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[Language policy and language rights in Slovakia

Gizella Szabó Mihály Gramma

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WORKING PAPERS

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1. General information about Slovakia

1.1. A short history

The Slovak Republic is a Central European country, since 2004 it has been a member of the European Union. The country covers an area of 49,034 square kilometers, with a total population (at the time of the 2001 census) of 5,379,455.

(More about Slovakia on the website of the Ministry of Foreign Affairs:

http://www.mzv.sk/servlet/content?MT=/App/WCM/main.nsf/vw_ByID/ID_B282288063522198C1256C7D003A13DF_SK&OpenDocument=Y&NCH=Y&menu=0&OB=0&LANG=EN.)

The territory of what is Slovakia today was an integral part of the Hungarian Kingdom, founded in early 11th century. The independent Czechoslovak State was proclaimed on October 28, 1918, and hailed by the Slovak political elite, which had been struggling for autonomy since the 19th century. Shortly before the beginning of World War II, in 1938, the Vienna Award returned the southern Region of Slovakia to Hungary.¹ In 1939 the Czechoslovak Republic disintegrated: Germany occupied Czech territories, and the Slovak Republic was founded with a Nazi puppet government. After World War II the second Czechoslovak Republic was founded, and after 1948 it became a state that was centrally governed by the communists from Prague. In 1945, the victorious allies invalidated the Vienna Awards, so the borders established after World War I were restored. Czechoslovakia was declared a federation on January 1, 1969. The political changes in 1989 led to a strengthened Slovak national consciousness, and requests for an autonomous Slovakia resulted in a division of the country into two in 1993: into the Czech Republic and the Slovak Republic. (For more details, see Euromosaic III, Slovakia – Country profile.)

1.2. The ethnic composition of the population

According to the most recent census (2001), approximately 15% of the 5,379,455 inhabitants stated a different ethnicity from Slovak, which indicates the multi-ethnic character of the country. The most significant national minority

¹ There had never been any kind of separate Slovak administrative region in Hungary, and the Paris Peace Conference (under the Treaty of Trianon) marked the southern border of the new Czechoslovak state – satisfying Czech demands – due to strategic and economic reasons, much further south than the Slovak–Hungarian language border. Consequently, fully Hungarian populated areas were annexed to the newly created Czechoslovak state. In this period the Hungarian minority in Slovakia strove to revise the state border.

communities are the Hungarians with 520,528 (9.7%) people, followed by the Roma (89,920 – 1.7%), Czechs (44,620 – 0.8%), Ruthenians (24,201 – 0.4%), Ukrainians (10,814 – 0.2%) and Germans (5,405 – 0.1%). Other minorities are the following: Moravians (2348),² Poles (2602), Bulgarians (1179), Croats (890), and Jews (218).³ There are few immigrants living in Slovakia: most of them are Chinese and Vietnamese, they typically do not apply for Slovak citizenship, and their numbers are unknown. Table 1 shows the changes in population by nationality (ethnicity) in the territory of present-day Slovakia between 1910 and 2001.

Below, I briefly characterize Slovakia's ethnic minorities on the basis of the Euromosaic III study.

| Year | Czech (%) | Slovak (%) | Hungarian (%) | German (%) | Ruthenian (%) | Ukrainian (%) | Other and unknown (%) | Total (100 %) |
|------|-------------------|----------------------|--------------------|-------------------|------------------|---------------|-----------------------|---------------|
| 1910 | 7,489 (0.26) | 1,688,155 (57.82) | 884,309 (30.29) | 198,304 (6.79) | 96,528 (3.4) | | 44,375 (1.52) | 2,919,794 |
| 1921 | 72,635 (2.42) | 1,952,368 (65.06) | 650,597 (21.68) | 145,844 (4.86) | 88,970 (2.96) | | 90,456 (3.02) | 3,000,870 |
| 1930 | 121,696 (3.65) | 2,251,358 (67.61) | 592,337 (17.79) | 154,821 (4.65) | | 95,783 (2.9) | 114,222 (3.43) | 3,329,793 |
| 1950 | 40,365 (1.17) | 2,982,524 (86.64) | 354,532 (10.30) | 5,179 (0.15) | | 48,231 (1.4) | 11,486 (0.33) | 3,442,317 |
| 1961 | 45,721 (1.10) | 3,560,216 (85.29) | 518,782 (12.43) | 6,259 (0.15) | | 35,435 (0.9) | 7,633 (0.18) | 4,174,046 |
| 1970 | 47,402 (1.04) | 3,878,904 (85.49) | 552,006 (12.17) | 4,760 (1.10) | | 42,238 (0.9) | 11,980 (0.26) | 4,537,290 |
| 1980 | 57,197 (1.15) | 4,317,008 (86.49) | 559,490 (11.21) | 2,918 (0.06) | | 39,260 (0.8) | 15,295 (0.31) | 4,991,168 |
| 1991 | 52,884 (1.00) | 4,519,328 (85.69) | 567,296 (10.76) | 5,414 (0.10) | 17,197 (0.3) | 13,281 (0.3) | 98,935 (1.88) | 5,274,335 |

² After 1990, still in the unified Czechoslovakia, a part of the population of Moravia, in the eastern part of the country, expressed its desire to be recognized as an independent national minority. Their variety is regarded as a dialect of the Czech language by linguists.

³ According to Jewish religious organizations, there are about 3,000 Jewish people living in Slovakia today, but most of them usually declare themselves to be Slovak. Jews were regarded as an independent nationality only in the interwar period; people of Jewish nationality numbered over 70,000 at the time (with those of Jewish religious affiliation being double that number). During World War II, Jews were deported both from Slovakia and from the territories re-annexed to Hungary, and only very few of them returned to Slovakia from the concentration camps after the war, others emigrated to Israel. Slovakia's present-day Jewish population is now undergoing a second linguistic assimilation: during the first, before World War I, they shifted to Hungarian, while today's young generation is Slovak-speaking, although many are learning Modern Hebrew as well. (More: Hegedus)

| | | | | | | | | |
|------|------------------|----------------------|-------------------|-----------------|-----------------|--------------|-------------------|-----------|
| 2001 | 44.620 (0.83) | 4,614,854 (85.79) | 520,528 (9.67) | 5,405 (0.10) | 24,201 (0.4) | 10,814 (0.2) | 159,033 (2.96) | 5,379,455 |
|------|------------------|----------------------|-------------------|-----------------|-----------------|--------------|-------------------|-----------|

Table 1. Minorities in Slovakia between 1910 and 2001 (based on Gyurgyik 1994:85; for 2001 <http://www.statistics.sk>)

Explanation: The 1910 data are the results of the last census within Austria-Hungary, and minorities are indicated on the basis of mother tongue. The 1921, 1930, and 1950 data refer to the population present (including, e.g. army personnel stationed at the given locality), whereas 1961, 1970, 1980, 1991 and 2001 data to the permanently resident population. The category *other* includes Polish (each census), Jewish (1921, 1930), Moravian (1991), Silesian (1991), Romani (1991, 2001), Croatian and Serbian (2001) minorities. The category “Ukrainian” includes Ruthenians, Ukrainians and Russians in the 1930–1980 data. According to the Census 2001 the Number of Romani is 89,920 (1.67%).

1.2.1. Slovaks

Slavic tribes first settled on the territory of present-day Slovakia in the 5th century. Beginning with the 11th century, up until 1867, this area constituted a part of the Hungarian Kingdom, and from 1867 until the end of World War I, a part of Austria-Hungary. The Slovaks’ struggle for national independence and autonomy met with the opposition of the Hungarian nobility in the 18th and 19th centuries. Later, in Czechoslovak times, the Slovaks did not succeed in achieving a position equal to the Czechs either.

In the last census before World War I in 1910, 1.7 million Slovaks lived on the territory of present-day Slovakia. After the formation of the Czechoslovak Republic their number increased (to 2.25 million in 1930), partly because Slovaks who assimilated to Hungarians in the second half of the 19th century declared themselves Slovak again. According to the 2001 census, 4,614,854 people in Slovakia were of Slovak nationality, and 4,512,217 people of Slovak mother tongue. Slovaks speak a western Slavic language similar to Czech, and, due to Czech dominance over Slovaks, the language of Slovak literacy was Czech for several centuries. The Standard Slovak used today was codified in the mid-19th century and was based on the central Slovak dialect (Slovak is an Ausbau language).

