological Guidelines on the Act on the Use of Languages of National Minorities developed by the Plenipotentiary for NM, under the subchapter Creating Conditions for the Use of the Language of a National Minority, the employment of professional staff who speak the language of a national minority is the only way of ensuring the use of the language of the national minority in communication with the competent public administration authority. If the public authority cannot, for objective reasons, employ professional staff who speak the language of the national minority, the public administration will ensure the possibility of using the language of the national minority in another way.* (Government’s Report)

1. Concerning the issue of employee’s linguistic competencies’, we submit that the Government took no steps to hire Hungarian-speaking employees to offices located in Hungarian-speaking areas, or to motivate such hiring by recognising employees’ linguistic competence through additional remuneration. The number of such employees is a result of demographic forces, labour market conditions and the state’s long-term policy of ignoring minority languages in official communication. This creates a vicious circle where citizens know that Hungarian can be used in official communication only informally, make no demands for formal communication, and as a result the state can report that there is little demand for communication in Hungarian. If the state in fact took the basic steps to implement the law on the use of minority languages, much more communication in Hungarian could take place.
2. The Plenipotentiary’s report on the state of the use of national minority languages for 2017-2018 (hereinafter *2017-2018* *Minority Language Report*)[[36]](#footnote-36) contains more detailed information about the linguistic competencies of public servants than the 2015-2016 report referred to by the Government. According to the report (p. 31), from the 5910 employees of municipalities where Hungarian is used in official communication, 4400 (73%) employees can use Hungarian orally and in writing, and an additional 786 (14%) orally. 724 employees (13%) do not speak Hungarian at all. These are self-declared figures, so they are likely overstating the linguistic competencies of public servants.
3. Compared to municipality employees, the figures of speakers of minority languages are much lower among employees of local branches of state administration offices. The 2017-2018 Minority Language Report does not provide a figure for Hungarian speakers, only for minority languages speakers in total. According to page 63 of the Report, there are 4057 employees of state administration offices located in municipalities in which a minority language is in official use. From them, 940 (23%) can use a minority language orally and in writing, and 883 (22%) orally. 2234 employees (55%) thus cannot use minority languages at all.
4. Concerning the police force, from the 5709 employees of the District Police Inspectorates surveyed by the Plenipotentiary, only 586 (10%) can use a minority language in orally and writing, and an additional 1029 (18%) orally (page 89 of the Report). 72% of Police employees servicing bilingual areas has thus no ability to use minority languages. Concerning the Fire Service, from the 355 employees located in bilingual areas, 113 (32%) can use minority languages orally and in writing, and 95 (27%) orally.
5. The statistics could be continued by listing how many employees of certain specific offices can use minority languages, but we consider this exercise irrelevant for the purposes of this report. The Framework Convention requires the Government to take some steps ensuring that minority languages can be used in relationship with public administration. The Government made no such steps. The number of employees speaking minority languages is not a result of some organized government policy, but an accidental outcome of demographic and labour market conditions. They are unable to absolve the Government of their obligations under the Framework Convention.
6. While the right to use Slovak applies to all public bodies in Slovakia, the “right” to use a minority language is much more limited. It applies to a selected type of bodies which are placed in bilingual municipalities. Even there, it does not apply to, for example, the Social Security Administration, post offices, railways, public universities, and other bodies established by law. In addition, many public administration bodies are located in district centres, most of which are not bilingual towns, and regional centres, none of which is a bilingual town. Even if a proceeding starts in front of a body to which the Law on the Use of Languages of National Minorities applies, the appeal and any subsequent proceedings are very likely to continue in front of a body to which it does not. This means that all documents would have to be officially translated into Slovak. Even locally, one body can produce a document in Hungarian, which another body (e.g. the Social Security Office) accepts only in Slovak. Even for bilingual offices, the law states that if a document has two language versions, the one in Slovak takes precedence. There is, therefore, very little use of a public document issued in Hungarian. Most likely only the body issuing it will accept it, other bodies will be much more reluctant or reject it outright. This fragmentation of the spheres where minority languages can be used is one of the important reasons why even Hungarians, not to mention other minorities, prefer to receive documents in Slovak.
7. The regulation on the use of languages in public administration is completely out of touch with reality. For decades, Hungarian has been used in public administration unofficially – oral Hungarian communication was possible in local municipal offices, where the citizens and clerks knew each other and knew who speaks Hungarian and who does not. This has been restricted by the adoption of the State Language Act, and has not improved at all due to the Law on the Use of National Minorities. The regulation is very unclear, contradictory, fragmented, and completely out of touch with the real obstacles of minority language use. Instead of an incomprehensible network of redundant provisions, the law should not contain any restrictions on language use, it should only list public administration bodies’ duties towards citizens. It should deal with oral communication, written communication, and signs differently, as these depend on different conditions. With regard to signs, there is no reason why signs of public nature could not be mandatorily bilingual in bilingual communities. In written communication, the state should provide bilingual forms, samples of documents and language training as even those civil servants who speak fluent Hungarian are unable to draft administrative documents because of the lack of practice – these have simply never been written before in Hungarian, and the proper terminology is often alien to civil servants. The basic criterion of minority language use in written or oral communication is the improvement of the linguistic skills of public employees. The state has taken no steps in this regard.
8. The Government does not actually have statistics on the language skills of public employees. Also, it is a long-term position of the government that advantaging persons for their knowledge of minority languages is discrimination of Slovak speakers. Our research could not locate any job advertisement for public employees where Hungarian-speaking ones would be preferred.
9. In their Report, the Government mentions that in the projects of the Plenipotentiary for the Roma Community knowledge of the Roma language is a term of the job occupation. In their Fifth Report under the European Charter, the Government was even more specific, stating that the Plenipotentiary’s “Field Social Work” project fully reflected the use of languages of national minorities (p. 29 of that Report). However, there are no signs of this in the actual documents of the project. The project’s website, <https://www.tsp.gov.sk/>, is not available in minority languages – it is available in Slovak and English. It does not mention at all that minority languages are used in the project, and that speakers of these languages would have preference when applying. In fact, the job applications, even for positions in municipalities which have a large number or even majority of Hungarian-speakers, do not mention at all that the knowledge of Hungarian or Romani as a required or desirable qualification – they are completely silent on the issue. On the other hand, they state that discrimination among candidates on the basis of, among others, language, is prohibited according to the anti-discrimination act. This reflects the state’s long-term practice that preferring a candidate over another on the basis that the latter does not speak Hungarian constitutes prohibited discrimination. This hurdle could be overcome if the advert stated that the knowledge of Hungarian or Romani is essential, or at least desired, for the position in question, but the adverts state no such thing. We looked through all the current adverts for positions which are in municipalities with a large percentage of Hungarian speakers: Hurbanovo/Ógyalla,[[37]](#footnote-37) Šahy/Ipolyság,[[38]](#footnote-38) Rimavská Sobota/Rimaszombat,[[39]](#footnote-39) Čoltovo/Csoltó,[[40]](#footnote-40) Velký Horeš/Nagygéres,[[41]](#footnote-41) Čierna nad Tisou/Tiszacsernyő,[[42]](#footnote-42) Tomášov/Fél.[[43]](#footnote-43) All are silent on the issue of the knowledge of Hungarian or Romani languages.
10. In the absence of adverts even specifying minority languages as desirable qualifications, it is hardly believable that that these are preferred in actual hiring practices. If they are, it is an initiative of individual hiring commissions, and not a concentrated governmental effort. If the Government in fact preferentially hired Hungarian-speakers or Romani-speakers for these positions, it should say so, and provide the relevant statistics on how the number of such persons developed in the reported period. We could not find any such information in any of the official sources, whether national or regional. In the absence of any specific numbers and actions, the preference for public servants speaking a minority language is more a theoretical consideration on the level of the central government for the purposes of reporting under the Framework Convention, rather than an actual policy to be implemented.
11. Also, we note that the areas where the use of minority languages would need support is vast, and the methods to do so are numerous, ranging from language training of existing staff, financial incentives, to hiring preferences. The Government only reported on a tiny segment of one area, a social work project concerning excluded communities, and that information is also of dubious quality. We submit that in general, the Government has no policy to ensure that public sector employees speak minority languages, as that is completely irrelevant for the obligations of public bodies. There is no obligation on public servants to speak minority languages – in fact, both public bodies and their employees are specifically exempted from speaking minority languages according to §7(1) of the Law on the use of minority languages. As a result, no public body has an active practice of recruiting minority language speakers, or training existing staff in minority languages. That is the reason why the Government is unable to report on developments in this area.
12. At the same time, we note an incident where a local authority did try to promote the use of Hungarian. In 2016, the town or Rožňava/Rozsnyó advertised for a position of referent (clerk) in its cultural department. They stated that knowledge of Hungarian is required, because that particular position was tied to cultural events organized partly in Hungarian. National press considered it a scandal and a discrimination of Slovaks.[[44]](#footnote-44) This shows the atmosphere in which the “promotion” of the use of Hungarian language must be undertaken by local authorities. Without a legal basis, without any backing from the state or central policy, they have no opportunity to increase the number of Hungarian speaking employees or incentivize the learning or knowledge of Hungarian language among their employees, even for positions for which the language is directly relevant. Therefore we would like to ask the Committee to call upon the government to adopt a centralized policy for increasing the number of bilingual civil servants in areas inhabited by persons belonging to minorities.
13. **Article 10 – Oral or written applications in minority languages**
14. Bilingual municipalities are under an obligation to provide official forms in minority languages. However, no steps were taken to implement this obligation, apart from issuing bilingual forms for marriage, birth, and death certificates. We refer for details to the Government’s Fifth Report under the European Charter.