As far as corpus planning is concerned, it is important to mention that between the two World Wars, the development of the Slovak language

towards Czech was encouraged by the Czechs as part of the ideology underlying a unified Czechoslovak state. This tendency to unify was very pronounced in scientific and other special terminology, although Slovaks also started to encourage a separate independent development. Throughout the 20th century the various functions of the Slovak language were gradually fulfilled, and today it is used in all spheres of life, in addition to being the official language of the state. (More: Slovak Society).

1.2.2. Hungarians

Before World War I Hungarians were part of the majority nation, however in Slovakia, constituting a part of the newly formed Czechoslovakia, they found themselves as a minority and a politically dominated group.

The mostly contiguous area (of approx 9,000 square kilometers) of Hungarian settlements is situated along the Slovak-Hungarian political border, with most Hungarians (about 60%) living in the southwest of Slovakia. The homogeneity and the extent of the Hungarian linguistic area drastically decreased in the beginning of the 1920s and during the 1940s: after World War I about 100,000 Hungarians, mostly civil servants and other officials fled to Hungary, and the Hungarian population of the towns in the Slovak linguistic area disappeared. Among the aims of the reorganized state after 1945 was to completely eradicate the “war criminal” German and Hungarian minorities. In his decree #3, in 1945, President Beneš stripped all people of German and Hungarian nationality of their Czechoslovak citizenship, except those with an active anti-fascist past (for more details see <http://www.cla.sk/projects/> The Beneš Decrees; Vadkerty 1994). Between 1945 and 1948, more than 44,000 Hungarians were deported to Bohemia for forced labor, 90,000 people were expelled to Hungary and replaced by volunteer ethnic Slovaks (about 73,000 people). At the same time, the so-called re-Slovakization effectively targeted Hungarians living in Slovakia by granting Czechoslovak citizenship to those abiding by certain requirements (about 193,000 people). The effect of this measure became apparent in the results of the 1950 census, since the number of Hungarians in Slovakia decreased by 240,000 as compared to 1930 figures. The population growth observed in later census results can primarily be explained by the fact that a great number of the coercively re-Slovakized Hungarians now were not afraid to admit their nationality again. Actually, the number of Hungarians has practically stagnated since 1970s.

In 526 municipalities of southern Slovakia the Hungarian minority reaches 10% of the total population, with more than 90% of the Hungarians of

the country living here, 76% living in Hungarian majority settlements. Most of the Hungarian population lives in rural settlements: all municipalities with more than 90% of Hungarians have fewer than 5,000 inhabitants. There are four towns in which the number of Hungarians is over 10,000: Bratislava/Pozsony (total population 428,672, of these 16,451 Hungarian), Komárno/Komárom (total population 37,366, of these 22,452 Hungarian), Dunajská Streda/Dunaszerdahely (23,519, of these 18,756 Hungarian), Nové Zámky/Érsekújvár (42,262, of these 11,653 Hungarian).

The common representative of the Hungarian community in the Slovak Republic is the Party of Hungarian Coalition, which delegates 20 members to the National Council of the Slovak Republic and since 1998 has been a member of the Governing Coalition. (More about Hungarians in Slovakia: Hungarians 2000; Hungarians without date.)

Most of the members of the Hungarian speech community can be defined as Hungarian dominant bilinguals. Before the 18th century Hungarian influenced Slovak,⁴ but this changed especially after World War II. For this reason, there are some contact elements (borrowings) in the Hungarian spoken in Slovakia, mostly in the vocabulary (for more details, see Lanstyák and Szabó Mihály 2005).

1.2.3. Ruthenians and Ukrainians

The Ruthenian and Ukrainian minorities in Slovakia live in the northeastern regions of the country regions along the Slovak-Polish and Slovak-Ukrainian borders. The population in this area speak an East Slavic dialect, and in Czechoslovakia three branches of the Ukrainian and Ruthenian minority emerged: a Ukrainian, a Ruthenian and a Russian-oriented group. During the 1950s the government fused all three groups into one Ukrainian group with the result that Ukrainian became the only “standard” language. After the political changes in 1989 the Ukrainian minority split into two groups: a smaller Ukrainian-oriented group and a larger Ruthenian-oriented group (for more details, see: Magosci 1995). The Ruthenian language in Slovakia was codified in 1995.⁵ Both Ruthenians and Ukrainians are bilingual in Ruthenian or Ukrainian, respectively, and Slovak.

The Ruthenians and Ukrainians live mostly in rural settlements in municipalities with a Slovak majority. Ukrainians constitute 10% of the population in 17

⁴ The Hungarian language is part of the Finno-Ugric language family and is very different from Slovak in its grammatical structure.

⁵ Standard Ruthenian as used in Slovakia differs from Standard Ukrainian primarily in its lexicon, but the two languages are otherwise mutually intelligible.

villages, and they do not form a majority in any localities. Ruthenians constitute 10% of the population in 146 villages, forming a majority in 20. There is a considerable Ruthenian population in one town, Medzilaborce, where they number 2,303, or 34% of the total population.

The joint organization of Ruthenians and Ukrainians is the Union of Ruthenians and Ukrainians, and the political party Podduklianska Democratic Assembly (PDH) operates at the regional level.

1.2.4. Roma

According to the most recent census, the Roma number almost 90,000, although their number is usually estimated at 300,000-500,000. A study aiming at describing the social situation of the Roma identified 320,000 Roma in Slovakia in 2004 through empirical fieldwork.⁶ The differences between the official and estimated figures is due to fact that in censuses the Roma usually declare themselves to be Slovaks in areas with Slovak majority population and Hungarians in areas with Hungarian majority populations. More than half of the Roma live among Slovaks (Hungarians), although there are Roma living in complete segregation in purely Roma villages. The Roma constitute 10% of the population in 158 villages and form a majority in 5.

In the territory of today's Slovakia the Roma were first mentioned in 14th century in the east of Slovakia. Today, about of three-quarters of the Roma in Slovakia live in the regions of Prešov, Banská Bystrica and Košice. The Roma mostly live in rural regions and in very poor social circumstances: the unemployment rate of the Roma is at 80%. The majority of the Roma in Slovakia speak central Romani, most of Roma people are of mixed Slovak and Roma ancestry, and in the Slovak-Hungarian border regions they are Hungarian-Romani bilinguals. The Romani language in Czechoslovakia was codified in 1971.

The Roma are very divided in all respects: there are more than 10 Roma political parties but no Roma member of parliament. A government commissioner of Roma affairs works with the government. (For more details, see: Orgovanova without date.)

1.2.5. Other ethnic groups

⁶ A Slovak language report about the study is available at: http://www.government.gov.sk/romovia/list_faktov.php.

The present-day Czech population of the country moved to Slovakia either after 1918 or after 1945, usually because of their work as government officials, clerks or military personnel. Czechs live relatively dispersed all over the country, but they are mainly concentrated in the biggest towns, in Bratislava and Košice, as well as in the garrison towns of Prešov and Trenčín. Since Czech and Slovak are mutually intelligible languages, a part of the Czechs in Slovakia speak and use only Czech. Czechs are officially recognized as a minority, but because they can use their own language in every sphere of life, they cannot practically be considered as a minority.

The German colonization of the territory of present-day Slovakia was begun in the 12th century. The German settlers settled in three main urban areas: in the current capital, Bratislava (called Pressburg in German), the West Carpathian mining regions, and the Zipser (Spiš) region. In the first half of the 20th century the number of German population was between 150,000 and 200,000. After World War II, as a result of the Beneš decrees, most of the Germans were expelled. Since the 1960s the number of Germans has been relatively stable: about 5,000 persons. They constitute 10% of the population in 6 villages, over 20% in one, but do not form a majority anywhere. (For more, see the Carpathian German website: <http://www.karpatendeutsche.de/>).

Polish is a Western Slavic language, similar to Czech and Slovak. The members of the Polish minority in Slovakia are dispersed in different regions of eastern, central and western Slovakia, and Poles also live on the Slovak side of the Slovak-Polish border. The ancestors of the present-day Bulgarian minority came mostly as gardeners, they live primarily in Bratislava today. Speakers of Croatian, another south Slavic language, were moved in the 16th century as border guards to the northern border of the Kingdom of Hungary. Today, the Croatian minority is concentrated mainly in four villages near Bratislava. (For more details, see: Kovacevic-Caplovic 1999.) These minorities are numerically very small overall and constitute a small fraction of populations in individual localities. Their members use their first languages primarily among each other, in the family and in cultural organizations.

2. Language policy and legislation before 1989

In the Kingdom of Hungary the official language was Latin for several centuries, then, beginning with the late 18th century, German became official,⁷ and then in 1841 Hungarian. The minorities' language use was regulated by the 1868 Law on Minorities, allowing for the regional and local use of minority languages, Slovak among them (for more details, see Katus 1995).

In the first Czechoslovak Republic the official language was "Czechoslovak", which meant that Czech was to be used in official spheres in the Czech part of the country, and Slovak in the Slovak part. From the perspective of minority language rights the Minority Treaty of Saint-Germain-en-Laye (1919) was of fundamental importance, as some of its regulations were included in Czechoslovakia's 1920 language law as well. This latter law essentially regulated official language use, since the Minority treaty (and the constitution) guaranteed for all citizens the right of language choice in all personal and business communications, religious life, and the press etc.

According to the 1939–1945 constitution of the Slovak Republic, the autochthonous "national minorities" were allowed to use their mother tongue in everyday life and education if the Slovak minority of the respective country enjoyed similar rights. This regulation was aimed at Slovakia's Hungarian minority, since Slovaks constituted a minority in Hungary.⁸

After 1945 the new ruling political powers strove to expel Germans and Hungarians, as has been referred to above. They were deprived of their citizenship, their educational, cultural and other minority institutions were closed down, their press dissolved. Even though public use of Hungarian and German was not forbidden by law, it was nevertheless sanctioned.

The new, 1948 constitution defines the Czechoslovak Republic as a unified state of two Slavic nations of equal standing, the Czechs and the Slovaks, and does not even mention the existence of national minorities. The Germans and Hungarians who remained in Czechoslovakia were given back their citizenship and could exercise their constitutional rights. Some minority rights started to appear in codified laws in the late 1950s, and the country's new, 1960 constitution (called "Socialist Constitution")

⁷ In the 16th century, the throne of the Kingdom of Hungary passed to the Austrian Habsburgs by succession.

⁸ After the Vienna Award 67,000 Hungarians remained in and around the capital Bratislava/Pozsony and Nitra/Nyitra, which continued to be part of Slovakia. Germans acquired considerable language right despite the fact that there are no ethnic Slovaks living in Germany – this was due to the fact that Slovakia had supported Nazi Germany. Ruthenians did not have a "mother country", and Jews and the Roma did not have any rights at all.

provided citizens of Hungarian, Ukrainian and Polish nationality the right of education and cultural activity in the mother tongue.

The Constitutional Law number 144 of 1968 brought about a considerable change in minority rights. According to Paragraph 3 of this law, the state guarantees for citizens of Hungarian, German, Polish and Ukrainian nationality (ethnicity) the following rights: the right to be educated in the mother tongue, the right for varied forms of cultural development, the right to use their mother tongue in official communication at their place of residence, the right of assembly in minority cultural organizations, and the right to information and press in the mother tongue. Paragraph 5 referred to specific executive laws to be enacted, but they never were – only some existing laws were amended, and some other spheres were regulated by government regulations.

Instead of legal codification, Communist Party decrees served primarily to regulate the situation of minorities, including their language use from the 1950s onwards. According to the above mentioned 1968 law, minorities were allowed to use their mother tongue in official communications as well, but this was limited to oral communication in administrative offices where the personnel happened to speak Hungarian or Ukrainian. In socialist Czechoslovakia the notion of official language was not used, but in Slovakia Slovak was effectively the official language, and minority language rights were haphazardly enforced and in practice always depended on the current (national and local) political leadership.

3. Language policy, language legislation and status planning after 1989

Unlike in previous decades, in the 1990s several laws regulating the use of languages autochthonous in Slovakia were passed. Two tendencies prevailed in such legislation: an attempt to codify in laws, first, the status and public use of the Slovak language as a symbol of national and state sovereignty, and, second, the minorities' individual language use.

3.1. The status of the Slovak language

As has been mentioned before, the Socialist Constitution did not include or use the notion of official language at all, although in practice Czech and Slovak were used as official: in the federal state both languages could be used, and in practice was realized such that in the Czech Republic all public texts were in Czech, and in the Slovak Republic in Slovak. So, in Slovakia the Slovak language was official practically, and minority languages could be used in official communications only in a very limited way, at most in spoken interactions.

Despite this, one of the first laws passed after the political changes of 1989 concerned official language use. In 1990, the Slovak Parliament adopted the law on the official language, defining Slovak as the only official language of the state, and thus requiring all official documents to be published in Slovak. Minorities could use their language in contact with authorities only in municipalities where they constituted at least 20% of the population.

The winners of the 1992 parliamentary elections passed a declaration of independence in the then still federal Republic of Slovakia, declaring the Slovakia to be the nation state of Slovaks. The same was included in the preamble to the 1992 Slovak constitution.⁹ Asserting the notion of the nation state meant, at the same time, that the Slovak national symbols and attributes such as the national anthem, the coat of arms, and also the language, were raised to the status of state symbols and attributes. In the Constitution, the reference to the official language occurs in the Introduction, among the general provisions, right after mentioning the form of government and citizenship. Article 6, (1) *“The Slovak language is the official language of the Slovak Republic.”*¹⁰ It was on the basis of this article that the Slovak Parliament passed the Law on State Language (Law No. 270 of 1995), which replaced the 1990 law on the official language and extended its regulations beyond official language use to education, mass media, the police and security services, the army, the fire department, judicial proceedings, the economy, and health services.

⁹“We, the Slovak Nation, Bearing in mind the political and cultural heritage of our predecessors and the experience gained through centuries of struggle for our national existence and statehood, Mindful of the spiritual bequest of Cyril and Methodius and the historical legacy of Great Moravia, Recognizing the natural right of nations to self-determination, Together with members of national minorities and ethnic groups living on the territory of the Slovak Republic, In the interest of continuous peaceful cooperation with other democratic countries, Endeavoring to implement democratic form of government, to guarantee a life of freedom, and to promote spiritual culture and economic prosperity, Thus we, the citizens of the Slovak Republic, have, herewith and through our representatives, adopted this Constitution”.

¹⁰ The official homepage of the Constitutional Court (www.concourt.sk) uses the term official language in its English translation even though the original Slovak language document uses štátny jazyk, that is, state language. English translations of other documents use this expression as well.

According to the law, on the territory of the Slovak Republic the Slovak language enjoys a priority over any other language and is the language of all official spoken and written communications (even in bodies of self-government). The staff of public administration and public services are required by law to use the Slovak language in their work. Written petitions and applications can be submitted and presented only in Slovak. Text in a foreign (e.g. minority) language can only appear as the translation of a Slovak language text, placed after it, on public signs and in ads.

According to paragraph 1, the law regulates the use of Slovak as the language of the state and does not touch upon the language use of churches and the use of minority languages. In reality, however, it considerably limits the latter, through prescribing the use of Slovak in all public domains. According to the law, the use of minority languages is allowed in minority language radio and television programming (however, local radio and television stations can broadcast in languages other than Slovak only if the same program is broadcast in Slovak either beforehand or afterwards), in minority press, in minority cultural events (even though the program of these has to be announced in Slovak first), as well as in legal proceedings, since the law on the state language left in effect the regulations of the Codes of Civil and Penal Procedure.

The implementation of the law is supervised by the ministry of culture, and breaking it entailed heavy fines that could be levied on legal persons – this sanctioning, however, was never enforced and was later repealed. (The text of the law currently in effect can be found in English at <http://www.gramma.sk>, under the section “Language Policy, Linguistic Rights and Wrongs”.)

The law on the state language was heavily criticized both in and outside Slovakia (see, for instance, Daftary and Gál 2000), and many well-known linguists protested against it (see Simon and Kontra 2000:85–86).¹¹ Reservations concerning the text of the law were expressed, among others, by the European Council and the OSCE High Commissioner on National Minorities because of the alleged violation of the principle of democracy. The Slovak Parliament passed the law in full knowledge of the international protests. A group of the members of the Slovak Parliament took the law on state language to the constitutional court, which, however, did not find the law to be unconstitutional and objected to and repealed only some of its regulations (see above).

¹¹ Some Slovak linguists have also raised objections against the law, although not because of the way it limits the use of minority languages, but because it defines Standard Slovak to be the state language. This means that, theoretically, using a regional dialect of Slovak on television could be sanctioned as well.