*Page 55: The municipalities specified by the law are obliged to provide any official forms issued to citizens within the scope of their competence bilingually upon request. The results of the survey show that 86 municipalities (18%) with the Hungarian national minority provided all forms bilingually and 108 municipalities (22%) provided some of their forms bilingually.* (Fifth Report under the European Charter)

1. Similarly to the information regarding signs informing about minority language use, we would like to make two comments. First, the figures are very unreliable. Many municipalities are arguing that they do not use bilingual forms because these simply do not exist. The forms are created centrally, their design is set by central authorities, they are printed centrally and distributed to the municipalities. The only forms which have been prepared in a bilingual version are forms of birth, death and marriage certificates. In this light, it is highly dubious that 18% of affected municipalities provide all forms bilingually, including the ones that do not exist. A much more likely explanation is that some municipalities reported full compliance because they knew that it is a legal requirement. Alternatively, they might have reported full compliance regarding the forms that exist in a bilingual version (that is, birth, marriage and death certificates). The Government has access to all the data about which municipalities claim to have which forms in a bilingual version, therefore if they released the data, it would be easy to check and correct the figures based on municipalities self-reporting.
2. Second, even if the Government’s figures were correct, it means that 60% of the municipalities provide no forms bilingually, and an additional 22% do not provide some forms bilingually. That is, 82% of the municipalities break the law on use of minority languages. The Government took no steps to respond to this situation, either by ordering the municipalities to comply, or initiating disciplinary actions against those which do not comply, or by providing them support to comply. Most importantly, the most basic step would be to prepare the forms bilingually. Without that, it is impossible for municipalities to even attempt to comply with their obligations. The Government did in fact prepare the forms of birth, marriage, and death certificates, and those are widely used in registries located in bilingual areas.
3. Birth, marriage and death certificates are still filled out in Slovak only, as we explained in our previous report.[[45]](#footnote-45) We annex a birth certificate recently issued in Komárno/Komárom, which is printed on a bilingual form, but all the information in it is in Slovak only (see annex 5). The person asking for the form submitted a complaint arguing that her birth certificate filled out in Slovak only is not in compliance with Slovak law, the Charter, and the Framework Convention (see annex 6). The Komárno District Office has replied that the form in their opinion complies with the domestic law, and if the citizen wishes to rely on the Framework Convention, she should turn to a court (see annex 7). The proceedings are currently pending before the courts.
4. We also submit that since birth, marriage and death certificates are issued electronically from a centralized system, there is no reason why they could not be issued bilingually on the territory of the whole country. Recently, a Hungarian speaker from Bratislava asked for his bilingual birth certificate in Bratislava – Karlova Ves. He was issued a Slovak only certificate. He submitted a complaint, arguing that under the Charter and the Framework Convention, birth certificates should be available bilingually. We annex the Registry Office’s reply, according to which the Framework Convention applies in Slovakia only through the implementing domestic legislation, which restricts the territorial scope of its application (see annex 8). Currently a court proceeding is pending challenging the Registry Office’s decision.
5. The Plenipotentiary’s 2017-2018 Minority Language Report states that from state administration offices located in municipalities, where a minority language is in official use, only 3 (3%) reported to use bilingual forms fully. 22 offices (25%) reported that they use some forms bilingually, while 63 offices (71%) reported not to have any bilingual forms, despite this being a legal obligation (page 67 of the Report).
6. Without bilingual forms, it is irrelevant to speak about the demand for the use of Hungarian in written communication. We do not know how many citizens would prefer to fill out a Hungarian form, because these do not exist. If they ask for it, they are rejected with a simple explanation that the form is only in Slovak, and this is not recorded as an attempt to communicate in Hungarian. Very few citizens go to the trouble of submitting an official complaint about not being given a bilingual form. In this situation, the Government can report a very low demand for bilingual forms, because the real demand is simply not recorded, as it is handled informally.
7. We ask the Advisory Committee to call upon the Government for not taking the basic step of preparing the forms bilingually, 20 years after the legislation was adopted in 1999. Promoting the use of minority languages would require much more, it would involve other proactive steps in order to make sure that Hungarian and other minority languages are in fact used in official communication to the extent of their weight in the country’s linguistic landscape. The Government has not even considered such proactive steps. But failing to prepare the forms after several years of criticism is much closer to proactive hindering of the law’s implementation than simple wilful negligence.
8. **Article 10 – Publication of official documents by regional and local authorities**
9. For specifics, we again turn to the Government’s Fifth Report under the Charter. According to the Government’s report (p. 56), 41% of affected municipalities did not provide general public information in Hungarian at all. This rate of non-compliance with the law did not elicit any response or reaction from state authorities.
10. The Government reports that 24% of affected municipalities provided all general public information in Slovak and Hungarian. This is highly questionable. We are not aware of any municipality which would translate announcements of central and regional offices (which are all in Slovak) to Hungarian. Most likely, this data refers to municipalities’ own announcements, which are prepared bilingually in these municipalities. Even then, the 24% seems high, but since the list is not public, the information cannot be verified by us.
11. Concerning generally binding municipal regulations, the Government reports that 94% of municipalities issued these in Slovak only. It is important to note that the Hungarian version is not official, it is simply a translation of the official Slovak version.
12. It is evident from this high rate of non-compliance that the municipalities cannot deal with this task on their own. Central authorities should help them with providing pro forma translations of official documents, or even with a translation service which would help translate individual documents. No such steps were implemented by the central government. Without such help, municipalities have to individually prepare all translations by their own staff, who are not necessarily qualified for translations of legal documents.
13. Concerning state administration bodies located in bilingual municipalities, according to the Plenipotentiary’s 2017-2018 Minority Language Report, none of them issued any bilingual document in the years 2017 and 2018 (p. 68).
14. The Government does not report on publication of official documents by regional authorities in minority languages. In fact no regional authority publishes official documents in Hungarian.
15. **Article 10 – Judicial bodies**
16. Currently it is not allowed to use the Hungarian language in criminal proceedings for defendants who understand Slovak. It is only allowed if the defendant does not understand Slovak. The vast majority of Hungarian-speakers in Slovakia does speak Slovak, therefore they do not have a right to defend themselves in Hungarian, even if they speak Hungarian better than Slovak and would prefer their mother tongue.
17. The Slovak Government argued in their Firth Report under the European Charter that allowing to use a minority language in criminal proceeding “would be a disproportionate financial burden for criminal proceedings and, in certain rare cases, a way to intentionally obstruct or delay proceedings” (p. 47). The Government’s argument is unfounded. Concerning costs, allowing defendant’s to use the Hungarian language does not have to be costly if other persons involved in the proceedings (the judge, the prosecutor, and the court clerk) also speak Hungarian. It would be up to the state to take steps that judiciary personnel in Southern Slovakia speak the Hungarian language. Also, it is not known how many defendants would actually use the Hungarian language, even if they had the opportunity. The possibility exists in civil proceedings, and there is no indication that it has resulted in disproportionate costs.
18. Concerning intentional obstruction or delaying the proceedings, that possibility already exists, and courts are equipped to deal with it. For example, in case 3 Tdo 57/2012, the Supreme Court dealt with a request to quash the conviction of a defendant on the ground that he did not understand the proceeding translated for him into English.[[46]](#footnote-46) The defendant had previously indicated that he speaks English, and only later asked everything to be translated to his mother tongue, Biafra Igbo. The Supreme Court decided that the defendant understands English well, and he is obstructing the proceeding by his request for translation into Biafra Igbo. There is no reason why courts would not be able to deal with obstruction tactics relying on translations into other languages such as Hungarian. Also, obstruction is possible in any language or country, but the experience of countries where minority languages can be used in criminal proceedings does not suggest that it leads to unreasonable delays and obstructions.
19. We ask the Advisory Committee to conclude that the Government’s obligations under Article 10 of the Framework Convention are not fulfilled with regard to judicial authorities. The Slovak Government did not take any steps to implement the Framework Convention for Hungarian speakers in Slovakia. The current provisions protect persons not speaking Slovak, who are mostly foreigners. Some members of judicial staff speak Hungarian, and some members of the Hungarian community, mostly elderly persons, have an insufficient command of Slovak, and are therefore allowed to use Hungarian in court proceedings in a limited way. However, this demographic fact is not a result of the Government’s actions, and the Government should not be able to rely on it in discharging its obligations under the Framework Convention.
20. **Article 10 – Public services**
21. The public services have no legal obligation to communicate in Hungarian. If some of them do, they do it on their own motion and informally, and mostly in oral communication: for example, bus drivers might understand if a person is buying a ticket to a destination and uses its Hungarian name. But the state made no steps to enable or promote such communication. It is always the decision of the representative of the public service whether they wish to communicate in Hungarian. They have no duty to do so.
22. The Plenipotentiary announced that it had discussions with some public services in the reported period, to ask them to take steps to communicate in minority languages. This underlines that there is no obligation or state support for such communication. It is on the providers of these services to what extent they permit or encourage communication in minority languages. If they prohibit their employees to communicate in Hungarian, they are not breaking the law. A similar result is achieved by hiring employees not speaking Hungarian at all.
23. The Slovak Post and the Slovak Railways are particularly well-known for encouraging their employees to communicate only in Slovak. The Act on the Use of Minority Languages does not mention public transportation as an area where minority languages can be used. Train and bus timetables, announcements of departures on bus and railway stations and in trains are in Slovak only. The linguistic abilities of railway employees are notoriously deficient: many clerks at ticket windows are unable to communicate in Hungarian even in towns with Hungarian majority like Komárno/Komárom and Štúrovo/Párkány, not to mention bilingual towns with Slovak majority like Nové Zámky/Érsekújvár, Galanta/Galánta, Senec/Szenc, Rožňava/Rozsnyó, and others.
24. Communication with conductors takes place in the languages they speak, but many are afraid that as Railway representatives they are not allowed to communicate in Slovak. This is technically correct: according to §3(1) of the State Language Act, employees of the Slovak Railways have to communicate in Slovak, and there is no counterbalancing provision or exception for communication in minority languages in neither language law.
25. In the reported period, several students submitted complaints regarding school attendance certificates collected by the Slovak Railways. Students can buy a monthly train pass for reduced fare, for which they need a certificate of attendance from their school. Those studying in Hungary receive these certificates in Hungarian. The Slovak Railways refuse to accept the Hungarian certificates, demanding an official translation into Slovak (see annex 9).[[47]](#footnote-47) Such translations both take a long time to prepare and they are also costly.
26. The certificates are processed centrally or regionally, therefore presumably any Slovak Railways office could collect them, and one employee in the central office could process them. The Railways are the biggest single employer in the country, with more than 40 thousand employees, therefore this should not constitute a practical difficulty. Yet they refuse to accept these certificates even in their offices placed in municipalities where Hungarian can be used in official communication, because the Law on the Use of Minority Languages does not apply to them. The Railways are relying on the State Language Act, arguing that all communication must be in Slovak except that specifically mandated by the law. This just underlines that the legal regulation in effect is far from promoting communication in minority languages, it is in fact constraining it.
27. **Article 10 – Social care and healthcare facilities**