The Slovak law on the state language and its system of argumentation has been compared to France's language law and to the United States' "English Only" movement (Kontra 1995/96). Critics have not referred to the fact that this law is similar to language laws passed in Poland or in the Baltic states, and its passing forms an integral part of the national revival movements of the 1990s, characteristic of the countries of the former Eastern bloc.

Another, country internal, reason for the passing of the law was the political activation process of the biggest national minority, the Hungarians. Just like any other Eastern bloc country, Czechoslovakia also had a one-party political system before the 1990s. However, after the political changes many new parties were formed, and the minorities also formed their organizations for the protection of their interests. One of the most important demands of the Hungarians was the acknowledgement of the rights to use the minority language. The Slovak political elite, however, was afraid (and some of its fractions are still afraid) that the Hungarians wanted a reannexation of areas of Slovakia populated by Hungarians to Hungary (as was the case between 1938 and 1945); that the demands for language rights were to be followed by demands for territorial autonomy; and that the autonomous region will be annexed to Hungary.¹² This fear, however, was unfounded, since no goal like this was ever part of the Hungarian party's program: the furthest goal ever voiced was the creation of a NUTS III level, Hungarian majority region in western Slovakia, where most of Slovakia's Hungarians live, as part of the process of the formation of middle level regional self-governing bodies.

Even though several governments have been in power in Slovakia since 1990, the basic principle of the official minority and state language policy has been the emphasis on the special status, protection and the importance of the care of the Slovak language. This is the notion that permeates the material prepared by the ministry of culture which can be regarded as the statement of official language policy.¹³ The material deals only with Slovak as the "state language" and with the relationship between the state language and the minority languages, interestingly not mentioning the international standing of the Slovak language (in issues such as, for instance, globalization or the spread of English). According to it, *"the state language is a means of ensuring the inner stability of the state in the societal, cultural and political sense. The interest of the state is to respect the national representative and state integrating functions of Slovak as the state language and to strengthen the status of the Slovak*

¹² This issue has been raised in the parliamentary debates preceding the passing of all laws (and international conventions) in which language use is regulated.

¹³ Its title is "The outline of how to take care of the state language of the Republic of Slovakia". It was passed as part of the government decree No. 161 of 2001.

literary [standard] language as the means of public communication [...].” Then the document goes on to discuss how the positions of the Slovak language, or rather its standard variety, can be secured and strengthened in certain aspects (in education, public administration, cartography, development of terminology etc.).

3.2. The status of minority languages

3.2.1. International aspects

As a member of international organizations, Slovakia has joined practically all international conventions relevant to minority language use rights. The most important of these are as follows: *The International Covenant on Civil and Political Rights* (UN, 2200A, XXI),¹⁴ *Convention for the Protection of Human Rights and Fundamental Freedoms* (ETS 005), *European Charter for Regional or Minority Languages* (ETS No. 148, in effect since 2002), *Framework Convention for the Protection of National Minorities* (ETS No. 157, in effect since 1997). As a member of OSCE, Slovakia signed the documents of the follow-up meetings of the Helsinki Process, such as the document of the Copenhagen follow-up meeting (*Document of the Second Meeting of the Conference on the Human Dimension of the CSCE*), and, as a member state of the Central European Initiative, the *CEI Instrument for the protection of minority right* (1994) document as well. International organizations, such as, primarily, the Council of Europe, played an important role in widening the range of language rights of Slovakia’s minorities, since one of the conditions of Slovakia’s membership was the securing of certain language rights (e.g. the right to register personal names in minority language forms).

The status of national minorities is also defined in bilateral treaties concluded by the Slovak Republic (by Czechoslovakia before the dissolution of common state) with the Polish Republic, the Federal Republic of Germany, the Republic of Hungary, the Ukrainian Republic, and the Czech Republic (for an analysis of the treaties, see Šutaj and Olejník 1998: 278–279). The rights of the minorities (including language rights) are dealt with in most detail by *The Treaty on Good-neighborly and friendly Co-operation between the Slovak Republic and Republic of Hungary*, signed 1995, in effect since 1997. Article 15 of the Treaty states that the contracting parties “*shall apply, in defending the rights of persons belonging to the Hungarian minority in the*

¹⁴ *The International Covenant on Civil and Political Rights* was signed by Czechoslovakia in 1968 and ratified in 1975. After the breakup of the country on January 1, 1993, both the Czech Republic and the Slovak Republic reconfirmed it.

Slovak Republic and the Slovak minority in the Republic of Hungary, the norms and political commitments laid down in the following documents as legal obligations: Document of June 29, 1990 of the Copenhagen Meeting of the Conference of Human Dimension of the Conference on Security and Co-operation in Europe; Declaration 47/135 of the General Assembly of the United Nations on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; Recommendation 1201 (1993) of the Parliamentary Assembly of the Council of Europe [...]“.

3.2.2. The national minorities and minority languages in Slovak laws

Individuals belonging to ethnic and linguistic minorities are entitled to the same human rights and freedoms as members of the majority. According to the constitution of the Slovak Republic (Art. 12), no discrimination is allowed, all individuals have the right to choose their nationality, and attempts aiming at depriving a person’s original nationality are prohibited. At the same time, Slovakia regards minority rights as individual rights (and does not recognize them as collective rights), which means that individuals and not communities are endowed with language rights. Thus, according to the opinion of Slovak legal experts and the majority of Slovak politicians, rights grouped in the category of collective rights are individual rights, realized in groups (Šutaj and Olejník 1998:285). The Slovak government supports the principle of non-discrimination, and the Slovak legal system does not recognize the principle of positive discrimination towards members of minorities.¹⁵

Although the terms “national minority” (*národnostná menšina* in Slovak) and “ethnic groups” (*etnické skupiny* in Slovak) appear in the Slovak Constitution and in other official documents, the law does not provide any definition for them¹⁶ (Šutaj and Olejník 1998:274–275; Šujanová and Slováková and Šikuta 2003:222–223), nor does it name any national or ethnic minority specifically. Other official documents name a various range of minorities. Census statistics list the minorities discussed earlier in this paper; according to Slovakia’s Reports I and II on the enforcement of the Framework Convention for the protection of National Minorities (Report I 1999: 8; Report II 2005: 9),

¹⁵ This is supported by the fact that Paragraph 8, Section 8 of the new anti-discrimination law (full name: on equal treatment and protection against discrimination) passed by the Slovak Parliament in 2004 was found to be in conflict with Article 12 of the constitution by the constitutional court. The passage in question says that in order to guarantee equal opportunity and equal treatment, “equalizing” regulations can be introduced with the aim of “preventing negative discrimination based on differences in race or ethnicity”.

¹⁶ “There is no legal definition of the term national minority in the SR’s legislation at present. Equally, there is no formal system for the official recognition of national minorities. The existence of national minorities is based on the individual fundamental rights of persons belonging to national minorities enacted in the Constitution of the SR, other relevant domestic laws and international legal documents.” (Report I 1999:8).

there are 11 national minorities living in Slovakia (as registered in the census): Hungarians, Roma, Czechs, Ruthenians, Ukrainians, Germans, Moravians/Silesians, Croats, Jews, Poles, and Bulgarians. Report II (2005: 21) indicates that in 2003 the Russian minority also received support in the form of cultural funding.

The European Charter for Regional or Minority Languages concerns the following languages in Slovakia: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Romani, Ruthenian, and Ukrainian. This is the first document that differentiates among the various languages, by assigning them into three groups on the basis of the total number of the minority as well as the actual public use of their languages: (a) Bulgarian, Croatian, Czech, German, Polish, and Romani; (b) Ruthenian and Ukrainian; and (c) Hungarian. The commitments are different for the various languages and concern four areas:¹⁷ Education (Article 8), Judicial Authorities (Article 9), Administrative authorities and public services (Article 10), and the Media (Article 11). Specifically, it is only for Hungarian that Slovakia committed to the following: Article 8, paragraphs 1/a/i, 1/b/i, 1/c/i, 1/d/i, 1/e/i, and 1/f/i; Article 9, paragraph 2/a; Article 10, paragraphs 1/a/ii and 3/b; Article 11, paragraph 1/f/i. It is only for Ruthenian and Ukrainian that Slovakia committed to the following: Article 8, paragraphs 1/a/ii, 1/b/ii, 1/c/ii, and 1/d/ii.

As has been mentioned above, the language policy document concerning the state language does not deal with the minority language policy of the state. Only the Initial Periodical Report (2003:5) of the European Charter for Regional or Minority Languages contains reference to it: “*The demographic indicators serve as the basis for Slovakia’s policy towards its autochthonous national minorities. The dominant role of the state policy in this area is to preserve the cultural and linguistic identity of citizens belonging to national minorities and to provide for their nondiscriminatory treatment in the social, cultural and educational systems. It is indisputable that language as one of the key symbols of cultural identity plays a token role in the preservation and development of minority communities, which pass the values and attributes of their culture from generation to generation.*” (For the minority policy of the Slovak government see Dostál 2003; for the legal status: Gyuricsek 2003.)

Minority language rights are listed among fundamental rights and freedoms of Section IV of the Constitution. In accordance with Articles 33 and 34 of the 1992 Constitution, individuals belonging to minorities have the following rights: the

¹⁷ The Transfortier exchanges Article 14, point (b) regards, naturally, only the Czech, German, Polish, Ukrainian and Hungarian languages.

rights to receive and disseminate information in their mother tongue, to receive education in their mother tongue, to use their mother tongue in official relations, and also to learn the official language.

As stated above, the use of the Slovak language in the public domain is regulated in a comprehensive manner by the Law on the State Language (Law No. 270 of 1995). The use of minority languages is not regulated in a comprehensive manner in any single law, but different laws touch upon various aspects of their use. Official materials produced by the Slovak government mention various numbers of laws with language use relevance: Report I (1999:7) on the enforcement of the Framework Convention for the protection of National Minorities talks about 26 laws and decrees, whereas the Initial Periodical Report (2003:8–10) of the European Charter for Regional or Minority Languages refers to 45. A considerable number of the laws these documents mention deal with general constitutional or human rights, and can only indirectly be considered to be relevant to minority language rights. Laws that explicitly concern language rights of persons belonging to minorities number only 17: the Act on the use of national minority languages (No. 184 of 1999; see: Kopanic 1999) and the Act on denomination of communities in language of national minorities (No. 191 of 1994) completely, and 15 laws concern them in 1 or 2 sections each. These laws and other relevant legal documents can be read in English translation at the website of the Gramma Language Office (<http://www.gramma.sk>), in the section on *Language policy*. Below, the regulations found in these laws will be summarized, and their implementation briefly discussed (for more details on the latter, see Szabó Mihály 2003; EUROMOSAIC III; Gyuricsek without date).

Personal names and surnames

According to Law No. 300 of 1993 on first names and family names, minority names can be officially registered, for example, the Hungarian (*Károly*) or German (*Karl*) equivalents of *Charles* can be registered, as can the Slovak equivalent (*Karol*). According to Law No. 154 of 1994 (Registers Act), family names of women whose mother tongue is not Slovak can be written in official documents without the *-ová* ending. In the Slovak language, the family names of women end in *-ová*, which grammatically marks the person as a female. Some of the minorities living in Slovakia (such as Germans or Hungarians) do not have a grammatical gender marker like this in their language, which makes their names identical for males and females; for example in Slovak *Kováč* is the last name of a male, *Kováčová* is of a female, but in Hungarian only *Kovács* is used for members of both genders. For a long time, however, the family names

of Hungarian or German women could only be registered with the *-ová* ending, even though that is not how they used their names.

In accord with these regulations, Slovakia undertook Article 10, paragraph 5 of the European Charter for Regional or Minority Languages concerning all of its minority languages: “*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned*”.

Local names and topographical designations

When at the end of World War I the territory of present-day Slovakia ceased to be a part of Hungary in Austria–Hungary and became a part of the newly formed Czechoslovakia, the former Hungarian official names of most of the villages and towns (including municipalities where minorities lived) were changed: they received Slovak names. Thus, for instance, the new official name of *Dunaszerdahely*, a Hungarian populated town, became *Dunajská Streda*. Between the two world wars, some municipalities had both Slovak and Hungarian versions of their names as official, and some smaller villages had only Hungarian names. After 1948 the still existing Hungarian and German official names were changed to Slovak names, and every town and village could have only one official name, in Slovak – this was the name that could be written on road signs, on seals, and in all official documents. The situation changed in part in 1994: according to Law No. 191 of 1994, at those localities where the proportion of the minority population reaches at least 20%, the name of the locality can be written in the minority language in addition to Slovak on the road signs which signal the beginning and the end of the locality. In other contexts, such as in postal services, on official rubber stamps, and on maps the names of places can only be written in Slovak. Other topographical names (such as names of mountains, plains, rivers, and lakes etc.) in maps can be also written in Slovak.

A further limitation is that names of localities named after Slovak personalities cannot be also given in minority languages even if the minority in question constitutes over 20% of the population of the given locality. There are 12 such villages and towns, populated by Hungarians: these historically had only Hungarian names, their present-day Slovak names were introduced in 1948.¹⁸

¹⁸ For instance, the Hungarian name *Feled* of a locality now called *Jesenskéé* named after the Slovak writer, Janko Jesenský (1874–1945) is such an example. The Hungarian place name dates back to the middle ages and is first mentioned in historical documents in 1274.

According to the law on minority language use (Law 184 of 1999), in localities where the proportion of the given minority is at least 20% of the total, the local council can install, in addition to those in Slovak, street signs in the minority language, and administrative office buildings have to be marked by signs in the minority language as well (on these, however, the name of the locality where the building is located can only be written in Slovak).

In connection with this it is important to mention that Slovakia undertook Article 10, section 2/g of the European Charter for Regional or Minority Languages concerning all of its minority languages: *“In respect of the local and regional authorities of whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage: the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.”*

Public displays

According to the law on state language, paragraph 8: *“All notices (signs), advertisements and announcements determined for informing the public, especially in shops, at sports centers, in pubs, in streets, along roads and above them, at airports, in bus stations and railway stations, in rail wagons and in mass transport vehicles must be stated in the state language. They may be translated into other languages, but different language texts follow after the equally large text in the state language“.*

Education

Some minority groups, for example Hungarians, German, Ruthenians/Ukrainians, have long standing traditions of education in the mother tongue. According to Law No. 29 of 1984 on public education (which was modified several times, and whose full text was published under number 350 in 1994), preschool, primary and secondary education can use the language of the minority as the medium of instruction. Article 3, paragraph 1 of this law states that *“Training and education are carried out in the state language. Citizens of Bohemian [Czech], Hungarian, German, Polish and Ukrainian nationality are ensured the right to education in their own language to an extent proportional to the interests of their national development.”*

In its declaration in response to the European Charter for Regional or Minority Languages, Slovakia committed to different undertakings regarding the various minority languages: for Bulgarian, Croatian, Czech, German, Polish and Romani, Article 8, paragraphs 1/a/iii, 1/b/iii, 1/c/iii, 1/d/iii, 1/e/ii, 1/f/ii, 1/g,1/h, and 1/i. Of these, only Bulgarian, German, and, to some extent, Romani are used as languages of instruction in primary and secondary schools. One Bulgarian language private (primary and secondary) school operates in Bratislava, with a total of 125 students. Schools with German or Slovak and German as languages of instruction started to appear after 1989, and the number of German sections has been steadily growing.¹⁹

Romani is used as an auxiliary language of instruction in state schools (preschools and primary schools) in Roma settlements. The report of the Advisory Committee on the Framework Convention for the Protection of National Minorities (Opinion 2000, point 44) points out that the law on public education does not guarantee education in the mother tongue for the Roma: *“The Advisory Committee is therefore of the opinion that it needs to be examined to what extent the current legal and practical status of the Roma language in the education system of Slovakia meets the demands of the said population.”* The government’s response was as follows: *“With respect to teaching the Roma language at schools the specific problem is the lack of interest on the side of Roma parents to have this subject introduced despite the fact that basic school curricula for teaching the Roma language have been approved already in 1993.”* Romani is the language of instruction in the Secondary School of Arts in the city of Košice (with 192 students). The Romani language is taught at the University of Constantine the Philosopher in Nitra.