*231. …The provisions of Section 2 [of the Act on the Use of Languages of National Minorities] were extended by the amendment to include paragraph 3, according to which a citizen of the Slovak Republic who is a person belonging to a national minority, during communication with the personnel of healthcare facilities and social services facilities or facilities for the social protection of children and social welfare in the municipality pursuant to Section 2 paragraph 1, can use the language of the minority. A medical facility, a social service facility, or a child-care facility and a social guardianship facility under the previous sentence will allow him/her to use the language of the minority if the conditions of the facility so permit.*

*232. The use of the language of a national minority in a healthcare facility is open to all patients and clients through verbal communication, especially in the Hungarian, Romani and Rusyn languages, without distinction. It is sufficient for a healthcare facility if one of the medical personnel can speak the language of a national minority and, consequently, the communication in question does not require a qualified interpreter.* (Government’s Report)

1. The Government only cites the Law on the Use of National Minority Languages. However, the State Language Act also regulates the issue of language use in healthcare and social care facilities, and takes precedence over the Law on the Use of Minority Languages. §8(4) of the State Language Act states in the second sentence that personnel can communicate with a client or patient who has a mother tongue different than Slovak in a language in which the client and patient can be understood. This apparently permits only clients and patients not speaking Slovak to use a different language, as those who do speak Slovak can obviously be understood in Slovak, regardless of their mother tongue. In contrast, the fourth sentence states that citizens belonging to minority communities can use the minority language in communicating with personnel in bilingual municipalities, not mentioning their inability to speak Slovak. However, the third sentence makes clear that personnel “is not required to speak a minority or foreign language”. The Government Principles interpreting the State Language Act also add in Article 10 that a member of personnel cannot be obliged to use a minority language even if he speaks it on an adequate professional level.
2. The result is a very confusing mix, which provides no “right” to minority members to use their language. They are not prohibited to use the minority language in a bilingual community (or, alternatively, if they do not speak Slovak), if the personnel member also speaks it and is willing to speak it, and if the facility’s “condition allows it”. If any of these criteria do not apply, the use of minority languages is prohibited. If the conditions are met, it is the personnel’s decision how they will communicate with the patient or client.
3. Furthermore, the possibilities of using the minority language are applicable only in bilingual municipalities, therefore they do not apply to many district and regional centres where hospitals are usually located. Even if all the conditions are met, and a doctor speaking Hungarian would agree to speak Hungarian to a patient, the facility can decide under the second sentence not to permit the use of Hungarian under the unclear formulation that its condition does not allow it.
4. According to the original proposal of the 2011 amendment to the Law on the Use of Minority Languages, the facilities’ personnel would have had an obligation to communicate in the minority language, and citizens would indeed have had a right to use the minority language. Because this was changed from obligation to possibility, the second sentence became superfluous and confusing, it nevertheless remained in the law.
5. The state has made no steps at all to improve the chances of minority members to use a minority language in healthcare or social care facilities by adopting the 2011 amendments or in the course of their implementation. No effort was made to increase the number of Hungarian-speaking staff, or incentivize healthcare and social care facilities to use Hungarian in other ways. In fact some hospitals, such as in Košice/Kassa and Nitra/Nyitra, reportedly forbade their staff to speak Hungarian with patients at all. These are both cities which are not bilingual, but service regions with many bilingual municipalities. Hungarians make a significant proportion of both their staff and of patients.
6. Hospitals are a critical place of minority language use because they often serve persons who are not at the top of their capacities. Patients who otherwise have a good command of Slovak would prefer to speak Hungarian when they are in great pain, dizzy, or their state of health affects their concentration in other ways. Also, the terminology used in hospitals, relating to illnesses, symptoms and body parts, is something common citizens do not use on an ordinary basis, therefore they might have difficulty expressing themselves in Slovak even though they can be fully fluent in the terminology related to their work, for example. That is why it would be important to have a right to use the minority language, with a corresponding obligation on healthcare providers to communicating in it. In practice, however, it is not uncommon for persons to be humiliated and treated disrespectfully if they “offend” a Slovak staff member for not speaking Slovak properly.
7. The media frequently reports incidents when patients were scolded by doctors or other medical personnel for not speaking proper Slovak. The last such report was made by the Hungarian-language weekly Vasárnap, which published a letter from a reader about their treatment in Bratislava in the Department of Infectious Diseases in Kramáre Hospital.[[48]](#footnote-48) Their young daughter was harassed by the staff for not speaking proper Slovak. The girl has a learning disability and had 40 C degree temperature at the time. She in fact speaks Slovak, but could not effectively communicate in that state, and preferred to speak Hungarian. She was harshly admonished by the personnel, including the head doctor, MUDr. Soňa Gabrišková. The newspaper also turned to the hospital, but they received no apology.
8. The point of this incident is to underline that patients in Slovakia have in fact no right to receive healthcare services in minority languages. Hospitals have no obligation to have staff who speak minority languages. The Government has no support for statements that staff of healthcare and social care facilities in bilingual areas speak minority languages. The Government does not collect statistics about the language skills of employees of healthcare and social service facilities. There is no obligation on facilities to employ Hungarian-speakers, no support from the Government to do so, and no monitoring or follow up of these practices. The Government simply does not have information about the possibilities of clients and patients to use minority languages. In some places this is possible, in others it is prohibited by the facilities’ management, but the Government simply has no information about the extent of the problem and clients’ possibilities, therefore it should not state that local personnel typicallyspeak the language.
9. The Plenipotentiary’s 2017-2018 Report on the Use of National Minority Languages collected some information about the languages used in healthcare and social care facilities established by municipalities. According to the report (p. 56), only 40% of these facilities claimed that they communicated with clients in a minority language through their employees. These statistics relate only to facilities located in bilingual municipalities, not in district and regional centres where the proportion of Hungarian speakers is below the threshold of 20%, and where hospitals are typically located. Very likely, the figure for all healthcare facilities is well below 40%.
10. **Article 10 – Emergency operators**
11. The availability of emergency call services in Hungarian was always problematic, since there was no organized policy of language planning for these services. However, the situation became even worse in the reported period. In the past, the services were organized according to districts. Therefore, call centres in districts with a large number of Hungarian-speakers at the district seats had some employees communicating in Hungarian. However, these were later centralized, and call centres are now operated from regional centres – none of which are in municipalities with a substantial Hungarian-speaking population. As a result, the number of Hungarian-speaking call operators significantly declined.
12. For example, in districts like Dunajská Streda/Dunaszerdahely, which have a Hungarian majority, most operators in the past understood Hungarian, and there was always an operator on duty who did speak the language. Currently, the emergency call centre for this district is in the regional seat Trnava, where practically no Hungarians live. The call centre has no Hungarian-speaking employees.[[49]](#footnote-49) Citizens calling the emergency number 112 in distress therefore have to communicate in Slovak. In some cases, if the caller is wounded, in stress, a small child, an elderly person or someone having a lower ability to express themselves in Slovak, the lack of Hungarian speaking operators can result in inability to offer sufficient assistance and lead to endangerment of life and health.
13. The Most–Híd party recognized the problem,[[50]](#footnote-50) and so did the Plenipotentiary’s office.[[51]](#footnote-51) They announced that they are looking for a solution, but none has been offered and no steps were taken so far.
14. **Article 10 – Shops**
15. Oral communication in private establishments such as shops, restaurants and services, is not regulated. It usually depends on the linguistic skills of employees. Some large shops, however, are notoriously failing to have signs in Hungarian and restrict their employees’ communication in Hungarian on the ground that their supervisors do not understand it.
16. In 2017, Kaufland opened a new store in Komárno/Komárom (a town with a majority of Hungarian-speakers), which had no Hungarian signs in it. They received a letter from the town’s mayor asking for bilingual signs for their customers.[[52]](#footnote-52) Later local residents demonstrated in front of the store asking for bilingual signs, but to no avail.[[53]](#footnote-53)
17. **Article 11 – Signs in minority languages**
18. **Municipality names**
19. With regard to place-names (para. 256 of the Government’s Report), it is important to underline that according to the applicable legislation, all place names must be in Slovak as a rule. Hungarian place-names are the exception, which are mandatory in a few select areas (signs marking the beginning and end of a municipality), voluntary in others (bus stations, street names), and prohibited in all other areas (road signs, names of parts of municipalities, touristic signs, use of place names in writing, and all other local topographical signs such as rivers, hills, and other local landmarks). The legal situation of railway stations and stops is unclear (see more in detail later).
20. Concerning the signs marking the beginning and end of the municipality, the Government previously reported (on page 57 of their Fifth Report under the European Charter) that 92% complied with the legal obligation. 5% did not comply, that is they did not have bilingual signs, 3% complied only partially. It means that 8% are not fulfilling a long-existing legal obligation, but no steps were taken by the authorities to remedy the situation. This figure does not include the number of municipalities where Hungarian place names were vandalized and have not been replaced. The Government has known about the problem of vandalizing Hungarian signs for a long time. According to our research (detailed in our previous report submitted for the 4th monitoring cycle) one third of Hungarian-speaking municipalities had recently experienced such forms of vandalism. The Government took no action to address this situation. Vandalized signs are replaced by the municipalities, or not replaced at all.[[54]](#footnote-54)



Vandalised Hungarian sign in Dunajská Streda/Dunaszerdahely – March 2017

1. It is also important to note that Hungarian names of municipalities are not considered official names of the municipality. The law makes a distinction between a municipality’s *name (názov)*, which is the Slovak one, and the *designation* (*označenie*) in a minority language, the only purpose of which is to appear on the sign marking the beginning and end of the municipality. The designation cannot be used in official communication or for other signs or publicity purposes. It is for example not part of the public transport timetables, designations of office buildings, etc. This is confirmed by the Government’s comments on the Committee of Expert’s Fourth Report on Slovakia under the European Charter. On page 96 (Section 144) the Government admits that “municipality signage in a minority language has only a local character, is part of the cultural heritage of the respective minority, is not an official name of the municipality and may only be used in public communication to the extent laid down by the Act no. 184/1999 Coll., which is territorially limited in scope”. So the sign with the municipality’s Hungarian name can be used only to be displayed in specific spaces permitted by the law, but not for other purposes.
2. There is one positive development to report: in 2018, the Ministry of Transport prepared a new standard for the signs marking the beginning and end of the municipality. These signs are now required to be the same colour and the same size in minority languages as the Slovak sign. Unfortunately, they are still placed on a separate sign below the Slovak sign, and they are written with smaller font than the Slovak sign. The signs were not replaced with new ones automatically – the Ministry announced that they would be replaced gradually, which could take several years.[[55]](#footnote-55)
3. **Railways and bus lines**
4. In 2017, the Ministry ordered the Slovak Railways to designate railway stations in bilingual municipalities with bilingual signs. 54 railway stations were designated with a Hungarian signs (below the official Slovak name of the railway station) and 1 railway station with a Ruthenian sign. This solution is based on an order of the Ministry, and does not have a legal basis. It could be revoked by any future Minister. It does not affect other signs in railway stations, those are still in Slovak only. It also does not affect railway stops, which are more numerous than railway stations. Signs on railway stops are still in Slovak only.
5. The Government states that in their Program Statement they undertook to “ensure the alignment of the Railways Act with Act No. 184/1999 Coll. on the Use of the Language of National Minorities as amended (hereinafter referred to as "Act on the Use of Languages of National Minorities") in the field of railway stations and stops name designation in nationally mixed areas” (para. 11 of their Report). The Railways Act was amended in 2019, yet until now it has not been implemented – railway stops (contrary to stations) are still designated only with a Slovak sign.
6. §4 (3) of the Act on the Use of Languages of National Minorities allows optional display of bilingual signs in a minority language also on railway stations, bus stations, airports and ports. According to the Government, this gives the possibility to display a minority language sign by members of the minority community. More specifically, the actual exercise of the right to §4(3) is one of the competencies of the municipality authorities which arrange for a specific railway signage of the municipality in the minority language. The Government thus argues that the municipality has competence to place these optional signs. This is untrue.
7. §4(3) allows optional displays of bilingual signs, but this is in contradiction with other legislation requiring Slovak-only signs, and in any case does not change the rules on who decides on display of signs. The municipality can only affect the signs placed on bus stations which are in their competence. However, most bus stations are operated by bus companies – in that case, it is not the municipality’s, but the bus company’s competence to display optional signs on them according to §4 (3). The Plenipotentiary announced that he met with representatives of one bus company in the reported period, and recommended them to display the name of bus stops in Hungarian – but they have no obligation to do so.[[56]](#footnote-56)

*259. The Plenipotentiary for NM also communicated with Arriva Nové Zámky, a.s. As a result, there is a further contribution to visual bilingualism, and thus to the promotion of the language rights of members of national minorities in Slovakia, namely the placement of bilingual names of bus stops in municipalities with a Hungarian national minority by the company.* (Government’s Report)

1. No bus stop was reported to receive a Hungarian sign in the Nové Zámky region. The Plenipotentiary indeed met with representatives of Arriva Nové Zámky, a.s., but they have no obligation under the law to put up Hungarian signs on bus stops. There are municipalities in the region which have Hungarian signs on their bus stops, but that is a result of their earlier decision, not of the enforcement of the law. We would like to ask the Advisory Committee to request the Government to be more specific in their Report about the municipalities which received a Hungarian sign on their bus stop, so that the information can be verified.
2. **Other topographical marks**
3. The Government’s Fifth Report under the Charter claims that “30 municipalities (6%) with the Hungarian national minority used a national minority language on local geographical signs”. This figure is highly dubious, as local geographical landmarks are required by law to be designated with signs in Slovak only. Even touristic signs depicting local landmarks have a Slovak-only official design. The same design applies to names of rivers, hills, buildings, etc.



The name of the river “Klátovské rameno” in a Slovak-only official sign in Dunajský Klátov/Dunatőkés, a village with more than 80% Hungarians.