The educational level of the Roma is much lower than the average, and Roma children are overrepresented in schools of special education. The report of Advisory Committee on the Framework Convention for the Protection of National Minorities (Opinion 2000, point 39) also expressed criticism about this: *“The Advisory Committee is deeply concerned about the reports according to which a high proportion of Roma children are placed in so-called special schools. While these schools are designed for mentally handicapped children, it appears that many Roma children who are not*

¹⁹ It is difficult to gauge the precise situation in connection with German. The Slovak government’s report concerning the implementation of the Charter (Initial Periodical Report 2003:24) says that in the 2001/2002 academic year there were 6 schools (with a total of 1,052 students) where German was the medium of instruction. The EUROMOSAIC III - Slovakia/German report, however, claims the following: *“According to Eurydice there was one German primary school in Slovakia during the school year 2002/2003. Moreover, there are five primary schools where all subjects are taught in Slovak except for German which is taught as a native language”*. According to Slovak education statistics (www.uips.sk) in the present academic year there are no schools where German is used as a medium of instruction. However, Dohányos et al. (2005:129) claim that the number of sections with German as medium of instruction is growing.

mentally handicapped are placed in these schools due to real or perceived language and cultural differences between Roma and the majority.” The Slovak government has essentially denied this in their response to the report: *“The Government of the Slovak Republic emphasizes that mentally handicapped pupils are placed in a special basic school with the consent of their representative at law after pupil’s thorough psychological and specialized pedagogic examination. In no way the placement of pupils into such schools takes into account their national or ethnic origin.”*

Under the European Charter for Regional or Minority Languages, Slovakia committed to the following, concerning Ruthenian and Ukrainian: Article 8, paragraphs 1/a/ii, 1/b/ii, 1/c/ii, 1/d/ii, 1/e/ii, 1/f/ii, 1/g, 1/h, and 1/i. This means only partial (rather than full) mother tongue instruction. There is a fundamental difference between Ruthenian and Ukrainian in this regard: until the 1990s, no schools used Ruthenian as a medium of instruction, only Ukrainian, and their enrollment steadily decreased as a result of gradual assimilation into the Slovak majority. In the 2004/2005 academic year Ukrainian was used as a language of instruction in 8 primary schools 1 grammar school and 1 technical secondary school (Dohányos et al. 2005: 130–132; see table 2). Ruthenian was first introduced as a medium of instruction in the 1997/1998 academic year: according to the report on the implementation of the European Charter for Regional or Minority Languages, in the 2001/2002 academic year Ruthenian was used as a medium of instruction in 4 primary schools with a total of 134 students. The statistics for the 2004/2005 and 2005/2006 academic year none are mentioned. Most likely, Ruthenian is used as a medium of instruction in otherwise Slovak schools that have Ruthenian sections. Ruthenian is taught as a foreign/second language in many schools, and both it and Ukrainian are taught on the university level in Eperjes/Prešov.

| Type of the school* | The language of instruction | | | | | | | | |
|-------------------------------------|-----------------------------|---------|-------|---------------|-------|-----------|------|-------|-------|
| | Number of | Slovak | (%) | Hungaria n | (%) | Ukrainian | (%) | Other | (%) |
| Elementary school | schools | 2070 | 88.39 | 297 | 12.68 | 8 | 0.34 | 4 | 0.17 |
| | classes | 23,868 | 92.07 | 1984 | 7.65 | 45 | 0.17 | 27 | 0.10 |
| | children | 518,249 | 93.32 | 36249 | 6.53 | 466 | 0.08 | 371 | 0.07 |
| Secondary (academic) grammar school | schools | 186 | 79.49 | 25 | 10.68 | 1 | 0.43 | 29 | 12.39 |
| | classes | 3,104 | 92.63 | 237 | 7.07 | 6 | 0.18 | 4 | 0.12 |
| | children | 93,560 | 93.81 | 5,991 | 6.01 | 135 | 0.14 | 52 | 0.05 |

| | | | | | | | | | |
|----------------------------------|----------|---------|-------|-------|------|----|------|---|---|
| Secondary technical school | schools | 256 | 97.71 | 25 | 9.54 | 1 | 0.38 | 0 | 0 |
| | classes | 2,957 | 94.62 | 164 | 5.25 | 4 | 0.13 | 0 | 0 |
| | children | 83,478 | 95.37 | 3,997 | 4.57 | 58 | 0.07 | 0 | 0 |
| Vocational and apprentice school | schools | 332 | 97.1 | 31 | 8.85 | 0 | 0 | 0 | 0 |
| | classes | 5223 | 94.8 | 288 | 5.2 | 0 | 0 | 0 | 0 |
| | children | 132,309 | 95.7 | 5954 | 4.3 | 0 | 0 | 0 | 0 |

Table 2. The number of schools/classes/children with Slovak, Hungarian and Ruthenian as a language of instruction (year 2004, source: Dohányos et al. 2005: 128–134)

Explanation: The minority educational system in Slovakia is an organic part of the Slovak educational system and as such is characterized by the same features as the Slovak majority system. Education in Slovakia is compulsory until age 16. Types of the schools: Kindergarten (pre-school education: for 2/3 to 6 year-old children); Elementary (primary) schools (for age 6–15/16); secondary education: Secondary (academic) grammar schools (age 15–18), Secondary technical schools (age 15–18), Vocational and apprentice schools (begins at the age 15 and may continue until the age of 17, 18 or 19, depending on the type of school). Also, there are state schools, private schools, and church schools.

Traditionally, the Hungarian minority has had the most elaborately developed school system in Slovakia. Hungarian is used as a medium of instruction on all educational levels in public education as well as on the primary and secondary levels in church or private schools. In the 2004/2005 academic year, in all 52,191 students studied in Hungarian as a medium of instruction in 297 grammar schools, in 25 secondary grammar schools, in 25 technical secondary (high) schools, in 31 vocational and apprentice schools. Hungarian can be studied at the university level, and, in addition, in 2004 the Selye János University first started, with the language of instruction being mostly Hungarian. (For more details, see Vančo 2005; Hushegyi 2003; Szemet and A.Szabó 2003).

Law No 542 of 1990, modified by Law No 5 of 1999, made it possible again, beginning in 1999, to issue bilingual school documentation (record cards among them). According to the regulation of the ministry of education regarding secondary school entrance examinations, students graduating from minority language primary schools and applying to Slovak language secondary schools take their entrance examinations in the basic subjects in the language of instruction of their primary school.

Mass media

According to Law 619 of 2003 concerning the Slovak Radio and Law 16 of 2004 concerning Slovak Television, the state provides minority language broadcasting by public radio and television stations. Under the European Charter for Regional or Minority Languages, Slovakia committed to the following in Article 11 (Media) concerning all of its minority languages: paragraph 1/a, “*to the extent that radio and television carry out a public service mission*” iii: “*to make adequate provision so that broadcasters offer programming in the regional or minority languages.*” In 2004 the Slovak state television broadcast 89.5 hours of programming (news and magazine programs) in Hungarian and 37.7 hours in other minority languages. Programming in minority languages constituted 0.84% of all programming in this (Dohányos et al. 2005:147). The radio station “Radio Pátria” broadcasts minority language programming as part of state radio, with 56 hours a week in Hungarian (in daily segments), 30 minutes twice a week in Romani, 13.5 hours total per week in Ruthenian and Ukrainian (alternating, in daily segments), 30 minutes a week in German, 60 minutes per month in Czech, and 20 minutes per month in Polish. Television and radio signals of many TV and radio stations (public and private) based in neighboring countries can be received in the Slovak Republic. (Cf. European Charter for Regional or Minority Languages, Article 11, paragraph 2).

However, according to the Law on the State Language (Article 5, paragraph 4), no regional radio or television station can broadcast exclusively in the minority language, and programs in the minority language can only be broadcast by regional stations if they are also broadcast in Slovak at another time.²⁰ This effectively means that local television stations cannot broadcast live programs in the minority language. It seems that Slovakia does not want to change this, since it has not committed to Article 11, points 1/b/i and 1/c/i for any of its minority languages under the European Charter for Regional or Minority Languages (“*to encourage and/or facilitate the creation at least one radio station/television channel in the regional or minority languages*”).

According to the Constitution (Article 26 on the freedom of speech), no permission is required for the publication of media products. According to Law 212 of 1997 on deposit copies of periodicals, non-regular publications and audiovisual products, the publication of periodicals and non-regular publications in the minority language cannot be restricted. Slovakia has committed to Article 11, point 1/e/i for all of its minority languages under the European Charter for Regional or Minority

²⁰ “(4) *Broadcasting of regional or local stations, radio stations and radio facilities is performed, in principle, in the state language. Other languages may be used before a particular programme is broadcast in the state language.*”

Languages (*“to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages”*).