1. Similarly, parts of municipalities also cannot have signs in minority languages. Several municipalities, especially towns but also some villages, have districts which have a separate sign. These typically used to be independent villages which were joined to a neighbouring municipality. Even if these parts have a majority of Hungarian-speaking residents, and the overall municipality has a majority of Hungarian-speaking residents, the municipality parts are designated with a Slovak-only sign, as this is the only one the law permits.
2. We would like to underline that the Ministry of Culture is interpreting the State Language Act very extensively, in violation of the requirements of the Framework Convention. As we explained in the part concerning the activities of the Language Police (see paras. 87-99), the Ministry’s employees order municipalities to stop using the municipalities’ Hungarian name in any context which is not specifically permitted by the Law on the Use of Minority Languages. For example, they order to take down the Hungarian name from information signs on ferry stops, announcements of local referenda, contracts, project descriptions, addresses of local landmarks on the municipality’s websites, etc. This very restrictive interpretation of the Law on the Use of Minority Languages is very questionable form a legal perspective, but since the Language Police’s orders do not have a form of a decision and the rules of administrative procedure are not available to them, municipalities have no legal remedy against them apart from wilful non-compliance, which results in a fine.
3. **Article 12 – Teaching of history and culture**

*69. The Advisory Committee calls on the authorities to ensure that teachers of minority language schools have access to suitable training programmes for teaching in all subjects, and to ensure that they are provided with relevant education materials and textbooks in sufficient quantity and quality.* (Fourth Opinion on Slovakia, AC FCNM)

1. Teachers of minority-language schools complain on a regular basis against the Government’s policy on textbooks. Only textbooks approved by the Ministry of Education can be used in schools. The Hungarian textbooks are translations of Slovak ones, which are often inappropriate for Hungarian students. Especially textbooks on history are misinforming the pupils about the history of Slovakia and Hungarians in the country, and are considered very derogatory and prejudiced against Hungarians. These should not be used in any school, but are especially inappropriate for Hungarian-language schools. For example, the textbooks contain sentences such as “the land of our ancestors was attacked in the 9th century by Magyars” (Hungarians) – that statement makes no sense to a Magyar (Hungarian) pupil.
2. Besides several reviews by journalists,[[57]](#footnote-57) two scientific studies of the depiction of Hungarians in official textbooks were prepared in the reported period by Barnabás Vajda (see annexes 10 and 11)[[58]](#footnote-58). The author finds that the presence of Hungarians in the official textbooks is minimal (apart from, obviously, the textbook on Hungarian literature, prepared specifically for Hungarian-language schools), and they are often depicted in a derogatory context. Some examples amount to incitement of hatred against Hungarians, where images and explanatory text depict Hungarians as raping Slovak mothers after killing their babies and burning their villages. The image is a depiction of a propaganda material from the 1920’s, which had no basis in reality, but is put in the textbook without any context or appropriate explanation.[[59]](#footnote-59)



The picture depicting a Hungarian soldier raping a Slovak women with a dead baby in front of her   
and a burning village behind her

1. The Association of History Teachers had prepared two specific state educational programmes for Hungarian-language schools related to teaching of history and for preparing a history textbook for Hungarian-language schools in Slovakia. They were approved by the Ministry of Education’s Methodology and Pedagogy Centre in 2015. However, in March 2015 the Minister of Education refused to approve the new programmes.[[60]](#footnote-60) This means that they are not part of the official framework curriculum, they cannot be used in schools.
2. The Association of History Teachers considers that the Minister took a political revenge against Hungarian-language schools, as there were no professional arguments against the programmes prepared by them. This is underlined by the fact that the state Methodology and Pedagogy Centre approved the programmes, and the Minister did not raise any relevant arguments against not approving them.[[61]](#footnote-61)
3. In 2017, the Association of History Teachers addressed the Ministry of Education in a letter asking them to solve the problem of history teaching in Hungarian-language schools. They received a general response, without any specifics. The problem is still not solved to date.[[62]](#footnote-62) Currently, history in Hungarian-language schools is still taught according to the curriculum and textbooks developed for Slovak-language schools, which are translated to Hungarian without modification and adaptation for the needs of Hungarian speakers.
4. **Article 14 – Teaching of minority languages in Slovak-language schools**

*10. With regard to efforts to provide greater support to minority language teaching in schools with instruction in the Slovak language, no information was received from minority representatives about areas where requests for minority language classes in mainstream schools had been rejected.* (Fourth Opinion on Slovakia, AC FCNM)

1. We submit that the Advisory Committee’s statement is misleading. There is no Slovak-language school (school with instruction in the Slovak language) in the territory of Slovakia which would offer Hungarian classes or courses for students. These classes are simply not offered, they are not part of the curriculum, there are no curriculum plans, teachers, textbooks, teaching materials, etc. for them. Since these classes or courses do not exist, parents do not ask for them in the schools. And if they do, they are rejected.
2. In this situation, we are unsure what would be the purpose of Hungarian minority representatives proving that in some schools they indeed asked for Hungarian classes and were rejected? If it is to show that such classes are in fact offered if parents ask for them, we submit that this is incorrect. No such classes are offered in any part of the country, in any Slovak-language school. If it is to show that there is in fact no demand for such courses, we again submit that this is incorrect. It is the state’s obligation to create the conditions for such classes to exist, and then to proactively offer the classes. If no such classes exist, it is not even possible to establish the demand for them. Parents are not asking for such courses to be offered if they know they are not offered and believe that they cannot be offered. We are in fact aware of several parents interested in such courses, but since these do not exist, they do not even have an opportunity to officially apply for them. We collected six responses from schools with instruction in Slovak rejecting request of a parent to open a class of Hungarian language (see annexes 15-20). These schools are located in Trnava (2 schools – annex 15 and 20), Banská Bystrica (annex 19), Košice/Kassa (annex 18), Bratislava (annex 16), and Dunajská Streda/Dunaszerdahely (annex 17). The schools explain that Hungarian language is not part of their curriculum, they do not have teachers who could teach such a course – or they simply flatly deny the possibility of organizing such a course in the school, as was the case in primary school Jilemnického in Dunajská Streda/Dunaszerdahely (annex 17).
3. It is the long-term policy of the state to create an environment where it is not required, and certainly not encouraged for Slovaks to learn Hungarian, even if they live in areas of compact Hungarian settlement. Everybody must learn Slovak, all public services must be available in Slovak, speakers of Slovak who do not speak Hungarian cannot be discriminated against in employment, including public employment in areas where speaking a minority language would be important for the job. This policy is reflected symbolically in the Constitution (Preamble and Article 6) and the State Language Act (Preamble and §1, most specifically §1(2)), which elevate the Slovak language above all others in the whole territory of Slovakia (including areas inhabited by Hungarians). Learning Hungarian by Slovaks would go contrary to this policy, therefore such courses have never been organized in schools, not even on an elective basis.
4. This policy has the consequence that settlement of Slovaks in Hungarian areas leads to frictions, since the former do not speak Hungarian, and are backed by a state policy which requires everybody to speak Slovak with them. This directly decreases opportunities for Hungarians to use their language, and leads to gradual disappearance of the Hungarian language in those areas. This policy was recently applied in the case of the demand for a Slovak-language school in Rohovce/Nagyszarva, described below (paras. 180-181). The state intervened by changing the law to establish a Slovak-language school for newcomers in the community, but the possibility of them learning Hungarian on an elective basis did not even come up.
5. The lack of Hungarian classes in Slovak-language schools is not an issue only for Slovak pupils. A large proportion of Hungarian students (20-40% of all Hungarian pupils, depending on the region and age cohort) are studying in Slovak-language schools for various reasons, such as the unavailability of Hungarian-language schools in their locality. Some Slovak-language schools have a significant proportion of Hungarian pupils, some, located in Hungarian-populated areas, even a majority. However, since Hungarian is not taught, not even as an optional course, in Slovak-language schools, this makes it impossible for these students to learn Hungarian in school. This undermines their ability to become fluent in standard Hungarian and to learn to read and write in it. Some will have very rudimentary skills in Hungarian, a significant number will completely give up Hungarian.
6. We consider that Hungarian courses in bilingual areas should not be available only to Hungarian students. Slovak students, especially those living in Hungarian-majority areas or descended from mixed families would also benefit from learning Hungarian.
7. Also, there are no official language courses for adults to learn the Hungarian language, although this would be very desirable in some professions. One of the major obstacles of the use of minority languages in public administration, health- and social care, but also in the private sphere is that many employees of these offices and firms do not speak Hungarian at all. The state could encourage, for example, public administration employees and doctors to improve their linguistic skills by offering financial incentives or other advantages. But even as a first step, such language courses should be offered. There are no official courses of Hungarian, let alone any incentives to take them, for Slovak speakers in Slovakia. Interested persons can rely only on some private courses offered in small numbers in Bratislava and Košice/Kassa. The Government in the past reported that the Academy of Education in Žilina organises Hungarian language courses. There are no such courses organized presently in Žilina.
8. **Article 14 – School rationalization**

*73. The Advisory Committee calls on the authorities to increase their efforts to maintain high quality minority language education and to pursue a close dialogue with national minority representatives, parents and school administration to ensure that the closure of small schools does not hinder effective opportunities for persons belonging to national minorities to learn in their minority languages.* (Fourth Opinion on Slovakia, AC FCNM)

1. The School’s Act amendment (mentioned in the Fourth Opinion on Slovakia) permits municipalities to maintain schools with a low number of pupils, but it does not provide them with extra funding to do so. In this situation, small schools will continue to close. In fact, a few are closed every year. The state also did not make any steps to save small schools for example by establishing school bus routes to bring pupils from municipalities which do not longer have Hungarian language schools to the still existing ones. For many parents, the only realistic option is to enrol their children in the nearest Slovak language school.
2. It should be noted that the state’s disinterest in an active solution is in stark contrast with its promotion of Slovak-language schools in areas inhabited by Hungarians. In recent years, a large number of Slovak-speakers from Bratislava moved to municipalities of the Dunajská Streda/Dunaszerdahely District which have a large Hungarian majority. Several villages there do not have a Slovak-language school. The state reacted promptly by organizing school buses for Slovak students in Dobrohošť/Doborgaz.[[63]](#footnote-63) Also, in Rohovce/Nagyszarva, recently arrived Slovak residents asked for an establishment of a Slovak-language school.[[64]](#footnote-64) The municipality rejected the request on the ground that only 2 local pupils would attend the school, who could be enrolled in the nearby Slovak-language school in Gabčíkovo/Bős. The state reacted promptly by changing the law. On 4 December 2018 the Schools Act was amended again with Law no. 365/2018 Col. This time, an exception from the minimum number of required pupils was added for Slovak-language schools as well (until now it applied only to minority-language schools). In addition, municipalities will no longer have a final say on the organization of school districts: District Offices based in the seat of regions can overrule them. This means that in the case of Rohovce/Nagyszarva, which is in the Dunajská Streda/Dunaszerdahely District, not the Dunajská Streda/Dunaszerdahely District Office will have competence, but the Trnava District Office, as the regional seat is in Trnava. All regional seats are in municipalities outside of the substantial areas of settlement of minority communities, therefore taking this competence away from municipalities and allocating it not to their District Office’s but to the ones in regional seats, is a clear sign that the state wishes to exclude Hungarians from decision-making in this matter and enforce this regulation against any objections of affected municipalities.
3. The amendment was motivated as a reaction to the situation of Rohovce/Nagyszarva, as announced by Prime Minister Peter Pellegrini himself.[[65]](#footnote-65) It caused a considerable stir among Hungarians across the country, and has the potential to escalate the conflict, therefore it requires a sensitive approach from the Committee of Ministers. On its face, the amendment only wishes to ensure that Slovak speaking children have access to education in Slovak, which is not objectionable. However, at the same time, Hungarian parents note how the state is making all efforts to meet the education needs of Slovak children, and shows no similar effort in the case of Hungarians. Also, in the case of newcomers to Hungarian-inhabited villages, the state continues to maintain its position that learning Hungarian by Slovaks is not acceptable. Indeed, no suggestion was made that the affected children and/or their parents could attend a Hungarian language class or course, let alone study in a Hungarian-speaking school. If a Slovak-language school will be opened in Rohovce/Nagyszarva, the pupils will learn there only in Slovak, making sure that they do not learn any Hungarian and all villagers will communicate with them only in Slovak. The state continues to ensure that all proceedings and services will be mandatorily available to all in Slovak, and only accidentally (depending on the good-will of bureaucrats) in Hungarian. This way Hungarians in the municipality have to accommodate to the needs of their new Slovak neighbours, who do not have to accommodate to the local Hungarian majority at all. This shows a clear asymmetric position between the two communities as a direct consequence of the state’s official policy reflected in its Constitution and legislation on language use. It is hardly conducive to using minority languages on an equal basis with the state language, or to maintain minority languages in Slovakia.
4. It is important to stress that it is this context which makes immigration of Slovak speakers to Hungarian-inhabited areas a direct threat to the use of the Hungarian language and the survival of Hungarian culture in the affected municipalities. Hungarian representatives do not object to the immigration itself, but the state’s continued effort to maintain an asymmetric position between the two languages, and enforcing it to the benefit of Slovak speakers.
5. **Article 14 – Education in mother tongue**
6. **Primary schools**
7. The Government’s own statistics indicate a decline in the number of Hungarian-language primary schools. According to the Government (as reported in their last report under the European Charter of Regional and Minority Languages, p. 42), in 2016 there were 227 primary schools with instruction in the Hungarian-language, while in 2017 there were 223 such schools. Demographic predictions indicate that the number of school children in general will drop sharply in few years, which can have a particularly dramatic effect on the remaining Hungarian-language schools. Many in the Hungarian community are alarmed by these trends.
8. While the Government can do little to increase the number of children in general, it also does very little to address the situation by making sure that those children interested in education in Hungarian will have an opportunity to do so. The Government has not organized school buses, it did not launch any programs or initiatives to analyse how small schools could be transformed or joined to offer the best quality education possible.
9. Private initiatives have been launched by civil associations to address methodological problems of education in small schools and the problems of Hungarian-language schools in Slovakia in general, but there is no government support behind these activities.[[66]](#footnote-66)
10. **The language of pedagogic documentation**
11. The regulation on the language of pedagogic documentation in minority-language schools has not changed in the reported period. All pedagogic documentation has to be bilingual, including internal documents of teachers relating to the education process, which no one ever reads except them. This seriously burdens the teachers and administrative staff of this school. There is no reason why these documents have to be translated to Slovak, especially given that school inspectors visiting minority schools must have command of the relevant minority language.[[67]](#footnote-67)
12. **Geographic names in textbooks**
13. The regulation on the use of geographical names in textbooks has not changed in the reporting period. We consider it restrictive that in cartographic works, geographic names are only stated in Slovak. This is especially confusing on historic maps, but generally, the practice of placing Slovak-only maps in Hungarian textbooks seems to serve no other purpose than confuse pupils.
14. **Secondary and technical and vocational education**
15. The Government states that in their Program Statement they undertook to “promote vocational education and training in schools with the language of instruction of national minorities, including vocational education and training in the dual education system” (para. 11 of their Report). In practice, however, there were no steps to promote vocational education in Hungarian.
16. In the school year 2016/2017, the Hungarian language class in the Healthcare Secondary School in Rožňava/Rozsnyó was abolished for the insufficient number of students. The school was responsible for training nurses and other healthcare personnel in Hungarian for the whole region of Southern Central and Eastern Slovakia. Its closure is an example of a situation where the state made no attempts to rescue the Hungarian class. As soon as the number of applicants fell below the required number, the class did not receive permission to open. Special measures, such as stipends and subsidies for boarding homes were not considered, even though several potential applicants were deterred by the distance to Rožňava/Rozsnyó and the cost of hostels or other forms of accommodation. The school does not have an alternative for Hungarian students in the wider region – those wishing to become a nurse would have to travel to Southwestern Slovakia (Nové Zámky/Érsekújvár) to receive education in Hungarian.
17. The fate of this class is an example of the unfortunate state of Hungarian vocational education in Slovakia. Vocational education is highly specialized. Its quality depends on whether it can offer several streams of study. However, the number of potential Hungarian students is simply too low in most parts of the country to maintain a full class or school. Very few towns can maintain a large enough vocational school which has a sufficient number of courses and streams in Hungarian. For most Hungarian students, their desired program is not available in their region.
18. This situation requires a response and special measures from the state authorities. Not all regions can maintain all types of schools and programs, but carefully matching supply and demand and contributing to travel and accommodation costs and some type of stipend to encourage participation in vocational education should be part of the solution. None of these options have been adopted so far. The vocational education system is running as if there was no need for intervention. This carries the risk that in a few years most Hungarian-language vocational schools in Central and Eastern Slovakia will have to close.
19. From 2018/2019, the high schools of Veľký Meder/Nagymegyer and Tornaľa/Tornalja were closed. Both are towns with a majority of Hungarian speakers. This underlines that the situation with Hungarian secondary education is serious, and requires intervention by the authorities.
20. **Adult education**
21. We are not aware of the Government in any way supporting adult education in Hungarian. The Government’s Report also does not list any examples. There are some courses offered on a market basis in regions with a high concentration of Hungarian speakers. However, the Government should not take credit for these, as they are simply a result of demographic and market conditions, not of Government action. We submit that the situation is far from satisfactory, and the Government is required to do more than simply notice that there are some courses offered for a community of speakers numbering several hundred thousands of speakers.
22. **Article 14 – State language learning**

*76. The Advisory Committee calls on the authorities to devise a comprehensive methodology of teaching Slovak as second language in minority language schools to promote full proficiency of all persons belonging to national minorities in the state language.* (Fourth Opinion on Slovakia, AC FCNM)

1. A widely held belief about Hungarian-langauge schools, fuelled by members of the Government is that pupils there do not learn Slovak properly. The proposed solutions typically involve expanding education in Slovak to the expense of Hungarian instruction. Hungarian teachers, on the other hand, have been raising for a long time the issue of the improper instruction of the Slovak language. Slovak is taught as a “state language”, meaning that students learn literature and complex grammar from the very beginning, instead of communication. This is completely inappropriate for those students who live in areas with a majority of Hungarian speakers, who may hear Slovak in school for the first time in their life. It is no wonder that many students learn better English or German than they learn Slovak.
2. Hungarian teachers, parents, and politicians have lobbied frequently for Slovak to be taught as a “second language” in Hungarian-language schools, which means it would be taught similarly to foreign languages, methodologically adapted to the language skills of pupils. These proposals have, however, always been rejected by the Ministry of Education. In May 2018, a legislative proposal, which would have introduced the teaching of Slovak as a second language in minority-language schools, was rejected by parliament.[[68]](#footnote-68) The issue has not been resolved since then, Slovak is still taught inappropriately and ineffectively in Hungarian-language schools.
3. The Government reports that in their Program Statement they undertook to ensure “support the change of the methodology of teaching Slovak language at minority schools in the interest of its better mastery” (para. 11 of their Report). That is a commendable undertaking, but unfortunately it has not been fulfilled. The new methodology was not introduced. Its implementation also requires the amendment of the Schools Act. No such amendment has been presented so far.
4. **Article 15 – Participation in public life and decision-making processes**
5. **Government Plenipotentiary for National Minorities**