According to the Law on the State Language (Article 5, paragraph 6), *“Occasional printed material for the public, such as gallery and museum catalogs, programs of libraries, cinema, theatre, concerts and other cultural events are published in the state language. In case it is necessary, they may contain translations into different languages.”* The Advisory Committee finds that this provision of the State Language Law *“could lead to undue limitations on the freedom to receive and impart information and ideas in minority languages”* (Opinion 2000, point 34).

Judicial proceedings

In accordance with international documents and practice and the Slovak Constitution, both the Civil Code and the Penal Code, as well as also Law No. 335 of 1991 on courts and judges, make the spoken language use of minority languages possible in judicial proceedings (for the parties, suspects and witnesses through the help of court interpreters), while judicial proceedings are carried out in Slovak. Private individuals can use their mother tongue both in communication with the ombudsman (Act No. 564 of 2001) and at the constitutional court (Act No. 38 of 1993).

Under the European Charter for Regional or Minority Languages (Article 9), Slovakia committed to the following for all minority languages. In criminal proceedings: in section a/ii *“to guarantee the accused the right to use his/her regional or minority language”* and in section a/iii *“to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language”*. In civil proceeding and proceedings before courts concerning administrative matters: in sections b/ii and c/ii *“to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense”* and in sections b/iii and c/iii *“to allow documents and evidence to be produced in the regional or minority languages”*. Section d) states the following undertakings: *“to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned”*.

Section 2/a refers only to the Hungarian language: *“The Parties undertake not to deny the validity of legal document drawn up within the State solely because they are drafted in a regional or minority language”*.

Slovakia undertook paragraph 3 for Hungarian, Ruthenian and Ukrainian: *“The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.”* In (Czecho)Slovakia laws have always been officially published in Czech and Slovak only. As for translations of laws, I have information available to me only regarding Hungarian: until 1997 a bilingual (Slovak–Hungarian) monthly collection of translations of laws was published for those working in public administration, the quality of which, however, was very low. After this monthly publication ceased to exist, some laws regarding economy were translated and published in Hungarian, but these translations were not of adequate level from the point of view of terminology. Currently, the Gramma Language Office, a non-profit organization, is planning to publish good quality Hungarian translations of basic laws (such as the civil code, the code of labor legislation, and laws regarding social benefits, etc.).²¹

Official relations, authorities, local governments, and state administration

According to the Law on the State Language of 1995, the language of administrative offices, and generally, of state and local administration, is Slovak. The law on minority language use, in effect since September 1, 1999, however, makes it possible for members of minorities to use their mother tongue in spoken and written official discourse in municipalities where the proportion of the given minority is at least 20% of the total population. In these places, official applications can be submitted to the local government and authorities of state administration in the minority language as well, and these applications have to be answered in the minority language. On request of the applicant, certain resolutions (such as construction permits, etc.) can be issued, in addition to the Slovak language original, in the minority language. Public documents can be issued only in the state language. In administrative offices, important information also has to be posted in the minority language as well. The staff of these administrative offices, however, are not required to have proficiency in the minority language.

²¹ In connection with this, the following is written in the CLA-analysis (Implementation 2003): *“the commitment of the Slovak Republic to publish the most important legal documents in the languages of national minorities is not performed by the state itself, but is mostly supported by private financial sources.”*

In accordance with this law, and according to the figures of the latest, 2001, census, there are 501 localities (NUTS 5 level) where Hungarian should be a legally possible means of communication with administrative offices – this would involve localities for 89.5% of all Hungarians of Slovakia. Corresponding figures for the other minorities are as follows: 83 localities (37.8%) for Ruthenians, 6 localities (3.9%) for Ukrainians, and 54 localities (22.1%) for the Roma. On the district level (NUTS 4 level), only 60% of all Hungarians and 20% of all Ruthenians can use their mother tongue, while none of them can use it with authorities of the state and local administration on the regional level (NUTS 3 level), since these operate in municipalities where the proportion of the minorities is well below the 20% threshold.

The meetings of local government members can be held in the minority language as well – if all members present agree to that. On the level of higher government bodies, however, Slovak is the only accepted language, and minority languages cannot be used to address the parliament.

According to Law No. 211 of 2000 on the public nature of data of public interest (and, in general, on free access to information), in localities where the minority language law is in effect, information of public interest has to be made public in the minority language as well.

Problems:

(a) A minority language can be used in towns and villages in which the proportion of the given minority is at least 20% of the total population. This means that minority languages are used principally on the NUTS 5 level. There are NUTS 4 and NUTS 3 level units where the proportion of the minority (usually Hungarians) exceeds 20% in the entire district or region, but because in the administrative center of the administrative unit the proportion is below 20%, the minority language still cannot be used on this level.²²

²² In the declaration appended with the Charter, Slovakia interpreted the notion of “*territory in which the regional or minority language is used*” only on the NUTS 5 level, see point 2 of the declaration: “*The Slovak Republic declares, pursuant to Article 1, paragraph b, of the Charter, that the term ‘territory in which the regional or minority languages is used’ also regarding the application of Article 10, shall refer to the municipalities in which the citizens of the Slovak Republic belonging to national minorities form at least 20% of the population according to the Regulation of the Government of the Slovak Republic No. 221 of 1999 Coll., dated 25 August, 1999.*” Point 3 of the declaration all languages are referred to as “*regional or minority languages*”, i.e. without differentiating between regional and minority languages even though Hungarian, Ukrainian and Ruthenian can be regarded as regional languages (see Explanatory Report, point 36), classifying the typically “non-territory” Romani language among these as well. The report on the implementation of the Charter says the following: “*There are no provisions on territorial and non-territorial languages in the legislature of the Slovak Republic. The relevant criterion is the list of the minority languages and the number of inhabitants of the municipality using a minority language (as above).*” (Implementation 2003).

(b) According to the law on minority language use (No. 184 of 1999), members of the minority can use their mother tongue in their communication with state administration bodies and territorial self-management bodies (“public authorities”), however, it is not clarified what administrative bodies are meant by “state administration bodies”. According to the opinion of state authorities, the law does not concern bodies of state administration of specialized tasks (such as, for instance, the revenue service or the police force). Further, the law does not concern offices of social security and health insurance. All of this further limits the possibilities of minority language use.

(c) The basic criterion for exercising languages rights is not the number of mother tongue language speakers of a given language but what was the number of members professing to belong to a given minority group at the latest census. Albeit the number of mother tongue language speakers is higher than the number of persons who declare themselves to be a member of the given national (ethnic) minority, as is evidenced by figures in Table 3.

| | Hungarians | Romani | Ruthenians |
|-------------------------|-------------------|---------------|-------------------|
| by ethnicity | 520,528 | 89,920 | 24,201 |
| by mother tongue | 572,929 | 99,448 | 54,907 |
| Difference in % | 110% | 110,6% | 226,9% |

Table 3. The number of Hungarians, Romani and Ruthenians by ethnicity and mother tongue (according to the census 2001)

It is important to add that Romani is hardly used in official communication since there are very few office personnel who speak it.

(d) Applications usually can be submitted only on forms issued by authorities, but only forms at the local government level are guaranteed by law to be available in the minority language; minority clients have practically no opportunity to turn in their applications in their mother tongue. The number of decisions and resolutions which are published in a minority language is also few. This means, in my experience, that in administrative offices, Hungarian is used only in spoken discourse, while written official communication in Hungarian is minimal (this concerns other minority languages also). The electronic availability of forms and administrative services has not yet become widespread, but electronically available forms and other materials (such as, for instance, forms for tax returns) exist only in Slovak.

(e) An obstacle to the written official communication in minority languages is a language deficit issue: the staff of administrative offices usually have an insufficient knowledge of the legal and administrative terminology in minority languages.²³

²³ Slovakia did not commit, for any language, to the regulation concerning support of minority terminology development and research (Article 12, paragraph 1/h: “*if necessary, to create and/or*

Religious life

The language of religious life and ceremonies is not regulated by any law, and it is, thus, usually the mother tongue of the congregation. The biggest church in Slovakia is the Roman Catholic Church (68.5% of the total population), followed by the Protestant (Lutheran) Church (6.9%), the Greek Catholic Church (4.1 %) and the Reformed (Calvinist) Church (2.0%). There are differences between minorities in this regard, since 78% of Slovakia's Reformed Christians are Hungarian, more than 90% of the Poles are Roman Catholic, and 80% of the Ruthenians are Greek Catholic or Eastern Orthodox. (For more details, see the study Euromosaic III, Slovakia – Country profile, General aspects, 1.4.)

Cultural life

The constitution guarantees the right to create and maintain minority language cultural institutions. The language of cultural events is regulated by the Law on the State Language, in accordance with which the program items can be in the minority language as well, but the introductions also have to be said in Slovak. Minority language culture is financially supported mostly by grants. (More: Lamačková and Bezáková 2003.)

In 2004, minority cultures (including the press) received support to the extent of 2 million Euro from the budget of the ministry of culture. The various minorities received the following proportions of this: Hungarians 63.56%, Roma 10.98%, Czechs 5.45%, Ruthenians 5.31%, Ukrainians 3.83%, Germans 3.08%, Poles 1.48%, Moravians 1.32%, Russians 0.92%, Bulgarians 0.68%, Croats 1.30%, Jews 2.10% (Dohányos et al. 2005:99). The government commissioner of Roma affairs provided cultural and social support, out of his budget, to the Roma communities to the extent of 1.15 million Euro, and the office of the deputy minister of human rights and minorities

promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language"). This situation was the main factor motivating the establishment of the Grammar Language Office. The aim of the office is to create the linguistic means for the most optimal use of the opportunities provided by Slovakia's Law on the Use of Languages of National Minorities and the European Charter for Regional or Minority Languages. In order to achieve this, we have organized a course for the administrative staff of local governments of the places which fall under the scope of the minority language law about the possibilities of using the Hungarian language in official domains and about related issues. As laws in Slovakia are published only in Slovak, we have created the Hungarian translations of laws and regulations on language use using a unified vocabulary. As an on-going project, we are working on preparing Hungarian versions of Slovak language texts used in local government offices (such as applications, notices, resolutions etc.).

provided 500,000 Euro for minority cultural purposes. In addition to this, the Hungarian minority receives considerable funding from foundations in Hungary.

Economy

Article 8 of the Law on the State Language prescribes the use of the Slovak language in all sections of the economy and services (including medical services). Thus, utility bills (phone, gas, electric, etc.) and various notices from service providers can only be in Slovak, and all communications with these service providers have to be carried out in Slovak. The use of minority languages (or other languages) is permitted in communication with medical patients with no proficiency in Slovak and in advertisements and other signs, but in the latter only if placed after Slovak language texts.

4. Conclusion

Significant progress has been made since the 1990s (and especially since 1998, when the present coalition government came to power) in providing minority language rights. In addition to the legislation discussed above, it is important to mention that in 1998 the position of the Deputy Prime Minister for Human Rights, National Minorities and Regional Development was created (and filled by an ethnically Hungarian politician). A minority council (made up of representatives of 14 minority organizations) serves as an advisory body with the government. The Ministry of Culture and Ministry of Education have special sections for minority culture and education.

In the materials submitted to the government before its signing of the European Charter for Regional or Minority Languages it is stated that the internal legislation concerning language use were considered as definitive as to what regulations Slovakia should be committing to. This means that Slovakia did not commit to more than what was made possible by the laws passed until then. In the first report on the implementation of the Charter we can read the following: *“As follows from the above, the Government of the Slovak Republic does not consider the achieved degree of implementation of the Charter a final one and wherever it would be necessary – including on the basis of the assessment by the Committee of Experts and in accordance with the resolution of the Committee of Ministers of the Council of Europe – the Slovak Government is ready to take appropriate measures.”*

As is clear from this overview, Slovakia regards minority rights to be individual rights, essentially, a private matter, and in most spheres minority languages can be used in a secondary way after Slovak. This is most true of official language use. It is obvious that the extension of the public (official) use of minority languages is blocked by the Law on the State Language. The report of the Advisory Committee on the Framework Convention for the Protection of National Minorities pointed this out as well (see Point 36, as well as the recommendation regarding Article 10): *“The Committee of Ministers concludes that the Law on the Use of National Minority Languages does not explicitly address the issue of inter-relations between it and the State Language Law and recommends that Slovakia inform the public and officials concerned that the Law on the Use of National Minority Languages, as *lex specialis*, should take precedence and ensure that all instructions relating to the implementation of the said law fully reflect this view.”* (Opinion 2000). The Slovak government’s response demonstrated that it did not agree: *“However, the Government of the Slovak Republic*

cannot identify itself with the statement made in Point 36 of the Opinion and the pertinent proposal of the recommendation of the Advisory Committee on the priority use of minority languages towards official language. Slovakia will handle this issue in compliance with the European Charter on Regional or Minority Languages. [...] By adopting the Charter the Slovak Republic will confirm its commitment to ensure the protection and development of minority languages without prejudice to the use of the state language, and, when necessary, appropriate legislative measures will, undoubtedly, also be adopted.”

In the end, the following points were included in the Resolution (2001): *“Legal guarantees pertaining to some articles of the Framework Convention need to be strengthened, and, in a number of areas where satisfactory legal guarantees exist, further efforts are required to ensure their full implementation”; “Despite recent improvements in the legal status of minority languages in official contacts, the legislative framework touching upon languages still contains shortcomings”.*

As has been mentioned before, in its Report II submitted by Slovakia on the Framework Convention for the Protection of National Minorities there is little mention of issues of language rights (with reference to the fact that Slovakia has ratified the European Charter on Regional or Minority Languages). As part of the overseeing mechanism of the Charter, its Committee of Experts has prepared its evaluation report (dated November 23, 2005) but has not yet made the text of the report public. Since no change has occurred in the status of the state language or that of minority languages in Slovakia, the opinion of the Committee of Experts is anxiously awaited.

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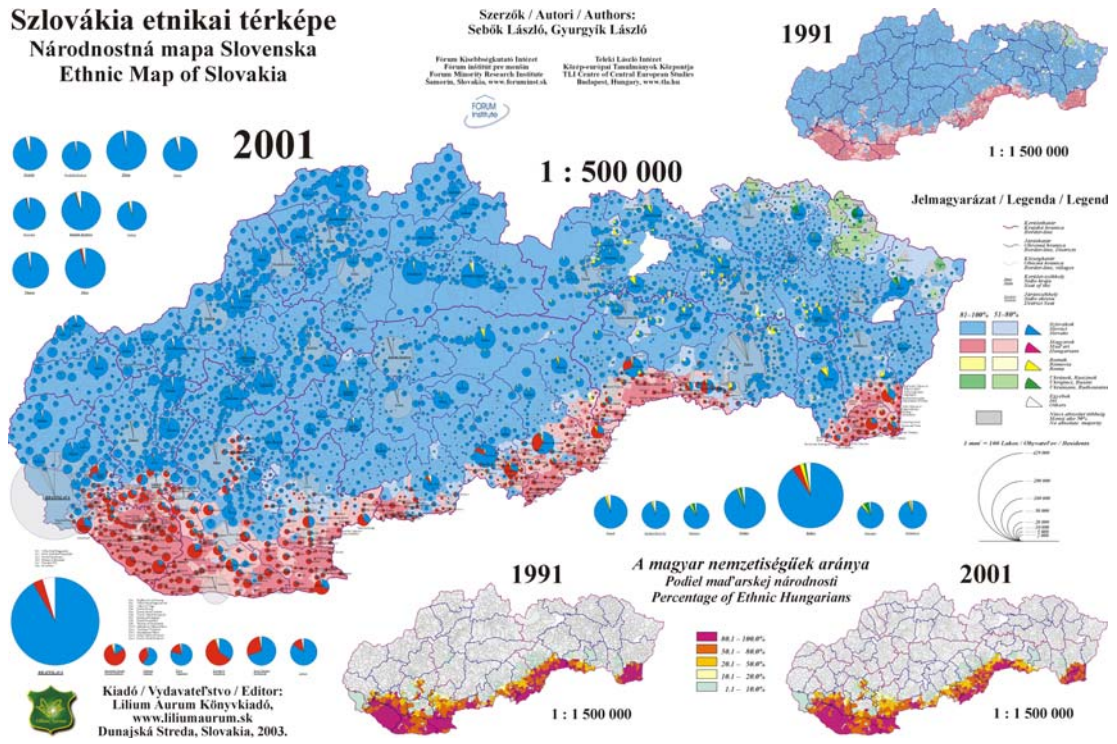
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6. Annex





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