*81. The Advisory Committee further calls on the authorities to review the position of the Plenipotentiary for National Minorities within the broader human rights structure, to ensure that high-level political attention is accorded to all issues pertaining to national minority protection, and that the views and concerns of all minorities are effectively considered in relevant decision-making processes.* (Fourth Opinion on Slovakia, AC FCNM)

1. We would like to submit that no changes took place with regard to this requirement. The position of the Plenipotentiary for National Minoritieswas not reviewed. He is not a member of the government, he is an employee of the Government Office (*Úrad vlády SR*), with a smaller staff, lower competencies and responsibilities compared to before. Some of the post’s competencies were transferred to the new Fund for the Promotion of the Culture of National Minorities.
2. We have no objections to the person currently holding this post (László Bukovszky from the Most-Híd Party), but we consider that his low competencies, budget and staffing allow him little space to influence the promotion of minority rights. We consider that the previous structure, where a Deputy Prime Minister was responsible for the agenda of human rights and minority rights, was more effective.
3. In 2020, parliamentary elections will take place and a new government will be formed. That provides political space for reviewing the post of the Plenipotentiary. We would like to ask the Advisory Committee to emphasize to the Slovak Government the importance of high-level political attention accorded to minority protection, which would be reflected in recreating the post of Deputy Prime Minister for Human Rights and Minority Rights.
4. **Changes in the Government Committee of National Minorities and Ethnic Groups**
5. In February 2018, the statute of the Committee on National Minorities and Ethnic Groups (CNMEG) was changed in such a way that CNMEG is now made up of a chamber consisting of members of national minorities and of a chamber consisting of central government authorities. The new statute now grants voting rights to representatives of government authorities.
6. We would like to stress that apart from its internal matters, the CNMEG has no decision-making powers. It is only a consultative body, whose opinions state bodies do not have to take into account. More importantly, the CNMEG is constituted in a way which makes it difficult for it to be an effective mechanism for expressing minority communities’ views. All minorities and government authorities have voting rights in the CNMEG. However, not all issues affect all minorities equally. Because of the demographic features of the Slovak Republic, the Hungarian community and the Roma community are affected by many specific issues which the other communities are not. In the case of Hungarians, this for example involves language policy and the fate of Hungarian-language schools; the Roma are particularly affected by social exclusion, including access to schools, employment, healthcare and other services. The CNMEG is not an effective forum to discuss these issues, since all communities vote on formulating the CNMEG’s opinion, including those who are affected by them only tangentially or not at all.
7. The CNMEG is more effective in discussing topics which are relevant for all minority communities. It can address issues concerning the state’s relationship with minorities as such. However, it cannot be the only forum for discussing minority policy. Matters relevant for specific communities only require more focused attention, and the community affected should have an opportunity to voice its opinion publicly. There are no mechanisms within or outside the CNMEG to ensure this. Representatives of the Hungarian community often had the feeling that the Government is influencing the smaller communities to outvote the Hungarians in the CNMEG, and thus achieve a position which goes contrary to the Hungarian community’s interests. This affected mostly issues of language policy and the structure of the new Fund for the Promotion of the Culture of National Minorities.
8. **Members of Parliament**

*80. The Advisory Committee encourages the authorities to promote the adequate representation of national minorities in public life, including through measures that facilitate their engagement in broader political processes and mainstream political parties.* (Fourth Opinion on Slovakia, AC FCNM)

1. The Government report lists the number of seats in Parliament filled by representatives of national minorities (see para. 273 of their Report). They do not report earlier terms for comparison, when the number of Hungarian MPs was much higher. Moreover, the figures themselves disguise the fact that there are no provisions in Slovak law to support or enable minorities’ parliamentary representation. Hungarians tended to be overrepresented until 2010 not due to some preferential treatment, but merely as a result of their electoral success. However, in the last three parliamentary elections, in 2010, 2012 and 2016, the Party of the Hungarian Coalition (SMK-MKP), supported by roughly half of the Hungarian community, gathered only 4.33%, 4.28%, and 4.03% of the votes, and gained no seats in Parliament. Only the Most-Híd party, supported by the other half of the Hungarian community and some Slovak voters, is represented in the National Assembly. Currently there are 9 Hungarian Members of Parliament (some of Most-Híd’s MP’s are Slovak), which comprises 6 % of all seats, below the Hungarians’ proportion on the population.
2. The numerical proportion of minority MP’s should not be the only measure of successful minority participation in public life, and minority-only parties the only model of political representation. It is more important that the parliament actually adopts minority-friendly policies. However, it is reasonable and not uncommon in Europe to support the parliamentary representation of minorities. In Slovakia, this could take the form of cancelling the 5% threshold necessary for gaining access to the National Assembly for parties representing minorities. We note that so far no provisions of that kind have been adopted.
3. **Administrative division**
4. It is important to note that the country’s administrative division is heavily discriminating against Hungarians. In 1996, 79 districts were created. Those in the north are on average smaller, the southern ones are larger with a northern-southern shape, to ensure that Hungarians do not have a majority in them (apart from 2 districts, Dunajská Streda – Dunaszerdahely and Komárno – Komárom). Also, 8 regions were created. These are artificial formations, consisting of districts without any economic, transportation, historical, or other connections. The only purpose of the 8 regions was to make sure Hungarians do not have a majority in any of them.
5. The regional electoral system was also designed in a way that makes it impossible for a Hungarian regional chair to be elected. The elections have two rounds, and in the second round Slovak parties and voters unite against the Hungarian candidate. The electoral district borders were also gerrymandered: because Hungarians achieved majority in the first regional elections in the Nitra regional assembly, in June 2008 the Nové Zámky district was divided into two.[[69]](#footnote-69) A small Štúrovo – Párkány voting district was separated from the district, with a Hungarian majority, were Hungarian candidates easily win the 3 seats. In the remaining Nové Zámky – Érsekújvár voting district, the Hungarians’ proportion fell below 20 per cent, and Slovak candidates win all the 8 seats there. Until the change, all 11 seats from the district were won by Hungarian candidates.
6. The present administrative division constitutes several obstacles to the use of minority languages. Minority languages can be used in official communication in municipalities where minorities constitute more than 20% of the population. This applies to communication with district and regional authorities as well: minority languages can be used only if minorities make up more than 20% of the population of the district seat or regional seat where the office is located. Their share of the population of the whole district or region is not taken into account.
7. Many districts whose whole population is more than 20% Hungarian, or which have municipalities where Hungarians constitute more than 20% of the population, have their seats in cities where Hungarians constitute less than 20% of the population (for example: Senec/Szenc, Šaľa/Vágsellye, Nitra/Nyitra, Zlaté Moravce/Aranyosmarót, Levice/Léva, Veľký Krtíš/Nagykürtös, Lučenec/Losonc, Revúca/Nagyrőce, Rožňava/Rozsnyó, Košice okolie/Kassa-környék, Michalovce/Nagymihály). There is no regional centre where Hungarians would meet the required threshold. This means that in district and regional offices located in these municipalities, the Hungarian language cannot be used in official communication. Since these offices often act as second instance offices to municipal ones, this also jeopardizes the use of minority languages in any municipality located in these areas: citizens know that if the issue is appealed, the proceeding will continue exclusively in Slovak, therefore they have no incentive to start it in Hungarian at the local level.
8. We note that the administrative division, which is discriminating against the Hungarian minority in the political, economic and social spheres, and presents numerous obstacles in realizing their linguistic and other rights as well, was created in 1996 and 2001, but is still in force today. No government has taken steps to change it. The state is maintaining an inefficient, unnatural and economically unproductive system whose only aim is to suppress’ Hungarians’ right to participate in public and economic life. The state’s duty is to bring the administration division into compliance with the Framework Convention.
9. **Article 15 – Internal regulations of companies prohibiting the use of minority languages**
10. We submit that there is still no legislation prohibiting companies restricting the use of minority languages. Such practices by companies are not uncommon. They are hard to trace if the restriction is not in a written form, but simply a practice of the company communicated orally. Nevertheless, some cases do reach the public. Restriction on using minority languages are typical by some public services (Slovak Railways, Slovak Postal Service), and also by private companies. The Slovak Railways, for example, explicitly state in their public Employment Policy (*Pracovný poriadok*) that their employees must communicate in Slovak, except in contact with foreign railways’ employees (see annex 12, Cl. 12(4) on page 17).
11. The Slovak Post has a policy of placing employees not speaking Hungarian to Hungarian-speaking territories. In the reported period, the residents of Vinica/Ipolynyék, a village with 90% Hungarian speakers were particularly upset by the arrogant attitude of the local post office employees, who not only refused to communicate in Hungarian, but admonished those customers who attempted to do so. The villagers organized a petition, which they sent to the Minister of Transportation, who also supervises the Slovak Post (see annex 13). The Minister responded that the Slovak Post is unfortunately not breaking any law, therefore he can do nothing to address the problem (see annex 14). The Plenipotentiary also sent a letter to the Slovak Post in March 2018, asking them to reconsider their policy, but the Slovak Post responded that they only have a legal obligation to display signs informing about danger in minority languages.[[70]](#footnote-70)
12. Concerning private companies, in the reported period a lot of coverage was received by the shoe-store Deichmann dismissing one of its employees in Šamorín/Somorja for communicating in Hungarian with customers. Similar policies prohibiting communication in Hungarian were apparently adopted in the same town by Pepco and DM drugstore.[[71]](#footnote-71)
13. **Article 15 – Employment contracts**
14. The State Language Act, in § 8, paragraphs 2, requires employment contracts to be written in Slovak. Other language versions can be prepared as translations, but public authorities only accept the Slovak version. This is in fact a restriction on the use of minority languages, because it restricts the purpose and scope of the use of these languages in these areas. Employment contracts must be prepared in Slovak, and this is the version parties will use in relation with the authorities. This undermines the instrumental purpose of these documents: they regulate legal relationships, which can be enforced before public bodies. The minority language versions of these documents cannot fulfil this purpose. They could only be useful as translation of the Slovak versions for those who do not understand them – which is hardly the case for Slovak citizens.
15. It should also be understood that for decades, all official documents in Slovakia have been prepared in Slovak, and minority language versions were not even allowed under the law. It is an established practice to prepare them in Slovak. If the minority language version is still not accepted by public authorities, why would anyone prepare them in Hungarian? In light of this, it cannot be maintained that the use of minority languages is not restricted. It certainly cannot be maintained that the use of minority languages is not discouraged.
16. The Government argued in the past that it had an objective reason for making a distinction between the Slovak and minority language versions, which is communication with public authorities (page 10 of the Government’s fifth report under the Charter). It is nowhere explained why public authorities could not deal with documents in minority languages. The Government implicitly admits that no effort has in fact been made for that other than Slovak versions of documents could be handled by public authorities.

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2. <https://felvidek.ma/2018/11/tiltakozas-peter-pellegrini-szlovakia-magyar-nemzetisegu-polgarait-serto-szavai-ellen/>. [↑](#footnote-ref-2)
3. The Prime Minister’s announcement is still available on his facebook account: <https://www.facebook.com/pellegrini.peter/photos/a.416262951874448/1160405690793500/?type=3&theater>. [↑](#footnote-ref-3)
4. <https://www.facebook.com/ketnyelvu/videos/1982015998582461/>. [↑](#footnote-ref-4)
5. <https://ma7.sk/tajaink/a-ketnyelvu-del-szlovakia-mozgalom-nem-nezhette-tovabb-a-szlovak-hatosagok-tetlenseget>. [↑](#footnote-ref-5)
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10. *Id.* [↑](#footnote-ref-10)
11. <https://parameter.sk/lex-dac-bun-lesz-elenekelni-magyar-himnuszt-es-ezt-hidasok-megszavaztak>. [↑](#footnote-ref-11)
12. <https://ma7.sk/kozelet/aktualis/zengett-a-magyar-himnusz-pozsonyban>. [↑](#footnote-ref-12)
13. The interview with the representative of Matica slovenská is available here: <https://ma7.sk/kozelet/matica-slovenska-feleslegesen-sok-teret-szentelunk-a-kisebbsegeknek>. [↑](#footnote-ref-13)
14. <https://ma7.sk/kozelet/oktatas/a-szlovak-diakok-helyett-csak-a-tanarokhoz-jut-el-a-kisebbsegi-tankonyv>. [↑](#footnote-ref-14)
15. <https://ma7.sk/kozelet/matica-slovenska-feleslegesen-sok-teret-szentelunk-a-kisebbsegeknek>. [↑](#footnote-ref-15)
16. <https://ma7.sk/kozelet/mit-tanulnak-a-gyerekek-2018-ban-tortenelembol-szlovakiaban>. [↑](#footnote-ref-16)
17. In Slovak: „Pri rozhodovaní o udelení licencie na regionálne vysielanie alebo licencie na lokálne vysielanie výhradne v jednom alebo vo viacerých úradných jazykoch Európskej únie, ktorý nie je štátnym jazykom Slovenskej republiky, je rada povinná posudzovať a prihliadať aj na skutočnosť, či existuje dostatočná ponuka regionálneho vysielania alebo lokálneho vysielania programových služieb v štátnom jazyku na území, ktoré by malo byť týmto vysielaním pokryté.“ [↑](#footnote-ref-17)
18. The equivalent of frequencies of traditional antenna broadcasting. Frequencies are limited. [↑](#footnote-ref-18)
19. See Opinion no. 555/2009 of the European Commission for Democracy through Law (Venice Commission) on the Act on the State Language of the Slovak Republic, CDL-AD(2010)035, Adopted by the Venice Commission At its 84th Plenary Session (Venice, 15-16 October 2010), paras. 86-90. [↑](#footnote-ref-19)
20. Správa o stave vysielania v Slovenskej republike a o činnosti Rady pre vysielanie a retransmisiu za rok 2017 NR SR, tlač. 914. [↑](#footnote-ref-20)
21. See for example Opinion no. 555/2009 of the European Commission for Democracy through Law (Venice Commission) on the Act on the State Language of the Slovak Republic, CDL-AD(2010)035, Adopted by the Venice Commission at its 84th Plenary Session (Venice, 15-16 October 2010). [↑](#footnote-ref-21)
22. Ravasz Ábel, Szlovákiai magyarok és a 2011-es népszámlálás: mérleg és elemzés, 2012. [↑](#footnote-ref-22)
23. To illustrate the above claim, let us imagine a municipality with 100 residents. 19 of them declare Hungarian ethnicity, 10 declare Roma, 5 declare Slovak, and 66 are undeclared. For the purposes of language use, the municipality does not reach the threshold of 20 percent minority speakers. For the purposes of support to culture, from the village only 19 persons count towards the support to Hungarian culture and 10 towards Roma. This is regardless of the sociological-demographic-cultural situation of the 66 undeclared residents. [↑](#footnote-ref-23)
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26. <https://www.noviny.sk/slovensko/150013-igen-a-az-potom-ano-vzor-hlasovacieho-listku-riesi-ministerstvo>. [↑](#footnote-ref-26)
27. <https://ujszo.com/kozelet/nyelvrendorok-jartak-boson>. [↑](#footnote-ref-27)
28. <https://ujszo.com/kozelet/isten-ovj-a-nyelvrendortol>. [↑](#footnote-ref-28)
29. <https://ujszo.com/kozelet/nemeshodos-nem-enged-a-nyelvrendoroknek>. [↑](#footnote-ref-29)
30. <https://www.bumm.sk/regio/2017/09/12/komarom-magyar-megjelolese-a-jarasi-hivatal-epuleten-zavarja-a-nevtelen-feljelentot>. [↑](#footnote-ref-30)
31. <https://ujszo.com/kozelet/rakapcsolt-a-nyelvrendeszet>. [↑](#footnote-ref-31)
32. <https://parameter.sk/plakatugyben-rontott-neki-rigonak-az-mkp-aki-viszont-szinten-utalja-nyelvtorvenyt>. [↑](#footnote-ref-32)
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34. <https://parameter.sk/nyelvtorvenyre-hivatkozva-tavolittattak-el-egy-valasztasi-plakatot>. [↑](#footnote-ref-34)
35. <https://felvidek.ma/2016/05/ismet-akcioznak-a-nyelvellenorok/>. [↑](#footnote-ref-35)
36. Správa o stave používania jazykov národnostných menšín na území Slovenskej republiky za obdobie rokov 2017-2018, available from the Government’s website: <http://www.rokovania.sk/Rokovanie.aspx/NezaradenyMaterialDetail?idMaterial=28048>. [↑](#footnote-ref-36)
37. <https://www.tsp.gov.sk/wp-content/uploads/2016/02/VK_NPTSPI_Hurbanovo-22-01-2019.pdf>. [↑](#footnote-ref-37)
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39. <https://www.tsp.gov.sk/wp-content/uploads/2016/02/VK_NPTSPI_Rim.Sobota-08-01-2019.pdf>. [↑](#footnote-ref-39)
40. <https://www.tsp.gov.sk/wp-content/uploads/2016/02/VK_NPTSPI_%C4%8Coltovo-16-1-2019-1.pdf>. [↑](#footnote-ref-40)
41. <https://www.tsp.gov.sk/wp-content/uploads/2016/02/VK_NPTSPI_Velky-Hores_DlhodobeVK.pdf>. [↑](#footnote-ref-41)
42. <https://www.tsp.gov.sk/wp-content/uploads/2016/02/VK_NPTSPI_CiernanadTisou_dlhodobootvoreneVK.pdf> [↑](#footnote-ref-42)
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